

HARMONY GROVE VILLAGE SOUTH

APPENDIX C

RESOURCE PROTECTION STUDY STEEP SLOPE WAIVER

for the

FINAL ENVIRONMENTAL IMPACT REPORT

PDS2015-GPA-15-002

PDS2015-SP-15-002

PDS-REZ-15-003

PDS2018-TM-5626

PDS2015-MUP-15-008

Log No.: PDS2015-ER-15-08-006

JULY 2018

Prepared for:

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FINAL RESOURCE PROTECTION STUDY – STEEP SLOPE WAIVER
INFORMATION FOR THE READER

The July 17, 2015 Resource Protection Study Steep Slope Waiver has not changed between public circulation and this final document.

This final version does additionally contain the PDS Director's initial finding on the study, which is attached immediately following this page.

The initial finding is consistent with the information provided in the circulated Draft Environmental Impact Report (DEIR). No changes were identified to less-than-significant impact assessments based on these data. The additional information provides additional documentation, but does not result in any significant new information requiring recirculation.

PDS has reviewed and analyzed the report entitled “Resource Protection Ordinance (RPO) Study Steep Slope Waiver,” dated June 24, 2015 by HELIX Environmental Planning (“RPO Study”). Based on the information contained in this report, PDS has determined that the project’s tentative map qualifies for additional encroachment on the steep slope areas that are identified in the RPO Study. This conclusion was based on the RPO Study that showed how the Project utilized encroachment into certain steep slope areas to avoid impacts to other areas on the project site that contained significant biological resources that were identified in the draft North County Multiple Species Conservation Program for possible future conservation. The preservation of high-quality biological resources, located contiguous to the permanent open space area of the Del Dios Highland Preserve (DDHP), played a crucial role in the project’s design; rather than the standard subdivision design that would target development of all non-RPO slope areas regardless of whether sensitive biological resources are located there. Preservation of such resources could not be avoided by any other means given the need to preserve those areas located adjacent to the DDHP, resulting in the need to cluster development on certain areas of the project site and encroach on certain steep slope areas to avoid impacts to sensitive biological resources. By way of example, the County’s Biological Mitigation Ordinance was adopted to implement the Subarea Plan for the Multiple Species Conservation Plan. (Ordinance 86.501 et seq.) The Ordinance emphasizes the importance of preserving land that can be combined into contiguous areas of habitat and encourages projects to encroach into steep slopes to avoid impacts to habitat. (*See Section 86.505(a) (3).*) Although a BMO is not applicable to the site until the North County MSCP has been adopted, the underlying philosophy of preserving land contiguous to existing habitat is consistent with the fundamental principle of this Ordinance.

PDS has also determined that the four findings described in Section 86.604(e) (3) can be made that would allow the project to be granted a waiver from the easement requirements of RPO. This conclusion is based on the information provided by the RPO Study that demonstrates the following: (1) the slope areas in which a waiver is being requested is physically separated from other areas of steep slope and is visually insignificant and undistinguishable; (2) the project is concurrently requesting a rezone to S88- Specific Plan in which the lots will be .5 acres or smaller; (3) the encroachment waiver is consistent with the goals and objectives of the applicable community plan; and (4) a “D” designator would be applied to the site what would require future site plan review.

Please note the following:

- A site analysis and investigation were performed by staff that upheld the written analysis and findings of the RPO Study.
- The conclusions described above are based on the concurrent processing of the project’s application for a Rezone, General Plan Amendment to align the community plan with the proposed project site and plans consistent with the other project entitlements.
- The waiver provided by the RPO ordinance will be further addressed in the relevant sections of the project’s EIR.

- This determination is not intended to imply an overall recommendation on the project, which will be made by staff after a public review of the EIR and all the responses to comments have been accepted.
- The Planning Commission will consider and make a recommendation to the Board of Supervisors, and the Board of Supervisors shall make the final decision regarding the waiver described in Section 86.604(e)(3) concurrent with their decision to approve, conditionally approve or deny the project.

RESOURCE PROTECTION STUDY STEEP SLOPE WAIVER

Harmony Grove Village South Project

PDS2015-GPA-15-002, PDS2015-SP-15-002, PDS2015-TM-5600
PDS2015-REZ-15-003; PDS2015-MUP-15-008; PDS2015-ER-15-08-006

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July 17, 2015

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EXECUTIVE SUMMARY

A Steep Slope Resource Protection Study was prepared by HELIX Environmental Planning to evaluate Harmony Grove Village South's (Project) request for a steep slope waiver pursuant to Section 86.604[e] [2] [cc] [3]) of the County's Resource Protection Ordinance (RPO). This Study is based upon the technical RPO steep slope analysis conducted by Project Design Consultants (PDC), with review, confirmation and interpretation by licensed landscape architects from PDC and SWA Group.

ES.1 Project Location

The Project is located in the community of Harmony Grove, approximately 2.5 miles west of Interstate 15 (I-15) and approximately 2.6 miles south of State Route 78 (SR-78). The community of Elfin Forest is located approximately 5 miles to the west. The site is contiguous to Harmony Grove Village, which is currently being developed, and is a part of the same flat valley and valley viewshed as Harmony Grove Village. The Project is also adjacent to a number of existing homes located to the east and west that are sited on RPO steep slope sides as well as on ridgelines and hilltops. The southern and southeastern boundaries of the site abut the Del Dios Highlands Preserve (DDHP).

ES.2 Project Description

The Project proposes to develop a sustainable planned community that integrates a mix of residential, commercial, institutional and open space uses on 111 acres. The Project would include 453 single- and multi-family residential units within 229 structures and approximately 5,000 square feet of recreational/community development. Approximately 68 percent of the site will be retained in open space areas that include: over 30 acres of permanent biological open space (BOS), a system of parks both private and public, a community garden and multi-use trails.

The Project has been planned based on an opportunities and constraints analysis that was prepared to identify the most appropriate location to direct development based on a number of factors; including the location of natural resources, the physical features of the site, and the contiguous uses of Harmony Grove Village. The Project proposes to cluster development in order to preserve a significant percentage of natural resources on the site and to preserve the integrity of the existing landforms.

The Project clusters development away from the southern portion of the site that contains high quality biological resources in order to set aside open space land as a part of a planned and integrated preserve area. In particular, the Project preserves over 30 acres of BOS in the southern portion of the Project, which includes high quality biological resources and a substantial percentage of the on-site steep slopes. This southern area also connects directly to areas in permanent open space preserve associated with the DDHP. Clustering also supports compact neighborhood design and facilitates village uses and non-motorized vehicular travel modes (walking, bike riding) rather than standard design that would seek to develop non-steep slope areas, regardless of location (including farther to the south and closer to DDHP).

The Project would result in some encroachment into three small areas that meet the definition of steep slopes under RPO and a waiver is being requested, pursuant to Section 86.604[e][2][cc][3]. These areas are identified as Area A, B and C in this focused steep slopes technical study and represent less than five percent of the total Project acreage.

ES.3 Waiver Request

RPO is intended to protect the integrity of sensitive lands including wetlands, wetland buffers, floodplains/floodways, sensitive habitats, cultural resources, and steep slopes while allowing for the reasonable use of private property. The purpose and intent of this ordinance to focus on the preservation and protection of the County's unique topography in relation to the preservation of steep slopes.

A waiver from the restrictions of the RPO steep slopes and easement requirements may be granted if the following four findings can be made (RPO Section 86.604[e] [2] [cc] [3]):

- aa. The slope is an insignificant visual feature and isolated from other landforms, **OR** surrounding properties have been developed on steep slopes such that this project would be considered "infill"; and
- bb. The property is zoned for 0.5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
- cc. The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
- dd. Site Plan review is required to ensure consistency of design with these regulations.

The ability for a slope to be seen does not necessarily mean that it is a significant visual feature. As noted above, the purpose of the ordinance is to preserve unique topography. In this context, land forms that are considered significant visual features include those slopes that meet the definition of RPO steep slope lands and are both visible and visually notable and interesting (i.e., unique) topographic features. Significant landforms draw the viewer's attention and provide primary elements in the viewers' memory of the viewshed. They are the elements noted as "vivid," or memorable, in the County Guidelines. These types of topographic features are therefore generally comprised of large rock outcrops, peaks and promontories. On the other hand, insignificant visual features may meet the RPO steep slope definition relative to gradient and minimum rise, but are either not highly visible; not part of an identifiable peak or ridgeline; and/or "fade" into their surroundings. In other words, they do not present as unique or memorable.

