



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	June 10, 2022	<b>Case/File No.:</b>	Warner Unified School District Property Acquisition
<b>Place:</b>	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	School District Property Acquisition
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	East of SR-79, directly adjacent to CAL FIRE Warner Springs Fire Station and the Warner Unified School District
<b>Agenda Item:</b>	#3	<b>General Plan:</b>	Rural Lands 80 (RL-80)
<b>Appeal Status:</b>	N/A	<b>Zoning:</b>	General Agriculture (A72)
<b>Applicant/Owner:</b>	Warner Unified School District	<b>Community:</b>	Warner Springs
<b>Environmental:</b>	N/A	<b>APN:</b>	Portions of 137-092-31 and 137-092-33

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## A. OVERVIEW

The County of San Diego Planning Commission received a notice from the Warner Unified School District (District) on April 14, 2022 regarding their proposed acquisition of property for school site purposes. This request is included in Attachment C and outlines the District's intention to purchase approximately 2.28 acres of land located directly adjacent to the existing school property. Public Resources Code Section 21151.2 requires that written notice be provided to the Planning Commission of the District's intent to acquire the site for school purposes, and that the Planning Commission provide a written report and recommendation concerning the District's acquisition of the site. Additionally, pursuant to Government Code Section 65402, the District requests that Planning & Development Services (PDS) review the site for conformity related to school uses, and the adopted General Plan.

PDS staff circulated the District's request to other County departments, including the Department of General Services (DGS), Department of Parks and Recreation (DPR), Department of Public Works (DPW), Department of Environmental Health and Quality (DEHQ), and County Fire Protection District, as well as conducted our own evaluation. This review identified that school districts are exempt from local land use and zoning regulations when providing "instructional" services, and that staff has not

identified any major concerns related to the proposed acquisition. Staff also included some additional information related to environmental concerns should the school district plan to develop the site in the future, including potential biological resources, noise, etc.

**B. REQUESTED ACTIONS**

This is a request for the Planning Commission to:

- a. Consider the District's notice, staff's presentation, and the draft Planning Commission Recommendation Letter (Attachment B).

**C. RECOMMENDATIONS**

Staff recommends that the Planning Commission take the following actions:

1. Direct staff to submit to the Warner Unified School District the Planning Commission Recommendation Letter (Attachment B) with any revisions the Planning Commission deems necessary.

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***Report Prepared By:***

Nicolas Gustafson, Project Manager

619-323-7314

[Nicolas.Gustafson@sdcounty.ca.gov](mailto:Nicolas.Gustafson@sdcounty.ca.gov)

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***Report Approved By:***

Dahvia Lynch, Director

858-694-2962

[Dahvia.Lynch@sdcounty.ca.gov](mailto:Dahvia.Lynch@sdcounty.ca.gov)

AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



DAHVIA LYNCH, DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation

Attachment B – Planning Commission Recommendation Letter

Attachment C – Warner Unified School District Letter dated April 14, 2022

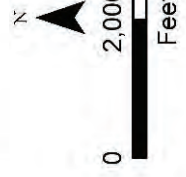
## Attachment A – Planning Documentation

