

Section 2.3

Cultural Resources

This section describes the general cultural resource conditions in the County and the pertinent regulations that govern cultural resources. It also assesses the potential impacts on cultural resources that could result from project implementation and presents mitigation measures that would reduce potentially significant impacts.

2.3.1 Existing Conditions

Cultural resources comprise archaeological, historical, tribal cultural resources, and paleontological elements and include the tangible or intangible remains or traces left by prehistoric or historical peoples. Cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations. Paleontological resources are the remains and/or traces of prehistoric life, exclusive of human remains, and include the localities of where fossils were collected and the sedimentary rock formations in which they were formed.

The presence and significance of existing cultural resources is based on both a review of surveyed historic and archaeological resources within the project area and applicable laws, regulations, and guidelines. These records cover areas previously surveyed for cultural resources. Identified resources in the unincorporated lands of the County include approximately 25 National Register of Historic Places (NRHP) resources, 5 National Historic Landmark (NHL) resources, 18 California Historic Landmark (CHL) resources, and 83 San Diego County Historic Property Listing (HPL) resources (County of San Diego 2011a: Table 2.5-2, *General Plan Update –Final Program EIR*). Additional resources include the Julian Historic District (County of San Diego 2011: Figure 2.5-2) and Paleontological Sensitive Lands ranging from zero sensitivity to high sensitivity throughout the County's unincorporated lands (County of San Diego 2011: Figure 2.5-3). The following describes the existing cultural and paleontological resources found within the County.

2.3.1.1 Historic Resources

The history of San Diego County is commonly presented in terms of Spanish, Mexican, and American political domination. A discussion of historic land use and occupation under periods of political rule by people of European and Mexican origin is based on the characteristics associated with each period, when economic, political, and social activities were influenced by the prevailing laws and customs. Certain themes are common to all periods, such as the development of transportation, settlement, and agriculture.

The Spanish Period represents exploration, the establishment of the San Diego Presidio and missions at San Diego (1769) and San Luis Rey (1798), and the addition of *asistencias* (chapels) to the San Diego Mission at Santa Ysabel (1818) and to the San Luis Rey Mission at Pala (1816). Horses, cattle, agricultural foods and weed seeds, and a new architectural style and method of building construction were also introduced. Spanish influence continued after 1821 when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

The Mexican Period includes the initial retention of Spanish laws and practices until shortly before secularization of the missions in 1834, a decade after the end of Spanish rule. Although several grants of land were made prior to 1834, vast tracts were dispersed through land grants offered after secularization. Cattle ranching prevailed over agricultural activities, and the development of the hide and tallow trade increased during the early part of this period. The Pueblo of San Diego was established and transportation routes were expanded. The Mexican Period ended in 1848 as a result of the Mexican–American War.

The American Period began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Terms of the treaty brought about the creation of the Lands Commission in response to the Homestead Act of 1851, which was adopted as a means of validating and settling land ownership claims throughout the state. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims. Much of the land that once constituted rancho holdings became available for settlement by immigrants to California. The influx of people to California and the San Diego region resulted from several factors including the discovery of gold in the state, the conclusion of the Civil War, the availability of free land through passage of the Homestead Act, and later, the importance of the County as an agricultural area supported by roads, irrigation systems, and connecting railways. The growth and decline of towns occurred in response to an increased population and the economic boom and bust cycle in the late 1800s.

2.3.1.2 Archaeological Resources

Archaeological evidence reveals that the County has a long cultural history beginning approximately 10,000 years ago. The following cultural background discusses the characteristics of each cultural period of prehistory and history, as taken from the *County of San Diego Guidelines for Determining Significance, Cultural Resources: Archaeological and Historic Resources* (County of San Diego 2007b), dated December 5, 2007.

The body of current research of Native American (Pre-Contact) occupation in the County recognizes the existence of at least two major cultural traditions, discussed here as Early Period/Archaic and Late Period, based upon general economic trends and material culture. Within the County, the Early Period/Archaic ranges from 10,000 to 1,300 years ago, while the Late Period is from 1,300 years ago to historic (Spanish) contact. The Post-Contact/Historic Period covers the time from Spanish contact to the present.

The Early Period/Archaic includes the San Dieguito, La Jolla, and Pauma complexes, which are poorly defined, as are the interrelationships between contemporaneous inland, desert, and coastal assemblages. Initially believed to represent big game hunters, the San Dieguito people are better typified as a hunting and gathering society. These people had a relatively diverse and nonspecialized economy wherein relatively mobile bands accessed and used a wide range of plant, animal, and lithic resources. Movement of early groups from the California desert may have been spurred by the gradual desiccation of the vast pluvial lake system that dominated inland basins and valleys during the early to middle Holocene. This hypothesis is supported by the similarity between Great Basin assemblages and those of Early Holocene Archaic sites in the County.

Early Period/Archaic sites from 10,000 to 1,300 years ago within the County include a range of coastal and inland valley habitation sites, inland hunting and milling camps, and quarry sites, usually in association with fine-grain metavolcanic material. Material culture assemblages during this long

period are remarkably similar in many respects. These deposits may well represent a process of relative terrestrial economic stability and presumably slow cultural change. Though various culture traits developed or disappeared during the long span of 10,000 to 1,300 years ago, there is a clear pattern of cultural continuity during this period. The earliest known sites, found near coastal lagoons and river valleys of the County, are the Harris Site (CA-SDI-149), Agua Hedionda sites (CA-SDI-210/UCLJ-M-15 and CA-SDI-10695), Rancho Park North (CA-SDI- 4392/SDM-W-49), and Remington Hills (CA-SDI-11069), dating from 9,500 to 8,000 years ago.

During the Late Period (circa 1,300 to historic contact), a material culture pattern similar to that of historic Native Americans first becomes apparent in the archaeological record. The economic pattern during this period appears to be one of more intensive and efficient exploitation of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout the County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase within the region. Artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semi-permanent seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast called “the Shoshonean Wedge” (County of San Diego 2007b). Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors’ culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups within the County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns. Archaeologists must rely heavily on ethnographic accounts of group boundaries as recorded during the historic period, although it is not known how long these boundaries had been in place or the validity of these boundaries as presently reported.

2.3.1.3 Paleontological Resources

The County covers varying landforms and geologic formations. The location of geologic formations plays an important role in determining the presence of paleontological resources. Fossils are a result of the preservation of organic remains. They commonly include marine shells; bones and teeth of fish, reptiles, and mammals; leaf assemblages; and petrified wood. Fossil traces include internal and external molds and casts. Trace fossils consist of evidence of the past activities of fossil organisms. Examples of trace fossils include footprints and trackways, burrow and boreholes, and coprolites and nests. Most fossils found in the County are represented by shells or tests (hard coverings) of marine invertebrates. Skeletal remains of terrestrial vertebrates are also locally present and important; they characterize certain geologic rock units and interval times. Terrestrial fossils within the County also include remains and impressions of plants such as leaf assemblages and petrified wood (County of San Diego 2009a).

