

## Public Correspondence

### Item 2 - Opposition to the Appeal

**From:** [Abby Elston](#)  
**To:** [Koutoufidis, Nicholas](#); [s carpenter](#); [Henri Kelley Gerwig](#); [Richard Saathoff](#)  
**Subject:** Sandia Creek Gate  
**Date:** Monday, June 07, 2021 10:02:31 AM  
**Attachments:** [4\) Evacuation+Map+Fallbrook+2018.pdf](#)  
[5\) Fire Chief Comments and Opinion - June-July 2019.pdf](#)  
[gateclarification.pdf](#)

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Nick,

Since the public is likely to make comments this Friday at the Planning Commission meeting, as they are in the public comment section online, I felt that things needed to be made more clear. Those in opposition for the gates along with the appeal that Jengo tried have continued to state facts incorrectly and/or incompletely and are probably going to bring these same things up again. Melissa Alvis put in public comments yesterday that our fire chief expressed safety concerns (that was back in 2019, see email trail attached) and she has some idea that fixing potholes and erecting guardrails solve the problem. If people drove the speed posted the pot holes would not even be a factor as you could easily roll through them, excessive driving speeds deteriorate the holes more and when fixed only accelerate their speeds and unsafe driving. It is unimaginable the amount of guardrail that would be needed and there are so many areas that it would not even be feasible to install due to the terrain. She is probably not able to see all the overweight trucks that use the road from her vantage point but other neighbors have actually stopped them on occasion to find out where they were going and why only to learn they were not going to any of our neighbors. These overweight vehicles cause even more damage to the road and two of those were more recent serious wrecks when they couldn't handle the grade of the road or their speed ending up in the ravines (one of those required hazardous waste removal and the other resulted in the death of the driver).

Attached are evacuation maps for our area, the original email trail from 2019 with the county and North County Fire Protection District and an updated email from Stephen Abbott, fire chief, with North County Fire Protection District dated June 1, 2021. The email trail was brought forward to emphasize the concerns that the fire department had during the appeal process and again in Alvis' public comment. While we all have concerns about any fires in north county the requirements were worked through with their support.

As to the evacuation maps (the same ones that were attached to the Jengo appeal), you will see from the detail shown on the second page that in fact the fire evacuation route is NOT routed onto our private road section at all. ONLY OUR residents on that private road section are routed out towards Temecula. Notice that the arrows go in opposite directions along the road where our most southerly parcel is located. So residents in the Rock Mountain/Gavilan Mountain area are routed out toward Fallbrook and not directed over our private road section and if anyone connected onto Sandia Creek at the north end (like maybe from the De Luz Heights area) it would connect after already in Riverside County directing them towards Temecula and not over our private road section. Naturally if there was a fire within the evacuation route itself then people would need to go another way, just as we would if our neighbors on the route to the north were on fire. The evacuation route does not direct traffic through our road but in fact directs it away from us.

As to the email trail with North County Fire Protection District, you can see that Abbott responded to my email asking if he could shed some light on the emails from 2019. His updated email, dated June 1, 2021, says they can only enforce the standing regulations, which

they have done and that the gate(s) meet or exceed standards, at this juncture what opinions they may have would now appear to be moot. But the bottom line is that the gates would be opened by several means if there were an emergency.

The reckless driving, overweight trucks going over into the ravines spilling cargo and fuel, and excessive volumes of traffic are probably far more likely to cause a fire or safety issue (and have done so), than the amount of times the evacuation routes would even be used. There has to be some common sense to balance out the current serious problem.

Please feel free to contact me if I may clarify anything further or if you have any questions.

We appreciate all you have done to get to this point.

Regards,  
Abby Elston

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Abby Elston, Broker Associate  
GRI, SRES, SFR, CalDRE#01113234  
Coldwell Banker Village Properties  
Fallbrook and Bonsall  
760-715-2229

**From:** [Brown, Bronwyn](#)  
**To:** [Koutoufidis, Nicholas](#)  
**Subject:** Fwd: Sandia Creek Lane Gates Review  
**Date:** Wednesday, July 10, 2019 8:23:29 AM  
**Attachments:** [image002.jpg](#)  
[image001.png](#)

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Nick go ahead and send this to Slovic, LD team and cc me.

Sent from my iPhone

Begin forwarded message:

**From:** Stephen Abbott <[sabbott@ncfire.org](mailto:sabbott@ncfire.org)>  
**Date:** July 10, 2019 at 8:15:02 AM PDT  
**To:** "[nicholas.koutoufidis@sdcounty.ca.gov](mailto:nicholas.koutoufidis@sdcounty.ca.gov)" <[nicholas.koutoufidis@sdcounty.ca.gov](mailto:nicholas.koutoufidis@sdcounty.ca.gov)>  
**Cc:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>, "Brown, Bronwyn" <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>  
**Subject:** RE: Sandia Creek Lane Gates Review

Good morning Mr. Koutoufidis;

As our Fire Marshal Patty Koch will be leaving this agency in a few days, please send future correspondence on this matter to me. I would also like to comment on your 3<sup>rd</sup> question below, "wanted to confirm that you have no concerns related to fire safety with the proposal of these gates if they adhere to your standards?" We absolutely have fire safety concerns with the presence of these gates, even if they adhere to our standards. To begin, it's my understanding Sandia Creek was originally created as a throughfare precisely to address secondary egress. Gating this road is establishing a risky precedent, particularly in light of reliance by the community as a major means of egress. As a general rule we need to be finding ways to improve access, not restrict it. Yes, I realize there are technical solutions to allow for 3<sup>rd</sup> party remote activation in the event emergency public access/egress is needed, however I'm less than confident this will provide a viable long-term solution when it's actually needed. I likewise realize the difficult position the County is in by taking over a substandard road that is existing/non-conforming. As discussed previously, it would be far preferable to get property owner buy-in to provide the right of way necessary to allow the County to take over maintenance of this section of road. I can appreciate that this too creates a challenging precedent for the County.

Thank you;

Stephen Abbott, MPA, CFO, EFO  
CEO/Fire Chief  
North County Fire Protection District  
330 S. Main Ave.  
Fallbrook, CA 92028  
(760) 723-2012 (office)  
(760) 723-2011 (fax)  
(760) 644-1107 (mobile)  
[sabbott@ncfire.org](mailto:sabbott@ncfire.org)



[www.ncfireprotectiondistrict.org](http://www.ncfireprotectiondistrict.org)

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**From:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>  
**Sent:** Tuesday, July 09, 2019 11:05 AM  
**To:** Stephen Abbott <[sabbott@ncfire.org](mailto:sabbott@ncfire.org)>  
**Subject:** FW: Sandia Creek Lane Gates Review

Please see email below, they will be applying for a permit

*Patricia Koch*  
*Fire Marshal*  
*North County Fire Protection District*  
*330 S. Main Ave. Fallbrook Ca. 92028*

760 723-2040  
[www.northcountyfireprotectiondistrict.org](http://www.northcountyfireprotectiondistrict.org)

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**From:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)>  
**Sent:** Tuesday, July 09, 2019 11:00 AM  
**To:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>; Stephen Abbott <[sabbott@ncfire.org](mailto:sabbott@ncfire.org)>  
**Cc:** Brown, Bronwyn <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>  
**Subject:** RE: Sandia Creek Lane Gates Review

Hi Patty,

Thanks for your previous review.

The project will be processing an Administrative Permit (Discretionary Action).

**I believe you are also requesting the following:**

- A review of the type of gates being placed.
- Where the proposed fire turnaround is being placed.
- Also, just wanted to confirm that you have no concerns related to fire safety with the proposal of these gates if they adhere to your standards?
- Fire Protection Plan

Best,

**Nicholas Koutoufidis, MBA**

Land Use & Environmental Planner

County of San Diego

☎ 858.495.5329

PDS Website <http://www.sdcounty.ca.gov/pds/index.html>

PDS Mapping Service <http://gis.co.san-diego.ca.us/>

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**From:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>  
**Sent:** Wednesday, June 05, 2019 2:01 PM  
**To:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)>  
**Cc:** Brown, Bronwyn <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>  
**Subject:** RE: Sandia Creek Lane Gates Review

I'm not sure this would fall under the FPP requirement. If it is discretionary then yes, if not they just need to meet the requirements.

*Patricia Koch*  
*Fire Marshal*  
*North County Fire Protection District*  
*330 S. Main Ave. Fallbrook Ca. 92028*  
*760 723-2040*  
*[www.northcountyfireprotectiondistrict.org](http://www.northcountyfireprotectiondistrict.org)*

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**From:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)>  
**Sent:** Wednesday, June 05, 2019 12:50 PM  
**To:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>  
**Cc:** Brown, Bronwyn <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>  
**Subject:** RE: Sandia Creek Lane Gates Review

Hi Patty,

Just to confirm from your comments below, will you be requiring a Fire Protection Plan and Wildfire Evacuation Plan for this project or are you stating that they will just have to conform to the design features you have outlined?

Thanks!

**Nicholas Koutoufidis, MBA**



Land Use & Environmental Planner

County of San Diego

☎ 858.495.5329

PDS Website <http://www.sdcountry.ca.gov/pds/index.html>

PDS Mapping Service <http://gis.co.san-diego.ca.us/>

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**From:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>

**Sent:** Tuesday, April 23, 2019 3:41 PM

**To:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)>

**Cc:** Brown, Bronwyn <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>

**Subject:** RE: Sandia Creek Lane Gates Review

Hello Nicholas,

Please see the following comments regarding Sandia Creek proposed gates:

1. Requirements per the Consolidated Fire Code of San Diego County.

**Sec. 503.6 Security gates.** No person shall install a security gate or security device across a fire access roadway without the fire code official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate.
2. A gate accessing more than four residences or residential lots or a gate accessing hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus.
3. An automatic gate shall be provided with a battery back-up or manual mechanical disconnect in case of power failure.
4. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access.
5. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
6. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
7. All gates providing access from a road to a driveway shall be located a minimum of 30 feet from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate.
8. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

2. North County Fire Gate Policy Section 340.05 additionally requires the following:

- All gates providing access to more than four residences shall also be equipped with approved vehicle strobe light detectors capable of detecting emergency vehicle pulsing strobe lights from any direction of vehicle approach , overriding all commands and opening the gate.
- Will require plan review. Plans shall detail gate and control components
- Shall have a clear opening of not less than 24 ft.
- Turn-arounds shall be installed according to county standards ( an area for approaching vehicles to turn around once they meet the dead end).
- Exit loop Detectors shall activate (open) by vehicle detector loops in the roadway and shall be independent of any other device.
- Gates shall automatically open using battery power in case of power failure, or other means approved by the fire department of disconnecting locks and opening the gate shall be provided ,to expedite entry.

3. Other required measures

- A mechanism for continued maintenance and repairs of the gate and private road shall be required.
- Riverside County agencies should be consulted. They may request to have a Knox switch installed or have other response and evacuation concerns.
- There shall be a plan in place for emergency evacuations.
- Signage indicating that there is no through access shall be posted.

These are my initial comments. I have attached our full policy for your reference. Let me know if you have any questions or would like a follow up discussion.

Best Regards,

*Patricia Koch*

**Fire Marshal**

**North County Fire Protection District**

**330 S. Main Ave. Fallbrook Ca. 92028**

**760 723-2040**

[www.northcountyfireprotectiondistrict.org](http://www.northcountyfireprotectiondistrict.org)

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**From:** Koutoufidis, Nicholas <[Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)>

**Sent:** Tuesday, April 16, 2019 12:54 PM

**To:** Patricia Koch <[pkoch@ncfire.org](mailto:pkoch@ncfire.org)>

**Cc:** Brown, Bronwyn <[Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)>

**Subject:** Sandia Creek Lane Gates Review

Hi Patty,

Thanks for speaking to me on the phone. Please see the exhibit below for the proposed gates. There is no fire turnaround proposed.

Just to confirm, would you be available for a rush hour site visit to view the existing traffic?



Best,

**Nicholas Koutoufidis, MBA**

Land Use & Environmental Planner

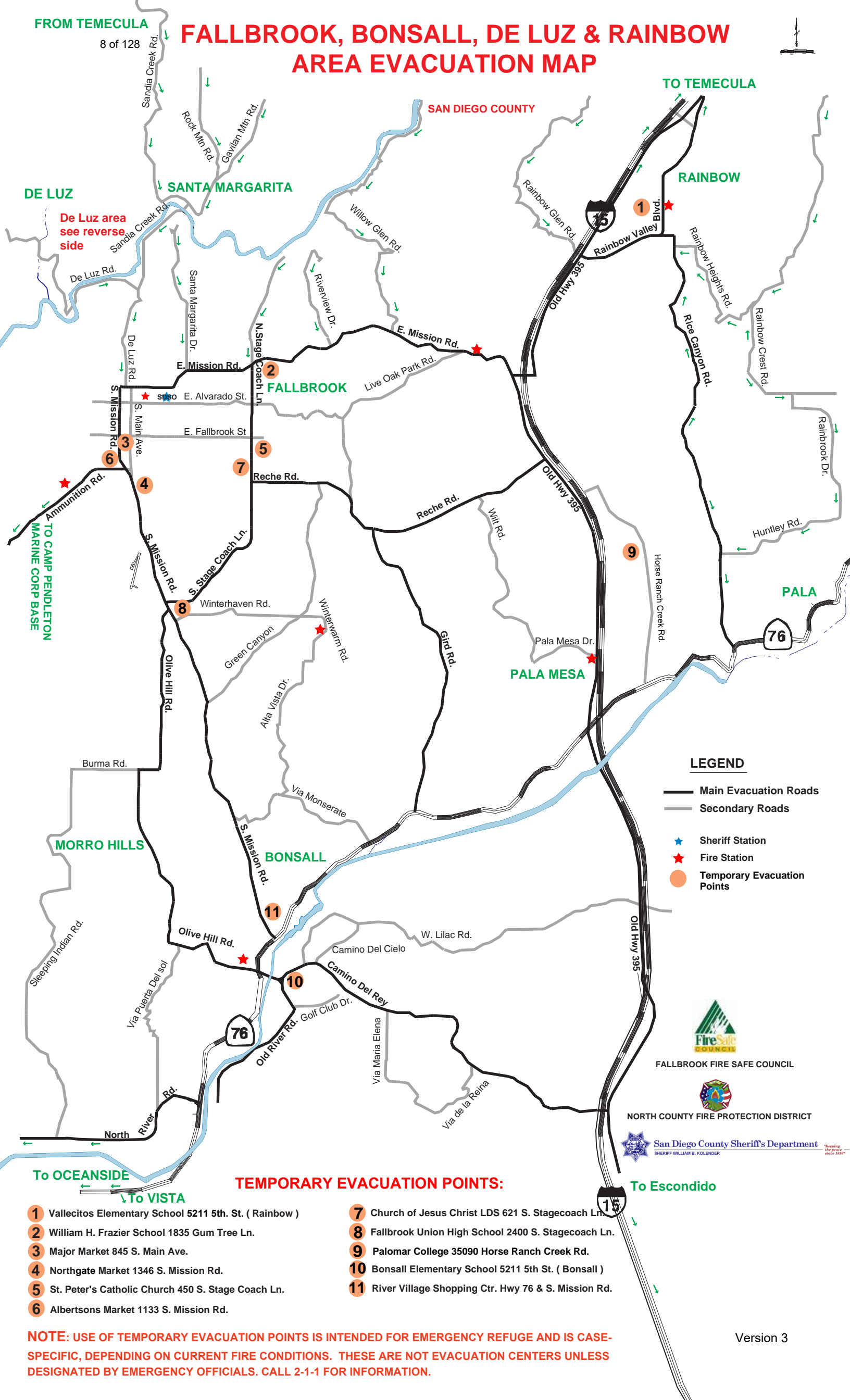
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# FALLBROOK, BONSTALL, DE LUZ & RAINBOW AREA EVACUATION MAP



## LEGEND

- Main Evacuation Roads
- Secondary Roads
- ★ Sheriff Station
- ★ Fire Station
- Temporary Evacuation Points



FALLBROOK FIRE SAFE COUNCIL



NORTH COUNTY FIRE PROTECTION DISTRICT

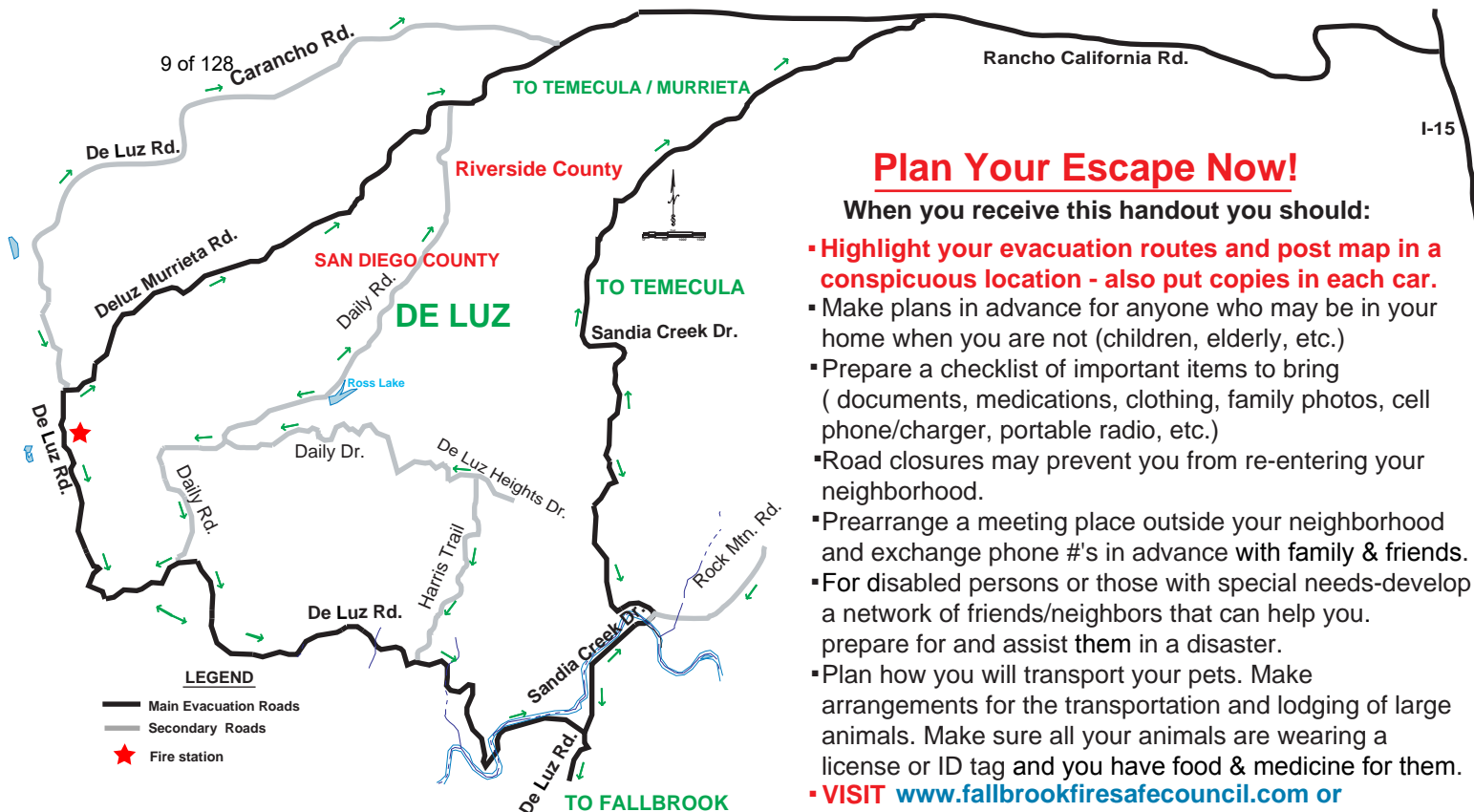


San Diego County Sheriff's Department  
SHERIFF WILLIAM B. KOLENDER

## TEMPORARY EVACUATION POINTS:

- |  |  |
|--|--|
| 1 Vallecitos Elementary School 5211 5th. St. ( Rainbow ) | 7 Church of Jesus Christ LDS 621 S. Stagecoach Ln.     |
| 2 William H. Frazier School 1835 Gum Tree Ln.            | 8 Fallbrook Union High School 2400 S. Stagecoach Ln.   |
| 3 Major Market 845 S. Main Ave.                          | 9 Palomar College 35090 Horse Ranch Creek Rd.          |
| 4 Northgate Market 1346 S. Mission Rd.                   | 10 Bonsall Elementary School 5211 5th St. ( Bonsall )  |
| 5 St. Peter's Catholic Church 450 S. Stage Coach Ln.     | 11 River Village Shopping Ctr. Hwy 76 & S. Mission Rd. |
| 6 Albertsons Market 1133 S. Mission Rd.                  |  |

**NOTE: USE OF TEMPORARY EVACUATION POINTS IS INTENDED FOR EMERGENCY REFUGE AND IS CASE-SPECIFIC, DEPENDING ON CURRENT FIRE CONDITIONS. THESE ARE NOT EVACUATION CENTERS UNLESS DESIGNATED BY EMERGENCY OFFICIALS. CALL 2-1-1 FOR INFORMATION.**



## Plan Your Escape Now!

When you receive this handout you should:

- **Highlight your evacuation routes and post map in a conspicuous location - also put copies in each car.**
- Make plans in advance for anyone who may be in your home when you are not (children, elderly, etc.)
- Prepare a checklist of important items to bring ( documents, medications, clothing, family photos, cell phone/charger, portable radio, etc.)
- Road closures may prevent you from re-entering your neighborhood.
- Prearrange a meeting place outside your neighborhood and exchange phone #'s in advance with family & friends.
- For disabled persons or those with special needs-develop a network of friends/neighbors that can help you. prepare for and assist them in a disaster.
- Plan how you will transport your pets. Make arrangements for the transportation and lodging of large animals. Make sure all your animals are wearing a license or ID tag and you have food & medicine for them.
- **VISIT [www.fallbrookfiresafecouncil.com](http://www.fallbrookfiresafecouncil.com) or [ReadySanDiego.org](http://ReadySanDiego.org) for more information on evacuation planning.**

## DON'T WAIT TO BE TOLD TO EVACUATE!

**Most civilians die as a result of waiting too long to evacuate!** If you see smoke and it is blowing toward your home or if you feel threatened, **Evacuate!** Most of the roads in the area are long, narrow or dead end roads. If you wait too long you will experience significant traffic congestion and panic. Evacuate early and stay out of the area until authorities permit reentry.

### How will you be told to Evacuate or get Fire Information ?

Register your phones by visiting [www.readysandiego.org/alertsandiego](http://www.readysandiego.org/alertsandiego). Tune radio KOGO AM-600, KFMB AM -760 or local T.V. stations 7/39 KNSD(NBC), 8 KFMB (CBS), 10 KGTV (ABC) 6 XETV (Fox). Fire Information may be obtained by visiting [sdcountyemergency.com](http://sdcountyemergency.com), via twitter at #CALFIRESANDIEGO or #NORTHCOUNTYFIRE or by calling the North County Fire information line at 760-723-2035, North County Dispatch JPA at 858-756-3006, or 2-1-1.

