

APPENDIX A
NOTICE OF PREPARATION/
PUBLIC COMMENTS RECEIVED ON THE NOP



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT **Comment Period Extended**

DATE: December 3, 2015; Revised December 10, 2015

PROJECT NAME: Property Specific Requests General Plan Amendment and Rezone

PROJECT NUMBER(S): PDS2012-3800-12-005; PDS2014-REZ-14-006

ENV. REVIEW NUMBER: PDS2012-ER-12-00-003; SCH#2015121012

PROJECT BACKGROUND:

During the San Diego County Board of Supervisors (Board) hearings for the General Plan Update conducted between October 2010 and August 2011, a number of individual property owners petitioned the Board to consider changes to the proposed General Plan Update Land Use designations for their properties. Following public testimony, the Board directed staff to review the Property Specific Requests (PSRs) made during the hearings. Some requests were incorporated into the General Plan that was ultimately adopted on August 3, 2011; however, many could not be accommodated without additional environmental review that the County is now initiating with this Notice of Preparation. The proposed Project also includes an update to the Land Use designations and zoning for the properties comprising the former Champagne Gardens Specific Plan which expired in 2007.

This Notice of Preparation is being issued to advise property owners, agencies, and stakeholders that the County intends to prepare a Subsequent Environmental Impact Report (SEIR) to analyze potential impacts associated with the proposed Project. The SEIR will tier from the Programmatic EIR prepared for the County's General Plan Update (SCH No. 2002111067), which was certified by the Board on August 3, 2011. The Notice of Preparation can be viewed at: <http://www.sandiegocounty.gov/content/sdc/pds/advance/PSR.html>

PROPOSED PROJECT DESCRIPTION:

The proposed Project is a Property Specific Requests GPA to the San Diego County General Plan. The proposed Project would result in revisions to the existing General Plan Land Use and zoning designations on private properties including their surrounding study areas, totaling approximately 13,000 acres within 1,149 parcels throughout the unincorporated County. Primarily, the GPA will change certain Land Use designations within the following community planning areas (CPAs) and subregional planning areas (Subregions):

- Bonsall CPA (approximately 1,181 acres)
- Crest Dehesa CPA (approximately 101 acres)
- Desert Subregion (approximately 338 acres)
- Fallbrook CPA (approximately 1,856 acres)
- Mountain Empire Subregion (approximately 940 acres)
- North County (NC) Metro Subregion (approximately 5,053 acres)
- Pala Pauma Subregion (approximately 518 acres)
- San Dieguito CPA (approximately 69 acres)

- Valley Center CPA (approximately 3,037 acres)

The proposed Project changes to Land Use designations would result in increased residential densities for most of the PSR areas and study areas. The proposed Project would result in an increase of approximately 2,800 residential dwelling units above the number currently allowed by the existing General Plan. However, there are a few instances where the existing residential Land Use designation is proposed to change to a commercial or industrial Land Use designation rather than a higher density residential designation. County staff intends to work with property owners, planning groups, and other stakeholders to analyze the proposed Project Land Use Maps and develop alternatives to be analyzed in the EIR. Additionally, the proposed Project includes an update to the Land Use designations and zoning for properties within the expired Champagne Gardens Specific Plan area to ensure consistency with the current General Plan. The proposed project also includes revisions to the Residential Policy 8 of the Valley Center Community Plan; to change the minimum lot sizes allowed in the SR-2 designation, from one-acre to one-half acre and, change the minimum lot size allowed in the SR-4 designation from two-acres to one-acre. The stipulations in the policy for allowing the noted minimum lot sizes are not proposed to change. The full text of the current policy and the proposed revisions can be found on the project web page at: <http://www.sandiegocounty.gov/content/sdc/pds/advance/PSR.html>

Both the existing General Plan Land Use Maps and the proposed Project Land Use Maps for the PSRs and Champagne Gardens properties; links to documents from the 2012 Board of Supervisors hearings on the PSRs, Project area maps and additional information is available on the project web page noted above.