After conducting a RPO steep slope analysis for the Project site, it was determined Areas A, B, and C qualify for a waiver pursuant to Section 86.604[e] [2] [cc] [3]) based upon the following findings:

Criterion aa

Slope Visibility

Area A (approximately 0.5 acre) is located on a uniform slope feature in the center of the site. Although the argument is not being made that the slopes are modified (there is no known historic photography depicting slopes prior to the agricultural use of the parcels in the 1920s), it appears to be a modified slope in that it is a uniformly sloping and rounded feature whereas most of the surrounding topographic features are more abrupt and peaked in nature. As a result of its visual uniformity, it is difficult to identify any specific area on this slope that is, or is not, steep slope. It does not stand out as anything different from the rest of the visible disturbed grassland. There is nothing interesting or unique about this half acre that differentiates it from the non-steep slope areas on the bench. Non-steep slope area extends “above” the area to the top of (and along) the bench feature, as well as to either side and below. This steep slope area is visually insignificant in that it is isolated from an identifiable peak, promontory, or ridgeline, and is not perceived as an integral element of the surrounding peaks that are a part of the Harmony Grove setting.

Area B (approximately 0.2 acre) is comprised of three very small vertical “bars” that are located on the south side of the central bench on the western side of the Project. Each of these isolated stretches just attains the 50-foot reach required under RPO. They are extremely narrow elements, surrounded on all sides by non-steep slope portions of the slope face, and are indistinguishable from those surrounding non-steep slope areas. These areas are also both visually insignificant and isolated.

Area C (approximately four acres for which waiver is requested) is located south of the bench referenced above, with a portion of this slope located on the south side, and a portion located on the westerly facing slope of an increasingly (on- and off-site) steep hill above it. This area is generally not visible to viewers from the north, since so much of the slope is “hidden” from the north. In fact, the closer that one comes to the slope from the north, the less one can see it as it ultimately becomes entirely shielded by the intervening bench. Similar to the discussion above, the on-site top portion of this feature is a much softened knoll, without the sharp and more vertical features of the surrounding peaks. The slope in question does not stand out as visually interesting; in fact, the viewer’s eye is drawn over the site to the north, where the hill just north of Harmony Grove Road provides notable (RPO) slope features. The lack of visual impact of this isolated feature, combined with the relatively small number of viewers exposed to this view due to its shielding by the intervening bench from the north, combine to render this slope visually insignificant.

Infill Project

Finding aa provides an option to either find that the slope is an insignificant visual feature or that surrounding properties have been developed on steep slopes such that this project would be considered “infill.” In the case of the Project, although many of the homes in the immediate vicinity are located near the valley floor, many are also sited on RPO steep slope sides as well as on ridgelines and hilltops, including the home currently being built near the Project’s eastern boundary. A review of RPO steep slope locations against existing homes visible on Google Earth south of Harmony Grove Road shows that approximately 35 percent of the currently existing

homes are sited within steep slope areas. These homes are located to the northeast, southwest and west of the Project (there is no building due south of the Project due to the DDHP boundary, which is immediately adjacent to the Project.) In addition, although it is not yet fully present, Harmony Grove Village is being developed. Therefore the Project can be seen an infill project for this area, which would also – and separately – provide an important consideration of this waiver.

Criterion bb

The project satisfies criterion bb, in that the property is currently designated SR-0.5 and zoned A-70 which allows 0.5 acre lots. The project is also filing a General Plan Amendment to be redesignated to Village 10.9 and SR-0.5 and to be rezoned to S88 (Specific Plan) which would also allow for 0.5 acre lots or smaller on the Project site.

Criterion cc

Relative to criterion cc, the encroachment onto the steep slopes within Areas A, B and C is consistent with the goals and objectives of the Harmony Grove portion of the Elfin Forest and Harmony Grove Community Plan (Community Plan). The Project has been designed to maximize the preservation of high quality biological open space and preserves the integrity of Harmony Grove Valley natural mountainous landform. The desire to preserve a large percentage of the site in open space and develop the property pursuant to the smart growth principles outlined in the County's General Plan led to the decision to cluster development on the Project site. Clustering development on the site allows for the conservation of a large block of contiguous BOS on the southern portion of the Project site. Preservation of this habitat area would also contribute to the continued health of the abutting DDHP. Although this development pattern would require some encroachment into insignificant RPO steep slopes, it is more efficient than pushing development farther into the southern portion of the site in an effort to strictly remain on slopes of less than 25 percent/non-RPO steep slopes. The Project's preservation of open space and natural habitat contributes to the retention of the rural setting and lifestyle of the adjacent Harmony Grove community.

The RPO steep slopes, for which this waiver is being requested, are not interesting topographic features, not part of an identifiable peak, promontory, or ridgeline and are not perceived as an integral element of the surrounding peaks that are a part of the Harmony Grove setting. The Project would retain "unspoiled views to intact hills" consistent with the goals of the Community Plan. The Project would avoid impacts into the "dramatic" hill formations called out in the Community Plan as critical to the setting of the community. The steepest and most notable slopes of the Project would be retained in open space. The Project would keep all development downslope from the iconic ridgeline formations that rim the valley. No ridgelines (formed by connecting the highest peaks along a ridge) are located on site, and therefore no ridgelines would be impacted. The views to steep slopes southeast of the central portion of the Project and to the intact hills in the southern portion would be retained. These undisturbed areas would continue to merge seamlessly into the protected slopes of the DDHP. Finally, the Project does not impact the views toward the Lady of the Valley, called out in the Community Plan as an important community landmark.

Additional information regarding the project's consistency with the Community Plan can also be found in the General Plan Consistency Analysis submitted for the Project.

Criterion dd

Relative to criterion dd, the Specific Plan has applied a "D" designator to the property which requires site plan review to ensure consistency of design with the Specific Plan.

ES.4 Conclusion

The Project has been designed to preserve the integrity of surrounding significant landforms and maximize the preservation of high quality biological open space. The waiver being requested for the three areas described above is consistent with criteria specified in the RPO, in that such steep slope areas are considered insignificant because the slopes are not visually notable and interesting topographic features, not part of an identifiable peak, promontory, or ridgeline and are not perceived as an integral element of the surrounding peaks that are a part of the Harmony Grove setting as documented in this focused steep slope technical analysis.

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1.0 INTRODUCTION

The County's Resource Protection Ordinance (RPO) provides special regulations applicable to certain types of discretionary applications, including tentative maps. It is intended to protect the integrity of sensitive lands including wetlands, wetland buffers, floodplains/floodways, sensitive habitats, cultural resources, and steep slopes (lands having a natural gradient of 25 percent or greater and a minimum rise of 50 vertical feet, unless said land has been substantially disturbed by previous legal grading) while allowing for the reasonable use of private property. Specifically related to topography, the RPO states that the purpose and intent is to focus on the preservation and protection of the County's unique topography.

This analysis is focused on those slopes found to be visually insignificant, and for which a waiver under County Code Title 8, Division 6, Chapter 6 is proposed.

1.1 Project Location

The Harmony Grove Village South (HGV South) Project site is located in the unincorporated portion of San Diego County in the community of Harmony Grove, approximately 2.5 miles west of Interstate 15 (I-15) and approximately 2.6 miles south of State Route (SR) 78. Escondido Creek flows east-west just north of the Project, and the City of Escondido is located to the east. The community of Elfin Forest is located approximately 5 miles to the west. County open-space parcels (the Del Dios Highlands Preserve; DDHP) abut the southern and southeastern boundaries of the Project. Primary access to the Project vicinity is provided by Harmony Grove Road (the nearest east-west connector) and Country Club Drive (a north-south connector that abuts the Project's western boundary). An aerial of the Project site is shown in Figure 1, *Project Site Aerial Photograph*.