### If you feel you have time to prepare for evacuation do the following:

- Place valuable documents, family mementos, medicines, glasses and other valuables in your car.
- Secure pets in carriers so departure is not delayed.
- Park your car facing out keeping the windows closed.
- Close the garage door but leave it unlocked.
- Disconnect Automatic garage door opener. Shut off propane (LPG) or natural gas valves.
- Close all windows and doors to prevent sparks from blowing inside.
- Close all interior doors to slow interior fire spread.
- To make sure your house is visible in heavy smoke, turn on porch and yard lights.
- Wear long sleeved cotton or wool clothing and long pants, gloves, and a cloth to cover your nose and mouth. Do not wear synthetic fabrics.
- Move combustibles, yard furniture, wood piles, etc. away from the exterior of the house.
- Attach garden hoses to spigots to reach all parts of house.
- Place aluminum ladder against the side of your house opposite the approaching fire for firefighters roof access.
- Cover windows and doors to prevent sparks from blowing inside.
- Pre-treat your home with fire blocking gel if available.

## IF YOU ARE UNABLE TO EVACUATE

### If you are inside your home...

- Move furniture away from windows and sliding glass doors to reduce ignition risk from radiant heat.
- Remove curtains and drapes. Metal blinds or special fire resistant window coverings may be closed to block radiant heat.
- Keep all doors and windows closed, leaving them unlocked.
- Stay inside your house, away from the outside walls.
- Stay in rooms at the opposite end of the structure from an approaching fire.
- Keep your entire family together and remain as calm as possible. Place wet towels to seal the door of the room from smoke and to breathe through.

**\*\* If it gets hot inside your house, the heat is even worse outside. If your house catches on fire, a wildfire will likely pass before your house is substantially damaged, stay indoors!**

### If you are trapped in your car by fire while attempting to evacuate...

- Leave your car running in Park or neutral with emergency brake set.
- Remember: A car needs oxygen to operate so avoid parking near vegetated areas, canyons, or inside turns on roads as they channel wildfire.
- Close all windows and vents, cover yourself with a blanket or jacket and lie on the floor.

### Once the fire has passed...

- Account for the safety of every person
- Check the exterior of your home, roof, and attic for embers, and extinguish immediately.
- Keep doors & windows closed; continue to check your home and yard for burning embers for at least 12 hours.

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**Sandia Creek gate project**

2 messages

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**Abby Elston** <abby@cbvillage.com>  
To: Stephen Abbott <sabbott@ncfire.org>

Fri, May 28, 2021 at 10:07 AM

Steve,

I'm hoping that you might be able to take a little time to address the following.

Attached is the email trail that the county had from 2019. Since the public can acquire documents that the county has, people have requested such and then certain documents are brought forward and used to argue against our now permitted gate through their discretionary permit process as reasons to appeal it. A lot has transpired since that time but unfortunately this email is being brought to light without consideration for things that have taken place after that. Could you help shed some light on this?

---

**Stephen Abbott** <sabbott@ncfire.org>  
To: Abby Elston <abby@cbvillage.com>  
Cc: Loren Stephen-Porter <lstephen@ncfire.org>, Keith McReynolds <kmcireynolds@ncfire.org>, Dominic Fieri <dfieri@ncfire.org>

Tue, Jun 1, 2021 at 3:10 PM

Good afternoon Abby;

As you know, the heart of this issue is road maintenance, secondary to right to pass. As the County does not appear to be in a position to take over maintenance, the issue falls back to the road owners. As there don't appear to be CC&Rs speaking to this specific issue, the County and North County Fire can only enforce the standing regulations, which I believe we have done. These standards exist primarily to promulgate public safety. Stated differently, as the gate(s) meet or exceed standards, at this juncture what opinions we may have would now appear to be moot.

Interestingly, there is new legislation that is requiring the State to identify throughput issues in residential subdivisions in high fire hazard severity zones. While at this point this is primarily data collection, in the future I suspect we will see legislation aimed to address similar such issues. Unless such future legislation includes a funding mechanism, I suspect we will see an array of such issues come forward that will need to consider solutions such as those being employed here.

Hope this helps;



Stephen J. Abbott, MPA, CFO, EFO | Fire Chief/CEO

North County Fire Protection District | 330 S. Main Ave – Fallbrook, CA 92028

T: (760) 723-2012 - F: (760) 723-2072

sabbott@ncfire.org | [www.ncfire.org](http://www.ncfire.org)*Proudly serving the communities of Fallbrook, Bonsall and Rainbow ~ Duty, Integrity and Respect*

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## Law Offices of Andrea Contreras Rosati

LAND USE | REAL ESTATE | ENVIRONMENTAL

June 1, 2021

*By email only:* [ann.jimenez@sdcounty.ca.gov](mailto:ann.jimenez@sdcounty.ca.gov)

Chair Michael Edwards and  
San Diego County Planning Commissioners  
County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Re: Opposition to Appeal Director of PDS Administrative Decision (PDS2019-AD-19-030)  
Planning Commission Hearing Agenda June 11, 2021

Chair Edwards and Planning Commissioners:

This Opposition is submitted on behalf of Sandia Creek Road Committee (SCRC), the Permittee under PDS2019-AD-030.

### History of the Project

On March 20, 1978, the property owners on the private portion of Sandia Creek Drive (Private Road) formed a Road Maintenance Agreement (1978 RMA) for the maintenance of the Private Road. (A copy of the 1978 RMA is attached hereto as Exhibit A). A second RMA was recorded in 1989 (1989 RMA) to include an additional portion of the Private Road. (A copy of the 1989 RMA is attached hereto as Exhibit B).

The Private Road is a striped two-lane local roadway, approximately 25 feet wide. There is a no-passing center line, and it is classified as a minor collector, primarily intended for residential neighborhoods or for rural areas with steep slopes and physical constraints. The Private Road is not monitored by local law enforcement. (Confirmation from California Highway Patrol Officer Hollywood is attached hereto as Exhibit C). It is not maintained by the County. The Camp Pendleton Commanding General has prohibited all enlisted persons from using Sandia Creek Drive. (See communication attached hereto as Exhibit D).

The Private Road has significant engineering and topographic challenges. In addition, both the Traffic Impact Analysis (TIA) prepared for the Permit application and the Department of Public Works Technical Advisory Committee (DPW TAC) report concluded Sandia Creek Drive has two times the accident rate of any other similarly situated road not only in the County, but also the state

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of California. (The TIA and the DPW TAC Report are attached hereto as Exhibits E and F, respectively).

Prior to 2007, Sandia Creek Drive was lightly used with less than 300 average daily trips (ADTs). Since 2007, however, the volume has increased approximately twelve (12) times that amount. At the time of the Permit application, more than 3600 ADTs were counted. Almost 80% of the traffic is commuters avoiding I-15 traffic. Commuters routinely exceed the posted speed limit of 20 miles per hour on the Private Road. There are innumerable instances of commuters crossing the double-lined centerline to pass, driving straight on the numerous curves, and carelessly navigating the steep grade by traveling downhill at excessive speeds. At the same time, residents are trying to safely enter or exit driveways directly accessing the Private Road. Because the road is private, there is no law enforcement to curb dangerous drivers. The lack of law enforcement has become well-known to commuters, contributing to dangerous speeds. Finally, overweight trucks (those exceeding seven tons) routinely dismiss the posted signs disallowing their presence as well as other basic traffic laws.

The only viable solution to maintain the safety of property owners whose only egress and ingress from their homes is this private portion of Sandia Creek Drive and to protect them from liability for the substandard road was to apply for a permit to install gates controlling access to it.

On March 3, 2021, the Director of Land Use and Planning issued Administrative Permit No. PDS 2019-AD-19-030 (Permit) allowing SCRC to install gates at each end of the 2.2-mile portion of the Private Road. The gates will allow access to property owners and their guests, service vehicles and emergency personnel. (Permit Plot Plan, attached hereto as Exhibit G). The Permit conditions require a key switch and remote entry access to all emergency personnel, including a strobe light sensor to recognize approaching emergency vehicles. The Permit conditions also require the gates to open automatically in the event of a power failure.

### Grounds for Appeal

On March 12, 2021, an organization calling themselves Coalition to Protect the Sandia Creek Byway (Appellant) filed an appeal requesting the Planning Commission reverse the Director's grant of the Permit.

Appellant lists twenty grounds for appeal, but they can be grouped into six topics: 1) The Permit cannot be issued because Sandia Creek Drive is a public highway; 2) the Permit cannot be issued because it is inconsistent with the San Diego County General Plan; 3) the Project violates the California Environmental Quality Act (CEQA); 4) The Project will impact the safety of the surrounding neighborhoods; 5) SCRC should have formed a PRD; and 6) the Permit findings are unsupported. These are addressed below.



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### 1) Sandia Creek Drive is not a Public Highway

Appellant claims the following:

- The 2.2-mile stretch is a public road because 1) an express easement was granted to the County of San Diego and an accepted irrevocable offer of dedication through consistent use by the public of the same for almost fifty years.
- Applicant failed to provide accurate title history and a summary of those who have access rights on the road and who will be impacted, divested or lose rights through approval and implementation of the Project.
- Public has express and acquired rights to the public road and required findings for closure of road have not been made, and nor can they be made.
- Applicant does not have consent of relevant easement stakeholders.

The “Easement for County Highway” submitted by Appellant refers to a section of Sandia Creek Drive north of where the northernmost gate will be placed. It is not disputed that portion of Sandia Creek Drive was accepted by the County. (Google Earth of Section 25, Township 8S, Range 4W (05-26-21) <https://www.earthpoint.us/TownshipsCaliforniaSearchByDescription.aspx>, see the Screenshot attached hereto as Exhibit H). The “Easement for County Highway” was not a grant of public highway over the Private Road. Appellant provides no evidence of an irrevocable offer of dedication to the County—or the County’s acceptance thereof—for the Private Road. Without such an offer, there was never a grant of public use for the public to accept.

Even if public use somehow operated to accept a grant of public highway over the Private Road, that “grant” is revocable. (*Biagini v. Beckham* (2008) 163 Cal.App.4th 1000, 1017 [finding a statutory offer of dedication accepted by the public use can be revoked as to the public at large so it can no longer be accepted by public use].) Furthermore, the easement grant to Kaiser Aetna is a private grant of access between private parties and has no bearing on the “Easement for County Highway.”

The County has always treated the Private Road as privately-owned. The County does not fund or perform maintenance of the Private Road. There is no evidence the Private Road was ever a public highway.

Those residents who live in the Sandia Creek Community, as well as those in neighboring communities will have access to the Private Road. This access will be provided to “representative member” Appellants John Tomick and Melissa Alvis, Andrew and Cynthia Dale, and Richard and Kristen Beck. Because they will be provided access, these individuals have no standing to object to the Permit on the grounds they will not be provided access. Furthermore, nothing in the County

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Code provides for standing on behalf of the general public. Everyone who will be immediately impacted has been noticed and will be provided access. There is no harm to Appellant.

SCRC followed the process for obtaining the consent of property owners for the Permit. Because SCRC could not obtain consent from 100% of those owners encumbered by the RMA, the County required SCRC to apply for a permit on behalf of the majority.

### 2) The Permit is Consistent with the San Diego County General Plan

Appellant claims the following:

- Gates are inconsistent with General Plan Mobility Element.

Sandia Creek Road is identified in the Mobility Element of the County of San Diego's General Plan as a minor collector, "primarily intended for residential neighborhoods or for rural areas with steep slopes and physical constraints." As is discussed above, portions of the road are public. Nevertheless, the Private Road section was never adopted by the County. The Permit is conditioned to require removal of the gates in the event the County adopts the road and makes it public. (Permit, Condition 7).

"[S]tate law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. [Citations.] Instead, a finding of consistency requires only that the proposed project be "compatible with the objectives, policies, general land uses, and programs specified in" the applicable plan. [Citation.] The courts have interpreted this provision as requiring that a project be "in agreement or harmony with" the terms of the applicable plan, not in rigid conformity with every detail thereof. [Citation.] [Citation.]" (*Save Our Heritage Organisation v. City of San Diego* (2015) 237 Cal.App.4th 163, 185-186.)

Thus, the fact the Private Road segment is listed on the mobility element does not automatically render issuance of the Permit inconsistent with the General Plan. In fact, there are a number of goals and policies in the general plan supporting the Permit, for example:

The provision of a road network balanced with other General Plan goals—**While providing for mobility is a primary goal, specific road improvements need to also consider** factors such as the protection of environmental resources, the reduction of noise impacts, **the development of livable communities**, land use compatibility issues related to health risks from air pollution, **and the effective allocation of limited County resources.**

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(County of San Diego General Plan (General Plan), 4-11. Emphasis added).

Policy M 1.1 prioritizes a road network accommodating travel within community planning areas rather than “accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands.” (General Plan, 4-12). This policy is especially important considering this is the problem the gates are meant to alleviate.

The Fallbrook Community Plan recognizes the existence of private roads and how they have unintentionally become public thoroughfares: “Community roads are maintained by the San Diego County Department of Public Works. Some are in chronic need of repair. **There are also many private roads maintained by road maintenance agreements, as well as private roads with no maintenance agreements. Some private roads have essentially become public thoroughfares and also are in need of repair and maintenance.**” (Fallbrook Community Plan, p. 7. Emphasis added.).

Appellant asserts the inclusion of Sandia Creek Road on the County’s mobility element diagram prohibits issuance of the Permit because it conflicts with the general plan. Case law does not require stringent compliance with the mobility element diagram and issuance of the Permit is supported by policies of the general plan. This assertion by Appellant fails for lack of substantial evidence.

### 3) The Project is in conformance with the California Environmental Quality Act (CEQA)

Appellant claims the following:

- Location of the second gate will cause one or more direct, indirect and/or cumulative adverse impacts to the environment that have not been disclosed, studied, or mitigated including but not limited to biology, traffic, fire hazard, public safety, air quality, GHG, conflicts with adopted plans, aesthetics, community character, and noise.
- Traffic impacts were not adequately analyzed because the scope of the study was purposefully minimized to exclude other impacted roads to save money and cost to the County and/or Applicant. The finding of no traffic impacts is not supported because (1) the scope of the traffic study was minimized; (2) the traffic study did not study the correct area, and (3) there is no substantial evidence to support the findings of the traffic study.
- Project is inconsistent with County General Plan Transportation and Mobility Element and with Fallbrook Mobility Element.
- CEQA requires that the Project be consistent with the applicable General Plan and the Project is inconsistent with the General Plan Mobility Element.
- County has not complied with CEQA.

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- CEQA exemptions are inapplicable because a finding cannot be made that it can be said with certainty that there is no possibility that the activity in questions may have a significant effect on the environment.
- No fair argument or substantial evidence supporting a finding there can be zero potential impacts on the environment occurring from traffic, fire hazards, public safety, and biological impacts.

Appellant's points regarding CEQA mis-state standards of review and fail to fulfill the burden required of a party objecting to a notice of exemption. Per 14 Cal. Code Regs title 14 (CEQA Guidelines) §15061(b)(2) & (3), a project can be exempt from CEQA pursuant to a categorical exemption if the application of that categorical exemption is not barred by one of the exceptions in CEQA Guidelines section 15300.2. A project can also be exempt if the activity is covered by the common sense exemption CEQA applies to projects which have no potential for causing a significant effect on the environment.

The County issued a Notice of Exemption (NOE), finding the project is covered by three CEQA exemptions: The Class 3 categorical exemption (for minor structures), the Class 5 categorical exemption (for minor alterations to land) and the Common Sense exemption, which is applicable when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CEQA Guidelines section 15300.2 provides the only exceptions to categorical exemptions: where the location of a project that is otherwise without impacts may impact a sensitive environment; where the cumulative impact of a project will be significant; where there is a reasonable possibility the activity will have a significant effect on the environment due to unusual circumstances; the project will impact a scenic highway; or the project is located on a hazardous waste site.

A determination an activity is categorically exempt constitutes an implied finding that none of the exceptions to the exemptions exists. *San Francisco Beautiful v City & County of San Francisco* (2014) 226 Ca.App.4th 1012, 1022 (citing *Save Our Carmel River v Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Ca.App.4th 677, 689).

The County has determined the project is exempt under CEQA. It is the Appellant who now has the burden to produce substantial evidence to negate the exemption. (*Save Our Carmel River v Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Ca.App.4th 677, 694). Under Pub Res C §§21080(e) and 21082.2(c), and 14 Cal Code Regs §§15064(f)(5) and 15384, the following constitute substantial evidence: facts; reasonable assumptions predicated on facts; and expert opinions supported by facts. Under the same sections, the following do not constitute substantial evidence: argument; speculation; unsubstantiated opinion or narrative; clearly inaccurate or

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erroneous evidence; evidence that is not credible; and evidence of social and economic impacts that do not contribute to, and are not caused by, physical impacts on the environment.

Appellant alleges several potential significant impacts, but simply listing the possibility is not enough to support an exception to the use of the categorical exemptions. Appellant must produce substantial evidence the project results in cumulative impacts or evidence the project will result in a significant impact due to unusual circumstances. None of the other exceptions applies here. Appellant has not fulfilled the burden of producing substantial evidence, and therefore the allegation the County has not fulfilled its duties under CEQA must fail.

Similarly, the allegation concerning inadequacies of SCRC's traffic study is unsupported. The inclusion of a traffic study performed by a traffic engineer provides substantial evidence in the record to support the County's NOE. Expert opinion cannot be negated by lay opinion. *Jensen v City of Santa Rosa* (2018) 23 Ca.App.5th 877, 894 (noise calculations were essentially opinions of nonexperts, not substantial evidence); *Porterville Citizens for Responsible Hillside Dev. v City of Porterville* (2007) 157 Ca.App.4th 885, 907 (neighbors' general concerns about erosion and drainage were not substantial evidence because neighbors had no demonstrated expertise in those subject matters); *Bowman v City of Berkeley* (2004) 122 Ca.App.4th 572, 583 (neighbors' "lay reading" of technical report on hazardous material contamination was not substantial evidence because neighbors did not show expertise that would qualify them to interpret report).

As is state above, it is Appellant's burden to supply substantial evidence the County's NOE is inadequate. Opinions of lay persons or their attorneys are not substantial evidence to negate a traffic study prepared by an expert. *See id.* Thus, Appellant's discussion regarding the sufficiency of the traffic report must be rejected.

Finally, Appellant inaccurately suggests issuance of the Permit is inconsistent with the Mobility Element of the General Plan and therefore is a significant environmental impact under CEQA. As is discussed in the previous section, the Permit is not inconsistent with the General Plan just because Sandia Creek Drive is identified on the General Plan Mobility Element diagram. The Private Road is just that—private. If and when it becomes public, it will become part of the mobility element.

Moreover, courts have found a project's alleged inconsistency with policies of an applicable plan do not necessarily mean the project will have a significant environmental impact. (*Joshua Tree Downtown Bus. Alliance v County of San Bernardino* (2016) 1 Ca.App.5th 677, 695.) In fact, courts provide local agencies with extreme deference regarding their decisions about whether a project is consistent with their land use plans:

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"[A] governing body's conclusion that a particular project is consistent with the relevant general plan carries a strong presumption of regularity that can be overcome only by a showing of abuse of discretion.' [Citations.] 'An abuse of discretion is established only if the [governing body] has not proceeded in a manner required by law, its decision is not supported by findings, or the findings are not supported by substantial evidence. (Code Civ. Proc. §1094.5, subd. (b).) We may neither substitute our view for that of the [governing body], nor reweigh conflicting evidence presented to that body.' [Citation.] This review is highly deferential to the local agency, 'recognizing that "the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity. [Citations.] Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes. [Citations.] A reviewing court's role 'is simply to decide whether the [local] officials considered the applicable policies and the extent to which the proposed project conforms with those policies.'[Citations].

(*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816-817.)

Appellant's objections to the County's CEQA determination are unfounded. Appellant has inaccurately described a standard of fair argument or substantial evidence to support the County's decision when the burden is on Appellant to demonstrate exceptions to the Categorical Exemptions. Appellant's arguments concerning CEQA must be rejected.

#### 4) The Project Will Not Impact the Safety of the Surrounding Neighborhoods

Appellant claims the following:

- Project will be detrimental to safety and impede evacuation routes during fire emergencies and imperil public safety and public health.
- Inconsistent with fire evacuation plans and routes. Sandia Creek originally created as a thoroughfare to address secondary egress.
- No substantial evidence to support a finding that remote access would perform during a fire emergency or that increased traffic and congestion even with remote access would not impede fire evacuation efforts. The Project will discourage, thwart, and/or prevent residents in the surrounding region from utilizing a known fire evacuation route through the stretch of Sandia creek Drive even if remote access is successful during an emergency.

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- Project will be detrimental to the health safety and general welfare of the surrounding properties because it will block, prevent, and cause congestion during fire evacuation events.
- Project violates Consolidated Fire Code of San Diego County section 503.6 for Security Gates, as well as North County Fire Gate Policy section 340.05. The office of the chief of the County recognized concerns and objections about the Project including the adverse impacts and lack of consistency or precedence for a project.

The facts regarding safety during fire and other evacuation events are absolutely contrary to Appellant's allegations on this topic. The conditions of the permit allow regular access to property owners and their guests, service vehicles and emergency personnel. (See Permit Plot Plan). The Permit conditions require a key switch and remote entry access to all emergency personnel, as well as technology to automatically open the gates upon sensing the strobe effect of emergency vehicles. The Permit conditions also require the gates to open automatically in the event of a power failure. (See Permit Plot Plan). As is stated in the Permit, the North County Fire Protection District has reviewed, approved, and provided requirements for the proposed gate that will be implemented during the building permit phase.

Appellant does not specify how the Permit violates Consolidated Fire Code section 503.6. That section reads as follows:

Sec. 503.6 Security gates. No person shall install a security gate or security device.

across a fire access roadway without the fire code official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate.
2. A gate accessing more than four residences or residential lots or a gate accessing hazardous, institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus.
3. An automatic gate shall be provided with a battery back-up or manual mechanical disconnect in case of power failure.



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4. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access.
5. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency keyoperated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
6. Where this section requires an approved key-operated switch, it may be dualkeyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
7. All gates providing access from a road to a driveway shall be located a minimum of 30 feet from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate.
8. Electric gate openers, where provided, shall be listed in accordance with the UL 325 standard. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of the ASTM F2200, “Standard Specification for Automated Vehicular Gate Construction”.

These requirements are listed verbatim on the Permit Plot Plan. There is no violation of this code section. Research did not locate “North County Fire Gate Policy section 340.05” and as Appellant did not elaborate on this “violation,” it must be ignored.

Appellant has only provided unfounded conclusions regarding safety. These arguments must be rejected.

### 5) SCRC Was Not Required to Form a PRD

Appellant claims the following:

- Applicant’s explanation about safety and road condition and the need and purpose of the project is not supported because it did not analyze or consider formation of a PRD.



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It is unclear what Appellant's argument is here. A Permanent Road Division (PRD) is a low-cost loan program to pay for maintenance by public works on private roads. (San Diego County Board of Supervisors Policy J-16). SCRC is already subject to an RMA to cover costs of maintenance.

The Private Road is substandard, which is why the County will not accept it into the public road system and take responsibility for its maintenance. Thus, SCRC has legal liability for the road. The formation of a PRD will not solve SCRC's issues. It will not be sufficient to cover the costs of rebuilding the road to current public road standards. It will not shift liability for the substandard road to the County. It will not provide increased law enforcement. A PRD will prohibit the road from being gated. SCRC will be in the same position with a PRD as without it: responsible for a substandard road it cannot afford to upgrade and open to through traffic for which it has liability.