Based on rock type and location of previously recorded fossils, areas within the County are put into the following categories for potential paleontological resources: high sensitivity, moderate

sensitivity, low sensitivity, and marginal sensitivity. High resource sensitivity areas are those with geological formations known to contain paleontological localities with rare, well-preserved critical fossil materials. Areas of high sensitivity within the County include the following: Pliocene–Pleistocene Nonmarine formation within the northern portion of Pala–Pauma; Pliocene–Pleistocene Nonmarine and Quaternary Alluvium formations in the North Mountain; Cretaceous Plutonic formations dispersed throughout Ramona; Cretaceous Plutonic formations in the westernmost portion of Bonsall; Eocene Marine and Nonmarine in North County Metro; Eocene Marine and Nonmarine and Quaternary Alluvium formations in the San Dieguito; the Upper Jurassic and Lower Cretaceous formations in Jamul–Dulzura; and Eocene Marine and Nonmarine and Upper Jurassic and Lower Cretaceous formations within the Spring Valley Community Planning Area (CPA). There are also areas of high sensitivity in the varied formations of the Sweetwater CPA. Finally, the largest areas of high sensitivity are found in the westernmost portion of Lakeside and consist of Eocene Marine and Nonmarine formation. Approximately 1% of the total land within the County is categorized as high sensitivity (County of San Diego 2009a).

The moderate sensitivity category is applied to areas with geologic formations known to contain paleontological localities with a strong, but often unproven, potential for containing unique fossil remains (County of San Diego 2009a). The largest concentrations of moderate sensitivity are two areas of Quaternary Alluvial Fan deposits in the northern portion of the Pala–Pauma Subregional Plan Area. Other areas of moderate sensitivity within the County are as follows: Cretaceous Plutonic formations in the south portion of Ramona and the northern Lakeside CPA; Upper Cretaceous Nonmarine formations in central Alpine; Eocene Marine and Nonmarine and Upper Jurassic and Lower Cretaceous formations in Sweetwater; and Quaternary Alluvium formation in the southwestern area of the Borrego Springs Community Plan (County of San Diego 2009a).

Most of the County is underlain by geologic formations with no potential, low sensitivity, or marginal sensitivity for paleontological resources and is therefore unlikely to contain important fossils.

2.3.2 Regulatory Setting

2.3.2.1 Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended, is the primary set of federal laws governing projects that may affect cultural resources. Section 106 of the NHPA requires that all federal agencies review and evaluate how their actions or undertakings may affect historic properties. Historic properties may include those that are already listed on the NRHP or those that are eligible but not yet listed. The regulations implementing Section 106 are codified at 36 CFR 800 (2004). The Section 106 review process involves four steps.

1. Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
2. Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.
3. Assess adverse effects by applying the criteria of adverse effects to historic properties (resources that are eligible for inclusion in the NRHP).

4. Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council if necessary, to develop an agreement that addresses the treatment of historic properties.

To determine whether an undertaking may affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for eligibility to be listed on the NRHP. Criteria considers whether the quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. The resource must also meet one of the following.

- A. Be associated with events that have made a significant contribution to the broad patterns of our history (Criterion A).
- B. Be associated with the lives of persons significant in our past (Criterion B).
- C. Embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C).
- D. Have yielded, or may be likely to yield, information important in prehistory or history (Criterion D).

Section 106 only applies to federal agency activities, and does not directly apply to County activities that might be undertaken as a part of the general plan process or to the County approval of subsequent projects, in the absence of federal involvement.

2.3.2.2 State Regulations

California Register of Historic Resources

CEQA mandates that local agencies consider potential significant environmental impacts on cultural resources as a result of proposed projects. Significant resources are those that are listed in or considered eligible for listing in the California Register of Historical Resources (CRHR). However, the fact that a resource or property is not listed on the CRHR does not preclude it from being significant and does not make it exempt from CEQA evaluation. Public agencies must treat any cultural resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant (State CEQA Guidelines Section 15064.5).

The State CEQA Guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review.

- The resource is listed in or determined eligible for listing on the CRHR.
- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey that meets the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record.

These three conditions are related to the eligibility criteria for inclusion in the CRHR (California Code of Regulations [CCR], Title 14, Section 4852). A cultural resource may be eligible for inclusion in the CRHR for the same criteria listed for the NRHP. The criteria are summarized as follows.

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
2. Is associated with the lives of persons important to local, California, or national history (Criterion 2).
3. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4).

In addition, properties that are listed on or eligible for listing on the NRHP are considered eligible for listing on the CRHR, and thus are significant historical resources for the purposes of CEQA.

CEQA states that a unique archaeological resource (as defined in Section 21083.2 of the Public Resources Code) is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that the resource:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Native American Graves Protection and Repatriation Act of 2001

The California Native American Graves Protection and Repatriation Act (Cal NAGPRA) conveys to American Indians, of demonstrated lineal descent, human remains, and funerary items that are held by state agencies and museums. Human remains require special handling and must be treated with dignity. Procedures for the handling of human remains are pursuant to Section 15064.5e of the State CEQA Guidelines, Section 5097.98 of the Public Resources Code, and Section 87.429 of the County's Grading Ordinance. In the event of the discovery of human remains and/or funerary items, the following procedures, as outlined by the NAHC, must be followed (14 CCR 15000 et seq.).

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A. The County Coroner must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the Coroner determines that the remains are Native American:
 - i. The Coroner shall contact the NAHC within 24 hours.
 - ii. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

- iii. The MLD may make the recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or
- 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance.
 - A. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission;
 - B. The descendent identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Tribal Cultural Resources

Federal and state laws mandate that consideration be given to the concerns of contemporary Native Americans with regard to potentially ancestral human remains, associated funerary objects, and items of cultural patrimony. Consequently, an important element in assessing the significance of the project area has been to evaluate the likelihood that these classes of items are present in areas that would be affected by the proposed project.

Potentially relevant to prehistoric archaeological sites is the category termed Traditional Cultural Properties (TCPs) in discussions of cultural resource management performed under federal auspices. According to Patricia L. Parker and Thomas F. King (1990), *traditional* in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices.

The County of San Diego Guidelines identifies that cultural resources can also include TCPs, such as gathering areas, landmarks, and ethnographic locations in addition to archaeological districts (County of San Diego 2007b). These guidelines incorporate both state and federal definitions of TCPs. Generally, a TCP may consist of a single site, or group of associated archaeological sites (district; traditional cultural landscape), or an area of cultural/ethnographic importance.