1.2 Project Description

The Project proposes to develop 453 single- and multi-family residential units within 229 structures and approximately 5,000 square feet of recreational/community use/commercial space (the Center House) on 111 acres. In addition to the civic and recreational uses, the Center House is currently planned to include a coffee shop or small café as well a small overnight facility (up to four-bed B&B facility) to accommodate the Project as well as the neighborhood. Approximately 68 percent of the site would be retained in open space areas that include approximately 37 acres of permanent open space, a system of parks both private and public, a community garden and public multi-use trails as well as connections to existing and planned trail facilities. A substandard crossing of Escondido Creek that is subject to flooding would be improved to allow for safe ingress and egress to and from the subject and surrounding properties. A water treatment/water reclamation facility (WTWRF) is also proposed.

2.0 HARMONY GROVE VILLAGE SOUTH DEVELOPMENT/ PLANNING CONCEPT

The site is contiguous to Harmony Grove Village, currently being developed, and adjacent to a number of existing homes located to the east and west. Slightly beyond the immediate Project

boundaries, the City of Escondido provides a large number of commercial and industrial uses/opportunities as well as public services such as schools, together with denser housing. The site is also approximately three miles from the Nordahl Road Sprinter (light rail) Station.

The HGV South Project has been planned based on an opportunities and constraints analysis that was prepared to identify the most appropriate location to direct development based on a number of factors; including the location of natural resources, the physical features of the site, and the adjacent uses of Harmony Grove Village. It included a comprehensive environmental review, topographic review, and visual evaluation that take all of these elements into consideration.

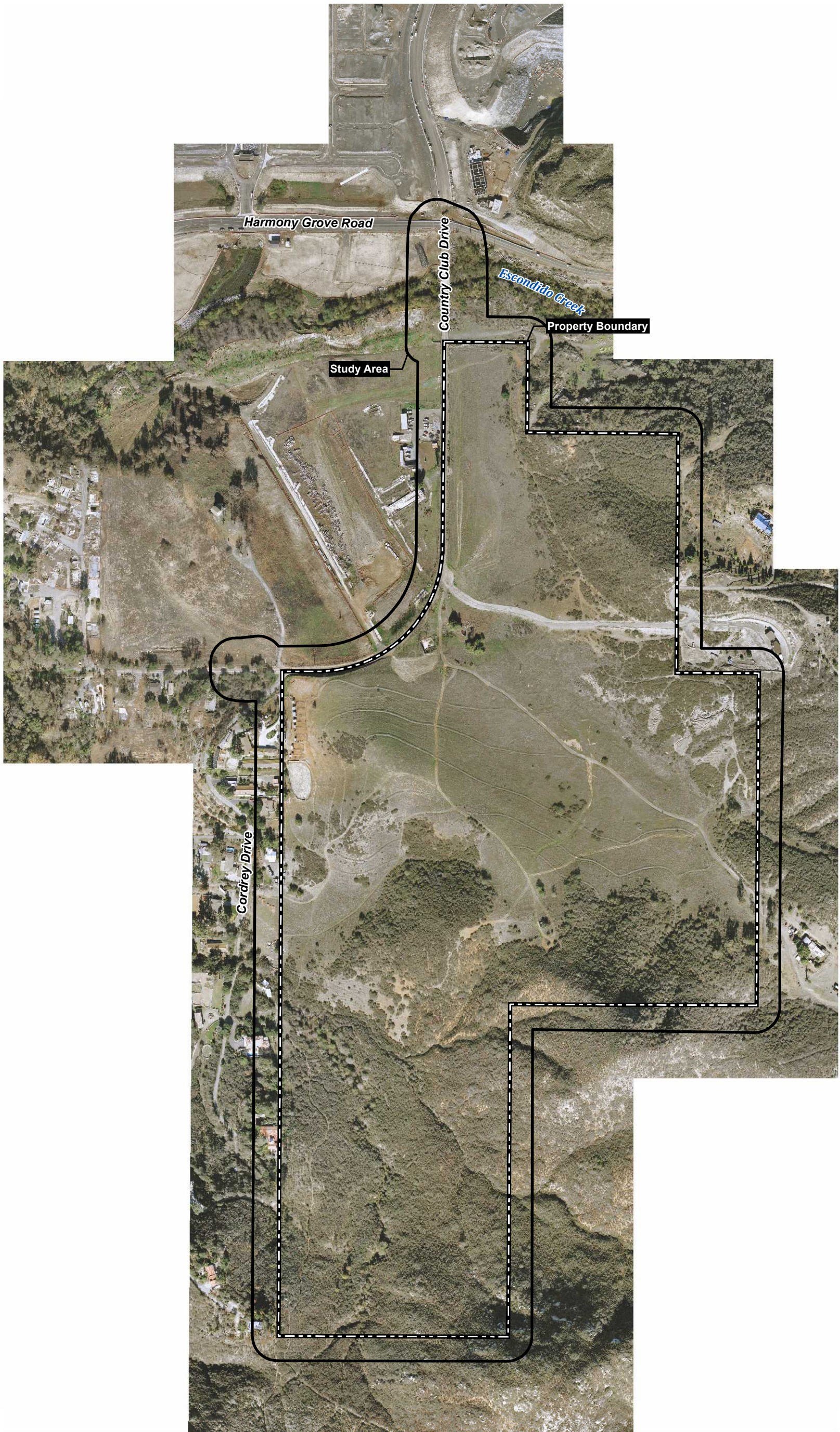
The County (and Applicant's) focus on smart growth principles as detailed in the adopted General Plan led first to identification of the Project site as appropriate for development – being close to these services and employment opportunities – and then led to the decision to consolidate development in order to preserve a larger percentage of sensitive resources *in perpetuity*.

The compact development plan would reduce the overall Project footprint, which then results in maximizing area set aside for preservation. The Project would preserve over 30 acres of biological open space (BOS) in the southern portion of the Project, which includes high quality biological resources and a substantial percentage of the on-site steep slopes. This southern area also connects directly to areas in permanent open space preserve associated with the DDHP. Clustering also supports the compact neighborhood design that facilitates village uses and non-motorized vehicular travel modes (walking, bike riding) rather than standard design that would seek to develop all non-RPO slope area, regardless of location (including farther to the south and closer to DDHP).

3.0 STEEP SLOPES CONTEXT

Figure 2, *Slopes Providing the Project Setting*, illustrates the mountainous landform ridgeline rimming the valley setting that provides the general overall context for the valley as a whole as well as the Project site. Figure 3, *Steep Slope Areas South of Harmony Grove Road*, shows a more focused view of steep slope areas that contribute to the visual context within which the site is located. The on-site and highlighted RPO steep slopes within this area alone constitute 368 acres. The elevations of peaks that surmount the notable steep slopes visible from Harmony Grove Valley and that provide the dramatic setting of the valley, are noted on this figure. Located at the base of these primary slopes and in the valley portion, the Project site boundary is also shown, together with some sample on-site elevations. Project site portions proposed for waiver top out at 775 feet above mean sea level (amsl), or approximately 185 feet lower than the closest lowest peak (which, although notably higher than developable on-site areas, is not one of the defining southern and western peaks due to its lower elevation). The other peaks exceed this on-site elevation by up to over 960 feet.