### 6) The Permit Findings are Supported

Appellant claims the following:

- Director's findings that average vehicle miles would be reduced is not supported by fair argument or substantial evidence.
- Approval of the Project pushes traffic onto other roads under PRD assessment districts which will incur taxes and increased maintenance costs as a result.
- Structure incompatible with community character because of increased traffic and congestion on other roads.
- Reliance of no impacts based on recommendation of Fallbrook Community Planning Group is irrelevant and not supported by substantial evidence. Identify substantial evidence.

The Project is a Permit to allow the construction of two gates on a rural road. The Director's decision is supported by the TIA. As is discussed in the section addressing CEQA, the TIA is substantial evidence. Furthermore, the TIA found diversion of traffic would not result in a significant impact to other roads. The TIA indicates an 11% reduction in likely commute length by using the I-15 corridor from either East Mission and/or Hwy 76. Appellant suggests drivers will use DeLuz Road (which is a much longer route), but the TIA indicates otherwise. It is reasonable to think in the short-term drivers may use DeLuz to connect to northern locations, but due to the rural nature of this road, commuters will use the I-15 corridor due to shorter time and distance, and improved overall safety.

Appellant's points regarding traffic and other permit conditions are unsupported by substantial evidence and must be rejected.

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### Conclusion

SCRC has obtained a permit to gate a road that has always been private. The purpose of the gates is to increase safety for residents and their guests, who will have access. Emergency vehicles will have access. The gates will open automatically in the event of a loss of power. SCRC submitted a traffic report indicating no significant impacts would occur due to installation of the gates. The Appellant's lengthy opposition raises no actual substantial evidence to support their position. The representative members will all have access and suffer no impact from the installation of the gates.

For these reasons, SCRC requests the Planning Commission deny the Appeal.

Sincerely,



Andrea Contreras Rosati

cc: Nicholas Koutoufidis (nicholas.koutoufidis@sdcounty.ca.gov)  
Randall Sjoblom (randall.sjoblom@sdcounty.ca.gov)

# **EXHIBIT A**

RECEIVED MAIL TO:  
 Fallbrook Real Estate Co.  
 P.O. Box 352  
 Fallbrook, California 92028  
 Attn: Chuck Bell  
 Land's Creek

ROAD MAINTENANCE AGREEMENT

AGREEMENT, entered into on the dates hereinafter set forth, by and between the undersigned, being all of the owners of real property within the area described as Parcel 1, on Exhibit A, attached, and delineated on the plat Exhibit B, attached, for the future repair, maintenance and re-construction of certain roadways in San Diego County, California.

1. Area subject to this agreement:

All of the real property specifically described as Parcel 1, on the legal description marked Exhibit A and made a part hereof by reference.

2. Roads subject to this agreement:

The roads subject to this agreement are delineated on the plat, Exhibit B, attached, and are particularly described as Parcels 2 through , inclusive, on the legal description marked Exhibit A, attached.

3. Road Committee:

There is hereby established a "Road Committee", composed of the following members, all of whom are landowners within the area subject to this agreement:

Robert D. Parker, 3751 Palomar Dr., Fallbrook, Ca.

William Wade, 3290 Via Loma, Fallbrook, Ca.

Daniel Peck, 367 Ranger Rd., Fallbrook, Ca.

Jon B. Medlyn, 3907 Foxley Dr., Escondido, Ca.

Victor Vander Linden, P.O. Box 352, Fallbrook, Ca.

All of the foregoing shall continue to serve as members of said Road Committee so long as they remain landowners within the area subject to this agreement. In the event any member ceases to be such a landowner, or is for any reason unable or unwilling to serve as a committee member, the remaining members of the committee shall select a replacement. Any committee member may be removed and a replacement named at any time by a written instrument signed by the owners of 60% of the total parcels subject to this Agreement.

4. Duties of Committee:

The Road Committee shall meet at least once, annually, and shall at such time accomplish the following:

A. Review the condition of roads subject to this agreement and determine the nature and extent of repair or maintenance work required, and the estimated cost thereof.

B. Determine the number of legally divided separate parcels of land existing at the time within the area subject to this agreement.

C. Apportion the cost of the work to be accomplished among the several parcels within the area, as set forth in paragraph 6 of this agreement.

D. Bill the respective landowners of parcels within the area for their proportionate share of the cost of such work.

E. Accomplish the work.

In the event that any person subject to this agreement shall fail to pay on demand his proportionate share of the cost of such work, the Committee is instructed to take appropriate action to compel payment.

5. Limitation on expenditures:

The Committee is hereby authorized to expend not to exceed FIFTY DOLLARS (\$50.00) per parcel chargeable, annually, for necessary work, without prior approval. In the event the proposed expenditures exceed FIFTY DOLLARS (\$50.00) per parcel chargeable annually, any expenditures greater than the maximum authorized in this paragraph shall first be approved by the owners of sixty percent (60%) of the separate parcels within the area.

6. Apportionment of costs:

The cost of any work performed under the terms of this agreement shall be charged equally to each legally divided parcel of land within the area subject to this agreement, which parcel has driveway or roadway access to the roads subject to this agreement. It is expressly understood that in the event any landowner subject hereto owns more than one legally divided parcel of land within the area, the cost of work shall be apportioned to each parcel and not to the single ownership.

7. Successors and assigns:

This agreement is expressly intended as a covenant running with the land, for the benefit of all lands within the area described in Exhibit A, attached, and shall be binding upon the parties hereto, their heirs, successors and assigns.

8. Enforcement:

Notwithstanding anything to the contrary herein contained, any landowner within the area subject to this agreement may institute actions at law or equity or otherwise take action to enforce the provisions hereof.

9. Attorneys fees:

In the event legal proceedings are taken to enforce any provision of this agreement, the successful party in such proceedings shall be entitled to recover all costs of such proceedings including reasonable attorneys' fees fixed by the court.

DATED: \_\_\_\_\_

*Robert D. Parker*

ROBERT D. PARKER

*Karfn K. Parker*KARFN K. PARKER  
3751 Palomar Dr., Fallbrook, Ca.*Daniel Peck*

DANIEL PECK

*Julie Peck*JULIE PECK  
367 Ranger Rd., Fallbrook, Ca.*Victor Vander Linden*

VICTOR VANDER LINDEN

*Pamela Vander Linden*PAMELA VANDER LINDEN  
P.O. Box 352, Fallbrook, Ca.*William Wade*

WILLIAM WADE

*Alice Wade*ALICE WADE  
3290 Via Loma, Fallbrook, Ca.*Jon B. Medlyn*

JON B. MEDLYN

*Ruth C. Medlyn*RUTH C. MEDLYN  
3907 Foxley Dr., Escondido, Ca.



## EXHIBIT "A"

## Parcel 1

The East half of Section 36, Township 8 South Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved April 25, 1851.

Excepting that portion which lies Westerly and Southerly of a line described as follows:

Beginning at a point on the Southerly line of said Section 36, distant thereon South 88°52'34" West, 943.55 feet from the Northeast corner of Section 1, Township 9 South Range 4 West, thence North 27°08'35" West, 84.65 feet; thence North 15°52'25" West 549.59 feet; thence North 11°41' East 336.27 feet; thence North 13°13' West, 218.75 feet; thence South 45°33'40" West, 316.25 feet; thence North E1°24'30" West, 370.79 feet; thence North 33°17' West 501.44 feet; thence South 89°22'22'25" West 426.37 feet.

Also a portion of the W 1/2 of Sec 36, T 8 S, R 4 W, SBM, more particularly described as follows: that portion of the West Half of Section 36, Township 8 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, according to Official Plat thereof, together with that portion of the South Half of the Southeast Quarter of said Section 36, all lying Northerly and Westerly of a line described as follows:

Beginning at a point on the South line of said Section 36; distant thereon South 88°52'34" West 1637.05 feet from the Northeast corner of Section 1, Township 9 South, Range 4 West; being the Southwesterly corner of land described in Deed to the Fallbrook Public Utility District, recorded April 21, 1958.

File No. 63168 of Official Records; thence along the boundary of said land, as follows:

North 29°46'50" West 1279.37 feet; thence North 24°32'15" West 327.49 feet; thence North 89°22'25" East 426.37 feet; thence South 33°17'00" East to an intersection with the east line of the West Half of said Section 36.

EXCEPTING from said West Half the Northerly 3324.72 feet measured along the West line of the Westerly 1956.62 feet measured along the north line.

## Parcel 2

A 60.00 foot strip of land lying 30 feet on either side of the centerline of Sandia Creek Drive as said centerline as defined on Record of Survey Map 8079 filed in the Office of the County Recorder in the County of San Diego, except those portions lying outside said Section 36.

## Parcel 3

A 40.00 foot strip of land, the centerline of which is described as follows: Beginning at the Northeast corner of said Section 36; thence Westerly along the Northerly line of said Section 36, North 89°53'21" West 1347.57 feet to an intersection with said centerline of Sandia Creek Drive as defined on Record of Survey 8079; thence Southeasterly along said centerline of Sandia Creek Drive as follows: South 60°43'00" East 74.48 feet to the beginning of a 310.00 foot radius tangent curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 113°54'43", a distance of 616.32 feet; thence tangent to said curve South 53°11'43" West 240.95 feet to the beginning of a 250.00 foot radius tangent curve concave Southeasterly; thence Southwesterly and Southerly along the arc of said curve through a central angle of 64°29'43", a distance of 281.41 feet; thence tangent to said curve South 11°18'00" East 23.71 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline of Sandia Creek Drive South 84°54'24" East 168.29 feet to the beginning of an 80.00 foot radius tangent curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 75°10'09" a distance of 104.96 feet; thence tangent to said curve South 66°44'15" East 142.23 feet to the beginning of a 100.00 foot radius curve concave Northeasterly; thence Southeasterly along the arc of said curve through a central angle 40°40'29" a distance of 70.99 feet tangent to said curve South

No. 107252

50°24'44" East 72.23 feet to the beginning of a 100.00 foot radius  
 tangent curve concave Northerly; thence Southeasterly, Easterly and  
 Northeasterly along the arc of said curve through a central angle  
 of 77°27'55" a distance of 135.20 feet; thence tangent to said curve  
 North 52°07'21" East 201.65 feet to the beginning of a 62.00 foot radius  
 tangent curve concave Southerly; thence Northeasterly, Easterly and  
 Southeasterly along the arc of said curve through a central angle of  
 124°18'54" a distance of 134.52 feet; thence tangent to said curve  
 South 03°33'45" East 422.70 feet to the beginning of a 450.00 foot  
 radius tangent curve concave Westerly; thence Southerly along the arc  
 of said curve through a central angle of 19°06'20" a distance of 155.00  
 feet; thence tangent to said curve South 15°32'35" West 52.94 feet to  
 the beginning of a 850.00 foot radius tangent curve concave Easterly;  
 thence Southerly along the arc of said curve through a central angle  
 of 13°33'20" a distance of 201.10 feet; thence tangent to said curve  
 South 91°59'15" West a distance of 241.82 feet to the beginning of  
 a 70.00 foot radius tangent curve concave Northeasterly; thence South-  
 easterly along the arc of said curve through a central angle of 71°51'  
 22" a distance of 79.58 feet; thence tangent to said curve South 83°  
 09'07" East 53.61 feet to the beginning of a 60.00 foot radius tangent  
 curve concave Southwesterly; thence Southeasterly and Southerly along  
 the arc of said curve through a central angle of 71°51'01" a distance  
 of 75.24 feet; thence tangent to said curve South 08°41'54" West 31.11  
 feet to the beginning of an 80.00 foot radius tangent curve concave  
 Northeasterly; thence Southeasterly along the arc of said curve through  
 a central angle of 53°55'16" a distance of 75.29 feet; thence tangent  
 to said curve South 45°13'22" East 84.52 feet to the beginning of a  
 300.00 foot radius tangent curve concave Southwesterly; thence South-  
 easterly along the arc of said curve through a central angle of 15°11'  
 26" a distance of 75.87 feet; thence tangent to said curve South 33°  
 43'56" East 64.18 feet to the beginning of the 150.00 foot radius  
 curve concave Northeasterly; thence Southeasterly along the arc of  
 said curve through a central angle of 32°18'45" a distance of 84.52  
 feet; thence tangent to said curve South 63°02'41" East 234.05 feet  
 to the beginning of a 110.00 foot radius tangent curve concave South-  
 erly; thence Southeasterly and Southerly along the arc of said curve  
 through a central angle of 63°26'17" a distance of 121.79 feet; thence  
 tangent to said curve South 00°23'36" West 39.82 feet to the beginning  
 of a 50.00 foot radius tangent curve concave Northeasterly; thence  
 Southeasterly along the arc of said curve through a central angle of  
 76°09'03" a distance of 66.45 feet; thence tangent to said curve South  
 75°45'27" East 120.55 feet to the beginning of a 40.00 foot radius  
 tangent curve concave Southwesterly; thence Southeasterly and Southerly  
 along the arc of said curve through a central angle of 84°17'10" a  
 distance of 58.84 feet; thence tangent to said curve South 08°31'41"  
 West 134.18 feet to the beginning of a 200.00 foot radius tangent curve  
 concave Easterly; thence Southerly along the arc of said curve through  
 a central angle of 11°58'57" a distance of 41.83 feet; thence tangent  
 to said curve South 03°27'06" East 88.49 feet to the beginning of a  
 200.00 foot radius tangent curve concave Easterly; thence Southerly  
 along the arc of said curve through a central angle of 13°44'45" a  
 distance of 47.98 feet; thence tangent to said curve South 17°25'  
 14" East 162.66 feet to the beginning of a 200.00 foot radius tangent  
 curve concave Westerly; thence Southerly along the arc of said curve  
 through a central angle of 17°30'32" a distance of 61.12 feet; thence  
 tangent to said curve South 00°05'18" West 706.34 feet to the beginning  
 of a 1000.00 foot radius tangent curve concave Westerly; thence South-  
 erly along the arc of said curve through a central angle of 05°59'17" a  
 distance of 102.97 feet; thence tangent to said curve South 05°59'17"  
 West 98.33 feet to the beginning of a 160.00 foot radius tangent curve  
 concave Northeasterly; thence Southeasterly along the arc of said  
 curve through a central angle of 45°14'00" a distance of 126.32 feet  
 to a point on the Easterly line of said Section 36, the radial line  
 through said point bears South 50°45'17" West, said point being distant



## EXHIBIT "A"

318.16 feet North 00 18'38" East along said East line of Section 36 from the Southeast corner of said Section 36.

EXCEPTING therefrom any portions lying within the above described Parcel 1. The sidelines of said 40.00 foot strip shall be foreshortened or lengthened so as to terminate Northwesterly in the Easterly boundary of the 60.00 foot strip of land described as Parcel 1 above and so as to terminate Southeasterly in said East line of Section 36.

## PARCEL 4

A 40.00 foot strip of land, the centerline of which is described as follows: Beginning at the Northeast corner of said Section 36 thence Westerly along the Northerly line of said Section 36 North 89°53'21" West 1347.57 feet to an intersection with said centerline of Sandia Creek Drive as defined on Record of Survey 8079; thence Southeasterly along said centerline of Sandia Creek Drive as follows: South 60°43'00" East 74.48 feet to the beginning of a 310.00 foot radius tangent curve concave Westerly thence Southerly along the arc of said curve through a central angle of 113°54'43" a distance of 616.32 feet; thence tangent to said curve South 53°11'43" West 240.95 feet to the beginning of a 250.00 foot radius tangent curve concave Southeasterly; thence Southwesterly and Southerly along the arc of said curve through a central angle of 64°29'43" a distance of 281.41 feet; thence tangent to said curve South 11°18'00" East 189.45 feet to the beginning of a 400.00 foot radius tangent curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 17°35'11" a distance of 122.78 feet to THE TRUE POINT OF BEGINNING. Thence leaving said centerline of Sandia Creek Drive, South 86°02'17" West 27.81 feet to the beginning of a 203.12 radius tangent curve concave Southeasterly thence Southwesterly along the arc of said curve through a central angle of 36°52'33" a distance of 130.73 feet; thence tangent to said curve South 49°09'44" West 96.98 feet to the beginning of a 112.00 foot radius tangent curve concave Northerly; thence Westerly along the arc of said curve through a central angle of 84°25'36" a distance of 165.03 feet; thence tangent to said curve North 46°24'40" West 158.72 feet to the beginning of a 100.00 radius tangent curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 31°50'09" a distance of 55.56 feet; thence tangent to said curve North 78°14'49" West 112.68 feet to the beginning of a 60.00 foot radius tangent curve concave Southeasterly; thence Westerly and Southwesterly along the arc of said curve through a central angle of 88°11'27" a distance of 92.35 feet; thence South 13°33'44" West 58.49 feet to the beginning of a 60.00 foot radius tangent curve concave Northwesterly; thence Southerly and Southwesterly along the arc of said curve through a central angle of 70°12'23" a distance of 73.52 feet; thence tangent to said curve South 83°46'07" West 328.84 feet to the beginning of a 170.00 foot radius tangent curve concave Southerly; thence Westerly along the arc of said curve through a central angle of 13°32'09" a distance of 40.10 feet to a point on the Westerly boundary of the East Half of said Section 36, said point lies South 00°53'06" West 1403.77 feet along said West line of the East half from the Northwest corner of said East half; the radial line through said point bears North 19°46'02" West; thence continuing along said 170.00 foot radius curve through a central angle of 56°32'39" a distance of 167.77 feet thence tangent to said curve South 13°41'19" West 279.24 feet to the beginning of a 80.00 foot radius tangent curve concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of 11°09'23" a distance of 15.58 feet; thence tangent to said curve South 24°50'42" West 87.30 feet to the beginning of a 200.00 foot radius tangent curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of 11°42'41" a distance of 40.88 feet; thence tangent to said curve South 13°08'02" West 265.16 feet to the beginning of a 65.00 foot radius tangent curve concave Northeasterly; thence Southerly and Southeasterly along the arc of said curve through a central angle of 82°38'42" a distance of 93.76 feet; thence tangent to said curve South 6° East a distance of 249.76 feet to a point on said Westerly 1. East half of Section 36 which said point lies South 00°53'06"



## EXHIBIT "A"

2348.75 feet from said Northwest corner of the East half of Section 36; thence continuing South 69° 30' 39" East 26.50 feet to the beginning of a 300.00 foot radius tangent curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 22° 07' 08" a distance of 115.81 feet thence tangent to said curve South 47° 23' 31" East 73.92 feet to the beginning of a 100.00 foot radius tangent curve concave Southwesterly; thence Southeasterly and Southerly along the arc of said curve through a central angle of 47° 25' 38" a distance of 82.78 feet; thence tangent to said curve South 00° 02' 07" West 33.36 feet to the beginning of a 50.00 foot radius tangent curve concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of 47° 22' 25" a distance of 41.34 feet to a point of compound curvature; said point being the beginning of a 42.34 foot radius tangent curve concave Northwesterly; thence Southwesterly and Westerly along the arc of said curve through a central angle of 58° 23' 48" a distance of 43.15 feet; thence tangent to said curve North 74° 11' 40" West 22.72 feet to the beginning of a 50.00 foot radius tangent curve concave Southeasterly; thence Westerly and Southwesterly along the arc of said curve through a central angle of 51° 04' 18" a distance of 44.57 feet; thence tangent to said curve South 54° 44' 02" West 29.23 feet to the beginning of a 25.00 foot radius tangent curve concave Easterly; thence Southerly and Southeasterly along the arc of said curve through a central angle of 121° 33' 35" a distance of 53.04 feet; thence tangent to said curve South 66° 49' 33" East 35.52 feet to the beginning of a 70.00 foot radius tangent curve concave Southwesterly; thence Southerly along the arc of said curve through a central angle of 80° 17' 35" a distance of 96.10 feet thence tangent to said curve South 13° 28' 02" West 147.90 to the beginning of a 400.00 foot radius tangent curve concave Easterly; thence Southerly along the arc of said curve through a central angle of 14° 59' 33" a distance of 104.67 feet to a point of reverse curvature; said point being the beginning of a 310.10 foot radius tangent curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 15° 14' 55" a distance of 82.53 feet to a point of reverse curvature; said point being the beginning of a 126.24 foot radius tangent curve concave Easterly; thence Southerly along the arc of said curve through a central angle of 25° 38' 03" a distance of 56.48 feet; thence tangent to said curve South 11° 54' 39" East 33.44 feet to the beginning of a 300.00 foot radius tangent curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 20° 42' 34" a distance of 108.43 feet to a point of reverse curvature; said point being the beginning of a 121.25 foot radius tangent curve concave Easterly; thence Southerly along the arc of said curve through a central angle of 44° 26' 22" a distance of 94.04 feet to a point of reverse curvature; said point being the beginning of a 139.52 foot radius tangent curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 00° 17' 27" a distance of .71 feet to the terminus of this legal description; said point bears South 00° 53' 06" West 3370.02 feet along the said Westerly boundary of the East half of Section 36 and South 80° 23' 29" East 138.19 feet from said Northwest corner of the East half of Section 36. Excepting therefrom any portions lying within the above described Parcel 1.

The sidelines of said 40.00 foot strip shall be foreshortened or lengthened so as to terminate Northeasterly in the Westerly boundary of the 60.00 foot strip of land described in Parcel 1 above and so as to terminate Southerly in a line which bears South 80° 23' 29" East from a point on the Westerly boundary of said East half of Section 36 which lies South 00° 53' 06" West 3370.02 feet along said Westerly boundary from the Northwest corner of said East half of Section 36.