# Warner School District Vicinity Map

Subregional  
Community Plan Area



1:3,500,000



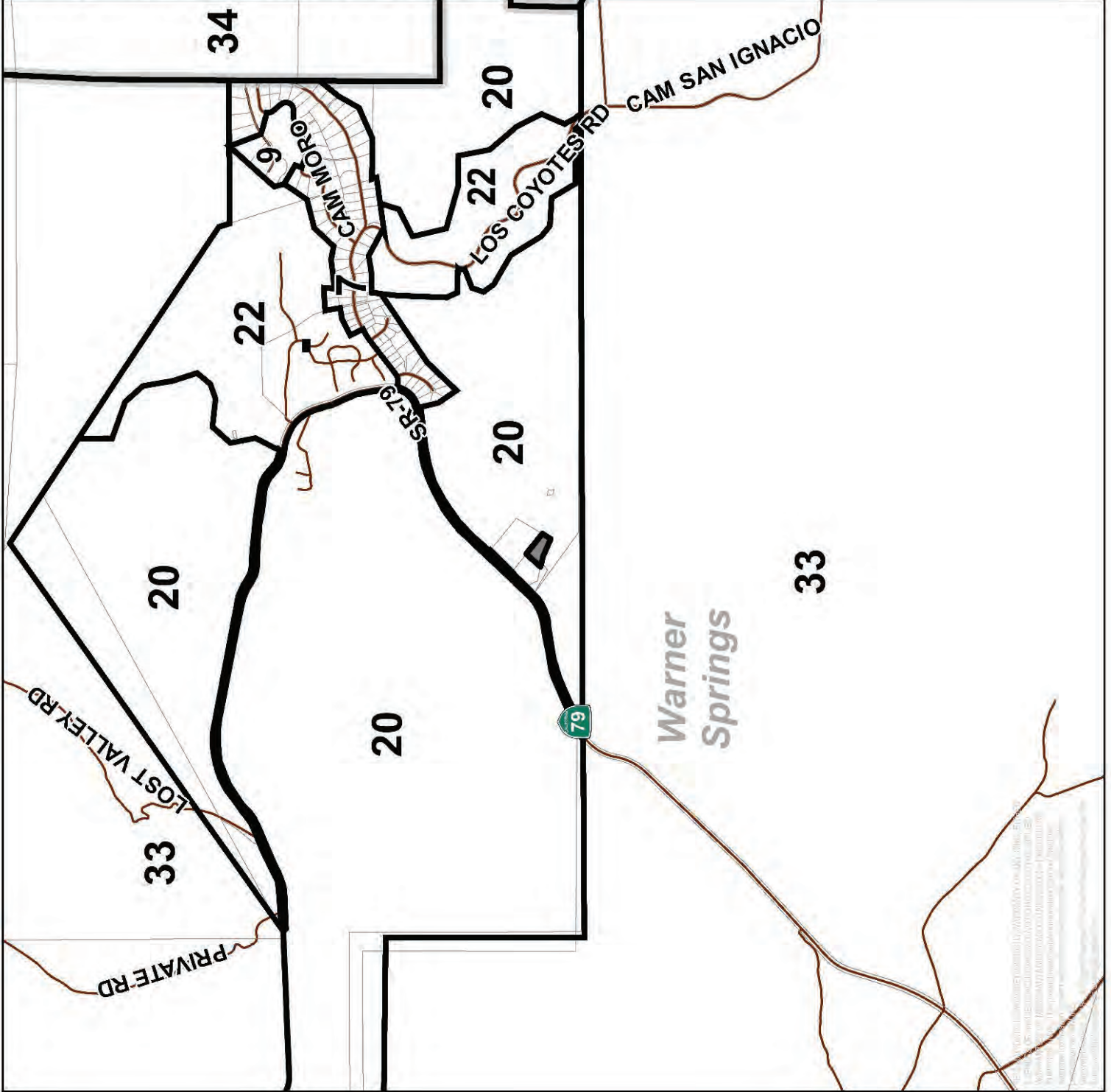
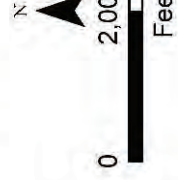
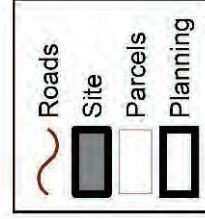


Warner School District

General Plan

Subregional  
Community Plan Area

- (7) Village Residential (VR-2.9)
- (9) Semi-Rural Residential (SR-1)
- (13) Semi-Rural Residential (SR-4)
- (20) Rural Lands (RL-80)
- (22) Specific Plan Area
- (32) Public/Semi-Public Facilities
- (33) Public Agency Lands
- (34) Tribal Lands