The Traditional Tribal Cultural Places Bill of 2004 requires local governments to consult with Native American representatives during the project planning process. The intent of this legislation is to encourage consultation and assist in the preservation of "Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance" (County of San Diego 2007b). It further allows for tribal cultural places to be included in open space planning. State Assembly Bill (AB) 52, in effect as of July 1, 2015, introduces the Tribal Cultural Resource (TCR) as a class of cultural resources and additional considerations relating to Native American consultation into CEQA. As a general concept, a TCR is similar to the federally defined TCP, but incorporates consideration of local and state significance and required mitigation under CEQA. A TCR may be considered significant if included in a local or state register of historical resources, or determined by the lead agency to be significant pursuant to criteria set forth in Public Resources Code (PRC) Section 5024.1; or is a geographically defined cultural landscape that meets one or more of these

criteria; or is a historical resource described in PRC Section 21084.1, a unique archaeological resources described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

In 1990 the National Park Service and Advisory Council for Historic Preservation introduced the term *Traditional Cultural Property* through National Register Bulletin 38 (Parker and King 1990). A TCP may be considered eligible based on “its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1990:1). Strictly speaking, TCPs are both tangible and intangible; they are anchored in space by cultural values related to community-based physically defined “property referents” (Parker and King 1990:3). On the other hand, TCPs are largely ideological, a characteristic that may present substantial problems in the process of delineating specific boundaries. Such a property’s extent is based on community conceptions of how the surrounding physical landscape interacts with existing cultural values. By its nature, a TCP need only be important to community members, and not the general outside population as a whole. In this way, a TCP boundary, as described by Bulletin 38, may be defined based on a viewscape, encompassing topographic features, extent of archaeological district or use area, or a community’s sense of its own geographic limits. Regardless of why a TCP is of importance to a group of people, outsider acceptance or rejection of this understanding is made inherently irrelevant by the relativistic nature of this concept.

2.3.2.3 Local Regulations

County of San Diego Local Register of Historic Resources

The County of San Diego has a local register of historical resources that is specific to the unincorporated area of the County of San Diego. It contains local listings and serves as a guide to local agencies, private groups, and citizens in identifying historical resources in the County of San Diego. It provides a guide to managing the effects of adverse change on listed structures. The significance criteria for the Local Register of Historic Resources is similar to CEQA, but the significance focus is specific to the County. Potential historic resources are eligible for listing on the local register if it possesses one or more of the following criteria.

1. Is associated with events that have made a significant contribution to the broad patterns of San Diego County’s history and cultural heritage.
2. Is associated with the lives of persons important to the history of San Diego County or its communities.
3. Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

County of San Diego Resource Protection Ordinance

The County of San Diego Resource Protection Ordinance (RPO, Section 86.601) requires the preservation of RPO significant prehistoric or historic sites. The RPO does not allow trenching, grading, clearing, and grubbing or any other activity or use that may result in damage to RPO-significant prehistoric or historic site lands. The RPO requires that cultural resources be evaluated

as a part of the County's discretionary environmental review process, and if resources are found to be significant under RPO, they must be preserved.

The RPO defines *Significant Prehistoric or Historic Sites* as follows:

Sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or Federal importance. Such locations shall include, but not be limited to:

- (1) Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - (aa) Formally determined eligible or listed in the National Register of Historic Places by the Keeper of the National Register; or
 - (bb) To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or
- (2) One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
- (3) Any location of past or current sacred religious or ceremonial observances which is either:
 - (aa) Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
 - (bb) Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

County of San Diego Grading, Clearing and Watercourses Ordinance

Under the County of San Diego's Grading, Clearing and Watercourses Ordinance, projects for agricultural production within the County that require grading, clearing, and/or removal of natural vegetation are required to obtain either a Grading Permit, an Agricultural Grading Permit, an Administrative Permit for clearing, or an Administrative Permit for agricultural clearing.

The Grading Ordinance addresses the treatment of human remains or Native American artifacts in the event that they are encountered during grading activities (Section 87.429). The ordinance specifies that grading operations are to be suspended if human remains or Native American artifacts are encountered and the requirements of the Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.99 be followed, including notifying the County Official.

A Grading Permit may be modified pursuant to Section 87.216 (a.7):

If information has been received indicating that previously unknown historical resources (as defined in Public Resources Code Section 21084.1) or unique archaeological resources (as defined in Public Resources Code Section 21083.2) may be located on the site, and therefore a modification is necessary, to prohibit grading in the area of the resources so as to preserve the resources, or to redirect proposed grading so as to avoid the location of such resources until they can be retrieved, or potential impacts to them have been otherwise appropriately mitigated.

Fossils have been discovered in rock outcrops that are naturally exposed and in rocks exposed during grading or erosion. To protect resources that could be exposed during grading activities, Section 87.430 of the County of San Diego's Grading Ordinance requires a paleontological monitor at the discretion of the County of San Diego. According to the *Guidelines for Determining Significance – Paleontological Resources*, monitoring (by Paleontological Monitor or Standard Monitor) is appropriate for initial cutting, grading, or excavation into the substratum in areas of marginal, low,

moderate or high resource sensitivity. If fossil remains greater than 12 inches in any dimension or other unique geologic formations are exposed during grading, all activities must be suspended. In these cases, notification of an official at the County of San Diego is required, and the County Official must investigate and determine the appropriate resource recovery operations, which the permittee must carry out prior to the County's Official's authorization to resume normal grading operations.

County of San Diego Zoning Ordinance

The County of San Diego Zoning Ordinance, Sections 5700 to 5749, titled *Historic/Archaeological Landmark and District Area Regulations*, includes provisions to identify, preserve, and protect the historic, cultural, and archaeological and/or architectural resources of designated landmarks and encourage design compatibility. Areas in the County that have a "J" designator are in a Specific Historic District and are subject to guidelines and review of a specific historic district. Areas in the County that have an "H" designator are historical/archaeological landmarks and are subject to guidance from the Historic Site Board. Both the "J" and "H" designators include the requirements for a site plan review for certain discretionary projects, site plan review criteria, and site plan waiver provisions.

2.3.3 Analysis of Project Effects and Determination of Significance

The proposed project consists of an amendment to the Zoning Ordinance related to accessory agricultural uses in unincorporated portions of the County over which the County has land use jurisdictions (see Section 1.4, *Project Description*, for further details). Specifically, the proposed project applies to properties where active agriculture exists within the County or properties where agricultural uses are allowed. During the Initial Study preparation and scoping process for this project, which considered potentially significant environmental impacts and involved a 30-day public comment period, it was determined that the proposed project has some potential to affect cultural resources, including historical, archaeological, tribal cultural resources, and paleontological resources.