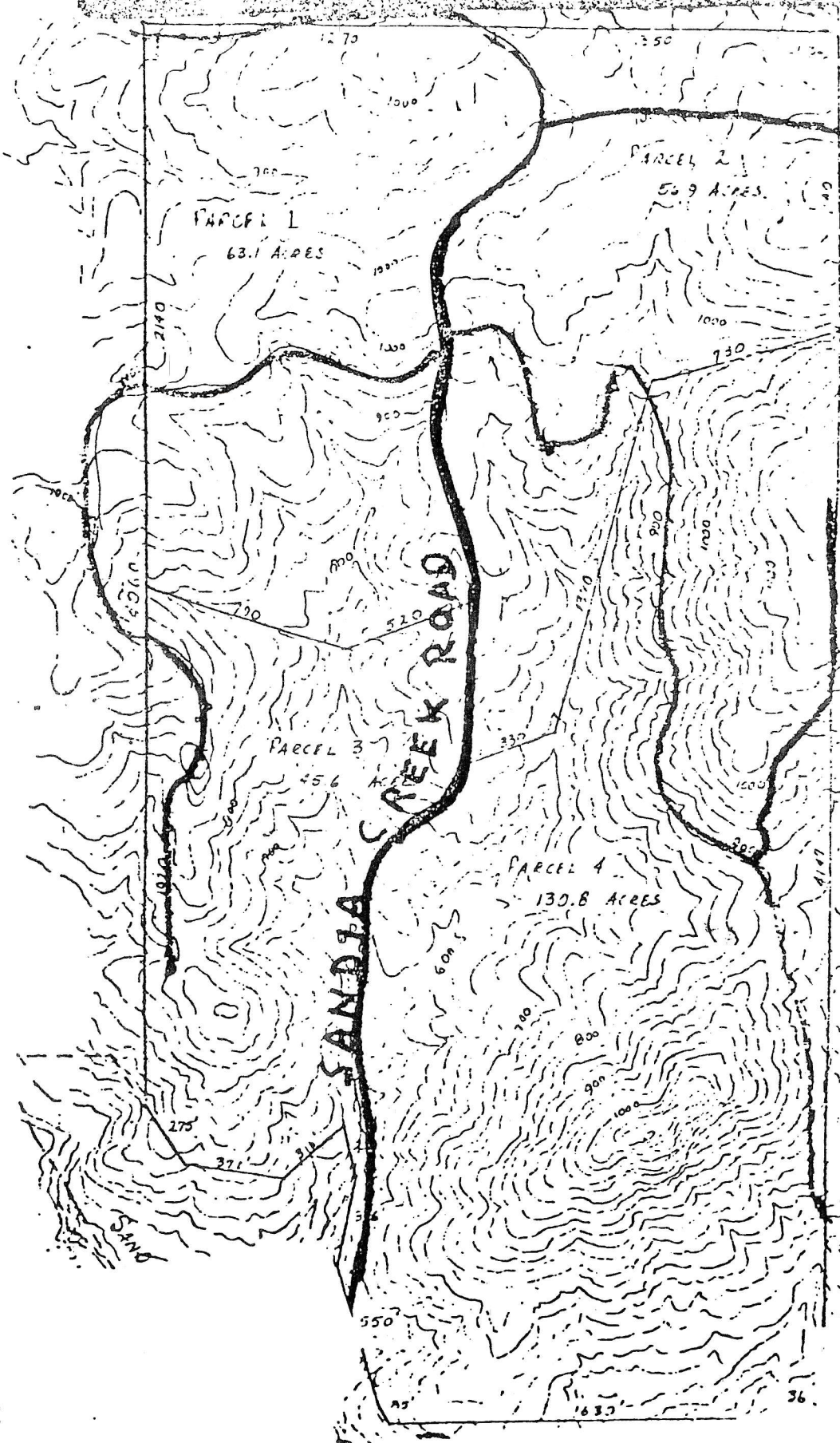
## PARCEL 5

An easement and right of way for road and utility purposes over, under, along and across that certain 40.00 foot strip of land lying within Parcels 1, 2 and 3, in the County of San Diego, State of California, as shown at Page 6683 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, December 22, 1977, delineated on said Parcel Map as "Proposed 40.00' Private Road Easement".

## PARCEL 6

A 40.00 foot strip of land lying 20.00 feet on each side of the described Line:





No. 10

STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.  
On MARCH 1, 1978 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared William Wade and Alice Wade

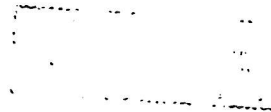
known to me  
to be the person whose name subscribed to the  
within instrument and acknowledged that they executed the  
same.

Chuck Bell

Notary Public  
1) Act Individual (Rev 9-64)



FOR NOTARY SEAL OR STAMP



STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.  
On MARCH 1, 1978 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared John B. Medlyn and Ruth C. Medlyn

known to me  
to be the person whose name subscribed to the  
within instrument and acknowledged that they executed the  
same.

Chuck Bell

Notary Public  
GS) Act Individual (Rev 9-64)



FOR NOTARY SEAL OR STAMP



STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.  
On FEBRUARY 27, 1978 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared Robert D. Parker and Karen K. Parker

known to me  
to be the person whose name subscribed to the  
within instrument and acknowledged that they executed the  
same.

Chuck Bell

Notary Public  
S) Act Individual (Rev 9-64)



FOR NOTARY SEAL OR STAMP



STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.  
On MARCH 2, 1978 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared Victor Vander Linden and  
Pamela Vander Linden

known to me  
to be the person whose name subscribed to the  
within instrument and acknowledged that they executed the  
same.

Chuck Bell

Notary Public  
(GS) Act Individual (Rev 9-64)



FOR NOTARY SEAL OR STAMP



FILE/PAGE NO. **78-107252**  
BOOK 1978  
RECORDED REQUEST OF  
SAFECO TITLE INSURANCE COMPANY  
MAR 20 8:00 AM '78  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
HAILEY F. BLOOM  
RECORDER

No 107252

## **EXHIBIT B**

34 of 128  
When recorded mail to:  
Sandia Creek Road Committee  
3921 W. Sandia Creek Terrace  
Fallbrook, CA 92028

RECORDED AT THE REQUEST OF 171  
CHICAGO TITLE CO.

RF	33
AR	31
MG	1

89 338313

RECORDED IN  
OFFICIAL RECORDS  
OF SAN DIEGO COUNTY, CA

89 JUN 27 AM 11:10

VERA L. LYLE  
COUNTY RECORDER

ROAD MAINTENANCE AGREEMENT

RECITALS

A. The northerly 2 miles of Sandia Creek Drive in San Diego County is a private road, extending approximately 2 miles in an northerly direction from the end of the county maintained portion of Sandia Creek Drive to the Riverside County Line as shown in Exhibit A attached.

B. Each of the undersigned is the owner of real property situated within the exterior boundaries described on Exhibit A, attached, all of which ownerships are served by Sandia Creek Drive and lateral roads.

C. There is no public agency responsible for the repair and maintenance of the private portion of Sandia Creek Drive, and the said road will from time to time require additional repair, maintenance, or improvement in the future.

Each of the undersigned therefore agrees for himself, his heirs, successors and assigns, to share in the cost of repair, maintenance, or improvement of Sandia Creek Drive according to the terms and conditions hereinafter set forth.

1. Road Maintenance Committee:

There is a Road Maintenance Committee with powers and duties as hereinafter set forth:

(a) MEMBERSHIP: The Road Maintenance Committee shall be composed of five (5) members, all of whom are landowners within the area described in Exhibit A. The members of said Committee shall be:

NAME

R. Wicker Gamble  
Barbara Hall  
Ron Wylie  
Jack Strehle  
Franklin Sumner

ADDRESS

40310 Sandia Creek Dr., Flbk  
3921 W. Sandia Creek Terrace, Flbk  
40373 Sandia Creek Dr., Flbk  
40211 Sandia Creek Dr., Flbk  
3833 W. Sandia Creek Terrace, Flbk

(b) TERM OF OFFICE: Members of the Committee shall serve as long as they remain landowners in the area described in Exhibit A. or until they resign or are removed as hereinafter set forth.

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

VACANCIES: Upon the occurrence of a vacancy on the Committee the remaining members shall forthwith select a replacement who is also a landowner within the area described in Exhibit A. Such replacement must be confirmed by a majority of the property owners.

(d) REMOVAL: Committee members may be removed at any time and a replacement named, by a written petition signed by parties hereto representing a majority of the assessment units as hereinafter described.

(e) POWERS AND DUTIES: The Committee shall from time to time review the condition of Sandia Creek Drive with a view to maintaining it as safe and comfortable means of access to the lands described in Exhibit A, and shall determine the nature and extent of any necessary repairs, maintenance, or improvement. Upon such determination the Committee shall cause the necessary work of repairs, maintenance or improvement to be performed, and shall apportion the cost thereof as hereinafter set forth in Paragraph 2.

"Apportionment of Cost."

1. The Committee shall have such other powers as are reasonably necessary to accomplish these purposes, including the right to maintain a bank account in the Committee name.

2. The Committee shall have authority to levy assessments of not to exceed \$20.00 per assessment unit (point) per year, without further approval. Any sums in excess of that amount may only be assessed and expended with the written approval of owners of property representing not less than 60% of the total assessment units.

3. The Committee shall report in writing to all owners of lands within the area described on Exhibit A, attached, at least once annually, stating the road work accomplished and the cost thereof, and covering such other matters as the Committee deems appropriate. Such report may be combined with, and need not be in addition to, the notification of road work and assessment procedures described in Paragraph 3 hereof.

(a) Assessment Units.

The costs of maintenance, repair, or improvement shall be apportioned on the basis of "assessment units". The "assessment units" shall be calculated as follows:

<u>PER PROPERTY OWNER</u>	<u>NUMBER OF ASSESSMENT UNITS</u>
For each parcel	1
Acreage	
2.5 - 8	1
8 - 20	2
20 - 40	3
40 - 60	4
60 - 80	5
80 - 100	6
100 - 120	7
120 - 140	8
140 - 160	9
Improvements:	
Home	1
Grove	1
<u>EXAMPLE</u>	
<u>12 ACRES, 2 PARCELS, HOME AND GROVE</u>	
2 parcels	2
8 - 20 acres	2
Home	1
Grove	1
Total	6 Assessment Units

(b) Apportionment Among Owners:

Each owner of lands within the area described in Exhibit A shall be charged the same proportion of the total cost of maintenance, repair, or improvement as the number of assessment units charged to his ownership bears to the total number of assessment units within the area described in Exhibit A. For example, the owner of one parcel totalling 10 acres, planted with an avocado grove, and with a residence, would be charged with 5 assessment units. If the total assessment units within the area described on Exhibit A was 150, such owner would be charged with 3 1/3% of the total cost.



Collection:

Upon determining the need for work of maintenance, repair, or improvement, the Committee shall calculate the respective shares of cost payable by each party hereto, and shall notify such party in writing, and request payment. Each party hereto shall pay to the Committee his respective share, within 30 days of such notice. In the event of non-payment, the Committee may institute legal proceedings for collection, and in such event the defaulting party shall be charged with interest at the prevailing prime rate (WSJ) plus 2% per annum, but not to exceed legal maximum, from the date of notification, and shall also be charged with the costs of collection, including a reasonable attorney's fee to be fixed by the Court.

4. Extraordinary Repairs:

The parties hereto recognize that from time to time the activities of a single owner may cause extreme wear, damage, or erosion to the roadway or its base, as for example in the case of moving heavy equipment for the purpose of land development, construction, or grove care. Should the Committee determine that such an occurrence has taken place, it is hereby empowered to forthwith notify the landowner involved, and charge such landowner for the cost of any repair occasioned by his extraordinary use. Each of the parties hereto agree to pay the reasonable cost of any such extraordinary wear and tear or damage to the roadway.

5. Additional Roads:

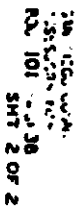
Upon the written request of owners of property representing not less than 60% of assessment units, new or additional roads serving the area described in Exhibit A, attached, may be added to the roads subject to this agreement, provided that the roads have been improved to a similar standard as Sandia Creek Drive. Such request shall be submitted to the Committee, with a detailed legal description of the road proposed for addition, and shall thereafter be subject to all of the provisions of this agreement.

6. Termination:

This agreement shall terminate on December 31, 1990 but shall be automatically renewed thereafter for additional five year periods unless parties hereto representing a majority of assessment units shall indicate in writing their desire to terminate it.

7. Heirs and assigns:

This Agreement is expressly declared to be binding upon the parties hereto, their heirs, successors and assigns, and is further declared to be a covenant for the general benefit of all of the lands described in Exhibit A attached, which shall run with the land.



CHANGES			
BLK	OLD	NEW	CUT
364	24.7	18.27	60 1301
361	1.2	8.75	81 2324
361	1	20.23	81 2324
361	8	20.27	81 2325
361	10	20.30	81 2326
361	12	20.32	81 2327
361	17	24.57	81 2444
361	9	24.41	81 13061
361	10	24.42	81 13062
361	11	24.43	81 13063
361	12	24.44	81 13064
361	13	24.45	81 13065
361	14	24.46	81 13066
361	15	24.47	81 13067
361	16	24.48	81 13068
361	17	24.49	81 13069
361	18	24.50	81 13070
361	19	24.51	81 13071
361	20	24.52	81 13072
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361	26	24.58	81 13078
361	27	24.59	81 13079
361	28	24.60	81 13080
361	29	24.61	81 13081
361	30	24.62	81 13082
361	31	24.63	81 13083
361	32	24.64	81 13084
361	33	24.65	81 13085
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361	45	24.77	81 13097
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5HT.3

101-36  
SHT. 2 OF 2

④ 1.400

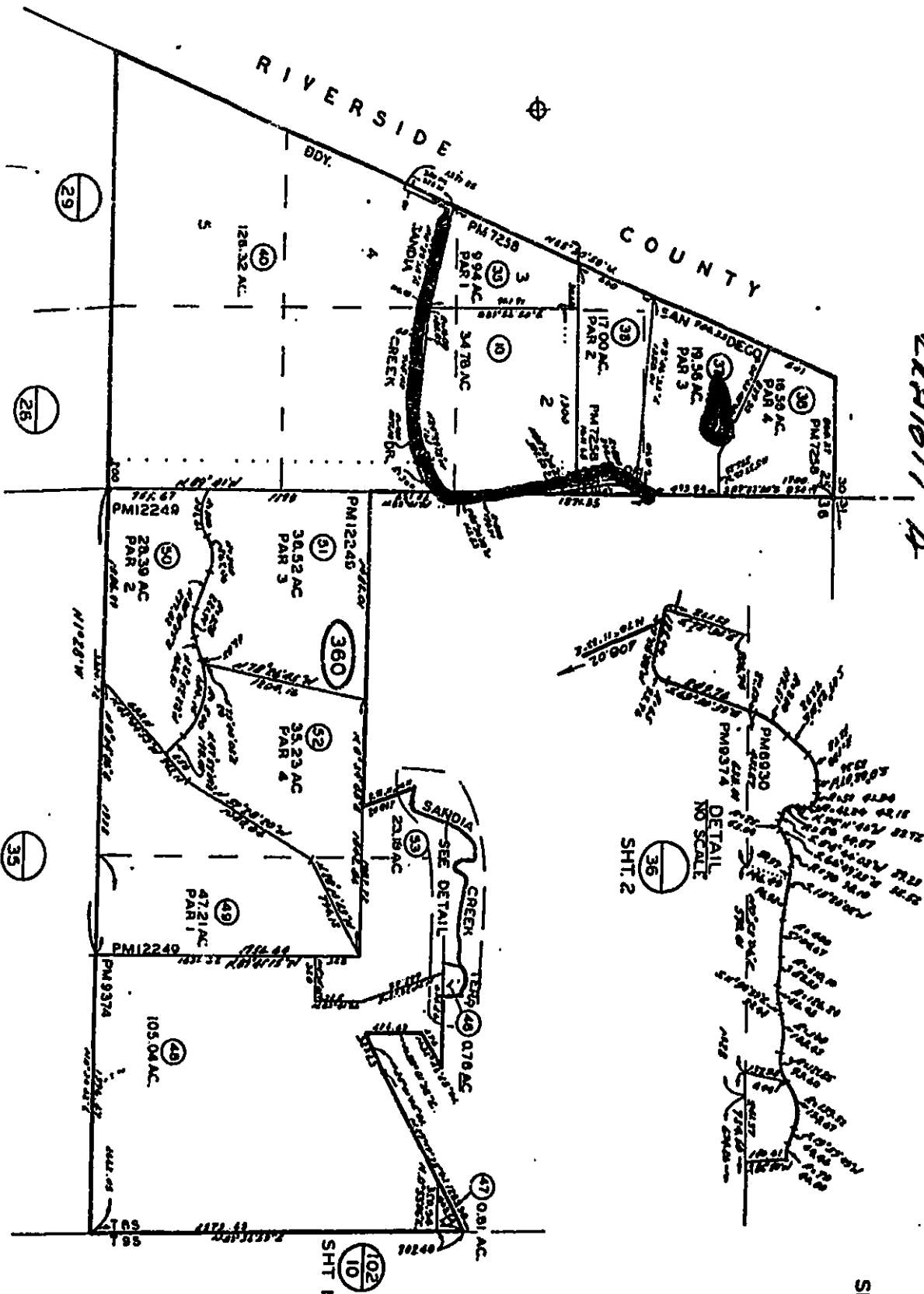
OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

SAN DIEGO COUNTY  
ASSASSINATIONS  
FROM 101 MCL 26 SHIT 1 OF 2  
MCL 26 SHIT 1 OF 2

SEC 25 & 36 - TBS - RAW  
ROS 7887 8079

101-35,36

EXHIBIT A



CHANGES	
BLK OLD	NEW YR CUT
U/C	PAR 8 N. 17
7	25.17
5	10.17
4.89	11.17
6.7	12.17
10	13.17
11	14.17
12	15.17
13	16.17
14	17.17
15	18.17
16	19.17
17	20.17
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90	93.17
91	94.17
92	95.17
93	96.17
94	97.17
95	98.17
96	99.17
97	100.17
98	101.17
99	102.17
100	103.17

177

8. Execution in counterparts:

This instrument is being signed in separate counterparts.

DATED: 4-11-89

SIGNATURES:

Michie D. Vinje APN# 101-361-51

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NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF San Diego

SS

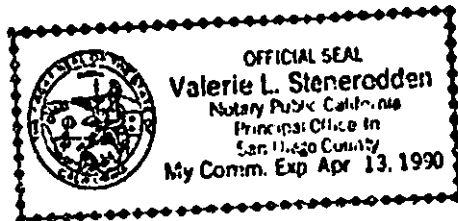
On this 11th day of April, in the year 89,  
before me, the undersigned, a Notary Public in and for said County and State,  
personally appeared Michie D. Vinje

personally known to me or proved to me on the basis of satisfactory evidence  
to be the person whose name is subscribed to this instrument, and  
acknowledged that he (she or they) executed it

Signature

Valerie L. Stenerodden  
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP



OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

2

178

counterpart. This instrument is best used in a group setting.

DATE: 5-31-89

SIGNATURES:

Robert B. Hansen

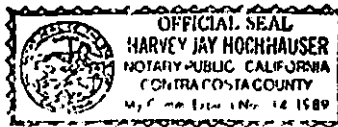
APN #'s 101-360-36  
101-360-37  
101-360-38

James W. Hansen

NOTARY ACKNOWLEDGEMENT:

5-31-89

James Jay Hooper



3. Execution of counterpart.

This instrument is being signed in duplicate by the counterpart.

DATED: 4-19-1989

SIGNATURES:

*[Signature]*

*[Signature]*

APN 101-361-18  
101-361-19  
101-361-23  
101-361-27

STATE OF CALIFORNIA,

COUNTY OF San Diego

SS

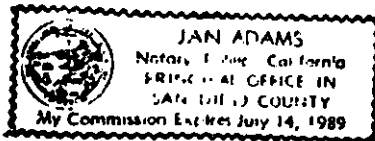


On this the 19 day of April 19 89 before me, the undersigned, a Notary Public in and for said County and State personally appeared **Henri Gerwig, Jr.**, personally known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposed and said That **Henri Gerwig, Jr.** resides at 40225 Sandia Creek Road, Fallbrook, CA 92028 that he was present and saw **Paula Gerwig**

personally known to him to be that person described in, and whose name is subscribed to the within and annexed instrument, execute the same and that affiant subscribed his name thereto as a witness to said execution

Signature *[Signature]*

FOR NOTARY SEAL OR STAMP



OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

Staple

Staple



180

3. Execution by counterparty:

This instrument is being signed in presence of counterparty.

DATED: \_\_\_\_\_

SIGNATURES:

<u>_____</u> <i>Carol J. White</i>	<u>_____</u> <i>Tammy Benton</i>
<u>_____</u> <i>Linda B. Miller</i>	<u>_____</u> <i>Robert A. Smith</i>
<u>_____</u> <i>Jeff N. Smith</i>	<u>_____</u> <i>Meghan L. Smith</i>

APN 101-361-21

NOTARY ACKNOWLEDGEMENT:

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

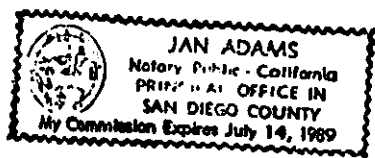
181

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

STATE OF CALIFORNIA  
COUNTY OF San Diego } SS  
On this 12 day of May, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
Gordon Lee Miller, Linda B. Miller,  
Jeff Hedrick

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person S whose name  
are \_\_\_\_\_ subscribed to the within instrument and  
acknowledged that they executed the  
same

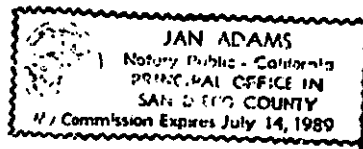
Signature Jan Adams  
Jan Adams



STATE OF CALIFORNIA  
COUNTY OF San Diego } SS  
On this 15 day of May, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
Robert W. Gamble and Megan W. Gamble

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person S whose name  
are \_\_\_\_\_ subscribed to the within instrument and  
acknowledged that they executed the  
same

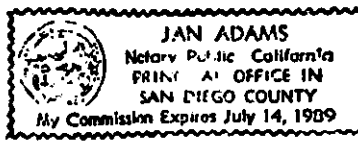
Signature Jan Adams  
Jan Adams



STATE OF CALIFORNIA  
COUNTY OF San Diego } SS  
On this 15 day of May, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
Gary Benton

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person \_\_\_\_\_ whose name  
is \_\_\_\_\_ subscribed to the within instrument and  
acknowledged that he executed the  
same

Signature Jan Adams  
Jan Adams



Name (Typed or Printed)  
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP

3. Execution in counterparts: 182

This instrument is being signed in separate counterparts.

DATED: 16 April 1989

SIGNATURES:

David G. Elario

Jacqueline R. Elario  
APN 101-361-22

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF ORANGE

On April 16, 1989

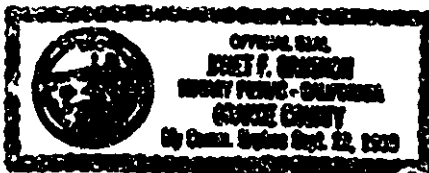
before me the undersigned a Notary Public in and for  
said State personally appeared DAVID G ELARIO AND -  
JACQUELINE R ELARIO -

personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that he/she/they executed the same

WITNESS my hand and official seal

Signature

James J. Anderson



(This area for official notary seal)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

183

3. Execution in duplicate.

This instrument is being signed in duplicate counterparts.

DATED: 15 APRIL 1989

SIGNATURES:

Donald J. AllenBetty C. Allen

APN 101-361-25

NOTARY ACKNOWLEDGEMENT:STATE OF COLORADO  
COUNTY OF ARAPAHOE

ACKNOWLEDGED BEFORE ME THIS

15<sup>th</sup> DAY OF APRIL, 1989C. H. H. H.  
NOTARY PUBLICMy Commission expires 01-29-90  
2401 East Arapahoe Road  
Littleton, CO 80122

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

184

3. Execution in counterparts:

This instrument has been signed in counterparts.

DATED: April 19th, 1989

SIGNATURES:

John E. Strehle

Katherine S. Strehle

APN 101-361-26

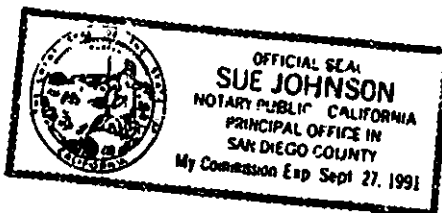
NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF San Diego

On April 19, 1989

before me, the undersigned, a Notary Public in and for  
said State personally appeared John E. Strehle and Katherine S. Strehle\*\*\*\*\*

personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person(s) whose name(s)  
is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same  
WITNESS my hand and official seal



Signature Sue Johnson

(This area for official notarial seal)

PFS65641 10M 6 84 CP68094

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

Personally Known Jurat

3. Exemption from recording.

This instrument is being signed in separate counterparts.