Warner School District

Zoning

Subregional  
Community Plan Area

A70 - Limited Agricultural

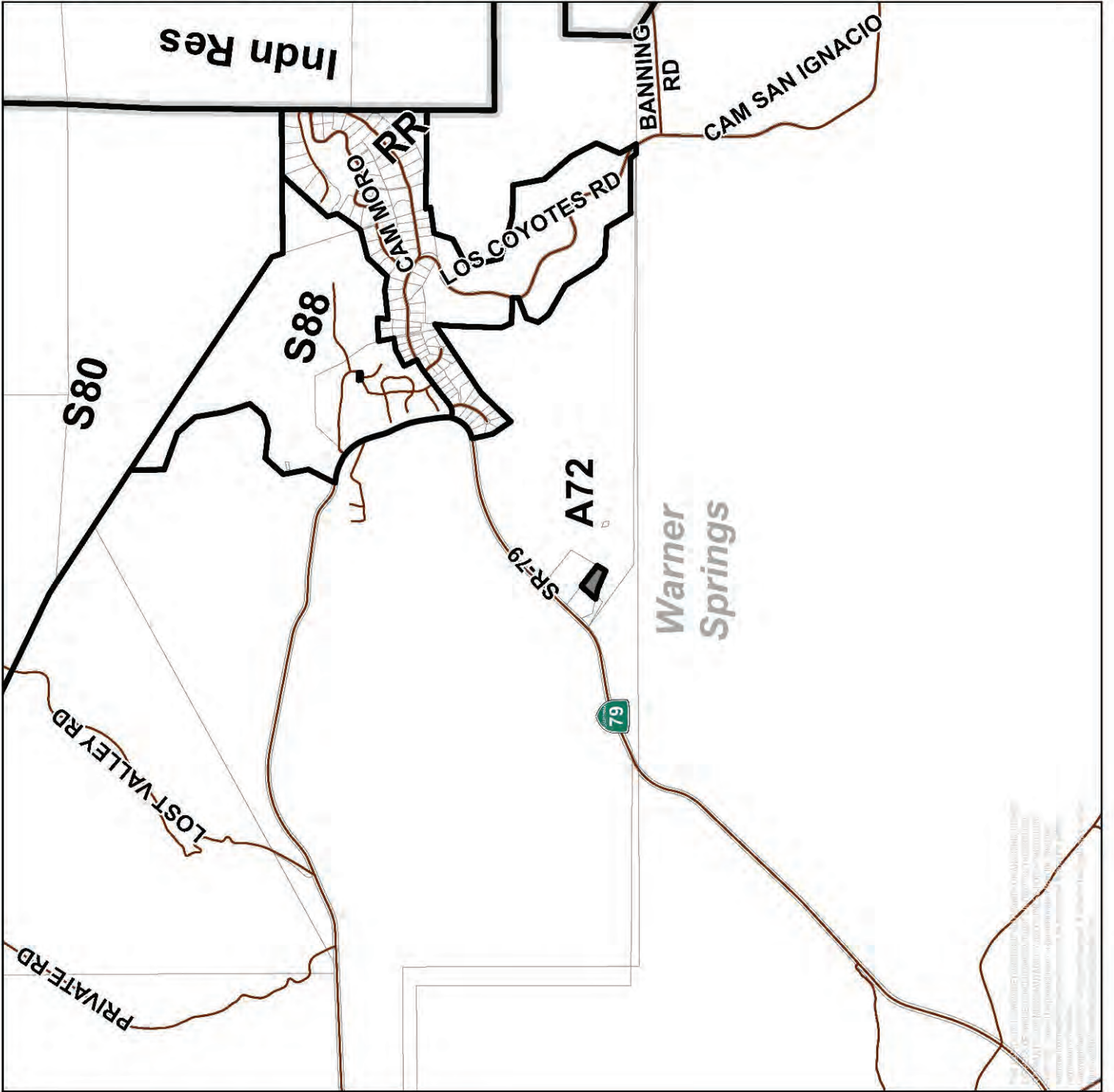
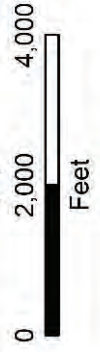
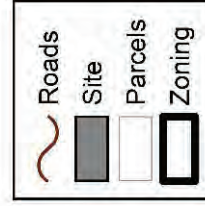
A72 - General Agricultural