Four comment letters that are relevant to cultural resources were received during the 30-day public comment period. The Soboba Band of Luiseño Indians stated that the project occurs outside of their reservation but is adjacent to Tribal Traditional Use Areas. No specific cultural resource concerns regarding the proposed project were identified. The Rincon Band of Luiseño Indians identified the project location as being within the Aboriginal Territory of the Luiseño people and also within Rincon's historic boundaries. The comment letter stated no opposition to the proposed amendments. The San Diego County Archaeological Society indicated agreement with cultural resources being identified as a topic addressed in the EIR. The Cleveland National Forest indicated that cultural resources are of particular concern for the agency and requested that the EIR consider effects of intensified land uses on the forest.

2.3.3.1 Historic Resources

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to the direct, indirect, and cumulative impact analyses. A significant impact would result if:

- The project would have a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines.

Analysis

As discussed above in Section 2.3.2.3, *Local Regulations*, historical sites within the County are designated on local, state, and national historical lists and meet the definitions of historical resources under Section 15064.5(a) of the State CEQA Guidelines. These historical resources are most densely concentrated in the communities of Fallbrook, Rancho Santa Fe, Descanso, Bonita, and La Mesa. Historical resources include structures such as residences, school houses, stage depots, and cemeteries. Many historic and potentially historic resources have been identified through prior surveys and inventories, and noted by the County to prompt review prior to further modification of the property and County approval of permits. However, many historically significant resources existing within the County have yet to be identified or designated. The proposed project as a whole is not subject to the RPO, which includes provisions for protecting historical resources. The RPO does not apply to Zoning Ordinance amendments, ministerial projects, Administrative Permits for clearing, or grading permits (Municipal Code Section 86.603(a)). The accessory agricultural uses included as part of the proposed update to the County's Zoning Ordinance would generally increase activities on agricultural properties and could result in a significant impact on historic resources. Potential impacts associated with each of the uses that would be promoted with adoption of the proposed project are described below.

Agricultural Homestay

The proposed changes to the Zoning Ordinance would promote agricultural homestay uses (which are currently regulated and defined in the County's Zoning Ordinance) by reducing the level of review required. Therefore, such uses are anticipated to generally increase throughout the County. Specifically, agricultural homestays would be allowed with a ministerial Zoning Verification Permit rather than a discretionary Minor Use Permit, subject to certain criteria. As a result, permitting additional agricultural homestay uses would involve less review when compared to current County regulations. Property owners with agricultural homestays on their property may decide to utilize up to three existing rooms within an existing residence that does not involve any structural or architectural changes to the building; in these cases, it is not anticipated that the promotion of agricultural homestays would have any impact on historical resources. In other cases, a Major Grading Permit may be required, which would involve subsequent discretionary review. However, it is anticipated that some smaller agricultural homestays would not typically trigger Major Grading Permit requirements or otherwise require future discretionary review.

Direct impacts could result if a historic or potentially historic resource is modified, redeveloped, or destroyed to accommodate an agricultural homestay. Indirect impacts could occur if an associated structure or other development such as parking areas, storage areas, and recreational or other visitor gathering areas were to affect the importance or otherwise affect a historic resource. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Therefore, County regulations would address potential impacts on known historic resources. However, historic resources that are not listed would be vulnerable to direct and indirect impacts. It is possible that Historical Site Board staff would review a future agricultural homestay project as part of the ministerial grading checklist and would limit the potential for adverse impacts on historical resources. ~~Therefore,~~ implementation of the proposed changes to the Zoning Ordinance to promote agricultural homestay

~~uses could result in potentially significant there is the potential for~~ direct impacts on historical resources to occur related to modifications of buildings to accommodate an agricultural homestay and ~~potentially significant for~~ indirect impacts to occur due to increased agricultural homestays in operation throughout unincorporated San Diego County.

Agricultural Retail

Project approval also would promote agricultural and horticultural retail uses, including agricultural stands and agricultural stores, and would involve ministerial and discretionary review depending on the size of the proposed agricultural store (see Section 1.4, *Project Description*, for more information on the proposed permitting requirements for agricultural stores). Agricultural stands would continue to be permitted by right; however, the proposed updates to the Zoning Ordinance would allow agricultural stands in S88 zones where they are not currently permitted. Agricultural stands would not exceed 300 square feet in total size and it is not expected that an existing historical resource would be converted to an agricultural stand. As such, the project as it relates to agricultural stands would not likely result in a significant impact on a historical resource. For agricultural stores, the level of environmental review (and related review of potential impacts on historical resources) would depend on the size of the operation (see Section 1.4, *Project Description*, for more information on the proposed permitting requirements for agricultural stores). Similar to the analysis above for agricultural microbreweries, cideries, and micro-distilleries, larger operations would require a discretionary permit and a review of the project site for the presence of eligible historic resources; however, for smaller operations not requiring a Major Grading permit, a ministerial permit would be required and would not include a review of the site for historic resources unless the site was already listed as a historic resource. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Buildings associated with agricultural stores would be developed to house agricultural retail items. Depending on the specific site and placement of future facilities, including accessory structures and ancillary development of parking or gathering areas, significant environmental impacts on non-listed historical resources could result. ~~similar to the discussion above for agricultural homestays and agricultural microbreweries, cideries, and micro-distilleries. Therefore,~~ implementation of the proposed agricultural and horticultural retail uses could result in potentially significant direct impacts on historical resources related to modifications of buildings to accommodate agricultural and horticultural retail uses and potentially significant indirect impacts due to increased retail locations in operation throughout unincorporated San Diego County.

Animal Raising

The proposed project-related changes to the Zoning Ordinance could result in more animals on agricultural properties, and it is unlikely that areas on active agricultural properties that contain historic resources would be affected or disturbed to make space for additional animal keeping activities. Accessory improvements, such as increased parking areas, are not anticipated as a result of the changes to the animal schedule because there is no visitor component to the proposed animal designator changes. Impacts are generally assumed to be less than significant associated with the clearing of land to accommodate additional animals on a given site. ~~As such~~ Therefore, implementation of the proposed project-related changes to the Zoning Ordinance that could result in more animals on agricultural properties ~~it is unlikely that the proposed changes to the animal schedule would affect to result in either direct or indirect impacts on~~ historical resources. (It is recognized that some historic resources can be negatively affected by changes to their surroundings

and landscape. Sites that are listed on the County's Historic Local Register for which grading or clearing is proposed would be subject to review by the Historic Site Board.)

Aquaponics

The proposed definitions for aquaponics and hydroponics would promote both uses on agricultural properties, which would result in the installation of water tanks and growing areas within a greenhouse structure or outdoors. Because aquaponics and hydroponics systems would be accessory to the existing agricultural operations on any individual property and are not expected to create a demand for more employees or visitors, there would be limited site disturbance, if any, related to expanded parking areas or other improvements related to aquaponics and hydroponics operations. It is not expected that aquaponics or hydroponics uses would require alterations to a historic building because these uses would either occur outside or within a greenhouse-type structure and not a traditional building that could qualify as a historic resource. However, because historic resources are not limited to buildings, alterations to the site do have potential to affect historic resources. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Depending on the site-specific improvements, significant environmental impacts on non-listed historical resources could result, ~~similar to the discussions for agricultural homestays and agricultural microbreweries, cideries, and micro-distilleries.~~ Therefore, implementation of the proposed definitions for aquaponics and hydroponics to promote uses on agricultural properties could result in potentially significant direct impacts on non-listed historical resources related to modifications of non-building resources to accommodate the installation of water tanks and growing areas within a greenhouse structure or outdoors. Additionally, potentially significant indirect impacts could occur due to the potential for disturbance related to expanding parking areas or other improvements.