DATED: \_\_\_\_\_

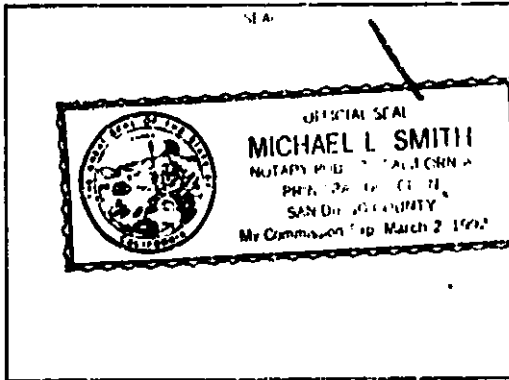
SIGNATURES:

Calveston K. Brown

APN 101-361-28

STATE OF CALIFORNIA  
COUNTY OF San Diego } SS  
On April 13, 1989, before me, the under  
signed Notary Public, personally appeared  
Calveston K. Brown

personally known to me or proved to me on the basis of satisfactory  
evidence to be the person \_\_\_\_\_ whose name is  
subscribed to the within instrument and acknowledged that  
he executed the same



Signature

Michael L. Smith

HOME FEDERAL

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



186

DATE: April 17, 1989

SIGNATURES:

William L. Hall

Barbara J. Hall

APN 101-361-29

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF San Diego } ss  
On this 17 day of April, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
William L. Hall and Barbara J. Hall

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person s whose name  
they subscribed to the within instrument and  
acknowledged that they executed the  
same

Signature Brenda Mathena

Brenda Mathena

Name (Typed or Printed)  
Notary Public in and for said County and State



FOR NOTARY SEAL OR STAMP

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORPER 2

187

b. Execution in counterpart.

This instrument is being signed in separate counterparts.

DATED: 4-11-89SIGNATURES:

*Franklin W. Sumner*  
 APN 101-361-30

NOTARY ACKNOWLEDGEMENT:STATE OF CALIFORNIA  
COUNTY OF

SAN DIEGO

ss

On APRIL 11, 1989, before me, the undersigned, a Notary Public in and for  
 said State, personally appeared FRANKLIN W. SUMNER

personally known to me (or proved to me on the basis of  
 satisfactory evidence) to be the person(s) whose name(s)  
 is/are subscribed to the within instrument and acknowledged  
 to me that he/she/they executed the same

WITNESS my hand and official seal

Signature

SF 422 (REV A 7/82) (CA) (INDIVIDUAL)



OFFICIAL SEAL  
 JOHN T. GAUSEPOHL  
 Notary Public, California  
 Principal Office in  
 San Diego County  
 My Comm Exp June 16, 1989

(This area for official notarial seal)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER # 2

3. Execution by Counterparties:

This instrument is being signed in \_\_\_\_\_ by the counterparties.

DATED: May 4, 1989

SIGNATURES:

Elmer Appalham

Eleanor Appalham

APN 101-361-31  
101-361-32  
101-361-33

NOTARY ACKNOWLEDGEMENT:

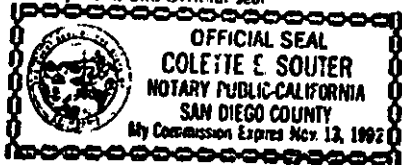
STATE OF CALIFORNIA

COUNTY OF San Diego | SS

On May 4, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Elmer Appalham & Eleanor Appalham, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within Instrument and acknowledged that they executed the same.

WITNESS my hand and official seal

(Seal)



Colette E. Souter  
(Notary Public's Signature)

189

counterparts.

This instrument is being signed in

DATED:

April 25, 1989

SIGNATURES:

Rolando M. Thompson, MR

Maurice H. Hillman

APN 101-361-40

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA

COUNTY OF Orange } ss.

On April 25, 1989 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Maurice H. Hillman

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal

Signature Suzanne Abbott



(This area for official notarial seal)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

Execution of Instrument

This instrument is being recorded

for the purpose of

DATED: April 20, 1989

SIGNATURES:

Kurt Pollex Kurt Pollex

Marita Pollex Marita Pollex

APN 101-361-41

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF San Diego | SS

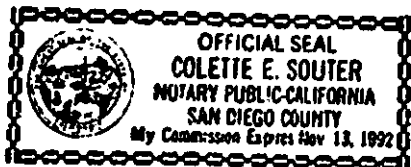
On April 20, 1989  
Marita Pollex

, before me, the undersigned, a Notary Public in and for said State, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is  
subscribed to the within Instrument and acknowledged that she executed the same

WITNESS my hand and official seal

(Seal)



Colette E. Souter  
(Notary Public's Signature)

STATE OF CALIFORNIA

COUNTY OF San Diego | SS

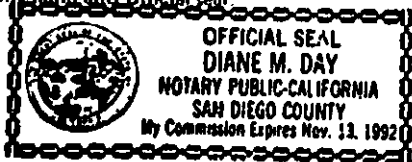
on April 21, 1989  
KURT POLLEX

before me, the undersigned, a Notary Public in and for said State, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is  
subscribed to the within Instrument and acknowledged that HE executed the same

WITNESS my hand and official seal

(Seal)



Diane M. Day  
(Notary Public's Signature)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

191

3. Execution of said parties.

This instrument is hereby acknowledged to be the true and correct copy of the original instrument on file in the County of San Diego.

DATED: 5-12-89

SIGNATURES:

Harold K. Adams

APN 101-361-42

NOTARY ACKNOWLEDGEMENT:

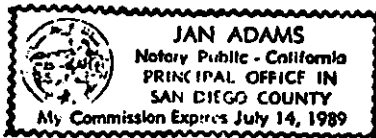
STATE OF CALIFORNIA  
COUNTY OF San Diego } ss  
On this 12 day of May, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
Harold K. Adams

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person whose name  
is subscribed to the within instrument and  
acknowledged that he executed the  
same

Signature Jan Adams

Jan Adams

Name (Typed or Printed)  
Notary Public in and for said County and State



FOR NOTARY SEAL OR STAMP

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



192

This instrument is being recorded in accordance with the provisions of the California Civil Code.

DATE:

5/12/89

SIGNATURES:

Joseph T Bell

Elinora M Bell

APN 101-361-49  
101-361-51

NOTARY ACKNOWLEDGEMENT:

GENERAL ACKNOWLEDGMENT

State of CALIFORNIA  
County of SAN DIEGO } SS.

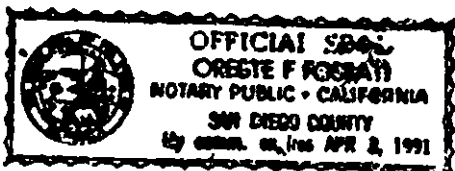
On this the 12 day of MAY, 1989, before me,

Oreste F. Fossati

the undersigned Notary Public, personally appeared

Joseph T Bell & Elinora M. Bell

personally known to me  
proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is subscribed to the  
within instrument, and acknowledged that they executed it  
WITNESS my hand and official seal.



Oreste F. Fossati  
Notary's Signature

NATIONAL NOTARY ASSOCIATION • 73012 Ventura Blvd • P.O. Box 4125 • Woodland Hills CA 91365-4625

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

193

3. Execution in separate parts.

This instrument is being signed in separate counterparts.

DATED: 5/31/89SIGNATURES:John J. StantonEleanor Stanton

APN 101-361-53

NOTARY ACKNOWLEDGEMENT:Barbara A. Ray

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

2

194

3. Execution in both parties.This instrument being signed in duplicate  
counterparts.DATED: April 28, 1989

SIGNATURES:

[Signature]

Beverly Rishell

APN 101-361-54

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA

COUNTY OF SAN DIEGOOn April 28 1989

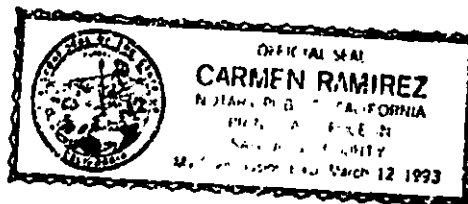
(Individual)

before me, the undersigned a Notary Public in and for said State, personally appeared

Hans Rishell And Beverly Rishell

( ) personally known to me ☒ proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) are subscribed  
to this instrument and acknowledged that they executed  
the same

WITNESS my hand and official seal

Signature Carmen Ramirez

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

2

3. Execution in Counterparts:

195

This instrument is being signed in \_\_\_\_\_ counterparts.

DATED: 4-6-89

SIGNATURES:

R.W. Gamble

Martha Flint by  
R.W. Gamble her  
Attorney in fact

APN 101-361-55

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF San Diego

SS

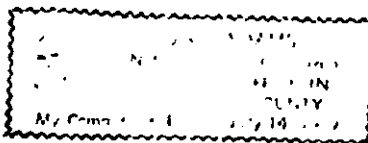
On this the 6 day of April 19 89 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared R.W. Gamble



proved to me on the basis of satisfactory evidence  
to be the person(s) whose name is \_\_\_\_\_  
subscribed to the within instrument, as the Attorney in fact of  
Martha Flint  
and acknowledged to me that he \_\_\_\_\_ subscribed the name  
of Martha Flint thereto as  
principal and his own name as Attorney in fact

Signature: [Signature]

FOR NOTARY SEAL OR STAMP



OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

2

196

3. Execution in counterparts:

This instrument is being signed in separate counterparts.

DATED: April 28, 1989SIGNATURES:*Therese A. Saunders**Alicia M. Saunders*APN 101-361-56  
101-361-57NOTARY ACKNOWLEDGEMENT:

Sworn and subscribed to before me this 28th day of April, 1989.

*Monica Swanson*  
Notary Public

My commission expires March 31, 1991



197

3. Execution in counterparts:

This instrument is being signed in separate counterparts.

DATED: 5/2/89

SIGNATURES:

APN 101-360-35

## GENERAL ACKNOWLEDGMENT

NO 201

State of California }  
County of Orange } ss.On this the 2nd day of May, 1989, before me,Jo Mistich

the undersigned Notary Public, personally appeared

John B. Mouser

personally known to me

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) Jo subscribed to the within instrument, and acknowledged that he executed it. WITNESS my hand and official seal

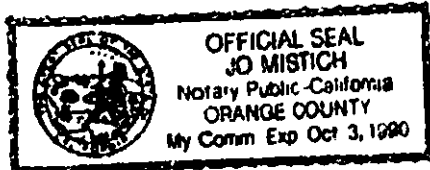
Notary's Signature

State of California }  
County of Orange } ss.On this the 18th day of April, 1989, before me,Jo Mistich

the undersigned Notary Public, personally appeared

Georgann M. Mouser

personally known to me

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) Jo subscribed to the within instrument, and acknowledged that she executed it. WITNESS my hand and official seal.

Notary's Signature

198

3. Execution in duplicate.

This instrument is being signed in duplicate  
counterpart.DATED: 11 19 89

SIGNATURES:

Lora T. RobertsonCAL-JUNE INC.

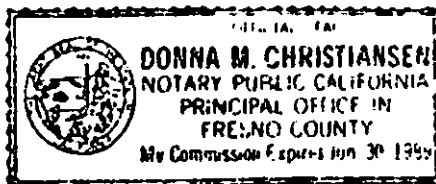
APN 101-360-40

STATE OF CALIFORNIA  
COUNTY OFLos AngelesOn this 19th day of April19 89

(INDIVIDUAL)

County, personally appeared Lora T. Robertson, before me, the undersigned, a Notary Public in and for saidpersonally known to me, or proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is/are subscribed to the within instrument,  
and acknowledged to me that SHE executed the same

Witness my hand and official seal.

Donna M. Christiansen  
Notary Public in and for said County and StateDonna M. Christiansen  
Name (Typed or Printed)

(This area for official notarial seal)

3403 (R6/82)1

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

Execution of Counterpart

199

This instrument is being filed in its counterpart.

DATED: \_\_\_\_\_

SIGNATURES:

*R.W. Gamble*

*Megan W. Gamble*

APN 101-360-53

NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF San Diego

SS

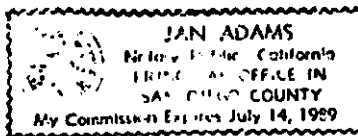
On this 26 day of May, in the year  
1989, before me, the undersigned, a Notary Public in  
and for said County and State, personally appeared  
R.W. Gamble and  
Megan W. Gamble

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person S whose name  
are subscribed to the within instrument and  
acknowledged that they executed the  
same

Signature

*Jan Adams*  
Jan Adams

Name (Typed or Printed)  
Notary Public in and for said County and State



FOR NOTARY SEAL OR STAMP

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

200

3. Execution in counterparts:

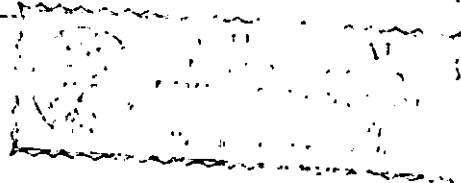
This instrument is being signed in separate counterparts.

DATED: 4/26/89SIGNATURES: 

APN 101-361-53

NOTARY ACKNOWLEDGEMENT:SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF April 1989Neilie R. [Signature]Notary Public in and for the County of Los Angeles  
State of California

My commission expires April 20, 1990



OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 2

## **EXHIBIT C**



Henri Kelley Gerwig <[henrikelleygerwig@gmail.com](mailto:henrikelleygerwig@gmail.com)>

---

**Re: Sandia Creek near Riverside county line**

---

**Rick Saathoff** <[ricksaathoff\\_1@hotmail.com](mailto:ricksaathoff_1@hotmail.com)>  
To: Henri & Kelley Gerwig <[henrikelleygerwig@gmail.com](mailto:henrikelleygerwig@gmail.com)>

Mon, Mar 11, 2019 at 1:40 PM

---

**From:** Hollywood, Daniel@CHP <[DHollywood@chp.ca.gov](mailto:DHollywood@chp.ca.gov)>  
**Sent:** Friday, September 21, 2018 4:36 PM  
**To:** [ricksaathoff\\_1@hotmail.com](mailto:ricksaathoff_1@hotmail.com)  
**Subject:** Sandia Creek near Riverside county line

A portion of Sandia Creek near the Riverside county line, but within San Diego County is not a county maintained roadway. The California Highway patrol is unable to enforce basic traffic laws (speed, unsafe passing, seatbelt, cell phone, etc.) within this section.

Thank you,  
Daniel Hollywood #17012  
Oceanside CHP  
[435 La Tortuga Dr.](#)  
Vista, Ca. 92081

## **EXHIBIT D**





UNITED STATES MARINE CORPS  
MARINE CORPS INSTALLATIONS WEST-MARINE CORPS BASE  
BOX 555010  
CAMP PENDLETON, CALIFORNIA 92055-5010

5726

CG

30 AUG 2018

INFOGRAM 70-18

FROM: COMMANDING GENERAL  
TO: DISTRIBUTION LIST

SUBJ: COMMUTING ON SANDIA CREEK DRIVE


ENCL: (1) SANDIA CREEK DRIVE MAP

1. ON 23 MAY 2018, INFOGRAM 44-18 TITLED VEHICULAR SAFETY WAS PUBLISHED TO NOTIFY ALL COMMANDS OF REPORTED TRAFFIC INCIDENTS ON SANDIA CREEK DRIVE. ON 14 JULY 2018, A MARINE CORPS INSTALLATIONS WEST-MARINE CORPS BASE, CAMP PENDLETON (MCIWEST-MCB CAMPEN) COMMAND REPRESENTATIVE MET WITH THE SANDIA CREEK COMMUNITY. INFORMATION GAINED FROM THE MEETING AND FROM COORDINATION WITH RIVERSIDE AND SAN DIEGO COUNTY DEPARTMENTS PROMPTED THE RELEASE OF THIS INFOGRAM.

2. THIS COMMAND HAS CONFIRMED THAT A SECTION OF SANDIA CREEK DRIVE, FROM THE RIVERSIDE COUNTY LINE 2 MILES SOUTH IN SAN DIEGO COUNTY, IS IN FACT A PRIVATE ROAD THAT IS MAINTAINED BY THE HOMEOWNERS (YELLOW SECTION IN ENCLOSURE (1)). THIS SECTION IS DEFINED BY POSTED PRIVATE ROAD SIGNS, HAS A 20 MILE PER HOUR POSTED SPEED LIMIT AND IS IN POOR STATE OF REPAIR. THE REMAINDER OF SANDIA CREEK DRIVE, ON BOTH SIDES OF THE DEFINED PRIVATE SECTION, IS A PUBLIC ROAD. BASED ON THIS INFORMATION, COMMANDERS SHOULD DIRECT THEIR MARINES AND SAILORS TO AVOID COMMUTING TO AND FROM MARINE CORPS BASE, CAMP PENDLETON VIA SANDIA CREEK DRIVE UNTIL FURTHER NOTICE.

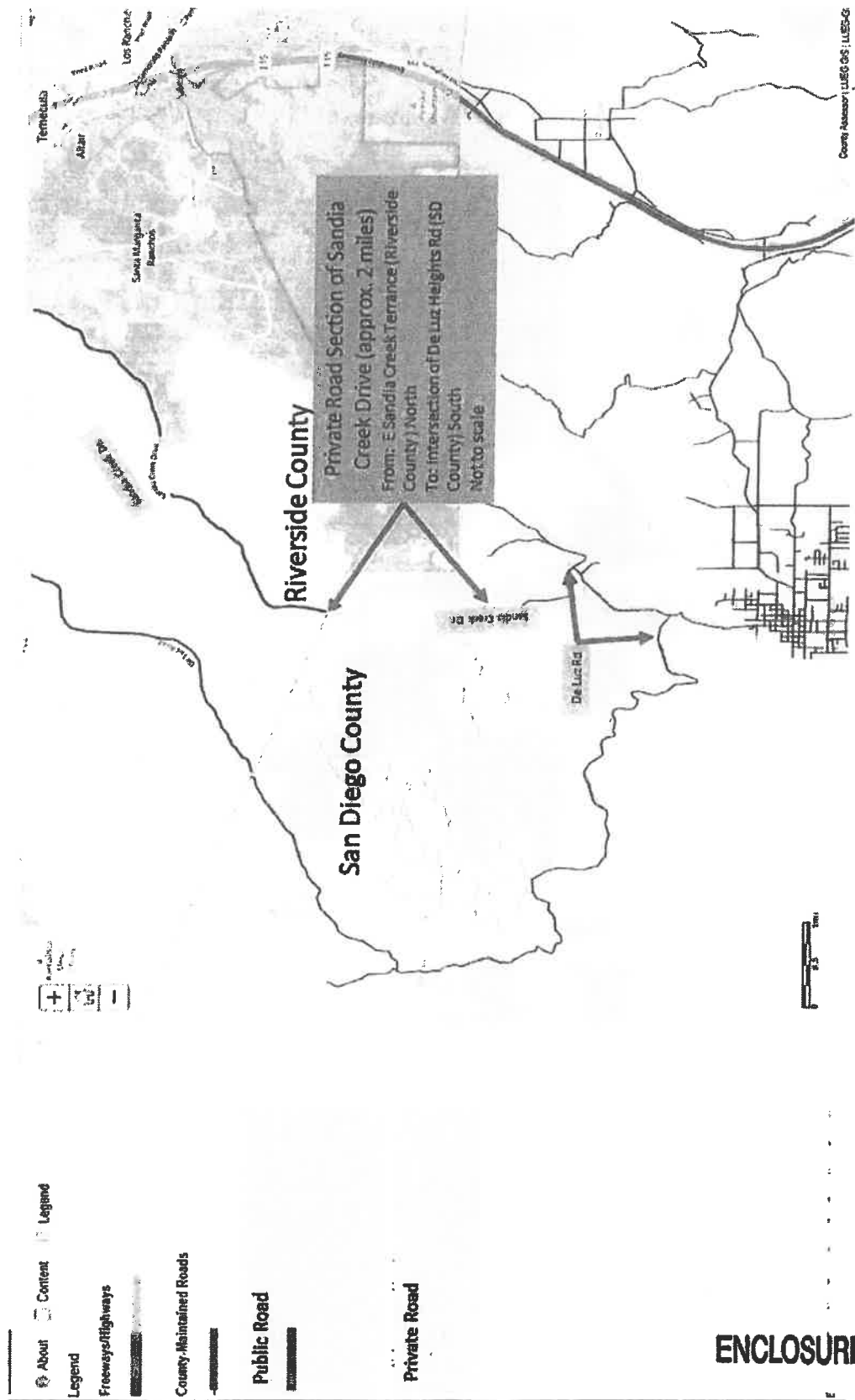
3. ADDITIONAL BACKGROUND: THE PRIVATE SECTION OF THE ROAD WAS CONSTRUCTED FOR VERY LIGHT TRAFFIC AND THE HOMEOWNERS WILLINGLY ALLOWED COMMUTERS TO USE IT, BUT AN INCREASE IN TRAFFIC DUE TO CONGESTION ON I-15 SIGNIFICANTLY DEGRADED THE ROAD CONDITION AND INCREASED ROAD REPAIR COSTS. THE ESTIMATED COST TO PROPERLY REPAIR THE PRIVATE SECTION IS CLOSE TO \$1 MILLION, OVER \$20,000 PER HOMEOWNER. ALTHOUGH PRIVATE ROAD SIGNS ARE POSTED, BECAUSE THE ROAD CANNOT BE GATED DUE TO ITS USE BY FIRST RESPONDERS, COMMUTERS CONTINUE TO USE THE ROAD. MCIWEST-MCB CAMPEN WILL EXPLORE OPTIONS AIMED AT MAKING ALL OF SANDIA CREEK DRIVE A PUBLIC ROAD; IN THE MEAN TIME, WE NEED TO RESPECT THE HOMEOWNERS REQUEST NOT TO TRESPASS ON THEIR PRIVATE ROAD.

DISTRIBUTION: A-3  
B  
C

  
J. D. WILLIAMS  
CHIEF OF STAFF

FOR OFFICIAL USE ONLY

# SANDIA CREEK DRIVE MAP



## **EXHIBIT E**

November 8, 2020

c/o Megan Gamble  
Gate Subcommittee, Sandia Creek Road Committee (SCRC)  
Via email

LLG Reference: 3-20-3265

Subject: **Sandia Creek Gate Project, County of San Diego**

**Engineers & Planners**

Traffic  
Transportation  
Parking

**Linscott, Law &  
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Pasadena  
Irvine  
San Diego  
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## 1.0 INTRODUCTION

Linscott, Law & Greenspan, Engineers (LLG) has prepared the following transportation review for the Sandia Creek Gate Project (“Project”). The Project proposes a gate to restrict public access to Sandia Creek Drive generally between East Sandia Creek Terrace and Rock Mountain Drive, a private road, in the Community Planning Area of De Luz Heights in the County of San Diego

This letter reviews roadway accident data, operational characteristics of the gate control, and potential impacts to the transportation system.

## 2.0 PROJECT DESCRIPTION

The Project would provide one (1) gate and on Sandia Creek Drive just north of Sandia Creek and Rock Mountain Road. The subject segment of Sandia Creek Drive (approximately 2.2 miles) would limit access to the privately maintained road to residents only. Currently, the road is used to serve local rural residences and business, as well as an alternate route to Interstate 15 (I-15) by commuters between Riverside County and northern San Diego County.

The road is privately maintained, and the area residents have requested it be gated to limit it to local residential traffic only. On-going maintenance issues, speeding and collisions are listed among the issues the proposed gate project is intended to address.

The gate would control vehicular access in both northbound/southbound directions and emergency access would be maintained. For non-residents, vehicle turnarounds would also be provided in both directions. A southbound turnaround area would be constructed, and a northbound turnaround would be accommodated via the Rock Mountain Road intersection. The gate would utilize an access system for local residents only.