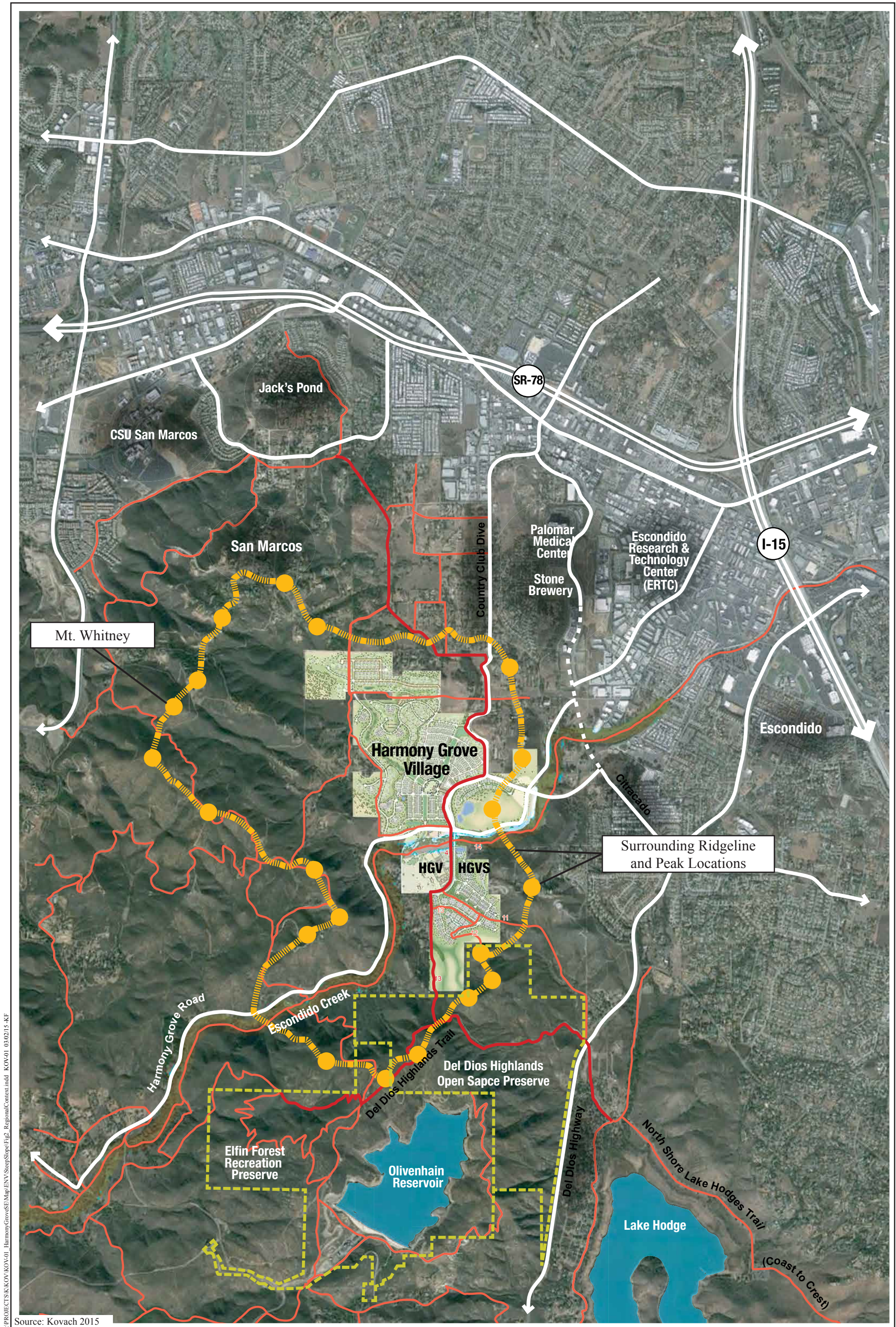
As shown on Figures 2 and 3, in this landform, the surrounding contiguous and visually dominant steep slopes (including notable and often connected sections of areas reaching or exceeding 50 percent slopes) are located all along the higher elevations and connect to the lower portions of higher slopes located east, south and west of the Project. Elevations south of the site



Project Site Aerial Photograph

HARMONY GROVE VILLAGE SOUTH

Figure 1

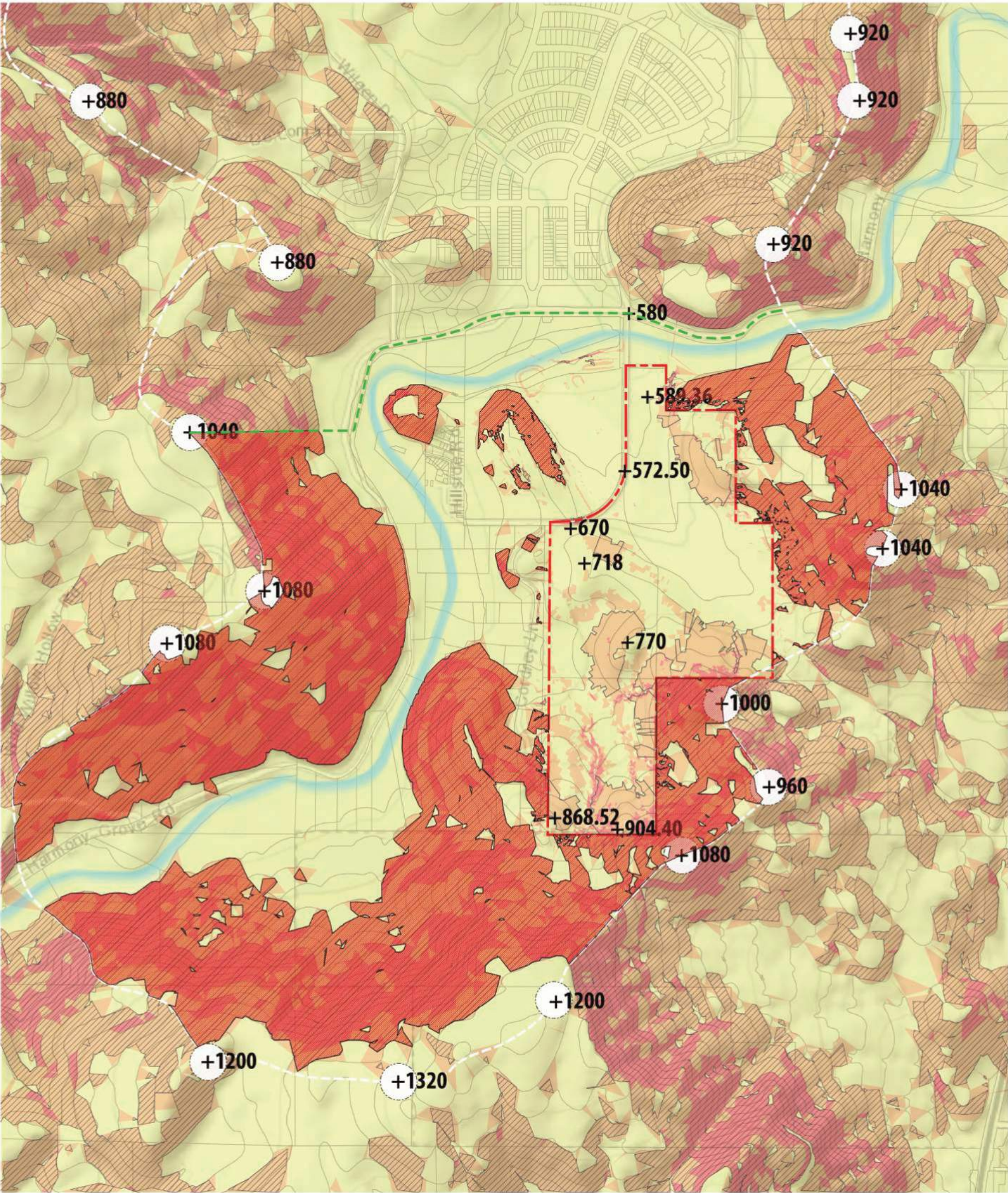


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Source: Kovach 2015

Slopes Providing the Project Setting

HARMONY GROVE VILLAGE SOUTH



Slope Study Legend

- Site Boundary
- Knoll and Ridge Line
- 0 - 25%
- 25% - 50%
- 50% - Above
- Above 25%, 50 Feet or More in Height Within Site Boundary
- Above 25%, 50 Feet or More in Height Outside Site Boundary
- Steep slopes within ridgeline south of Harmony Grove Road

Source: Kovach Group of Companies 2015

Steep Slope Areas South of Harmony Grove Road

HARMONY GROVE VILLAGE SOUTH

range from 1,000 to 1,320 feet amsl. Elevations associated with Mt. Whitney and adjacent peaks range from 1,618 to 1,736 feet amsl. These slopes contribute to the notable and often abrupt ridgelines in Elfin Forest Recreational Reserve (EFRR) and the DDHP to the south of the Project, as well as in hill formations located to the west; ultimately connecting to Mt. Whitney (and the associated highly valued “Lady of the Valley” formation) in the high slopes west of Harmony Grove and Eden valleys. These ridgelines (lines formed along the highest [topmost] points of a mountain ridge) are specifically noted as valuable and worthy of preservation in the Elfin Forest and Harmony Grove Community Plan portion of the San Dieguito Community Plan.