Creameries/Dairies

Implementation of the proposed creamery/dairy uses could result in individual development projects involving the construction of up to a 4,000-square-foot building; construction of ancillary parking areas, driveways, fences, and outdoor seating; and increase in site activity related to additional visitors and new employees. Creamery/dairy uses would require the development of non-residential structures to support the production of butter, cream, milk, or cheese within an enclosed building, and would also require indoor space for product storage intended for wholesale sales as well as retail sales. Parking areas, driveways, and fences would also be included as typical site improvements associated with the development of new structures with retail components. ~~Similar to the analysis above for~~ For components of the project that would promote the construction of new buildings or the conversion of existing buildings, it is possible that a non-listed historic resource could be either modified or demolished to accommodate creamery/dairy uses. Therefore, implementation of the proposed creamery/dairy uses could result in potentially significant direct impacts on historical resources related to buildings or the conversion of existing buildings; it is possible that a non-listed historic resource could be either modified or demolished to accommodate creamery/dairy uses. Additionally, potentially significant indirect impacts could occur due to increased creameries/dairies in operation throughout unincorporated San Diego County. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board.

Fishermen's Markets

Fishermen's markets involve the retail sale of fish to the general public and would be allowed on a temporary basis, similar to farmers' markets, on developed public property zoned for commercial use, on school property, or in conjunction with a farmers' market. The retail area itself would likely consist of a shade tent or temporary structure and outdoor tables and would not require permanent structures or other site improvements. It is not anticipated that a fishermen's market would result in any alterations or impacts on a historic resource. Therefore, no direct or indirect impacts on historical resources as a result of the implementation of fishermen's markets are anticipated.

Microbreweries, Cideries, and Micro-distilleries

Agricultural microbreweries, cideries, and micro-distilleries would be introduced into the County's Zoning Ordinance and would involve ministerial and discretionary review depending on the size of the proposed brewery (see Section 1.4, *Project Description*, for more information on the proposed permitting requirements for agricultural microbreweries, cideries, and micro-distilleries). For larger operations, a discretionary use permit would be required, and environmental review, including review of the project site for the presence of eligible historic resources, would occur; however, for smaller operations not requiring a Major Grading permit, a ministerial permit would be required and would not include a review of the site for historic resources unless the site was already listed as a historic resource. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Buildings associated with agricultural microbreweries, cideries, and micro-distilleries would be developed to house brewing equipment and machinery, as well as provide for retail sales and a tasting room for large microbreweries, cideries, and micro-distilleries. Depending on the specific site and placement of future facilities and if existing structures are modified or destroyed, significant environmental impacts on non-listed historical resources could result, ~~similar to the discussion above for agricultural homestays.~~ Therefore, implementation of the proposed agricultural microbreweries, cideries, and micro-distilleries could result in potentially significant direct impacts on historical resources related to buildings or the conversion of existing buildings; it is possible that a non-listed historic resource could be either modified or demolished to accommodate the proposed uses. Additionally, potentially significant indirect impacts could occur due to increased agricultural microbreweries, cideries, and micro-distilleries in operation throughout unincorporated San Diego County.

Mobile Butchering

Mobile butchering activities proposed as part of the project would involve a motor vehicle and/or trailer travelling to agricultural properties to process animals. In some cases, agricultural operations may clear an area and pour a concrete slab for this periodic use. It is possible that some additional storage may also be developed to support mobile butchering uses that could involve limited ground disturbance or clearing activities. Although unlikely, there is some potential for future clearing activities to affect a historic resource as there would not be future discretionary review for minor land alterations to promote and support mobile butchering activities. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Depending on the site-specific improvements, significant environmental impacts on non-listed historical resources could result, ~~similar to the discussion above for agricultural homestays and agricultural microbreweries, cideries, and micro-distilleries.~~ Therefore, implementation of the proposed mobile butchering activities could result in

potentially significant direct impacts on historical resources related to ground disturbance or clearing activities; it is possible that a non-listed historic resource could be either modified or demolished to accommodate the proposed uses. Additionally, potentially significant indirect impacts could occur due to increased mobile butchering activities in operation throughout unincorporated San Diego County.

Wineries

The proposed changes to wineries included as part of the project could include individual development projects involving land clearing to support up to a 5,000-square-foot building; construction of ancillary parking areas, driveways, fences, and outdoor seating; and an increase in visitors and employees in agricultural areas. Future development would be necessary to house various equipment associated with winemaking, to store wine during the aging process, and to provide for tasting rooms and other retail space. It is possible that an existing historic resource could be adapted for use as part of a winery or that a historic resource could be demolished to make room for the construction of new structures to support wineries. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board. Depending on the site-specific improvements, significant environmental impacts on non-listed historical resources could result, ~~similar to the discussion above for agricultural homestays and agricultural microbreweries, cideries, and micro-distilleries.~~ Therefore, implementation of the proposed wineries could result in potentially significant direct impacts on historical resources related to buildings or the conversion of existing buildings; it is possible that a non-listed historic resource could be either modified or demolished to accommodate the proposed uses. Additionally, potentially significant indirect impacts could occur due to increased wineries in operation throughout unincorporated San Diego County.

Summary

In summary, the proposed amendments to the County's Zoning Ordinance would promote and encourage additional land use activities on active agricultural properties throughout unincorporated San Diego County. As discussed in Section 1.4, *Project Description*, some of the proposed accessory agricultural uses may be permitted with a ministerial permit or by right, and may not require additional or subsequent environmental review per CEQA. However, for some uses that would require a ministerial permit, a discretionary grading permit may be required depending on the amount of earthwork involved (e.g., 200 cubic yards of import or export is needed or more than 2,500 cubic yards of grading is proposed), and additional environmental review pursuant to CEQA would be required. Even though subsequent review is anticipated for many types of accessory uses and associated improvements promoted by the proposed project, there is no guarantee that future review would conclude that impacts would be less than significant. Any resource that is listed on the County's Historic Local Register for which modifications or additions are proposed would be subject to review by the Historic Site Board prior to any County approvals including building permits. However, non-listed resources that only require ministerial permits may not trigger additional review and could be affected.