Indn Res - Indian Reservation

RR - Rural Residential

S80 - Open Space

S88 - Specific Planning Area



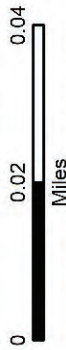




# Warner School District Subregional Community Plan Area



Site



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# Warner School District

## Subregional Community Plan Area

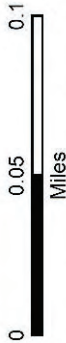
Highways



Site

**LUEGGIS**  
Local Land & Environment Group  
Geographic Information Services

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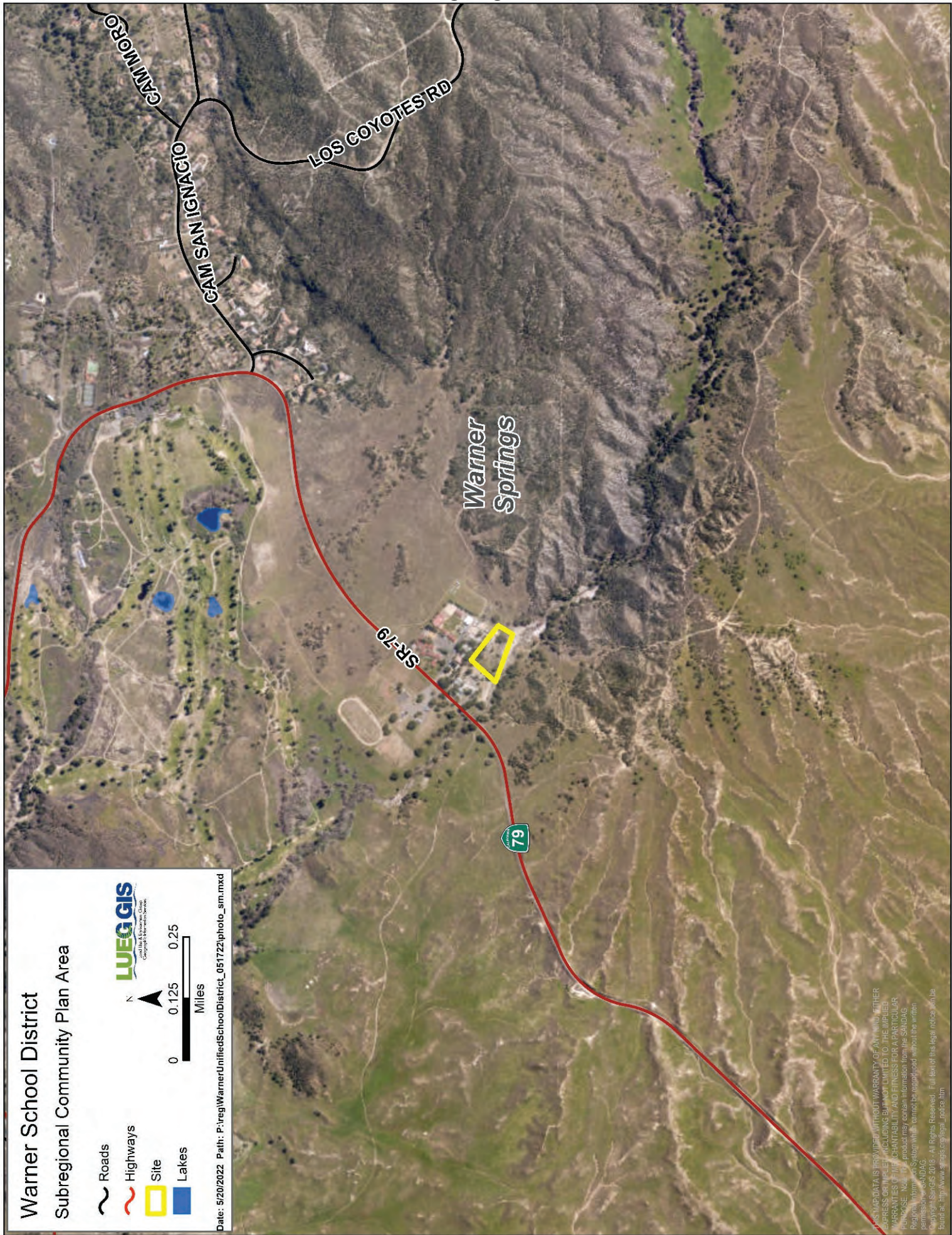


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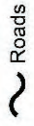
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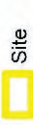


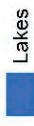



# Warner School District Subregional Community Plan Area

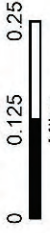
 Roads

 Highways


 Site

 Lakes

 N



0 0.125 0.25  
Miles



**LUEG GIS**  
Land Use & Environmental Group  
Geographic Information Systems

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## Attachment B – Planning Commission Recommendation Letter