These notable peaks also provide visual context for smaller topographic features in the valley. As indicated, although even higher mountains are located along the valley edge to the west, the proximity and height of the higher surrounding slopes to the south are so dominant, that on-site topographic variation in the (approximately) northern half of the site and within the disturbed/grassland areas is not very prominent or visually “meaningful.” The abrupt and peaked formations tend to minimize the visual impact of smaller topographic features. This is demonstrated from the north on Figure 4, *View Toward Project Site From Country Club Drive*, where the rocky and scrub-vegetated slopes extend above the lower and flattened hill forms south of Harmony Grove Road, and is additionally depicted below from the south.

3.1 On-site Steep Slopes

The RPO steep slope analysis for the Project site was conducted by Project Design Consultants (PDC) using Autocad Civil 3D, with review, confirmation and interpretation by licensed landscape architects from PDC and SWA Group. As shown on Figure 5, *Study Area Slope Map*, and quantified on Table 1, *On-Site Slope Categories*, 40 percent of the site is categorized as containing steep topography. Sixty (60) percent of the HGV South site contains slopes of less than 25 percent slope.

Table 1 ON-SITE SLOPE CATEGORIES		
Slope Range	Acres	Percent
0% – 25%	66.7	60
25% – 50%	39.7	35.8
50%+	4.6	4.1
Total	111	100

Of the 44.3 acres exceeding 25 percent slope, approximately 26.5 acres meet the definition of steep slopes under the County’s RPO. This represents approximately 24 percent of Project site. Table 2, *RPO Slope Acreage*, shows that 26.5 acres, or 24 percent of the site, contains slopes that qualify as RPO steep slopes; whereas 84.5 acres, or 76 percent of the site, does not contain RPO steep slopes.

Table 2 RPO SLOPE ACREAGE		
	Acres	Percent
Total Site	111	100
RPO Steep Slopes	26.5	24
Remainder of Site	84.5	76
Total	111	100

The steep slopes areas of over 25 and 50 percent gradient are located primarily in the southern half of the Project. Although flatter lands also intersperse this area, the terrain is overall higher and more rugged. These also can be the most visible and the most visually abrupt slopes. They also often connect to the steeper formations associated with areas already protected as part of DDHP, as indicated on Figure 4. These southeastern and southernmost portions of the Project are proposed for permanent open space as BOS.

3.2 Requirements Related to RPO Steep Slopes

RPO Section 86.603(c) provides that one or more of the following actions may be required:

1. Application of an open space easement to portions of the site with sensitive (steep) lands,
2. Rezone of the site through application of special area designators for sensitive lands, and
3. Other actions as determined by the decision-making body (the Board of Supervisors).

3.3 RPO Density Formula

Subdivision of parcels within slope dependent land use designations as defined in RPO Section 86.604(e) generally is subject to residential quantity restrictions. The number of homes for the site overall is based on the minimum lot size permitted by the General Plan, multiplied by slope categories of: 0 to 25 percent slope, 25 to 50 percent slope, and over 50 percent slope,

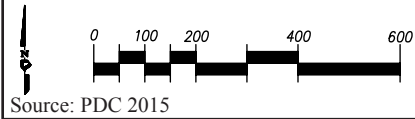
In this case, however, the Project proposes a General Plan Amendment to designate the majority of the developable portion of the site (approximately 53 acres) as Village Residential 10.9. This land use designation is not slope dependent, and the slopes addressed under the proposed waiver discussion below would not be subject to the RPO density formula. The remainder of the site (approximately 58 acres) would maintain the Semi-Rural 0.5 (SR-0.5) designation. This is a slope-dependent land use designation that would permit up to 82 dwelling units. Due to the large area within the southern portion of the project site that would be preserved, however, only 30 units are proposed within the SR-0.5 land use designation, thereby being in conformance with General Plan requirements.



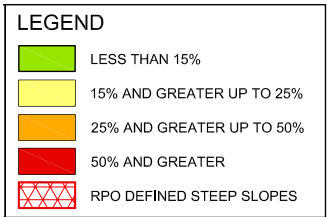
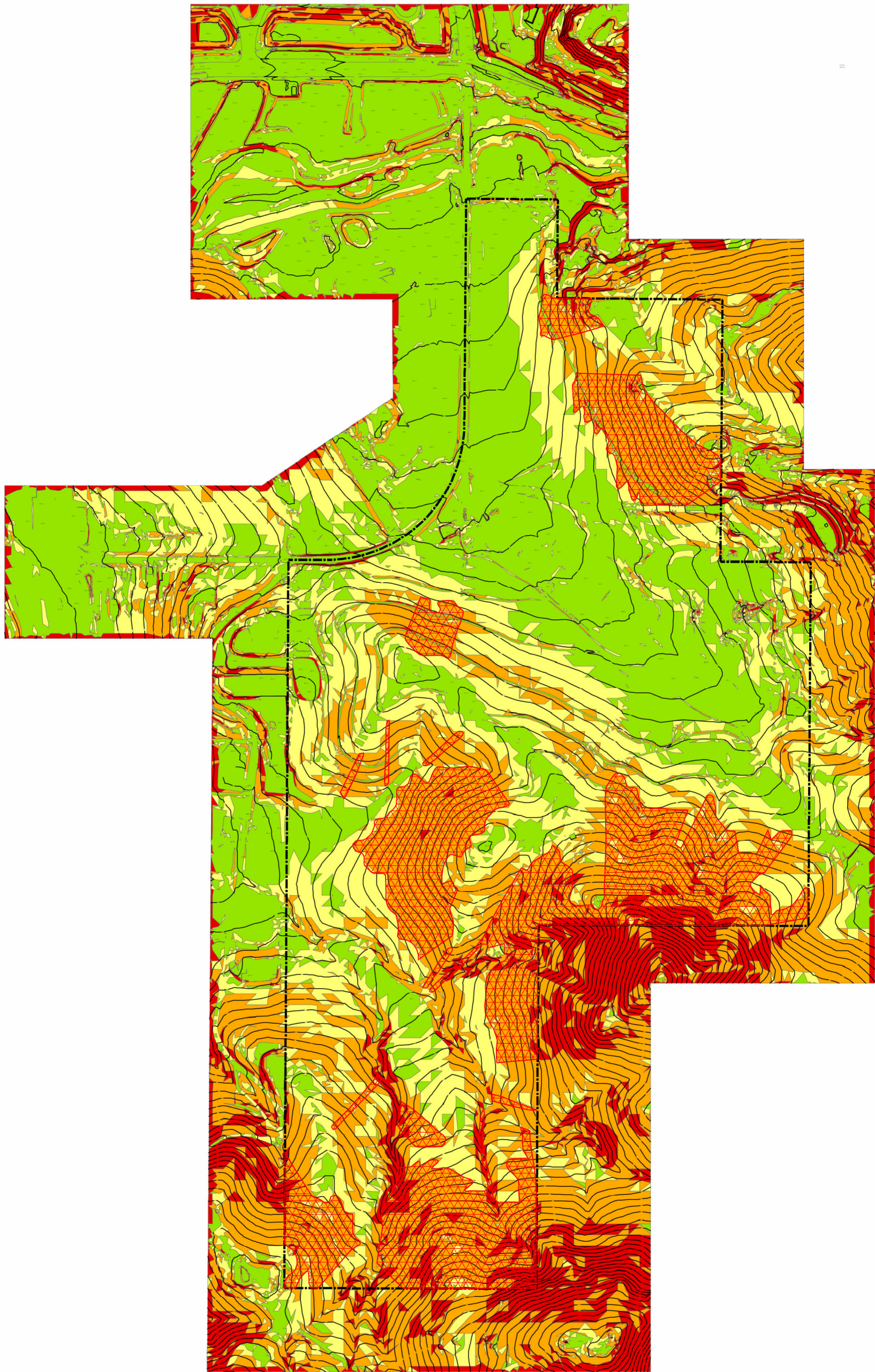
View Toward Project Site From Country Club Drive

HARMONY GROVE VILLAGE SOUTH

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Source: PDC 2015



Study Area Slope Map
HARMONY GROVE VILLAGE SOUTH

4.0 RPO STEEP SLOPES WAIVER

A waiver from the restrictions of the RPO steep slopes and easement requirements (County Code Title 8, Division 6, Chapter 6) may be granted if the following four findings can be made (RPO Section 86.604[e][2][cc][3]):

- aa. The slope is an insignificant¹ visual feature and isolated from other landforms, **OR** surrounding properties have been developed on steep slopes such that this project would be considered “infill”; and
- bb. The property is zoned for 0.5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
- cc. The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
- dd. Site Plan review is required to ensure consistency of design with these regulations.