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William A. Law, PE (1921-2018)  
Jack M. Greenspan, PE (Ret.)  
Paul W. Wilkinson, PE (Ret.)  
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John A. Boarman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE  
Walter B. Musial, PE  
Kalyan C. Yellapu, PE

*Figure 1* illustrates the Project area. **Figures 2 and 3** illustrate the gate location and turnaround locations. *All figures are provided at the end of this letter report.*

### 3.0 EXISTING CONDITIONS

#### 3.1. NETWORK CONDITIONS

**Sandia Creek Drive** is currently built as a two-lane north/south roadway. The roadway is classified on the County of San Diego Mobility Element as a 2.3C Minor Collector with a Level of Service (LOS) E capacity of 8,000 average daily trips (ADT). Sandia Creek Drive functions as a 25-foot wide two-lane undivided roadway with no passing lanes for its entirety, posted speed of 40 miles per hour (mph), advisory speeds for horizontal and vertical curves, and is primarily intended to serve residential neighborhoods and adjacent rural uses. Although the roadway is classified on the County's Mobility Element, it is privately maintained by the abutting residents within the project vicinity. As shown below, the speed limit on the private section of the road is 25mph and large trucks are prohibited.

*Sandia Creek Drive Signage*



**E. Mission Road** is currently built as a two-lane east/west roadway. The roadway is classified on the County of San Diego Mobility Element as a 4.2B Boulevard with Intermittent Turn Lanes between Brandon Road and I-15 with an LOS E capacity of 28,000 ADT. In the west, W. Mission Road from Brandon Street to S. Mission Road/De Luz Road is classified as a 2.2B Light Collector with an LOS E capacity of 19,000 ADT. E. Mission Road functions as a two-lane undivided roadway with no passing lanes

for its entirety, a posted speed limit ranging from 35 to 45 mph, and primarily serves as the access road in/out of the Community of Fallbrook in the County of San Diego.

**Interstate 15 (I-15)** is a major north/south freeway connecting San Diego and Riverside counties in the general Project vicinity. Interchanges are provided at Rancho California Road in the north connecting to Temecula, Old Highway 395 connecting to Mission Road and the Community of Fallbrook, and a junction with State Route 76 (SR-76) to connect with western cities.

### 3.2. TRAFFIC CONDITIONS

#### *Sandia Creek Drive*

Traffic data along Sandia Creek Drive has been collected over the past few years dating back to January 2018 and August 2019, prior to the Coronavirus pandemic of 2020. Traffic counts obtained through a recent County Memorandum dated December 30, 2019 which provided a seven-day count at multiple locations along Sandia Creek Drive in January 2018. These volumes ranged between 2,186 ADT in the southern portion of the roadway to 3,613 ADT in the northern area near the County of San Diego/City of Temecula jurisdictional boundary.

Year 2019 data was collected in August, when schools were not yet in session, indicating 1,890 ADT along the portion of Sandia Creek Drive approximately 3,000 feet north of Rock Mountain Road, in the vicinity of the Project (i.e. proposed gate location). This data was obtained from a June 12, 2020 San Diego County Traffic Advisory Committee report discussing heavy vehicle traffic on Sandia Creek Drive.

Lastly, data science analytics were used to validate the data and better understand travel patterns. StreetLight Data<sup>®</sup> utilizes GPS and location services data from automobiles and mobile devices to identify travel patterns and vehicle counts for a selected area. For the traffic volumes on Sandia Creek Drive, a weekday two-year period between February 2018 and February 2020 was selected to develop the ADT. As a result of this exercise, an average of 2,266 ADT was calculated.

The Year 2019 data of 1,890 appear relatively low compared to the 2,186 – 3,613 ADT from the County Memo and the StreetLight Data<sup>®</sup> volume of 2,266 ADT. The StreetLight Data<sup>®</sup> volume was collected on the exact Project segment of the roadway between East Sandia Creek Terrace and Rock Mountain Drive and is slightly higher than the southern ADT collected for the County Memo. Therefore, for purposes of this analysis, the 2,266 ADT is used.

#### *E. Mission Road*

Morning and evening peak hour intersection counts were collected between the hours of 7:00-9:00 AM and 4:00-6:00 PM at Old Highway 395/ E. Mission Road and N. Stage Coach Lane/ E. Mission Road. This data was used to review potential transportation impacts due to traffic rerouting of the Project.

Data collection was conducted in August 2020, during the Coronavirus pandemic. Using StreetLight Data<sup>®</sup>, traffic on Sandia Creek Drive pre- and post-coronavirus indicated a 25% decrease in volumes on E. Mission Road following the coronavirus shelter-in-place orders. Therefore, a 25% increase in traffic volumes was assumed to represent typical pre-coronavirus conditions.

**Table 1** provides the ADT count in tabular format. **Figure 4** depicts the existing traffic volumes in graphical format. **Attachment A** contains the traffic data.

TABLE 1  
EXISTING TRAFFIC VOLUMES

Roadway Segment	Average Daily Trips	Jurisdiction
<b>Sandia Creek Drive</b>		
1. East Sandia Creek Terrace to Rock Mountain Road	2,266 <sup>a</sup>	County

**Footnotes:**

- a. StreetLight Data<sup>®</sup> weekday ADT February 2018 – February 2020.

**Travel Patterns**

GPS data analytics was used to complete an origin-destination analysis to document travel behavior of existing vehicle trips on Sandia Creek. The analysis provides important information on local versus non-local traffic on the roadway. Whereas non-local traffic represents commuter trips are using Sandia Creek as a cut-through route to avoid the I-15 corridor.

The data analytics yielded the percentage of traffic to/from Sandia Creek to the selected destinations such as the Community of Fallbrook, Camp Pendleton North and western SR-76 job centers. A two-year weekday period between February 2018 and February 2020 (pre-coronavirus) was selected to develop the distribution of volumes.

**On a daily basis, 78% of the traffic on Sandia Creek is non-local and likely cut-through trips.** Further findings from the GPS data show that the primary shift from I-15 to Sandia Creek Drive occurs in the northbound direction with 83% non-local traffic. This can be attributed to I-15 being most congested in this direction. The southbound direction was estimated at 63% non-local traffic.

The breakdown of non-local traffic by destination is summarized in **Table 2**. The data indicated that 28% of the trips are destined to/originating from Fallbrook, 42% from Camp Pendleton North, 8% of from SR-76 West.

**Table 2** summarizes the findings from the GPS data and **Figure 5** displays the existing travel patterns.



**TABLE 2**  
**SANDIA CREEK DRIVE ORIGIN-DESTINATION**

To/From	Southbound		Northbound		Total	
Local Traffic						
Local Traffic / Residents	210	32%	280	17%	490	22%
Non-Local Traffic						
Fallbrook	175	27%	454	28%	629	28%
Camp Pendleton North	219	33%	737	46%	956	42%
SR-76 West	53	8%	138	9%	191	8%
Total	447	68%	1,329	83%	1,776	78%
Overall Total	657	100%	1,609	100%	2,266	100%

Source: StreetLight Data® weekday ADT February 2018 – February 2020.

### 3.3. ACCIDENT DATA

The accident data was reviewed along the Sandia Creek Drive from De Luz Road to Rancho California Road. Data for five (5) consecutive years (2015 to 2019) was reviewed and represents the latest available information. Accident data was retrieved from the Transportation Injury Mapping System (TIMS). This information includes information such as location of accidents, severity, time and day, road condition, parties involved, etc.

A total of 38 accidents were reported along this segment. The accidents were then reviewed to identify potential trends and patterns. Accident data between local and non-local vehicles is not available. Not yet captured in the data, additional accidents have occurred in 2020 on May 21, 2020 and XXXXXX (to be provide by client) resulting in a total three (3) fatalities since 2015.

In June 2020, the County Department of Public Works, Traffic Engineering, issued a report to the San Diego County Traffic Advisory Committee. In the report, accident data between years 2017 and 2019 were evaluated on a segment of Sandia Creek Drive from De Luz Road to the end of County Maintained road on the north. An accident rate of 2.51 collisions per million vehicle miles were calculated that was higher than statewide average of 1.26 collisions per million vehicles calculated for similar conventional rolling 2 lanes or less with speeds less than or equal to 55mph.

**Figures 6** illustrate accident along study corridor. **Attachment C** contains additional details.

Key accident data findings include:

- Year 2016 with 12 accidents was observed as the year with highest number of accidents (32% of all accidents between 2015 - 2019).
- 74% of accidents happened on weekdays versus 26% on the weekends.
- Severity of accident are reported as follow:
  - 1 accident (3%) – Fatal
  - 5 accidents (13%) – Injury (severe)
  - 11 accidents (29%) – Injury (other visible)
  - 21 accidents (55%) – Injury (complaint of pain)
- The top two (2) most prominent accident types can be categorized as aggressive driving:
  - Improper Turning (39%)
  - Unsafe Speed (21%), and
  - Driving Under the Influence (18%)
- Approximately 42% of accidents involved hitting objects.
- No location trends on the private section of the road but accident groupings observed on County maintained sections.
- Motorcycles were involved in 7 accidents (18%)
- The accident rate is approximate 2x the state average

#### **4.0 VEHICLE MILES TRAVELED (VMT) REVIEW**

According to the County Transportation Study Guidelines (TSG), a review transportation Vehicle Miles Traveled (VMT) is required for transportation/infrastructure projects that result in an increase in additional motor vehicle capacity (such as constructing a new roadway or adding additional vehicle travel lanes on an existing roadway). While the proposed gated access does not result in an increase in roadway capacity, it does result in a potential change in the distance traveled with the restricted access to Sandia Creek Drive.

To evaluate the potential change in VMT with the gated access to Sandia Creek Drive, a manual VMT calculation method was conducted initially by County staff. LLG reviewed the County's VMT methodology and validated the approach for use in this letter report.

Consistent with rerouted travel patterns provided through the GPS data analytics, the primary trips cutting through Sandia Creek Drive per the County's documentation are

those oriented between I-15 in the north and Fallbrook, I-15 and Camp Pendleton North, and I-15 and SR-76 West.

For each of the three (3) origins/destinations, three (3) routes are generally observed:

*Route 1: Sandia Creek Drive*

*Route 2: E. Mission Road*

*Route 3: I-15 / SR-76 West*

Geographic Information Systems (GIS) was then used to determine the distances traveled for each route. From there, the rerouted ADT with gated access on Sandia Creek Drive were added to the alternative routes (Routes 2 and 3), and the total ADT were multiplied by the miles traveled. **Table 3** shows the VMT calculations with the gated access to Sandia Creek Drive. **Figures 7, 8 and 9** illustrate the miles traveled via the three (3) routes for each origin/destination, respectively.

As shown in **Table 3**, consistent with the County's initial findings, the rerouted traffic from the project would shorten trip lengths, and thus, reduce VMT by 3,776 or approximately 11%.

**TABLE 3**  
**VEHICLE MILES TRAVELED**

Route	Origin/Destination									Total VMT
	I-15 North to/from Fallbrook			I-15 North to/from Camp Pendleton North			I-15 North to/from SR-76 West			
	Distance	ADT	VMT	Distance	ADT	VMT	Distance	ADT	VMT	
Existing										
Sandia Creek Drive	15.0	629	9,435	20.8	956	19,885	21.1	191	4,030	33,350
Total Existing VMT										33,350
Existing with Project (Rerouted Trips)										
E. Mission Road	14.3	584	8,351	20.2	900	18,180	20.4	10	204	26,735
I-15 / SR-76 West	23.6	45	1,062	28.5	56	1,596	17.5	181	3,168	2,839
Total Existing with Project VMT										29,574
Net Reduction in VMT										(3,776)

**General Notes:**

1. Distance shown in miles.
2. ADT = Average daily trips.
3. VMT = Vehicle miles traveled. ADT x Distance = VMT.

## 5.0 LOCAL MOBILITY ANALYSIS (LMA)

### REROUTED NON-LOCAL TRAFFIC

To evaluate the potential implications to vehicular operations, non-local traffic was rerouted through E. Mission Road and SR-76. As discussed previously, 78% or 1776 ADT of the Sandia Creek Drive traffic are non-local traffic and assumed to be cut-through trips. The trips were proportionally reassigned to these alternate routes as shown below in *Table 4* and illustrated on *Figure 10*.

**TABLE 4**  
**NON-LOCAL TRAFFIC REROUTING**

To/From	E. Mission Road		SR-76/I-15		Total	
Southbound Rerouted Trips						
Fallbrook	175	100%	0	0%	175	100%
Camp Pendleton North	165	75%	54	25%	219	100%
SR-76 West	2	4%	51	96%	53	100%
Subtotal Southbound Rerouted Trips					447	
Northbound Rerouted Trips						
Fallbrook	409	90%	45	10%	454	100%
Camp Pendleton North	735	<100%	2	>0%	737	100%
SR-76 West	8	6%	130	94%	138	100%
Subtotal Northbound Rerouted Trips					1,329	
Total Non-Local Trips					1,776	78%

### LEVEL OF SERVICE (LOS)

To evaluate the effect on local area roadways with the rerouted traffic volumes, a Level of Service (LOS) analysis performed at the following two (2) intersections:

#### *Intersections*

1. E. Mission Road/ Old Highway 395
2. E. Mission Road/ N. Stagecoach Lane

A signalized intersection analysis was conducted under Existing and Existing with Project conditions during the 7:00-9:00AM and 4:00-6:00PM peak hours. The analysis was completed using the methodology found in Chapter 19 of the Highway Capacity Manual (HCM) 6, with the assistance of the *Synchro* (version 10) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection LOS

As shown in the table provided below, existing study area locations are calculated operate at acceptable LOS D or better conditions both without and with the project. Therefore, no Project-induced deficiencies were calculated.

**Table 5** shows the intersection analysis results. **Attachment B** contains copies of the Synchro LOS worksheets.

TABLE  
INTERSECTION OPERATIONS

Intersection	Control Type	Peak Hour	Existing		Existing with Project		$\Delta^c$	Threshold Exceeded?
			Delay <sup>a</sup>	LOS <sup>b</sup>	Delay	LOS		
1. E. Mission Road/ Old Highway 395	Signal	AM	23.7	C	27.3	C	3.6	n/a
		PM	43.2	D	52.0	D	8.8	n/a
2. E. Mission Road/ N. Stagecoach Lane	Signal	AM	15.6	B	17.2	B	1.6	n/a
		PM	34.0	C	43.9	D	9.9	n/a

**Footnotes:**

- Average delay expressed in seconds per vehicle.
- Level of Service.
- $\Delta$  denotes an increase in delay due to the addition of rerouted Sandia Creek Drive cut-through traffic.

**General Notes:**

- Threshold of 5.0 seconds for LOS E/F location exceeded? (yes/no)
- Existing volumes include a 25% increase due to pre-Covid adjustments.

SIGNALIZED

DELAY/LOS THRESHOLDS

Delay	LOS
0.0 ≤ 10.0	A
10.1 to 20.0	B
20.1 to 35.0	C
35.1 to 55.0	D
55.1 to 80.0	E
≥ 80.1	F

## 6.0 SUMMARY OF FINDINGS & RECOMMENDATIONS

Sandia Creek Drive is a privately maintained road with on-going maintenance issues and safety concerns due to non-local traffic.

Key findings from the transportation review include:

- The accident rate on Sandia Creek Drive is approximate 2 times the State average
- 78% of the traffic on Sandia Creek Drive is non-local and likely cut-through trips.
- Consistent with the County's initial findings, the rerouted traffic from the project would shorten trip lengths, and thus, reduce VMT by 3,776 or approximately 11%.
- No Project-induced LOS deficiencies were calculated, and the studied intersections will operate at an acceptable LOS D or better.

Despite no VMT or LOS deficiencies identified, the following are recommended to implement the project:

Public Right-of-Way Recommendations

1. Given Rock Mountain Drive will be utilized as a turnaround for the northbound direction, it is recommended that corner sight visibility be provided at this intersection. Initial review indicates visibility may be compromised due to vegetation as shown below (looking northbound).

*Sandia Creek Drive & Rock Mountain Drive*



2. Stopping sight distance should be verified by the City Engineer for each direction to ensure vehicles have adequate stopping time as vehicles approach the gate.
3. Provide appropriate advance warning signage, advisory signage, and any appropriate traffic control (i.e. stop sign) at the gate.
4. Provide appropriate roadway lighting and reflectivity requirements at the gate.
5. Continue to monitor accident frequency and severity after the installation of the gate. The reduced volumes due to the project may reduce accident frequency but not necessarily severity. A corridor safety analysis is recommended to ensure no inherent roadway deficiencies need to be addressed.



Gate-Specific Recommendations

6. Special consideration should be given to gate processing times to minimize queuing. Gate communications (i.e. proximity card reader, etc.) and operations (i.e. gate actuation) all factor into the total time required to process a vehicle. This may be particularly important in the northbound direction given the gate is in close proximity to Rock Mountain Drive.
7. Emergency vehicle access shall always be provided. Additional consideration should be given to delivery and service vehicle access, as well as visitor access. Key code, intercom, resident remote access could all be considered.
8. High resolution cameras are recommended to encourage compliance with the gate control.

Sincerely,

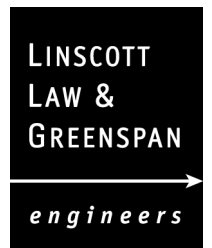
**Linscott, Law & Greenspan, Engineers**



Walter Musial PE, RSP  
Principal

Figures:      Figure 1 – Project Area Map  
                    Figure 2 – Gate Location  
                    Figure 3 – Turnaround Location  
                    Figure 4 – Existing Traffic Volumes  
                    Figure 5 – Existing Travel Patterns  
                    Figure 6 – Accident Data  
                    Figure 7 – To/From Fallbrook  
                    Figure 8 – To/From Camp Pendleton  
                    Figure 9 – To/From SR-76 West  
                    Figure 10 – Rerouted Travel Patterns

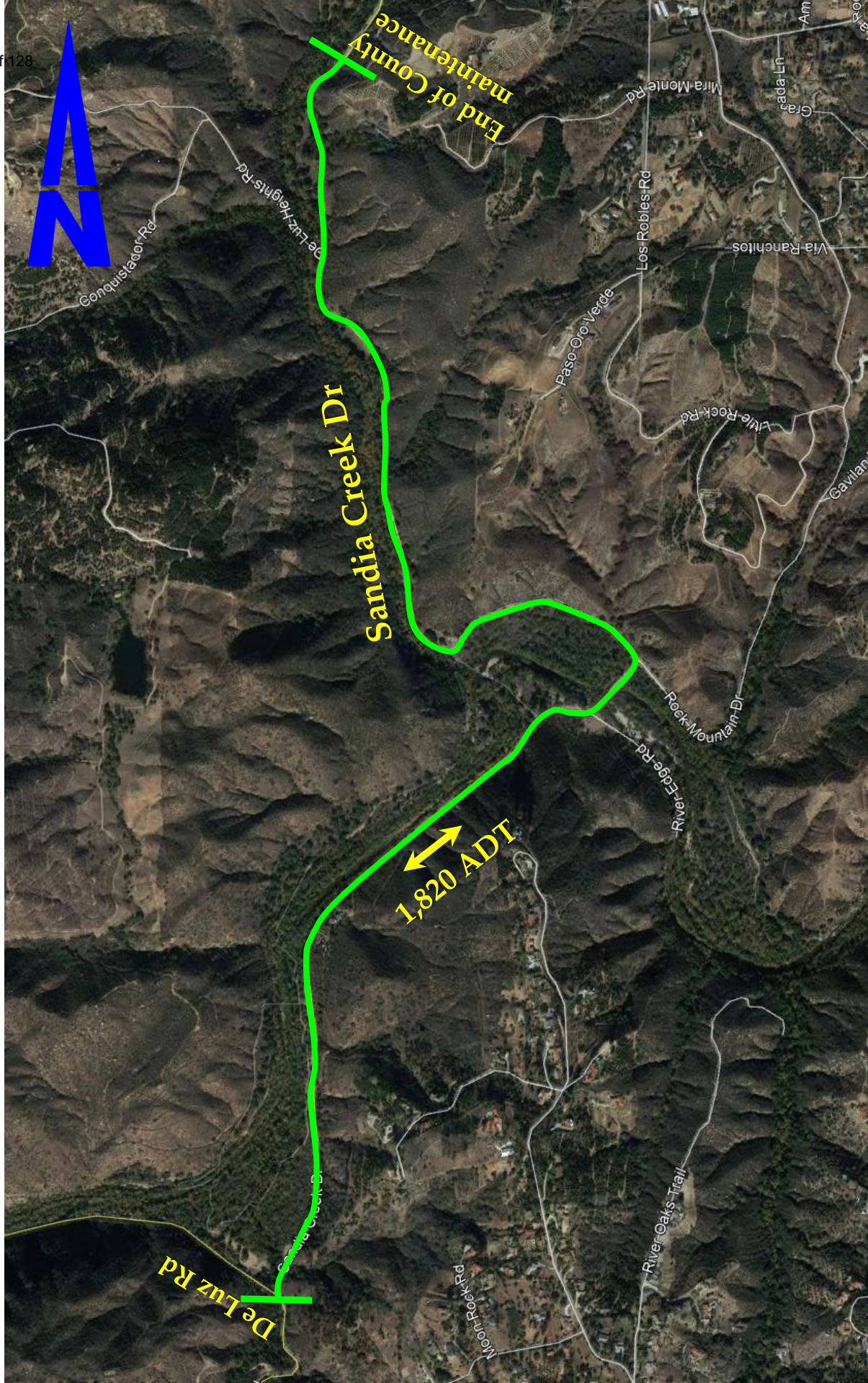
Attachments: Attachment A – Existing Data Collection  
                    Attachment B – Intersection Analysis Worksheets  
                    Attachment C – Accident Data Review



## **EXHIBIT F**

## 5-B. Weight Restriction

Sandia Creek Rd from De Luz Rd to end of County maintenance  
(2.61 mi)





## SAN DIEGO COUNTY TRAFFIC ADVISORY COMMITTEE

**COMMITTEE REPORT OF:** June 12, 2020 **Item 5-B**

**SUPERVISORIAL DISTRICT:** 5

**SUBJECT:** Weight Restriction

**LOCATION:** Sandia Creek Road from De Luz Road to end of County maintenance (a distance of 2.61 miles)  
FALLBROOK (Thos. Bros. 997-F7)

**INITIATED BY:** DPW Traffic Engineering

**REQUEST:** Commercial Weight Restriction

**PROBLEM AS STATED BY REQUESTER:**

Sandia Creek Road from De Luz Road to End of County Maintenance is a residential area as defined in the County Traffic Guidelines. Large commercial vehicles have used this roadway as an alternative route to Interstate 15 and East Mission Road. The narrow roadway is substandard for large vehicle traffic, being.

**Existing Traffic Devices**

Sandia Creek Road is a striped two-lane local roadway 25-feet in width. The roadway is striped with a no passing centerline. There are speed advisory curves along the segment. The roadway is classified as a Minor Collector (2.3C) in the County General Plan Mobility Element Network primarily intended for residential neighborhoods or for rural areas with steep slopes and physical constraints. The roadway has a 55 MPH unposted speed zone.