## County of San Diego

COUNTY OF SAN DIEGO PLANNING COMMISSION  
 c/o PLANNING & DEVELOPMENT SERVICES  
 5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CA 92123  
 (858) 505-6445 General • (858) 694-2705 Codes  
 (858) 565-5920 Building Services  
[www.SDCPDS.org](http://www.SDCPDS.org)

**DAHVIA LYNCH**  
 DIRECTOR

June 10, 2022

Attention: David MacLeod  
 Warner Unified School District  
 P.O. Box 8, 30951 Highway 79  
 Warner Springs, CA 92086

Mr. MacLeod:

The San Diego County Planning Commission met on June 10, 2022 and has evaluated your notice dated April 14, 2022 for Warner Unified School District (District) to acquire approximately 2.284 acres of portions of APNs 137-092-31 and 33 for school site purposes. This letter constitutes its report and recommendation back to the District as required under Public Resources Code Section 21151.2 and Government Code Section 65402(c). The notice and proposed acquisition have been reviewed by County staff from Planning & Development Services and other County departments, and is summarized below.

### **Site Description and Uses**

The property proposed for acquisition is located on the east side of State Route 79 (SR 79), directly adjacent to the existing Cal Fire Warner Springs Station and the Warner Elementary School. The property is generally flat, and largely disturbed. The property has been used by the District since the 1960s and contains 1,600 square feet of sheds, buildings, or facilities that the District has used to supplement its educational programs. The property contains the District's Future Farmers of America farm sheds and a bus maintenance yard. Approximately 0.25 acres in the southwestern portion of the property are undeveloped and undisturbed.

Uses in the immediate vicinity of the site include the Cal Fire fire station and Warner Elementary School. Other nearby uses include the Warner Springs Ranch Resort, the Warner Springs Gliderport, and the Los Tules neighborhood. Additionally, the alignments of the California Riding and Hiking Trail and Pacific Crest Trail are along the eastern and southern boundaries of the property, respectively.

**Land Use Authority**

The property is located within the unincorporated area of San Diego County. The County's General Plan identifies the site with a Regional Category Designation of Rural, General Plan Land Use Designation of Rural Lands 80 (RL-80) and Zoning Designation of General Agricultural (A-72). Per the County Zoning Ordinance, uses anticipated within an A-72 zone "... are intended to create and preserve areas for the raising of crops and animals." Schools greater than 50 students are defined by ZO 1350 as Major Impact Services and Utilities and require a Major Use Permit in an A-72 zone. Schools of seven (7) or more, but less than 50, students are considered by ZO 1375 as Small Schools, and require a Minor Use Permit in an A-72 zone. California Government Code Section 53094(b) allows for classroom facilities and instructional school uses to be exempt from a local jurisdictions (County of San Diego) land use authority provided that a two-thirds vote has been made by the members of a school district's governing board. However, it should be noted that non-instructional school uses are not exempt and are subject to the County of San Diego General Plan and Zoning Ordinance. In practice the County has not exercised its land use authority over development associated with public schools because of the exemption in Government Code Section 53094(b); however, future changes in the law may require the property to operate consistent with the County's General Plan and Zoning Ordinance.

**Warner Springs Ranch Specific Plan and Proposed Amendment**

The property is located within the Warner Springs Ranch Specific Plan, within an area designated as "future planning area." The County is currently processing a private development application to amend the Warner Springs Ranch Specific Plan that includes the property proposed for acquisition by the District. Staff has informed the Specific Plan Amendment applicant that, if sold, the property proposed for acquisition would need to be removed from the footprint of the proposed amendment. In the event that the District acquires the property but the application to amend the Specific Plan is abandoned or denied, this portion of the school's property would be subject to the regulations of the existing Specific Plan.

**Environmental Considerations**Aesthetics

The property is within 500 feet of SR 79, which is included in the County's Scenic Highway System (Table COS-1) of the Conservation and Open Space Element of the General Plan. However, views of the property from SR 79 already appear screened by the existing fire station and elementary school. The property is also located within Zone A pursuant to the County's Dark Skies Ordinance, within which outdoor lighting must meet stricter requirements to lessen potential effects to the Palomar Observatory.