Isolated areas in the central portion of the site are proposed for a waiver of the easement requirements. Each of the above criteria and findings is individually addressed below.

4.1 **Finding aa**

4.1.1 **Significant Visual Features**

Land forms that are considered significant visual features include those slopes that meet the definition of RPO steep slope lands and are both visible and visually notable and interesting (i.e., unique) topographic features. Significant landforms draw the viewer’s attention and provide primary elements in the viewers memory of the viewshed. They are the elements noted as “vivid,” or memorable. These types of topographic features are therefore generally comprised of large rock outcrops, peaks and promontories, which is consistent with the identification of “dramatic brush-covered hills” and “granitic formations” and need to “prohibit construction along ridgelines” cited in the Elfin Forest and Harmony Grove Community Plan portion of the San Dieguito Community Plan (2011:15, 19, respectively). In the vicinity of the Project, visible peaks rising above the valley floor that comprise the rim of the valley and are skylined are clearly significant, such as Mt. Whitney and the associated peaks forming the “Lady of the Valley.”

4.1.2 **Insignificant and Isolated Visual Features**

Whether areas with the appropriate slope percentage and height differential are considered “insignificant” depends on the whether they are isolated from other steep slope forms and the extent to which they read as unique forms. Insignificant visual features may meet the RPO steep slope definition relative to gradient and minimum rise; but are either not highly visible, not part

¹ The ability to see a slope does not necessarily mean that it is a significant visual feature. As noted above, the purpose of the ordinance is to preserve unique topography, which by definition means that a significant slope should visually differentiate from those areas that are not protected.

of an identifiable peak or ridgeline, and/or are generally not perceived as part of the Harmony Grove mountainous landform. These include features that do not include the peaks and skylining elements noted above and that generally “fade” into their surroundings. They do not present as unique or memorable. Neither do they appear especially steep in the context of their surroundings. They also are somewhat separated from contiguous reaches of steep slope, either visually and/or by intervening topographic features such as a swale.

4.1.3 On-site Insignificant and Isolated Visual Features

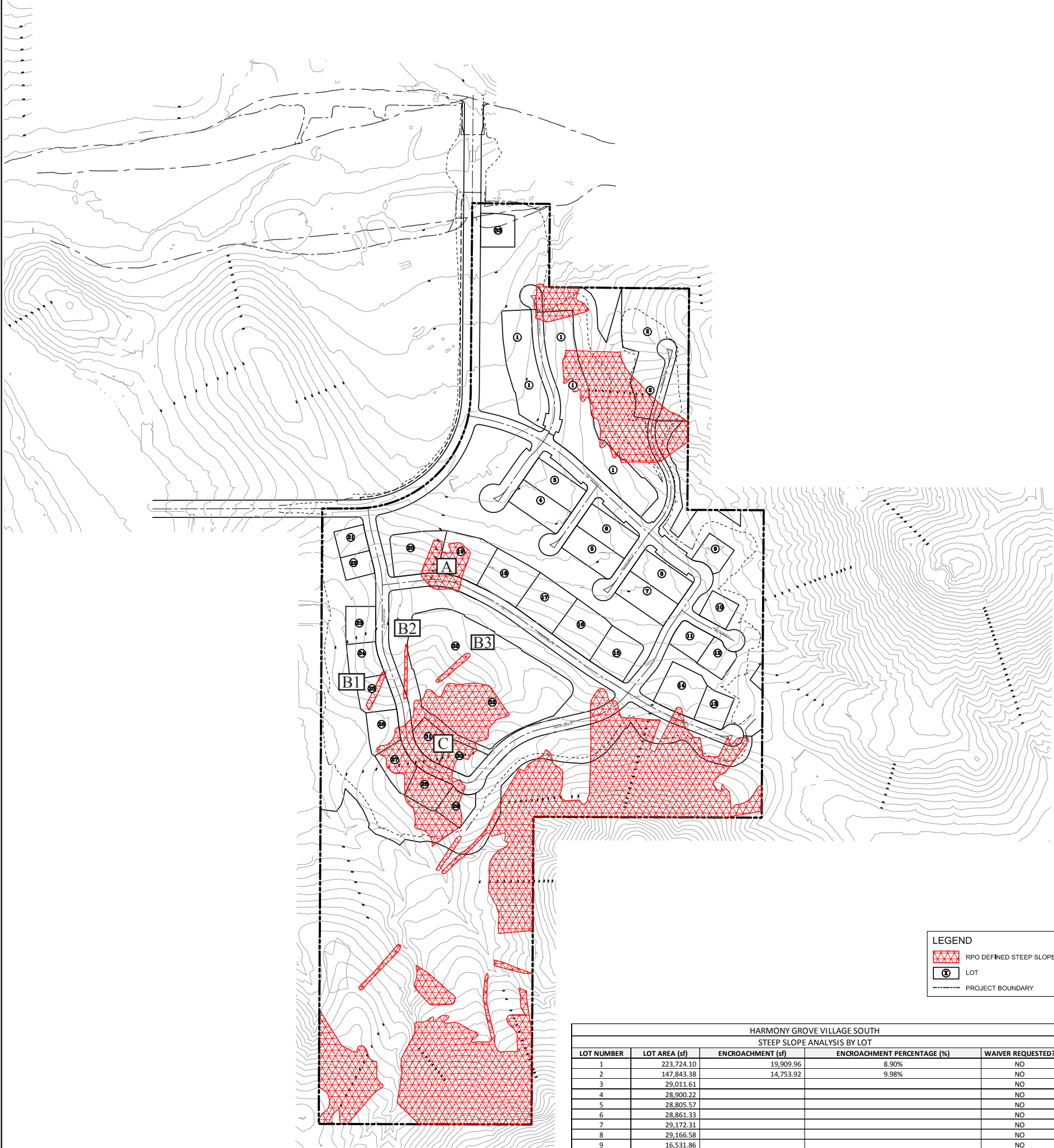
Relative to criterion aa, each of the slope areas in which a waiver is being requested is physically separated from other areas of steep slope, and is visually insignificant and indistinguishable. They are identified on Figure 6, *RPO Steep Slopes* as A, B (1, 2 and 3) and C. As shown on Figure 6, they do not flow into contiguous areas of RPO-protected steep slope, but are each surrounded by non-steep slope topography, creating small islands.

Area A (approximately 0.5 acre) is shown on Figure 7. Photo a, *The Central Bench*, provides a good reference photo for this slope. As can be seen from this panorama, the bench is a topographically uniform feature. Although the argument is not being made that the slopes are modified (there is no known historic photography depicting slopes prior to the agricultural use of the parcels in the 1920s), it appears to be a modified slope, in that it is a uniformly sloping and rounded feature whereas most of the surrounding topographic features are more abrupt and peaked in nature. Regardless, given the visual uniformity, it is difficult to identify any specific area on this slope that is, or is not, steep slope. Figure 7, Photo b, *Central Bench Steep Slope Area*, identifies the area that modeling (as opposed to the human eye) identifies as RPO steep slope on this north-facing slope. As shown, the approximately 0.5 acre of steep slope called out on Photo 7b does not stand out as anything different from the rest of the visible disturbed grassland. There is nothing interesting or unique about this half acre that differentiates it from the non-steep slope areas on the bench. It is completely consistent with and visually indistinguishable from the rest of the central bench depicted in the figure. Non-steep slope area extends “above” the area to the top of (and along) the bench feature, as well as to either side and below. This area is therefore both visually insignificant and isolated.

Area B is comprised of three very small vertical “bars” that are located on the south side of the central bench on the western side of the Project. As shown on Figure 6, each of these isolated stretches just attain the 50-foot reach required under RPO. They are extremely narrow elements, surrounded on all sides by non-steep slope portions of the slope face, and are indistinguishable from those surrounding non-steep slope areas. These areas are also both visually insignificant and isolated.