PROJECT LOCATION:

The proposed Land Use Map changes in the project encompass approximately 13,000 acres throughout the unincorporated County of San Diego. See the attached map which provides the locations of PSRs in the GPA.

PROBABLE ENVIRONMENTAL EFFECTS:

Based on the County's preliminary analysis of the proposed Project, the following environmental issues will be examined in the SEIR:

- | | |
|--|---------------------------------|
| • Aesthetics | • Land Use and Planning |
| • Agriculture and Forestry Resources | • Mineral Resources |
| • Air Quality and Greenhouse Gas Emissions | • Noise |
| • Biological Resources | • Population and Housing |
| • Cultural and Paleontological Resources | • Public Services |
| • Geology and Soils | • Recreation |
| • Global Climate Change | • Transportation and Traffic |
| • Hazards and Hazardous Materials | • Utilities and Service Systems |
| • Hydrology and Water Quality | |

PUBLIC SCOPING MEETING:

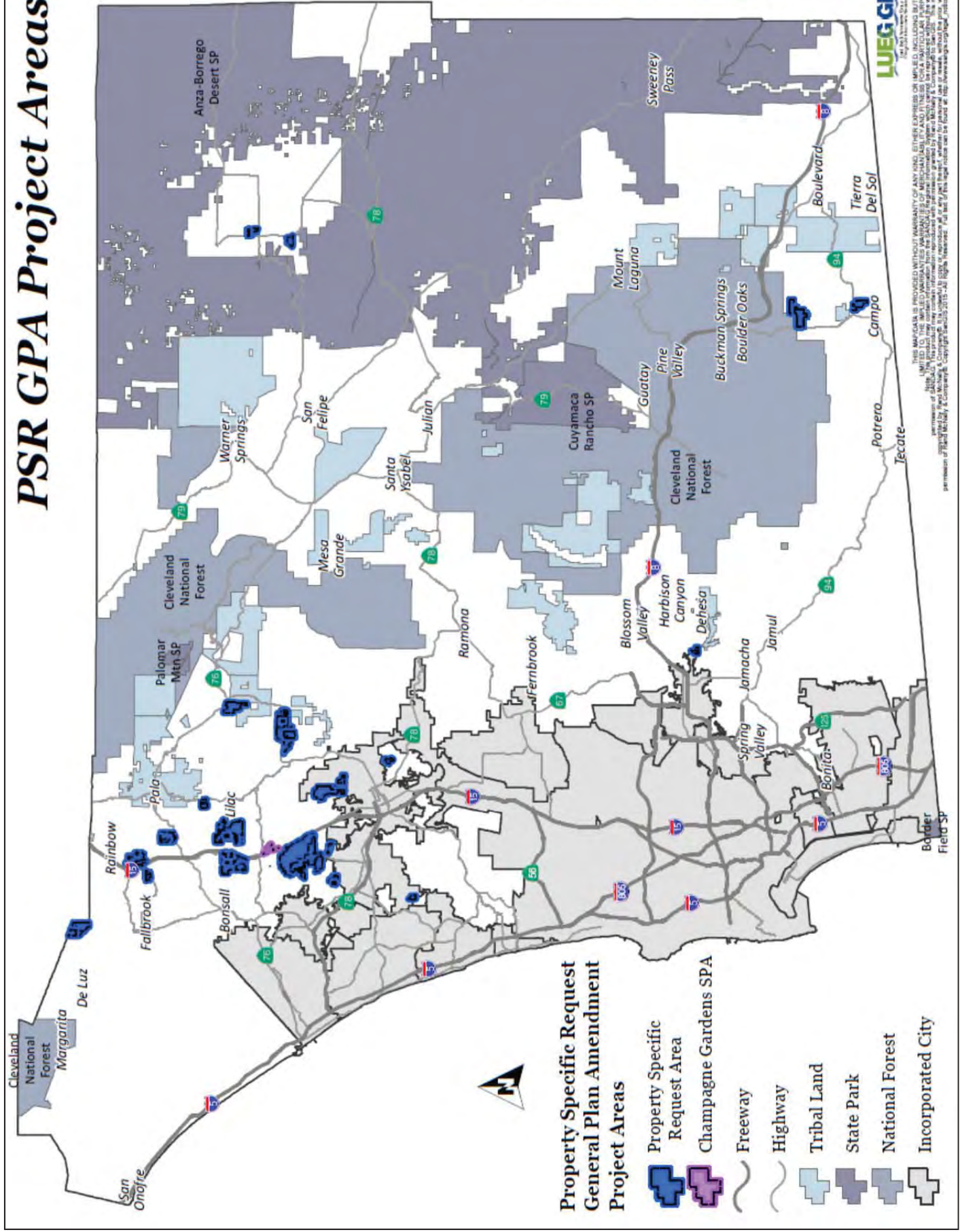
Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments on the Notice of Preparation on **December 17, 2015, 6:00pm at the County Operations Center, Hearing Room, 5520 Overland Avenue, San Diego, CA 92123.**