Therefore, it is concluded that the proposed project could have direct and indirect impacts on historic resources. Direct impacts could result from disturbance related to modifying, redeveloping, or demolishing an existing building that is eligible for listing or is listed as a historical resource at the local, state, or federal level. Indirect impacts could result from accessory development, paving areas for parking, and other land clearing for gathering areas that may modify a historic resource or

reduce its integrity. **Direct and indirect impacts related to historical resources are considered to be a significant impact (Impact CR-1).**

2.3.3.2 Archaeological Resources

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to the direct, indirect, and cumulative impact analyses. A significant impact would result if:

- The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Analysis

Important archaeological resources, including, but not limited to, prehistoric bedrock milling features, hearth features, lithic scatters, habitation, and rock sites, are found throughout the County. The proposed Zoning Ordinance Amendment applies to a large area of the County that could contain archaeological resources that have not been identified or designated. Future discretionary actions related to the proposed project would be required to review each site for the potential to contain archaeological resources, which is done by conducting record searches and site visits by trained archaeological professionals; however, there are certain actions that would be promoted by the proposed project that may not require any subsequent environmental review for archaeological resources. As discussed above under the impact analysis for historical resources, the proposed changes to the Zoning Ordinance could similarly result in ground disturbance and increased visitor and employee activity on agricultural properties that could result in significant impacts on archaeological resources, with the exception of fishermen's markets as they would occur on school sites or developed commercial areas and would not involve any ground disturbance or permanent structures. Increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially affect archaeological resources.

Compliance with local and regional plans that address archaeological resources would be required as part of the discretionary review process for larger projects. If archaeological resources exist on a specific project site, avoidance, mitigation, and/or minimization of impacts would be required. However, even with compliance with the County's RPO and other applicable local requirements pertaining to archaeological resources, including future discretionary and environmental review, there is no guarantee or indication that impacts would be reduced to a level below significance until a site-specific project site and design is developed and reviewed by the appropriate regulatory agencies, including the County of San Diego. Furthermore, it is anticipated that additional ground disturbance is likely to occur to further support accessory agricultural uses such as fences, parking areas, outdoor seating or eating areas, or additional storage areas. As such, future actions associated with implementation of the proposed project have the potential to damage or destroy archaeological resources that may be present on or below the ground surface, particularly in areas that have not previously been developed. The potential for additional ground disturbance to occur without review for potential impacts per local or regional plans, policies, or regulations represents a potentially significant impact on archaeological resources. Compliance with applicable local and regional plans

could be achieved and still result in significant unavoidable impacts. A discretionary grading permit may be triggered by the larger accessory agricultural uses, such as agricultural microbreweries, cideries, and micro-distilleries, wineries, and agricultural stores, which could require environmental review per CEQA; however, while a best effort to avoid, minimize, and mitigate potential impacts, there is no guarantee that impacts on archaeological resources would be concluded to be less than significant with or without mitigation. **Therefore, impacts on archaeological resources from the adoption of the proposed Zoning Ordinance amendments are considered to be potentially significant (Impact CR-2).**

2.3.3.3 Tribal Cultural Resources

Guidelines for the Determination of Significance

The following significance guideline based on the California Resources Agency's proposed revisions to Appendix G of the State CEQA Guidelines (noticed February 19, 2016) applies to the direct, indirect, and cumulative impact analyses. A significant impact would result if:

- The project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as either:
 - 1) A site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 - 2) A resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code Section 5024.1 (c), and considering the significance of the resource to a California Native American tribe.

Analysis

Similar to archaeological resources, tribal cultural resources may be found throughout the County. Information on tribal cultural resources is much more difficult to obtain than most archaeological resources. Currently, there is no database of such resources and they cannot be identified by simply surveying the land. Identification of such resources requires coordination with Native American Tribes, and the Tribes themselves may need to conduct research with elders and other members in their identification. Furthermore, the precise location of tribal cultural resources is often difficult to determine as they are often only documented through the oral history of the Tribe.

The proposed Zoning Ordinance Amendment applies to a large area of the County that contains tribal cultural resources. Future discretionary actions related to the proposed project would be required to review each site for the potential to contain tribal cultural resources. However, that review would be limited to information that is reasonably available as part of the review. Actions that require a cultural resources report would include outreach to Tribes as part of the Sacred Lands review, and tribal cultural resources could be identified at that time. Additionally, projects that are anticipated to require the preparation of a negative declaration or environmental impact report would comply with the tribal coordination requirements of AB 52. Under these requirements, Tribes will be notified of projects in areas for which they request to be notified, and the County will consult

with the Tribes on the projects if requested. However, even this process does not ensure that tribal cultural resources would be identified, as it relies on the Tribes requesting notification and consultation, and providing information related to the tribal cultural resource.

Projects that do not otherwise require a cultural resources report, mitigated negative declaration, or EIR would be screened by County staff based on the information that is readily available to them. Because that information is currently lacking, such projects would not be further reviewed for tribal cultural resources.

As discussed above under the other impact analyses, the proposed changes to the Zoning Ordinance could result in ground disturbance and landscape alteration, with the exception of fishermen's markets as they would occur on school sites or developed commercial areas and would not involve any ground disturbance or permanent structures. Increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially affect tribal cultural resources.

Because these activities could occur throughout the County and tribal cultural resources are located throughout the County, there is a potential that they could result in impacts on tribal cultural resources. As discussed above, there are some existing processes and regulations in place to identify tribal cultural resources that would avoid or reduce impacts, but they are not a guarantee that this will occur. As such, future actions associated with implementation of the proposed project have the potential to damage or destroy tribal cultural resources that may be present. **Therefore, impacts on tribal cultural resources from the adoption of the proposed Zoning Ordinance amendments are considered to be potentially significant (Impact CR-3).**

2.3.3.4 Paleontological Resources

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to the direct, indirect, and cumulative impact analyses. A significant impact would result if:

- The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Analysis

The unincorporated County has a variety of paleontological environments. Based on rock type and location of previously recorded fossils, areas within the County are classified into sensitivity categories for potential paleontological resources, including high, moderate, low, and marginal sensitivities. High resource sensitivity areas are those with geological formations known to contain paleontological localities with rare, well-preserved critical fossil materials. As described in Section 2.3.1.3, most of the County consists of areas with no, low, or marginal paleontological resource potential and sensitivity and is therefore unlikely to contain important fossils; however, the North Mountain/Palomar Mountain Subregional Plan Area contains areas of high sensitivity. Paleontological resources in North Mountain or other communities may be affected by ground disturbance from the development of future accessory agricultural uses, with the exception of fishermen's markets, which would be temporary uses that would not involve ground disturbance.

Increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially affect paleontological resources.