Area C includes approximately four acres of area proposed for waiver as insignificant slope. It is located south of the bench just discussed, with a portion of this slope located on that south side, and a portion located on the westerly facing slope of increasingly (on- and off-site) steep hill above it. This area is generally not visible to viewers from the north, since so much of the slope is “hidden” from the north. In fact, the closer that one comes to the slope from the north, the less one can see it as it ultimately becomes entirely shielded by the intervening bench. Similar to the discussion of Area A, the on-site top portion of this feature is a very softened knoll, without the sharp and more vertical features of the surrounding peaks.

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STEEP SLOPE ANALYSIS BY LOT				
LOT NUMBER	LOT AREA (sf)	ENCROACHMENT (sf)	ENCROACHMENT PERCENTAGE (%)	WAIVER REQUESTED?
1	223,724.10	19,909.96	8.90%	NO
2	147,843.38	14,753.92	9.98%	NO
3	29,011.61			NO
4	28,900.22			NO
5	28,805.57			NO
6	28,861.33			NO
7	29,172.31			NO
8	29,166.58			NO
9	16,531.86			NO
10	15,812.35			NO
11	19,260.32			NO
12	16,867.89			NO
13	19,352.82			NO
14	34,548.24	713.33	2.06%	NO
15	30,849.32			NO
16	36,540.05			NO
17	36,378.18			NO
18	37,075.08			NO
19	38,434.07	14,401.90	37.47%	YES
20	39,558.93	7,885.68	19.93%	YES
21	15,049.20		0.00%	NO
22	12,982.92		0.00%	NO
23	20,518.28		0.00%	NO
24	20,314.06	150.59	0.74%	NO
25	21,689.38	3,514.19	16.20%	YES
26	22,062.41	3,061.01	13.87%	YES
27	22,441.57	15,193.88	67.70%	YES
28	21,995.48	21,995.48	100.00%	YES
29	17,610.25	11,374.87	64.59%	YES
30	19,875.09	10,801.35	54.35%	YES
31	18,637.01	18,637.01	100.00%	YES
32	267,420.39	64,456.13	24.10%	YES
33	21,186.02			NO

Source: PDC 2015

RPO Steep Slopes

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a. The Central Bench



b. Central Bench Steep Slope Area

View Toward Central Bench

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Viewpoints to this area with the greatest number of viewers sharing the most open and unobstructed views, would be from the south/southwest along public trails. For the purposes of this discussion, the Harmony Grove Overlook in EFRR was chosen. This is one location where both shade and a seating area is provided, and the intention is to look northerly over the valley. It is possible to sit down to enjoy a static view from this viewpoint and this makes it likely that many visitors would do so (although currently abutting vegetation obscures views to the site from the bench itself). As can be seen in Figure 8, Photo a, *View Toward the Project*, the Project area is visible from the vicinity of the overlook. From this (and other elevated) viewpoints, the amount of vertical differential is not visible to the viewer. In fact, referencing Figure 8, Photo b, *Steep Slope Area South of the Central Bench*, relative to the unique and surrounding steep slope mountains, the site looks flat, and without much topographic variation at all in this area. The location of the home being built in RPO steep slope area east of the Project boundary is more identifiable as being on slope. It is within steep slope area contiguous to the higher peak to the east, but still appears relatively flat to the viewer.

Although viewers are expected to be on the move, the site also would be openly visible to the viewers from the Del Dios Highlands Trail in the DDHP. The height of the trail on the viewing hill (the only east-west trail in DDHP), and its location on the broad expanse of slopes exceeding 25 percent with a rise exceeding 50 feet, results in the on-site slope fading into the other non-RPO slopes on site. This is demonstrated on Figure 9, Photo a, *View Toward Project*, where the central portion of the project can be seen to be located on what appears to be a very gentle slope with varied and somewhat disturbed vegetation rising to the east before lowering into a swale. The slope in question does not stand out as visually unique, memorable or interesting. In fact, the viewer's eye is drawn over the site to the north, where the hill just north of Harmony Grove Road provides notable (albeit modified) slope features. The eye is then further drawn to the ridgeline in San Marcos, farther to the north, and to the tops of the mountain range beyond that. It should also be noted that this picture was taken with potential use for simulation under the rigorous County requirements in mind. As a result, it focuses on a 60 degree cone-of-vision. This eliminates views to nearby and lateral upper slopes of which the viewer would be aware (and actually see) as they move through the area. This includes the steep slopes in DDHP south of the viewer, as well as those nearby in the DDHP and EFRR to the east and west. Nonetheless, Figure 9, Photo b, *Steep Slope Area South of the Central Bench*, depicts how the more rolling nature of the lower slopes below the significant peak lines visually fades into connection with valley floor as opposed to reading as steep slope.

From both EFRR and DDHP viewpoints, the lack of unique or notable topography of this isolated feature, combined with its topographic disconnection with steep slopes to the east, north and west, render this slope visually insignificant.

4.1.4 Infill Project

Finding aa provides an option to either find that the slope is an insignificant visual feature or that surrounding properties have been developed on steep slopes such that this project would be considered "infill." Although the previous discussion stands on its own merits, mention should also be made of this "infill" issue. In the case of the Project, although many of the homes in the immediate vicinity are located near the valley floor, many are also sited on RPO steep slope sides as well as on ridgelines and hilltops, including the home currently being built adjacent to

the Project's eastern boundary. A review of RPO steep slope locations against existing homes visible on Google Earth south of Harmony Grove Road shows that approximately 35 percent of the currently existing homes are sited within steep slope areas.² These homes are located to the northeast, southwest and west of the Project (there is no building due south of the Project due to the DDHP boundary, which is immediately adjacent to the Project.)

To the north of Harmony Grove Road, the pattern continues. A number of existing homes along the western valley slopes also have been developed on steep slopes. In addition, although it is not yet fully present, Harmony Grove Village is building out. As shown on Figure 2.4-7 (Steep Slope Encroachment Map) of that project's EIR, the 3,000,000 cubic yards of cut and 3,000,000 cubic yards of fill approved for that project has resulted in encroachment into RPO steep slopes. A number of that project's compounds, hillside farmhouses, and grove country house or farmhouses west of Country Club Drive, and village housing (hillside cottages) east of Country Club Drive, will encroach into RPO steep slopes; as has that project's water reclamation facility, located at the very visible intersection of Harmony Grove Road and Country Club Drive.

In conjunction with the very limited availability for additional development in the area, the proposed HGV South development can indeed be seen an infill project, which would also – and separately – provide an important consideration of this waiver.

4.1.5 Project Mitigative Measures

During the planning process for the Project, the on-site landforms formed a primary focus of evaluation. A number of mitigative elements have been folded into Project design as a result of this evaluation. These include elements relative to grading, landscaping and open space protection.

Grading

General Grading. Grading plans have been designed to follow the underlying existing topography, thereby retaining the existing underlying nature of the landform and reflecting the topographic features of the terrain. This is demonstrated by cross sections developed for the Project. Long, continuous straight slopes with hard edges and no transition areas at the top or toe of slope (as relevant) have been avoided.

Open Space Protection. Grading would be prohibited in BOS/natural open space lots except for possible trail placement.

Contour Grading. Contour grading to retain the overall character of the underlying existing features would be implemented. Elements include:

- Rounding of toe and top of slopes
- Blending of graded slope contours into abutting natural topography
- Use of vegetation/landscaping to attenuate angular slopes

² This number does not include the non-conforming residential uses associated with the Harmony Grove Spiritualist Association, which is planning to rebuild structures destroyed in the 2014 Cocos Fire.



a. View Toward the Project



b. Steep Slope Area South of the Central Bench

**View Toward Project From Harmony Grove Overlook
in Elfin Forest Recreational Reserve**

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Figure 8



a. View Toward the Project



b. Steep Slope Area South of the Central Bench

View Toward Project From Del Dios Highlands Fire Break Trail

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- Design of drainage courses to blend with the natural and manufactured terrain within the development

Landscaping

Landscaping has been designed to blend with the existing Harmony Grove Village, as well as reference the surrounding natural environment.

Coast Live Oak Woodland. The existing coast live oak woodland primarily would be preserved. This habitat is important to the character of the area.

Slope Vegetation. Slope plantings would be fast growing and installed to provide slope retention capability. Visual qualities of native vegetation in the surrounding open space (e.g., color, massing) would be incorporated, as would use of native species when appropriate.