<b><u>Average Daily Traffic Volumes</u></b>	<b><u>08/19</u></b>
Sandia Creek Road:	
3,000' N/o Rock Mountain Drive	1,820

<b><u>Truck Survey</u></b>	<b><u>08/13/19 (12:00am to 11:59pm)</u></b>	<b><u>08/14/19 (12:00am to 11:59pm)</u></b>
2 Axle Trucks	3	3
3 Axle Trucks	8	10
4 Axle Trucks	1	0
5 Axle Trucks	0	0
6 Axle Trucks	0	1

**Collision Data**

There have been 13 reported collisions along this segment of roadway, none of which involved a truck, in a 3 year period (01-01-17 to 12-31-19). These collisions result in a segment accident rate of 2.51 collisions per million vehicle miles. The statewide average is 1.26 collisions per million vehicle miles for similar rural conventional rolling 2 lanes or less with speeds less than or equal to 55 mile per hour.



## County of San Diego

**BRIAN ALBRIGHT**  
DIRECTOR

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SAN DIEGO, CA 92123-1237  
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### COUNTY TRAFFIC ENGINEER RECOMMENDATION

Date: May 27, 2020

Item Title: Weight Restriction

Location: Sandia Creek Drive

CTE Recommendation: Establish Commercial Weight Restriction

Conditions:

- California Vehicle Code (CVC) Sections 35712 and 35715 state that a County may, by ordinance, prohibit commercial vehicle exceeding a gross weight of 14,000 pounds for using a residential or subdivision area roadways and a truck Route designation and signage have to be established before the Ordinance is effective.
- The County Traffic Guidelines adopted by the Board of Supervisor on March 4, 2015 (Resolution 15-021) provides a description of a residential area where a roadway is predominately abutting residential units.
- Sandia Creek Drive is within a residential area as defined by the County Traffic Guidelines and its geometric alignment is substandard for truck traffic.
- An alternate truck route is hereby, identified as East Mission Road to Interstate 15 as required by the CVC Section 35715.

- Therefore, a commercial weight restriction of 14,000 pounds should be established for Sandia Creek Drive from De Luz Road north to the End of County Maintenance.



**VOLUME**

Sandia Creek Dr 3000' N/O Rock Mountain Dr

Day: Tuesday  
Date: 8/13/2019City: Fallbrook  
Project #: CA19\_4311\_002

DAILY TOTALS					NB	SB						EB	WB	Total
					1,345	485						0	0	1,830
AM Period	NB	SB	EB	WB	TOTAL		PM Period	NB	SB	EB	WB	TOTAL		
00:00	0	0	0	0			12:00	6	4	0	0	10		
00:15	0	0	0	0			12:15	8	4	0	0	12		
00:30	0	0	0	0			12:30	2	8	0	0	10		
00:45	0	0	0	0			12:45	4	20	2	18	6		38
01:00	0	0	0	0			13:00	7	3	0	0	10		
01:15	0	0	0	0			13:15	4	7	0	0	11		
01:30	0	0	0	0			13:30	4	5	0	0	9		
01:45	0	0	0	0			13:45	11	26	4	19	15		45
02:00	0	0	0	0			14:00	8	4	0	0	12		
02:15	0	0	0	0			14:15	15	9	0	0	24		
02:30	1	0	0	0	1		14:30	18	5	0	0	23		
02:45	0	1	0	0	1		14:45	17	58	11	29	28		87
03:00	0	1	0	0	1		15:00	37	7	0	0	44		
03:15	0	1	0	0	1		15:15	48	8	0	0	56		
03:30	0	0	0	0			15:30	53	9	0	0	62		
03:45	0	0	2	0	2		15:45	80	218	9	33	89		251
04:00	0	0	0	0			16:00	95	4	0	0	99		
04:15	0	1	0	0	1		16:15	94	7	0	0	101		
04:30	1	3	0	0	4		16:30	115	1	0	0	116		
04:45	2	3	2	6	4		16:45	117	421	4	16	121		437
05:00	1	5	0	0	6		17:00	112	7	0	0	119		
05:15	2	6	0	0	8		17:15	105	4	0	0	109		
05:30	10	5	0	0	15		17:30	86	2	0	0	88		
05:45	12	25	21	37	33		17:45	61	364	2	15	63		379
06:00	5	37	0	0	42		18:00	17	1	0	0	18		
06:15	6	38	0	0	44		18:15	33	3	0	0	36		
06:30	4	41	0	0	45		18:30	15	2	0	0	17		
06:45	10	25	27	143	37		18:45	4	69	6	12	10		81
07:00	6	18	0	0	24		19:00	9	1	0	0	10		
07:15	3	19	0	0	22		19:15	5	6	0	0	11		
07:30	3	11	0	0	14		19:30	3	2	0	0	5		
07:45	3	15	10	58	13		19:45	1	18	3	12	4		30
08:00	9	5	0	0	14		20:00	1	3	0	0	4		
08:15	4	9	0	0	13		20:15	3	2	0	0	5		
08:30	3	3	0	0	6		20:30	1	1	0	0	2		
08:45	2	18	2	19	4		20:45	2	7	1	7	3		14
09:00	3	2	0	0	5		21:00	0	3	0	0	3		
09:15	3	3	0	0	6		21:15	0	2	0	0	2		
09:30	4	2	0	0	6		21:30	0	1	0	0	1		
09:45	4	14	4	11	8		21:45	3	3	1	7	4		10
10:00	4	6	0	0	10		22:00	1	1	0	0	2		
10:15	10	5	0	0	15		22:15	1	0	0	0	1		
10:30	3	4	0	0	7		22:30	2	1	0	0	3		
10:45	3	20	8	23	11		22:45	2	6	0	2	2		8
11:00	3	1	0	0	4		23:00	0	2	0	0	2		
11:15	1	6	0	0	7		23:15	1	1	0	0	2		
11:30	5	3	0	0	8		23:30	1	0	0	0	1		
11:45	3	12	3	13	6		23:45	0	2	0	3	5		
TOTALS	133		312		445		TOTALS	1212		173		1385		
SPLIT %	29.9%		70.1%		24.3%		SPLIT %	87.5%		12.5%		75.7%		

DAILY TOTALS					NB	SB						EB	WB	Total
					1,345	485						0	0	1,830
AM Peak Hour	05:30	06:00		06:00			PM Peak Hour	16:30	14:45		16:30			
AM Pk Volume	33	143		168			PM Pk Volume	449	35		465			
Pk Hr Factor	0.688	0.872		0.933			Pk Hr Factor	0.959	0.795		0.961			
7 - 9 Volume	33	77	0	110			4 - 6 Volume	785	31	0	816			
7 - 9 Peak Hour	07:30	07:00		07:00			4 - 6 Peak Hour	16:30	16:15		16:30			
7 - 9 Pk Volume	19	58	0	73			4 - 6 Pk Volume	449	19	0	465			
Pk Hr Factor	0.528	0.763	0.000	0.760			Pk Hr Factor	0.959	0.679	0.000	0.961			

## VOLUME

**City:** Fallbrook  
**Project #:** CA19\_4311\_002

DAILY TOTALS				NB	SB	EB				WB	Total
				1,380	429	0				0	1,809
AM Peak Hour	07:30	06:00		06:00	PM Peak Hour	16:30	14:45		16:30		
AM Pk Volume	31	97		122	PM Pk Volume	421	32		441		
Pk Hr Factor	0.705	0.836		0.726	Pk Hr Factor	0.923	0.667		0.926		
7 - 9 Volume	49	72	0	0	121	4 - 6 Volume	768	42	0	810	
7 - 9 Peak	07:30	07:00		07:00	4 - 6 Peak Hour	16:30	17:00		16:30		
7 - 9 Pk Volume	31	42	0	0	65	4 - 6 Pk Volume	421	22	0	441	
Pk Hr Factor	0.705	0.553	0.000	###	0.707	Pk Hr Factor	0.923	0.688	0.000	##	0.926



## **EXHIBIT G**





GATE NOTES:

- 1) ALL GATES SHALL BE EQUIPPED WITH KNOX GATE & KEY SWITCH FOR BOTH NORTH COUNTY FIRE DEPARTMENTS & RIVERSIDE COUNTY FIRE DEPARTMENTS
- 2) ALL GATES SHALL BE EQUIPPED WITH OPTICON REMOTE ENTRY SYSTEMS FOR FIRE EMERGENCY ACCESS.
- 3) GATE ENTRY STRUCTURE SHALL NOT EXCEED A HEIGHT OF 12 FEET
- 4) GATE ENTRY STRUCTURES SHALL BE LOCATED AT LEAST 50 FEET FROM ANY ROAD RIGHT OF WAY OR ROAD EASEMENTS THAT INTERSECT THE GATED ACCESS.
- 5) FOR FIRE PROTECTION ACCESS, GATE ENTRY STRUCTURES SHALL PROVIDE A MINIMUM VERTICAL CLEARANCE OF 13 FEET, 6 INCHES FOR VEHICLES.
- 6) AN AUTOMATIC GATE ACROSS A FIRE ACCESS ROADWAY OR DRIVEWAY SHALL BE EQUIPPED WITH AN APPROVED EMERGENCY KEY-OPERATED SWITCH OVERRIDING ALL COMMAND FUNCTIONS AND OPENING THE GATE.
- 7) A GATE ACCESSING MORE THAN FOUR RESIDENCES OR RESIDENTIAL LOTS OR A GATE ACCESSING HAZARDOUS INDUSTRIAL, EDUCATIONAL OR ASSEMBLY OCCUPANCY GROUP STRUCTURE, SHALL ALSO BE EQUIPPED WITH AN APPROVED EMERGENCY RADIO CONTROL-ACTIVATING STROBE LIGHT SENSOR OR OTHER DEVICE APPROVED BY THE FIRE CODE OFFICIAL, WHICH WILL ACTIVATE THE GATE ON THE APPROACH OF EMERGENCY APPARATUS.
- 8) AN AUTOMATIC GATE SHALL BE PROVIDED WITH A BATTERY BACK-UP OR MANUAL MECHANICAL DISCONNECT IN CASE OF POWER FAILURE.
- 9) AN AUTOMATIC GATE SHALL MEET FIRE DEPARTMENT POLICES DECIDED NECESSARY BY THE FIRE CODE OFFICIAL FOR RAPID, RELIABLE ACCESS.
- 10) WHEN REQUIRED BY THE FIRE CODE OFFICIAL, AN AUTOMATIC GATE IN EXISTENCE AT THE TIME OF ADOPTION OF THIS CHAPTER IS REQUIRED TO INSTALL AN APPROVED EMERGENCY KEY-OPERATED SWITCH OR OTHER MECHANISM APPROVED BY THE FIRE CODE OFFICIAL, AT AN APPROVED LOCATION, WHICH OVERRIDES ALL COMMAND FUNCTIONS AND OPENS THE GATE. A PROPERTY OWNER SHALL COMPLY WITH THIS REQUIREMENT WITHIN 90 DAYS OF RECEIVING WRITTEN NOTICE TO COMPLY.
- 11) WHERE THIS SECTION REQUIRES AN APPROVED KEY-OPERATED SWITCH, IT MAY BE DUAL-ACTED OR EQUIPPED WITH DUAL SWITCHES PROVIDED TO FACILITATE ACCESS BY LAW ENFORCEMENT PERSONNEL.
- 12) ELECTRIC GATE OPENERS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASIM F2200.
- 13) ALL GATES SHALL BE EQUIPPED WITH APPROVED VEHICLE STROBE LIGHT DETECTORS CAPABLE OF DETECTING EMERGENCY VEHICLE PULSING STROBE LIGHTS FROM ANY DIRECTION OF VEHICLE APPROACH, OVERRIDING ALL COMMANDS AND OPENING THE GATE.
- 14) EXIT LOOP DETECTORS SHALL ACTIVATE (OPEN) BY VEHICLE DETECTOR LOOPS IN THE ROADWAY AND SHALL BE INDEPENDENT OF ANY OTHER DEVICE.
- 15) GATES SHALL AUTOMATICALLY OPEN USING BATTERY POWER IN CASE OF POWER FAILURE, OR OTHER MEANS APPROVED BY THE FIRE DEPARTMENT OR DISCONNECTING LOCKS AND OPENING THE GATE SHALL BE PROVIDED, TO EXPEDITE ENTRY.
- 16) BOTH GATES SHALL BE PROVIDED WITH A REMOTE RADIO SWITCH THAT CAN BE OPERATED BY EMERGENCY DISPATCHERS DURING TIMES OF EMERGENCY AND/OR EVACUATIONS. FIELD TEST/FIRE INSPECTION OF GATES WILL BE PERFORMED PRIOR TO CLOSING GATE.
- 17) FALLBROOK PUBLIC UTILITY DISTRICT SHALL BE PROVIDED ACCESS TO THE PRIVATE ROAD AND GATES SHALL REMAIN OPEN IN THE EVENT OF A POWER FAILURE.
- 18) GATE SHALL BE PROVIDED WITH A REMOTE RADIO SWITCH THAT CAN BE OPERATED BY EMERGENCY DISPATCHERS DURING TIMES OF EMERGENCY AND/OR EVACUATIONS. FIELD TEST/FIRE INSPECTION OF THE GATE WILL BE PERFORMED PRIOR TO CLOSING THE GATE.

ADDITIONAL APPLICABLE FIRE CODES:

- 503.1  
FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED AND MAINTAINED IN ACCORDANCE WITH SECTIONS 503.1.1 THROUGH 503.1.3.
- 503.4 - OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS  
FIRE APPARATUS ACCESS ROADS SHALL NOT BE OBSTRUCTED IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES. THE MINIMUM WIDTHS AND CLEARANCES ESTABLISHED IN SECTIONS 503.2.1 AND 503.2.2 SHALL BE MAINTAINED AT ALL TIMES.
- 503.4.1 - TRAFFIC CALMING DEVICES  
TRAFFIC CALMING DEVICES SHALL BE PROVIDED UNLESS APPROVED BY THE FIRE CODE OFFICIAL.
- 503.5 - REQUIRED GATES OR BARRICADES  
THE FIRE CODE OFFICIAL IS AUTHORIZED TO REQUIRE THE INSTALLATION AND MAINTENANCE OF GATES OR OTHER APPROVED BARRICADES ACROSS FIRE APPARATUS ACCESS ROADS, TRAILS OR OTHER ACCESSWAYS, NOT INCLUDING PUBLIC STREETS, ALLEYS OR HIGHWAYS. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASIM F2200.
- 503.5.1 - SECURED GATES & BARRICADES  
WHERE REQUIRED, GATES AND BARRIERS SHALL BE SECURED IN AN APPROVED MANNER. ROADS, TRAILS AND OTHER ACCESSWAYS THAT HAVE BEEN CLOSED AND OBSTRUCTED IN THE MANNER PRESCRIBED BY SECTION 503.5 SHALL NOT BE TRESPASSED ON OR USED UNLESS AUTHORIZED BY THE OWNER AND THE FIRE CODE OFFICIAL.
- EXCEPTION: THE RESTRICTION ON USE SHALL NOT APPLY TO PUBLIC OFFICERS ACTING WITHIN THE SCOPE OF DUTY.
- 503.6 - SECURITY GATES  
THE INSTALLATION OF SECURITY GATES ACROSS A FIRE APPARATUS ACCESS ROAD SHALL BE APPROVED BY THE FIRE CODE OFFICIAL. WHERE SECURITY GATES ARE INSTALLED, THEY SHALL HAVE AN APPROVED MEANS OF EMERGENCY OPERATION. THE SECURITY GATES AND THE EMERGENCY OPERATION SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASIM F2200.

OWNER NO. 1  
APN: 101-381-41-00  
NAME: 4024 SANDIA CREEK DRIVE  
ADDRESS: FALLBROOK  
CITY: CALIFORNIA  
STATE: 92208  
ZIP: 92208  
PHONE: .  
FAX: .  
EMAIL: .

OWNER NO. 2  
APN: 101-381-20-00  
NAME: 4027A SANDIA CREEK DRIVE  
ADDRESS: FALLBROOK  
CITY: CALIFORNIA  
STATE: 92208  
ZIP: 92208  
PHONE: .  
FAX: .  
EMAIL: .

VICINITY MAP

OWNER INFORMATION

CONTACT INFORMATION

PARCEL INFORMATION

PROJECT SCOPE

PLOT PLAN INFORMATION

SHEET TITLE

SEE SHEET 1

SEE ABOVE

NAME: Y&L ENGINEERING, ALINE MICHAEL WALTZ  
ADDRESS: 3100 TIBERCLIFF PARKWAY, #20  
CITY: TIBERCLIFF  
STATE: CALIFORNIA  
ZIP: 92282  
PHONE: (951) 296-3000  
FAX: .  
EMAIL: Y&LENGINEERING@GMAIL.COM

APN: 101-381-41-00  
SITE ADDRESS: 4024 SANDIA CREEK DRIVE  
FALLBROOK, CA 92208

APN: 101-381-20-00  
SITE ADDRESS: 4027A SANDIA CREEK DRIVE  
FALLBROOK, CA 92208

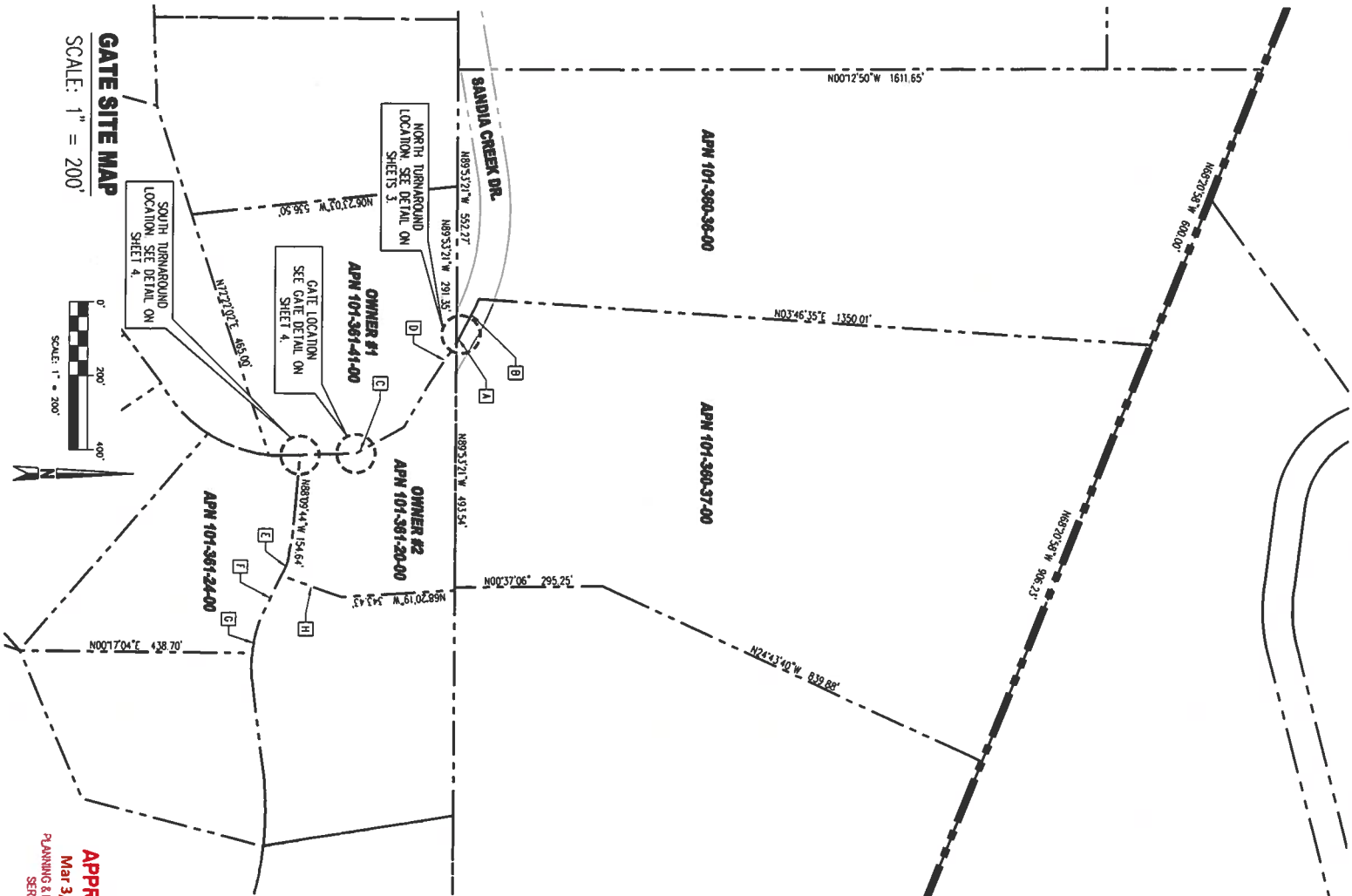
I CERTIFY THAT I HAVE READ ALL ZONING REGULATIONS AND BEST MANAGEMENT PRACTICES (BMP) NOTES AND THAT I AM THE DESIGNER OF THE PROPOSED PROJECT.

DESIGNER SIGNATURE REQUIRED

DATE

PROPOSED:  
THIS PROJECT PROPOSES TO CONSTRUCT AND OPERATE ONE GATE PHYSICALLY LOCATED ON THE PRIVATE PORTION OF SANDIA CREEK DRIVE. THE PURPOSE IS TO CREATE A SITE DEVELOPMENT FOR RESIDENTIAL PROPERTY OWNERS TO PROVIDE ACCESS TO THEIR PROPERTIES, MINIMIZE THE COST TO THE PROPERTY OWNERS WHO ARE ALONE RESPONSIBLE TO MAINTAIN THE PRIVATE ROAD, AND USE THE ROAD EXPOSURE BY RESERVING USE OF OUR PRIVATE ROAD. THE GATE OPERATING 24 HOURS A DAY, 7 DAYS A WEEK, WILL ALLOW PROPERTY OWNERS, RESIDENTS, GUESTS, EMERGENCY RESPONDERS, SERVICE COMPANIES, AND OTHER LEGAL EASEMENT HOLDERS TO HAVE ACCESS VIA ROUTE/KEYPAD CODE, APPROPRIATE LIGHTING, SURVEILLANCE, SIGAGE, ET AL AS REQUIRED BY NCTD/SDCO PDS HAVE BEEN INCORPORATED.