Compliance with local and regional plans that address paleontological resources would be required as part of the discretionary review process for larger projects. If paleontological resources exist on a specific project site, avoidance, mitigation, and/or minimization of impacts would be required. However, even with compliance with CEQA and other applicable local requirements pertaining to paleontological resources, including future discretionary and environmental review, there is no guarantee or indication that impacts would be reduced to a level below significance until a site-specific project site and design is developed and reviewed by the appropriate regulatory agencies, including the County of San Diego. Furthermore, it is anticipated that additional ground disturbance is likely to occur to further support accessory agricultural uses such as fences, parking areas, outdoor seating or eating areas, or additional storage areas. As such, future actions associated with implementation of the proposed project have the potential to damage or destroy paleontological resources that may be present below the ground surface, particularly in areas that have not previously been developed and that are considered highly sensitive. The potential for additional ground disturbance to occur without review for potential impacts per local or regional plans, policies, or regulations represents a potentially significant impact on paleontological resources. Compliance with applicable local and regional plans could be achieved and still result in significant unavoidable impacts. A discretionary grading permit may be triggered by the larger accessory agricultural uses, such as agricultural microbreweries, cideries, and micro-distilleries, wineries, and agricultural stores, which could require environmental review per CEQA; however, while a best effort to avoid, minimize, and mitigate potential impacts, there is no guarantee that impacts to paleontological resources would be concluded to be less than significant with or without mitigation. **Therefore, impacts on paleontological resources from the adoption of the proposed Zoning Ordinance amendments are considered to be potentially significant (Impact CR-4).**

2.3.3.5 Human Remains

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to the direct, indirect, and cumulative impact analyses. A significant impact would result if:

- The project would disturb any human remains, including those interred outside of formal cemeteries.

Analysis

Human burials have been found throughout unincorporated San Diego County and have the potential to occur outside of formal cemeteries, usually associated with archaeological sites and prehistoric peoples. Therefore, areas with known archaeological sites may have a higher risk for containing human remains. However, the disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. The proposed Zoning Ordinance Amendment includes a large area of the County; therefore, it includes sites within the County that may potentially contain human remains. The proposed project would allow

development of accessory agricultural uses that could inadvertently adversely affect human remains through ground-disturbing activities, such as excavation and grading.

As discussed above in the analyses for archaeological and paleontological resources, all of the related accessory agricultural uses could involve ground disturbance that may or may not require additional environmental review or permits, with the exception of fishermen's markets, which would be temporary uses that would not involve ground disturbance. Increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially result in the discovery of human remains. Cal NAGPRA requires the special handling of human remains and specific procedures are included as part of Section 15064.5e of the State CEQA Guidelines, Section 5097.98 of the Public Resources Code, and Section 87.429 of the Grading Ordinance. At a minimum, PRC Section 5097.98 and Health & Safety Code 7050.5 apply to all activities, regardless of ministerial or discretionary permits. These requirements include stoppage of disturbance in the area of discovered remains, notification of the Native American Heritage Commission, contact with the most likely descendants, and options for treatment of the remains. Although regulations are in place related to the discovery of human remains, it is possible for human remains to be found and for an individual or contractor to knowingly or unknowingly not follow the regulations. As a result, there is no guarantee that future project-specific actions associated with the proposed project would not adversely affect human remains. **Therefore, impacts on human remains from the adoption of the proposed Zoning Ordinance amendments are considered to be potentially significant (Impact CR-5).**

2.3.4 Cumulative Impacts Analysis

The geographic scope of cumulative impact analysis is applied to the area where there is a potential for a cultural resource to occur, which varies depending on the type of resource. Cultural resources can include gathering areas, landmarks, significant historic buildings and ethnographic locations, as well as physical artifacts or those sedimentary in nature. Additionally, cultural resources can be both above-ground and subsurface materials, and the scope of impact depends on the type of resource. A consideration of cultural resources is also the integrity of the resource. For the purpose of this EIR, the geographic scope for the cumulative analysis of cultural resources is the entirety of the County, including both incorporated and unincorporated areas, as well as surrounding, adjacent counties.

2.3.4.1 Historic Resources

Past projects have resulted in cumulatively significant impacts on historic resources throughout the County as a result of physical demolition, destruction, relocation or alteration of historical resources. In order to proactively protect and consider the potential for impacts on historic resources, federal, state, and local regulations have been created, including California Public Resources Code, Section 5097; California Penal Code, Section 622; the Mills Act; California Health and Safety Code, Section 18950–18961; and the Secretary of the Interior's Standards for Rehabilitation and Standards for the Treatment of Historic Properties; and projects would be required to comply with these regulations, which would contribute to a reduction in cumulative impacts on historical resources. However, even with these regulations in place, cumulative projects in the County that are by right would not require additional discretionary permit review and could potentially contribute to the cumulatively significant impact on historic resources during clearing,

grading or construction activities. **Individual historical resources would still have the potential to be affected or degraded from demolition, destruction, alteration, or structural relocation as a result of new private or public cumulative projects, and because the proposed project changes to the County's Zoning Ordinance would affect all unincorporated portions of the County, it is foreseeable that the project's contribution to the existing cumulatively significant impact on historical resources would be considerable (Impact CR-6).**

2.3.4.2 Archaeological Resources

Past projects have resulted in cumulatively significant impacts on archaeological resources throughout the County as a result of demolition, destruction, relocation or alteration of land throughout the County. In order to proactively protect and consider the potential for impacts on archaeological resources, federal, state, and local regulations have been created, including California Public Resources Code, Section 5097; California Penal Code, Section 622; the Mills Act; and California Health and Safety Code, Section 18950–18961; and projects would be required to comply with these regulations, which would contribute to a reduction in cumulative impacts on archaeological resources. However, even with these regulations in place, cumulative projects in the County that are by right would not require additional discretionary permit review and could potentially contribute to the cumulatively significant impact on archaeological resources during clearing, grading or construction activities. **Individual archaeological resources would have the potential to be affected or degraded from demolition, destruction, alteration, or structural relocation as a result of new private or public cumulative projects, and because the proposed project changes to the County's Zoning Ordinance would affect all unincorporated portions of the County, it is foreseeable that the project's contribution to the existing cumulatively significant impact on archaeological resources would be considerable (Impact CR-7).**

2.3.4.3 Tribal Cultural Resources

Past projects have resulted in cumulatively significant impacts on tribal cultural resources throughout the County as a result of demolition, destruction, relocation, or alteration of land. The same regulations that address archaeological resources have been used for tribal cultural resources, but due to concerns regarding their effectiveness, more recent regulations such as AB 52 have been implemented to provide more direct protections. Projects would be required to comply with these regulations, which would contribute to a reduction in cumulative impacts on tribal cultural resources. However, even with these regulations in place, cumulative projects in the County that are by right would not require additional discretionary permit review and may not adequately address tribal cultural resources, and could potentially contribute to the cumulatively significant impact on such resources during clearing, grading, or construction activities. **Because the proposed project changes to the County's Zoning Ordinance would affect all unincorporated portions of the County, it is foreseeable that the project's contribution to the existing cumulatively significant impact on tribal cultural resources would be considerable (Impact CR-8).**