Fire Management. Brush management would be implemented in sensitive buffer areas to both follow fire management guidelines provided in the Project Fire Protection Plan and in accordance with County requirements, while maintaining the character of the existing vegetation.

Irrigation. All new planting would be irrigated to quickly establish slope vegetation and protect the slopes. Reclaimed water would be used for irrigation. The HGV South Project would utilize drip or microspray systems with weather-based controllers, backflow prevention, and rain-sensing override devices if any potable water is used for outdoor irrigation purposes. Drought tolerant and native plant species have been chosen for the landscape palette to minimize irrigation needs.

Open Space Protection

Ultimately, the HGV South Project would include a funded Resource Management Plan (RMP) to manage lands retained as BOS. The RMP would control access into BOS, formally restricting it only to approved on-site locations. This would contribute to preservation of sensitive areas.

4.2 Finding bb

The current zoning designation is A-70 and RR with a minimum lot size of 0.5 acre (except for an approximately 0.5 acre piece of land at the far northern boundary that is zoned A-70 with a minimum lot size of eight acres, and which is not proposed for residential development). The Project is also filing for a rezone to S88 – Specific Plan concurrently with Project evaluation.

4.3 Finding cc

HGV South is located within the Harmony Grove Community of the San Dieguito Community Plan. The Elfin Forest and Harmony Grove Community Plan (Community Plan) describes an ideal future for the Harmony Grove community where residents continue their rural small-town lifestyle, local farmers sell organically grown produce, and residents' children often find first homes or their parents can choose to live in retirement.

An important goal of the Plan is to preserve the rural residential lifestyle while accommodating growth. The Harmony Grove Community is designed consistent with the Community Development Model whereby the most intense development is located within the Village and is generally, but not necessarily uniformly, surrounded by decreasing residential densities. HGV South is contiguous to Harmony Grove Village and is a logical extension of this Village. The Project would preserve open space and natural habitat, thereby contributing to the retention of the rural setting and lifestyle of the adjacent Harmony Grove community.

The Harmony Grove Community “strongly supports conservation and protection of native species” (Community Plan 2011:20). The design concept for HGV South allows this to occur by focusing development within the least constrained areas of the site and making the most efficient use of the land. This compact and efficient development pattern reduces the building footprint and preserves the largest block possible of contiguous open space where sensitive biological resources are located. Although this development pattern would require some encroachment into insignificant RPO steep slopes, it is much more efficient than pushing development farther into the southern portion of the site in an effort to strictly remain on non-RPO steep slope land. If the Project design fully avoided all RPO-defined steep slopes, the BOS preserves could be much more fragmented, with substantially increased edge effects and more impacts to rare plants and sensitive species.

The grading plan has been designed to closely follow the underlying existing topography, thereby retaining the existing overall shape of the landform and reflecting the topographic features of the terrain, including focused rise and fall in the northern and central portions of the site. Where no development is proposed, of course, the existing natural terrain would remain. The steepest on-site slopes and connections to the steep and rugged off-site slopes in the southeast and southernmost portions of the Project would be preserved. These lead to and merge seamlessly with the memorable and unique peaks that form the southern edge of the Harmony Grove Valley.

The Community Plan requires standard two-acre lots outside of the Village Boundary “unless significant preservation of resources is achieved and specific findings are met for the preservation of community character with the utilization of lot area averaging, planned residential developments, or specific plans” (Community Plan 2011:31). Although the Project would be incorporated into the Village and would; therefore, not be subject to the two-acre minimum standard, significant preservation of resources and protection of community character would still be achieved through the use of a Specific Plan. Per the Specific Plan, development would be located within the northern and central portion of the site and approximately 30 acres or 27 percent of the site would be preserved within permanent BOS in the southern part of the Project.

The noted retention of BOS leads into Community Plan guidance regarding steep slopes that is particularly relevant to the issue of “greater encroachment.” As described in Finding aa, the Project would avoid impacts into the “dramatic” hill formations called out in the Community Plan as critical to the setting of the community. Similarly, the Community Plan voices concern over development on ridgelines (2011:19). The Project would keep all development downslope from the iconic ridgeline formations that rim the valley. No ridgelines (formed by connecting the highest peaks along a ridge) are located on site, and therefore no ridgelines would be impacted.

In addition to not impacting ridgelines, the Project would preserve a large swath of native habitat in the south-central and southern portion of the Project as BOS. Preservation of this habitat would contribute to continued health of abutting habitat in the DDHP. This is consistent with the goal to preserve ridgelines in their native habitat (Community Plan 2011:44).

The most notable slopes of the Project also would be retained in open space. Views to the steep slopes leading to the intact promontory just southeast of the central portion of the Project, and to the intact hills in the southern portion, would be retained. This is consistent with the goal to retain “unspoiled views to the intact hills” (Community Plan 2011:30). These undisturbed areas would continue to merge seamlessly into protected slopes in DDHP with nearby notable peaks reaching 960, 1,000, 1,080 and 1,200 feet amsl; and the slightly more distant peak at 1,320 feet amsl (see Figure 3).

The Project also would not contribute to any ongoing degradation of views toward the Lady of the Valley, called out as “threatened by urban sprawl” in the Community Plan (2011:30). The Project is located southerly of the peaks making up this formation, which are north of Harmony Grove Road and on the western side of the valley. The “Lady” is visible from portions of the Project site. Off-site views taking in both the Project and those peaks require the viewer to be at some distance. Viewers south of the Project would look over the Project to the notable higher peaks that form the “Lady,” encompassing all the intervening development in Harmony Grove Valley, as well as Eden Valley and points well to the north. Viewers from the north would be closer to the “Lady” but would be looking westerly to see her. Views toward the Project would then be lateral, and the Project would appear as a smaller development in the distance without relationship to the Lady of the Valley. Implementation of the Project would not impact the importance, form, or visibility of this important community landmark.

It should also be noted that the Community Plan references the General Plan Goal COS-12 regarding the preservation of ridgelines (Community Plan 2011:30). The General Plan indicates that undeveloped ridgelines and steep hillsides should be protected through the application of semi-rural or rural designations on these areas. HGV South has maintained the SR-0.5 designation within the southern portion of the site where the most significant and steep on-site slopes would be preserved within permanent open space.

To protect community character, the Project has been designed to appear much less dense than the number of dwelling units would suggest. Over half of the proposed homes are single-family residences. The remaining residences would be located within structures built to accommodate multiple dwellings, yet still appear like single-family homes or repurposed agricultural/rural structures. The site layout promotes a feeling of openness with substantial internal open space features such as a remnant drainage that would be restored to a naturalized state, wide landscaped areas between buildings, and an assortment of park and recreation areas including community gardens. Together, natural open space, common area landscaping, and recreational areas are important framework elements and represent approximately 75 acres or 68 percent of the entire Project area.

For expanded information regarding the Project’s consistency with specific Community Plan goals and policies and community character, refer to the General Plan Consistency Analysis (under separate cover).

4.4 Finding dd

As part of the Project's rezone, a D designator would be applied to the site which would require site plan review. This designator would ensure that future development is consistent with the design of these regulations and the design guidelines within the HGV South Specific Plan.

5.0 CONCLUSION

The Project design is based on a process that fully values the on-site and surrounding significant landforms. A total of approximately 4.7 acres of RPO steep slope is proposed for waiver as insignificant slope consistent with the specific and objective criteria specified in the RPO. This is 1.3 percent of the steep slopes located south of Harmony Grove Road and shown on Figure 3.

The Project has been designed to retain the unique and memorable landforms, as well as those that are visually related to the steep and upward reaching slopes associated with the surrounding peaks.

Taking all the information provided above regarding:

1. relative lack of visual prominence,
2. lack of slope significance and/or connection of these slope areas to more contiguous RPO-steep slope areas,
3. infill nature of the Proposed Project relative to surrounding residences placed onto RPO steep slopes, and
4. requirements for design review and Project conditions; as well as
5. consistency with environmental protection sections of the Community Plan;

a waiver from the RPO steep slope easement restrictions is appropriate for these areas. The steep slopes for which a waiver is requested are indistinguishable from surrounding areas of non-RPO protected slopes, and do not present unique landforms. They are, therefore, not significant slopes and a waiver to the steep slope open space easement requirement is requested.