LINE DATA			
NO	BEARING/BEARING	LENGTH	STATUS
A	N60°41'48"W	28.22'	-
B	08°13'44"	71.81	500.00'
C	76°37'18"	414.56'	310.00'
D	N60°41'48"W	74.47'	-
E	22°22'39"	97.64'	250.00'
F	N65°47'05"W	102.41'	-
G	15°05'36"	52.69'	200.00'
H	N47°40'47"E	100.00'	-



APPROVED  
Mar 3, 2021  
PLANNING & DEVELOPMENT  
SERVICES

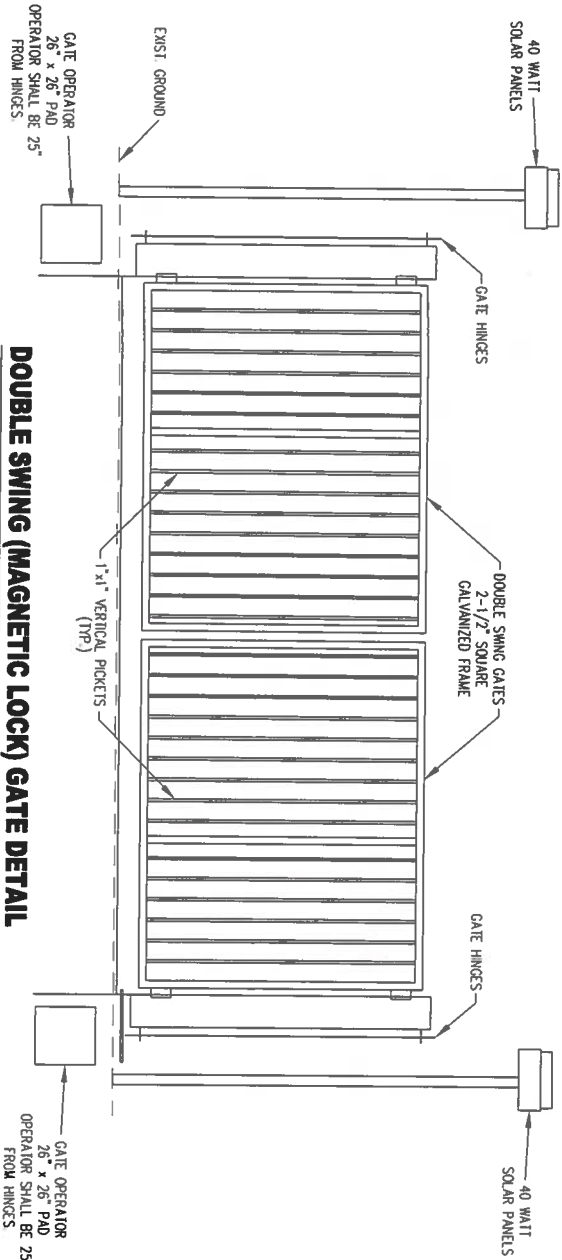
NOTES & GATE SITE MAP

SHEET NUMBER

2 OF 4

PDS 040 (REV 01/10/2017)  
BUILDING PLOT PLAN TEMPLATE





NOTE:  
SEE SOUTH GATE PLAN, HEREON, FOR SENSOR LOOP LAYOUT  
GATES AND GATE STRUCTURES SHALL NOT EXCEED 12 FEET IN HEIGHT

DOUBLE SWING (MAGNETIC LOCK) GATE DETAIL

OWNER NO. 1  
APN: 101-361-41-00  
NAME: 4024 SANDIA CREEK DRIVE  
CITY: FALLBROOK  
STATE: CALIFORNIA  
ZIP: 92028  
PHONE:  
FAX:  
EMAIL:

OWNER NO. 2  
APN: 101-361-36-00  
NAME: 4027A SANDIA CREEK DRIVE  
CITY: FALLBROOK  
STATE: CALIFORNIA  
ZIP: 92028  
PHONE:  
FAX:  
EMAIL:

VICINITY MAP

OWNER INFORMATION

CONTACT INFORMATION

PARCEL INFORMATION

PROJECT SCOPE

PLOT PLAN INFORMATION

SHEET TITLE

SEE SHEET 1

SEE ABOVE

NAME: V&L ENGINEERING, ATTORNEY VALERIE  
ADDRESS: 3100 TIBBOLA PARKWAY, #102  
CITY: TIBBOLA  
STATE: CALIFORNIA  
ZIP: 92022  
PHONE: (601) 296-3000  
FAX:  
EMAIL: V&LENGINEERING@GMAIL.COM

APN: 101-361-41-00  
SITE ADDRESS: 4024 SANDIA CREEK DRIVE  
FALLBROOK, CA 92028

APN: 101-361-36-00  
SITE ADDRESS: 4027A SANDIA CREEK DRIVE  
FALLBROOK, CA 92028

I CERTIFY THAT I HAVE READ ALL ZONING REGULATIONS AND BEST MANAGEMENT PRACTICES (BMP) NOTES AND THAT I AM THE DESIGNER OF THE PROPOSED PROJECT.

DESIGNER SIGNATURE REQUIRED

DATE

PROPOSED:  
THIS PROJECT PROPOSES TO CONSTRUCT AND OPERATE ONE GATE PHYSICALLY LOCATED ON THE PRIVATE PORTION OF SANDIA CREEK DRIVE. THE PURPOSE IS TO CREATE A SAFE ENVIRONMENT FOR RESIDENTS/PROPERTY OWNERS TO TRAVEL TO THEIR HOMES/PROPERTIES WITHOUT THE COST TO THE PROPERTY OWNERS WHO ARE ALONE RESPONSIBLE TO MAINTAIN THE PRIVATE ROAD, AND LIMIT THE LIABILITY EXPOSURE BY RESIDING ON USE OF OUR PRIVATE ROAD. THE GATE OPERATING 24 HOURS A DAY, 7 DAYS A WEEK WILL ALLOW PROPERTY OWNERS, RESIDENTS, GUESTS, EMERGENCY RESPONDERS, SERVICE COMPANIES, AND OTHER LEGAL EASEMENT HOLDERS TO HAVE ACCESS VIA ROUTE/ACCESS PAD CODE, APPROPRIATE LIGHTING, SURVEILLANCE, SIGNALS, ET AL AS REQUIRED BY NCDOT/SDOT PERMITS HAVE BEEN INCORPORATED.

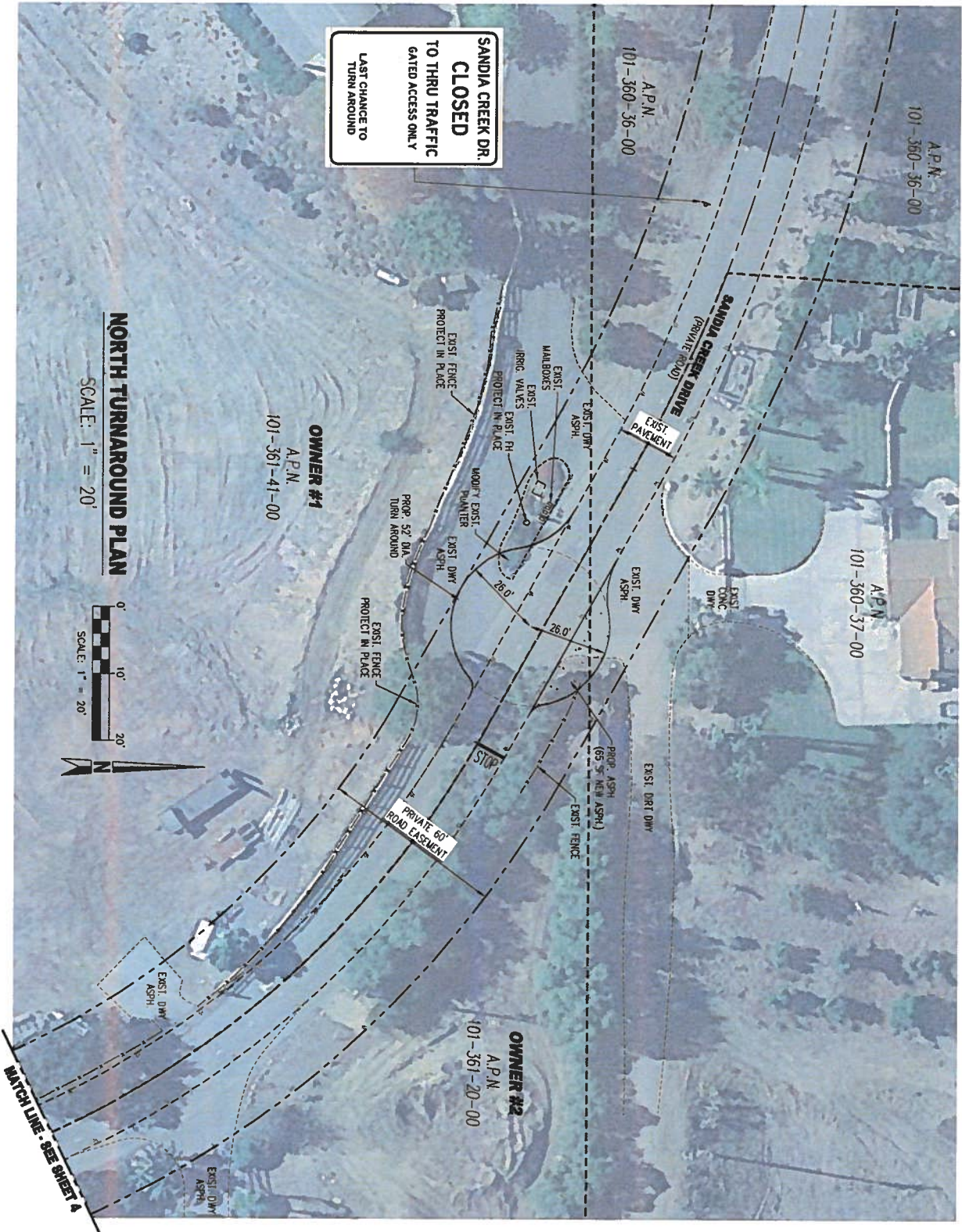
GATE DETAILS &  
NORTH GATE PLAN

SHEET NUMBER

3 OF 4

PRD 040 (REV. 01/01/2017)  
BUILDING PLOT PLAN TEMPLATE

APPROVED  
Mar 3, 2021  
PLANNING & DEVELOPMENT  
SERVICES





<b>SHEET TITLE</b>	<b>SOUTH GATE SITE MAP &amp; SOUTH GATE PLAN</b>
<b>SHEET NUMBER</b>	<b>4 OF 4</b>
PDS 040 (REV. 01/01/2017) BUILDING PLOT PLAN TEMPLATE	



## **EXHIBIT H**







**From:** [noreply@granicusideas.com](mailto:noreply@granicusideas.com)  
**To:** [Barnhart, Douglas](#); [Calvo, Yolanda](#); [Edwards, Michael \(LUEG\)](#); [Flannery, Kathleen](#); [Hitzke, Ginger](#); [Hough, Tommy](#); [Jimenez, Ann](#); [Nicoletti, Vince](#); [Pallinger, David](#); [Ashman, Ronald](#); [Slovick, Mark](#); [Smith, Ashley](#); [Talleh, Rami](#); [Tessitore, Lynnette](#); [Koutoufidis, Nicholas](#)  
**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 8:20:13 AM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Alma Carpenter submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I OPPOSE this Appeal & ask the planning Commission to DENY it. The comment posted here by Mellisa Alvis is 2-yo & outdated Fire Chief Stephen Abbott, 6/1/21 email states: "the gate(s) meet or exceed standards, at this juncture what opinions we may have would now appear to be moot". This Road is 2x MORE dangerous than similar roads in our state! 3600+ cars use this road daily to avoid I-15. They don't even live in our community! GATE this road ASAP. Before more people die using it!

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 11:31:53 AM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Austin Gerwig submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: DENY the appeal. I am tailgated when driving the speed limit. I narrowly miss being in accidents nearly everyday when drivers pass me illegally. I MUST use this road to get home. The commuters can use a safer, public road. NO PUBLIC MONEY is spent on our private road. How is it legal for a County to allow public traffic to continue on a private road leaving a small community with the bill for repair & maintenance? Less traffic is safer for everyone & better for the environment. Deny the appeal!

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 6:19:26 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Bessie Mundorf submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: This is a private road , its dangerous how people drive up here ! We risk our life everyday checking our mailbox...

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 9:04:02 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Beth Abshire submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: Please deny the appeal and allow the gates to be installed. I have lived in the De Luz neighborhood for 20+ years and the traffic and related accidents on Sandia Creek and De Luz road is out of control. These privately maintained roads were not designed for this volume of traffic and nor were our road maintenance budgets. It got so bad that my daughter raised money and got a Riverside County grant to have a traffic calming Radar Speed sign installed to help combat the speeding on Sandia Creek.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 3:05:15 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Brian Goodell submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I am 18 and I can vote now, I vote to stop this appeal at your meeting. It is not fair that only 3 houses/families out of the whole neighborhood can vote by appeal to control what the rest of us want = safe neighborhood. Looking down from my house, a father/ husband died in an accident, please don't let that happen again. A GATE CONTROLS TRAFFIC and keeps bad drivers off out private road.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 9:40:36 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Brian Goodell submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I oppose this appeal from 3 neighbors of mine, This is our private road. These impossible people who are appealing and do not want a gate, do not understand the needs of my two sons, my elderly mom, the postman, bus driver, who have to drive with reckless drivers every day. THE GATE MEANS SAFETY, SELFLESSNESS, PEACE OF MIND, TOLERANCE AND ONE MINUTE OF INCONVENIENCE TO OPEN A GATE. (see comment from 18 yr Son, Christian

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 9:15:03 AM

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## New eComment for Planning Commission Hearing

Chuck Bowman submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: As a resident of the Sandia Creek area, I strongly OPPOSE the appeal. increased traffic seems inconsistent with increased population and timed to coincide with commuters attempting to avoid overcrowded public roads. Concerns for safety and access for residents are addressed. I live on a road forming a loop which provides an opportunity for the commuting traffic to "get around" slower traffic on Sandia Creek, creating a raceway at commute times which is extremally dangerous. PLEASE DENY.

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**Date:** Monday, June 7, 2021 8:45:18 AM

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## New eComment for Planning Commission Hearing

Deb Blackburn submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: Oppose the appeal.

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**Date:** Friday, June 4, 2021 5:19:07 PM

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## New eComment for Planning Commission Hearing

Deborah Blackburn submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I fully support the road closure. Two deaths in the past two years with no viable options left to us to reduce traffic, road wear and tear, and enforce 20 mph speed on our private road to prevent death. It is imperative that we expedite this decision/process before future loss of life occurs. Thank you for your time.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 4:28:58 PM

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## New eComment for Planning Commission Hearing

Eduardo Ojeda submitted a new eComment.

Meeting: Planning Commission Hearing

Item: [www.sandiegocounty.gov/pds/PCHearing](http://www.sandiegocounty.gov/pds/PCHearing). Large groups wishing to comment on a common item are encouraged to submit e-comments or to identify one spokesperson to join the teleconference on behalf of the group. If you have any questions, please contact the Planning Commission Secretary at [Ann.Jimenez@sdcounty.ca.gov](mailto:Ann.Jimenez@sdcounty.ca.gov).

eComment: We strongly oppose to this Non sense appeal...! Thank you ! Sincerely, Freddy Ojeda Irasema Armendariz

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 4:03:54 PM

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## New eComment for Planning Commission Hearing

George Keith submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: Oppose, The maintenance of the 2 1/2 miles is not paid for by county, after we fix the holes 4000 + daily trucks and cars, destroy the work we have done. THE ROAD IS NOT SAFE BECAUSE = 21% downhill grade, illegal passing, driving speeds, drivers using cells, road rage. We the owners need you to deny this appeal so we can repair pot holes and have a safe secure road.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 2:30:03 PM

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## New eComment for Planning Commission Hearing

Gerald Allen submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: We need this gate to stop all of the "WAZE" and military traffic coming through De Luze, damaging our underfunded roads and causing many problems. Sandia creek was never meant to be a thoroughfare. I have lived on Sandia Creek for over 20 years and traffic gets worse and less safe every year. We have been working on getting this gate for the community for years. Whoever is appealing this is doing it for self serving reasons and not for the good of the community.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 2:26:16 PM

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## New eComment for Planning Commission Hearing

Gerald Allen submitted a new eComment.

Meeting: Planning Commission Hearing

Item: [www.sandiegocounty.gov/pds/PCHearing](http://www.sandiegocounty.gov/pds/PCHearing). Large groups wishing to comment on a common item are encouraged to submit e-comments or to identify one spokesperson to join the teleconference on behalf of the group. If you have any questions, please contact the Planning Commission Secretary at [Ann.Jimenez@sdcounty.ca.gov](mailto:Ann.Jimenez@sdcounty.ca.gov).

eComment: We need this gate to stop all of the "WAZE" and military traffic coming through De Luze, damaging our underfunded roads and causing many problems. Sandia creek was never meant to be a thoroughfare. I have lived on Sandia Creek for over 20 years and traffic gets worse and less safe every year. We have been working on getting this gate for the community for years. Whoever is appealing this is doing it for self serving reasons and not for the good of the community.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 9:51:20 PM

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## New eComment for Planning Commission Hearing

Gina Rawson submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: We need this gate. Too much traffic and too many accidents. Sandia Creek was never made for over 4000 cars a day traveling it. Something needs to be done before more lives are lost.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 9:03:21 AM

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## New eComment for Planning Commission Hearing

Juan Mendez submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: We OPPOSE THE APPEAL. We are within our legal right to make our private road safe. Everyday reckless drivers speed through our private road. No law enforcement is present to enforce speed limits on our private road. We need our gates for SAFETY. With a proper pre-plan, Fire and Law enforcement will have no issues gaining access through our gates. It is in the best interest of everyone's life safety.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 9:47:10 AM

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## New eComment for Planning Commission Hearing

Julie Gorton submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I strongly support this gate... We have tried numerous ways to decrease traffic, it has not worked... Our roads are trashed... Residents cannot drive without damaging our cars.. I had two tires ripped apart in the dark due to giant potholes.. There are plenty of provisions made revolving around fire protections and safe exits... This is a private road.. not a thru road for commuters.. They are dangerous drivers always in a hurry, discourteous..

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 5:53:51 PM

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## New eComment for Planning Commission Hearing

Karen Allen submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I Strongly object to this appeal! Please for the safety of our community, install the gate!

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 4:56:27 PM

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## New eComment for Planning Commission Hearing

Kelley Gerwig submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I OPPOSE the Appeal. This portion of Sandia Creek Dr is PRIVATE PROPERTY & NOT ENGINEERED to safely support high traffic volumes. TWO DEATHS in two separate accidents in two years! We NOW MUST restrict traffic for our safety, limit liability & financial exposure. NO public funds are used on our private road. We have met or exceeded every County requirement including NCFD evacuation concerns. No adverse environmental impact. No mobility LOS degradation. Reduces VMT by 11%. DENY the appeal!

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 1:25:13 PM

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## New eComment for Planning Commission Hearing

Larry Cahoon submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: Everyone that uses Sandia Creek Drive is aware it is a Private Road, it's POSTED! It states "Privately Maintained Road". What standing does this appeal have? Each of the appellants have in their possession a copy of the Road Maintenance Agreement (RMA) that was part of the purchase transaction when they bought their property, they didn't object then! Nobody is responsible for the maintenance of this private portion of Sandia Creek Dr. other than our HOA.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 4:23:13 PM

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## New eComment for Planning Commission Hearing

Lauren Davila submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I oppose this appeal. As a resident of DeLuz & Sandia Creek for 20+ years, I think a gate would greatly deter commuter traffic & provide a significantly safer passage for residents of these communities & their families. I speak for myself, my parents & my partner's parents, enough is enough. We are all happy to support the gate going in & oppose this appeal, looking forward to the day we do not have to time our trips to Fallbrook/Temecula accordingly, due to the increased risks on the road.

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**Date:** Monday, June 7, 2021 2:31:04 PM

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## New eComment for Planning Commission Hearing

Lynette Keith submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: My Family of 5 drivers oppose the appeal. My two young grandsons drive on this busy unsafe private road. We need protection and two gates are the only way help us protect the elderly and young drivers. please oppose this appeal.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 9:11:00 PM

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## New eComment for Planning Commission Hearing

Matt Nelson submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I fully support the rights of the group of private property owners on Sandia Creek Drive.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 4:11:02 PM

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## New eComment for Planning Commission Hearing

Megan Ahearn submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I support the gate. The commuters are often reckless drivers. I've had someone pass me while going around a curve, they were going at least 60mph. I've had motorcyclists speeding toward me in the center divider. Many of the reckless drivers are young men who appear to be commuting. The traffic from 2-6pm is disruptive to residents as well as wildlife. Many of us live here to be in peaceful nature. The road is falling apart. A gate would prevent many future expenses by limiting traffic.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Saturday, June 5, 2021 11:48:13 AM

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## New eComment for Planning Commission Hearing

Patty Brown submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I STRONGLY OPPOSE this appeal to stop our DESPERATELY NEEDED GATES! It is very dangerous, especially with blind corners when cars come flying around slower traffic in your lane. The road is deteriorating daily. We have seen 18 wheeler trucks bypassing the scales most likely because they are overweight, too many log hours, have illegal cargo or illegal drivers. Why are we waiting for these gates, they are desperately needed! Please, please, approve the gates & make our road safe again!!!!

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Wednesday, June 9, 2021 9:37:26 AM

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## New eComment for Planning Commission Hearing

Reese Boyd submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: The incredible amount of traffic that is using this neighborhood as a shortcut has become very dangerous. The individuals who volunteer to maintain the road are risking their safety just trying to fill the potholes. Please oppose this appeal.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 6:01:47 PM

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## New eComment for Planning Commission Hearing

Steven Cook submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: When public access to the private 2.5 miles of Sandia Creek Road was granted 50 years ago, the population of Temecula-Murrieta was 35,000. It is now 892,000. The traffic volume on Sandia Creek Road has increased by a similar amount or more. Unfortunately, the road was not constructed to safely handle that kind of volume. There are steep drop-offs, many potholes, and very few turnouts. There is little or no traffic enforcement. Consequently, reckless driving is common. Deny the appeal.

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**From:** [noreply@granicusideas.com](mailto:noreply@granicusideas.com)  
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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Monday, June 7, 2021 8:53:50 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Tracy Boyd submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: I would like to oppose the appeal of the gate on Sandia Creek Dr. I've lived here for over a year, and in that short time, I've been passed on multiple occasions while driving on this road...while I was driving the speed limit. I can see Sandia Cr Drive from my house. During rush hour times, it's like a 40 mile an hour parade. It's almost impossible to feel safe while pulling onto the road.

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**Subject:** New eComment for Planning Commission Hearing  
**Date:** Tuesday, June 8, 2021 4:38:34 PM

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[SpeakUp](#)

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## New eComment for Planning Commission Hearing

Wicker Gamble submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 2. Appeal of Sandia Creek Drive Gates; PDS2019-AD-19-030. If you would like to speak on this item call (619) 343-2539 and use ID 812 510 785#

eComment: As a 40+ year property owner, I have watched the gigantic increase in traffic and the deterioration of the safety of this road with increasing alarm. The county has no interest in helping to solve issues to do with this private road, thereby leaving the property owners on their own. The only practical solution to the problems is to gate the road to limit access. I strongly object to the appeal.

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**From:** [pabmrb@gmail.com](mailto:pabmrb@gmail.com)  
**To:** [Koutoufidis, Nicholas](#)  
**Subject:** Re: Notice of Public Hearing - Sandia Creek Drive Gates Appeal (PDS2019-AD-19-030)  
**Date:** Sunday, June 06, 2021 1:14:03 PM

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Thank you & this is why I am in favor of the gate. This was taken 6/3/21 at 2:







Sent from my iPhone

On Jun 2, 2021, at 4:26 PM, Koutoufidis, Nicholas  
<Nicholas.Koutoufidis@sdcounty.ca.gov> wrote:

Hello,

Please see the attached Notice of Public Hearing for the Sandia Creek Drive Gates Appeal (PDS2019-AD-19-030).


If you would like to submit a comment for the Planning Commission Hearing, you can submit one at the link below.

[https://sdcounty.granicusideas.com/meetings/1563-planning-commission-hearing/agenda\\_items](https://sdcounty.granicusideas.com/meetings/1563-planning-commission-hearing/agenda_items)

Thank you,

**Nicholas Koutoufidis, MBA**  
Land Use & Environmental Planner  
County of San Diego



 858.495.5329

PDS Website <http://www.sdcounty.ca.gov/pds/index.html>

PDS Mapping Service <http://gis.co.san-diego.ca.us/>

<PDS2019-AD-19-030 Notice Of Public Hearing.pdf>