Biology/Hydrology/Soils

The southern edge of the property to be acquired appears to be along or adjacent to an intermittent drainage and may contain wetlands as defined by the County's Resource Protection Ordinance. Use of land classified as wetland or within the buffer area of



wetland is restricted by this Ordinance. The property does not appear to be located within a floodway or floodplain.

The property is classified as Other Land by the State's Farmland Mapping and Monitoring Program. Onsite soil is classified as Mottsville loamy coarse sand with two to nine percent slopes and Riverwash. These soils are alluvial in nature and could be subject to potential liquefaction. A geotechnical engineer should be consulted for recommendations for any future plans that include construction of school facilities.

#### Department of Environmental Health & Quality (DEHQ)

The Department of Environmental Health & Quality, Hazardous Materials Division (HMD) has determined that the adjacent school has an existing HMD permit (Permit No. DEH2002-HUPFP-10607) which allows for the storage of fuel and hazardous waste. If the acquired property will be used to store hazardous materials, hazardous wastes, or medical wastes, those items will need to be reported to HMD through the California Environmental Reporting System.

#### Noise

The western portion of the subject property falls within the 60 decibel Community Noise Level Equivalent noise contour of SR 79.

#### Public Services

The property is located within a High Fire Hazard Severity Zone and just west of a Very High Fire Hazard Severity Zone. However, the property is located adjacent to the Cal Fire fire station and, therefore, would meet General Plan requirements for emergency response travel times.

The property is in an area dependent on groundwater for water supply. The Warner Springs Elementary School appears to have two groundwater wells permitted by DEHQ. Septic systems are utilized for wastewater disposal.

#### **Recommendation**

The Planning Commission offers the information contained in this letter for your consideration and makes no specific recommendation regarding your proposed acquisition of the subject property. The Planning Commission is not opposed to, nor is in support of, your acquisition of the subject property. Please contact Ashley Smith, Chief of Project Planning at [ashley.smith2@sdcounty.ca.gov](mailto:ashley.smith2@sdcounty.ca.gov) should you have any questions regarding this letter.

Sincerely,

DAHVIA LYNCH, Director  
Planning & Development Services,  
on behalf of the County of San Diego Planning Commission

**Attachment C – Warner Unified School District  
Letter dated April 14, 2022**

**Warner Unified School District**

P.O. Box 8, 30951 Highway 79, Warner Springs, CA 92086  
 Phone (760) 782-3517 - FAX (760) 782-9117



April 14, 2022

**VIA U.S. MAIL & EMAIL**

**County of San Diego  
 Planning Commission  
 Planning & Development Services**  
 5510 Overland Avenue, Suite 110  
 San Diego, CA 92123  
 Email: Ann.Jimenez@sdcounty.ca.gov

With Copy To:

**County of San Diego  
 Building Services  
 Planning & Development Services**  
 5510 Overland Avenue, Suite 110  
 San Diego, CA 92123

Re: Warner Unified School District  
 Notice of Proposed Acquisition of Property for School Site Purposes

To Whom It May Concern:

We are writing to inform you that Warner Unified School District ("**District**") is proposing to acquire property for potential school site purposes. The District is seeking to acquire the approximately 2.284 acres of land situated in unincorporated County of San Diego, California, which is located on State Highway 79 in Warner Springs and identified as a portion of APN 137-092-31-00, and a portion of APN 137-092-33-00 ("**Site**"), for a currently unspecified educational program for the District.

Pursuant to Public Resources Code section 21151.2, this letter provides the Planning Commission and the Planning & Development Services Division written notice of the District's proposed acquisition of the Site for school purposes. We request that the Planning Commission investigate the proposed Site and, within 30 days after receipt of this notice, submit to the Superintendent of the District, as the representative of the governing board, a written report of the investigation and the Planning Commission's recommendations concerning the District's acquisition of the Site.

In addition, pursuant to Government Code section 65402, the District requests an opinion of the Planning & Development Services Division with regard to conformity of the Site and its proposed use for school site purposes with the County's adopted general plan within 40 days. Note that the statute states that the acquisition shall be conclusively deemed in conformity with said adopted general plan or part thereof, if the planning agency fails to submit a report within 40 days after receipt of this letter.

Thank you for your prompt consideration of these requests.  
 Sincerely,

David MacLeod  
 Superintendent

cc: Janet Mueller, Dannis Woliver Kelley (via email only)