2.3.4.4 Paleontological Resources

Similar to the discussions above, cumulative projects throughout the County of San Diego in the past have resulted in cumulatively significant impacts on paleontological resources. Cumulative projects on state or public lands would be required to comply with California Public Resources Code, Section 5097–5097.6, pertaining to impacts on paleontological resources. Most other cumulative projects would be regulated by state and local regulations, including CEQA and the County Grading

Ordinance. The County's General Plan includes a policy for the preservation of unique paleontological resources as well as mitigation measures to reduce impacts on paleontological resources. **The loss of paleontological resources on a regional level may not be adequately mitigable through methods specified in these regulations; therefore, the cumulative contribution on significant paleontological resources from planned construction and development within the region would be cumulatively significant (Impact CR-9).**

2.3.4.5 Human Remains

Similar to the discussions above, cumulative projects throughout the County of San Diego in the past have resulted in cumulatively significant impacts on human remains. Projects that may result in adverse impacts on human remains from development activities include the County's General Plan or the development of land uses as designated by surrounding jurisdictions' general plans. Cumulative projects would be required to comply with the federal NAGPRA, Section 5097.9–5097.991 of the California Public Resources Code, Cal NAGPRA, and Section 7050.5 of the California Health and Safety Code, if human remains were encountered during project development. The County's General Plan includes a policy for the treatment of human remains as well as mitigation measures to reduce impacts on human remains. Additionally, on a regional level, the disturbance of human remains that are also considered archaeological resources may not be adequately mitigable through methods specified in these regulations, as their value may also lie in the cultural mores and religious beliefs of applicable groups. **Therefore, the disturbance of human remains by construction and development activities associated within the proposed project would be cumulatively considerable and a significant cumulative impact would result (CR-10).**

2.3.5 Significance of Impacts Prior to Mitigation

The proposed project would result in potentially significant impacts associated with cultural resources, including historical resources (**Impacts CR-1, direct/indirect, and CR-6, cumulative**), archaeological resources (**Impacts CR-2, direct/indirect, and CR-7, cumulative**), tribal cultural resources (**Impacts CR-3, direct/indirect, and CR-8, cumulative**), paleontological resources (**Impacts CR-4, direct/indirect and CR-9, cumulative**), and human remains (**Impacts CR-5, direct/indirect, and CR-10, cumulative**).

2.3.6 Mitigation Measures

The proposed project would allow for development of accessory uses to agricultural lands. Future projects under the proposed project, such as agricultural and horticulture retail (large), agricultural micro-breweries, cideries, and micro-distilleries (large), and animal raising would be required to obtain a discretionary permit, which would trigger discretionary environmental review and feasible mitigation would be proposed. Typical feasible mitigation for projects associated with historical resources include avoidance and preservation; project relocation/redesign; capping; data recovery; monitoring; and measures to control erosion and increased public use. Additionally, the following feasible mitigation measures apply for future projects under the Agriculture Promotion Project that would be required to undergo environmental review. As it cannot be concluded at this stage that impacts on cultural resources from all future accessory agricultural projects allowed by the ordinance amendment would be avoided or mitigated, impacts would remain significant and unavoidable.

M-CR-1: The County will provide incentives through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources. This will be done by reaching out to property owners with identified historic resources to participate. Known historic resources will also be designated as such by the County and subject to review by the Historic Site Board to ensure that significant impacts are avoided.

M-CR-2: During the environmental review process for future Administrative, Minor Use, and Major Use Permits for agricultural accessory uses, proposed projects under the Agriculture Promotion Project will complete a full records search with the South Coastal Information Center. The result of the search will be used by a qualified archaeologist to provide a recommendation regarding potential cultural resources, methods for avoidance, and appropriate mitigation should impacts be anticipated. Consultations with Tribes will be conducted as appropriate pursuant to Senate Bill 18 and AB 52 to identify resources and implement feasible mitigation if impacts would occur.

M-CR-3: The County will proactively work with the Tribes to identify tribal cultural resources and areas that require Tribal notification pursuant to AB 52.

2.3.6.1 Infeasible Mitigation Measures

The following measures were considered in attempting to reduce impacts associated with cultural resources to below a level of significance. However, the County has determined that the measures would be infeasible, as described below. Therefore, the following mitigation measures would not be implemented.

- Identify all potential historic structures and resources within the County and enter the information in the Department of Planning and Development Services property database, then monitor permits issued for all documented properties. This mitigation measure would be infeasible because the County does not have access to all of the potential archaeological sites or the legal right to survey all potential historic sites in the unincorporated areas.
- Identify archaeological resources within the County and enter the information in the Department of Planning and Development Services property database, then monitor permits issued for all documented properties. This mitigation measure would be infeasible because the County does not have access to all of the potential archaeological sites or the legal right to survey all potential sites in the unincorporated areas.
- Require an archaeological resource survey for all accessory agricultural uses to ensure that impacts on archaeological resources will be avoided or mitigated. This measure is not feasible as it would directly conflict with the project objectives to streamline the permitting process for accessory agricultural uses in order to better facilitate the development of such uses within the County.
- Identify tribal cultural resources within the County and enter the information in the Department of Planning and Development Services property database, then monitor permits issued for all documented properties. This mitigation measure would be infeasible because the County is reliant upon the Tribes to identify tribal cultural resources. To the extent that that information is provided, the County can keep a record of it.
- Require tribal coordination for all accessory agricultural uses to ensure that impacts on tribal cultural resources will be avoided or mitigated. This measure is not feasible as it would directly

conflict with the project objectives to streamline the permitting process for accessory agricultural uses in order to better facilitate the development of such uses within the County.

- Require a survey to identify potential human remains on site for all accessory agricultural uses to ensure that impacts on human remains will be avoided or mitigated. This measure is not feasible as it would directly conflict with the project objectives to streamline the permitting process for accessory agricultural uses in order to better facilitate the development of such uses within the County.
- Require a survey or grading monitor to identify potential paleontological resources on site for all accessory agricultural uses to ensure that impacts on paleontological resources will be avoided or mitigated. This measure is not feasible as it would directly conflict with the project objectives to streamline the permitting process for accessory agricultural uses in order to better facilitate the development of such uses within the County.

Because the measures listed above have been found to be infeasible, **impacts would remain significant and unavoidable**. Chapter 4, *Project Alternatives*, provides a discussion of alternatives to the proposed project that would result in some reduced impacts associated with cultural resources as compared to the proposed project.

2.3.7 Conclusion

Development of future accessory agricultural operations enabled by adoption of the proposed Zoning Ordinance Amendment at unspecified locations within the project area could result in significant direct, indirect, and cumulative unmitigated impacts on cultural resources (**Impacts CR-1, CR-2, CR-3, CR-4, CR-5, CR-6, CR-7, CR-8, CR-9, and CR-10**).