NOTICE OF PREPARATION COMMENT PERIOD:

Comments on this Notice of Preparation document must be received no later than **January 4, 2016 February 4, 2016 at 5:00 p.m. (a 30 60 day public review period)**. Comments on the Notice of Preparation document must be sent to the PDS address listed above and should reference the project number and name. Comments may be submitted via email to: Peter.Eichar@sdcounty.ca.gov

For additional information, please call the project phone line at (858) 505-6677 or send an email to pds.advanceplanning@sdcounty.ca.gov. For emails, please note 'PSRs GPA' in the subject line.

PSR GPA Project Areas





EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

Date: December 16, 2015
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2015121012
Property Specific Requests General Plan Amendment

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **February 4, 2016** to accommodate the review process. All other project information remains the same.

cc: Peter Eichar
San Diego County
5510 Overland Avenue, Suite 110
San Diego, CA 92123

NOP Distribution List

County: **San Diego**

SCH#

2015121012

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Denise Peterson
- ☐ California Coastal Commission
Elizabeth A. Fuchs
- ☐ Colorado River Board
Lisa Johansen
- ☐ Dept. of Conservation
Elizabeth Carpenter
- ☐ California Energy Commission
Eric Knight
- ☒ Cal Fire
Dan Foster
- ☐ Central Valley Flood Protection Board
James Herola
- ☐ Office of Historic Preservation
Ron Parsons
- ☒ Dept of Parks & Recreation
Environmental Stewardship Section
- ☐ California Department of Resources, Recycling & Recovery
Sue O'Leary
- ☐ S.F. Bay Conservation & Dev't Comm.
Steve McAdam
- ☒ Dept. of Water Resources
Nadell Gayou
- ☐ Fish and Game
- ☐ Depart. of Fish & Wildlife
Scott Flint
- ☐ Environmental Services Division
- ☐ Fish & Wildlife Region 1
Curt Babcock
- ☐ Fish & Wildlife Region 1E
Laurie Hamsberger
- ☐ Fish & Wildlife Region 2
Jeff Drongesen
- ☐ Fish & Wildlife Region 3
Charles Amor
- ☐ Fish & Wildlife Region 4
Julie Vance
- ☒ Fish & Wildlife Region 5
Leslie Newton-Reed
- ☐ Habitat Conservation Program
- ☐ Fish & Wildlife Region 6
Tiffany Ellis
- ☐ Habitat Conservation Program
- ☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
- ☐ Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Wildlife M
George Isaac
- ☐ Marine Region

Other Departments

- ☐ Food & Agriculture
Sandra Schubert
- ☐ Dept. of Food and Agriculture
- ☐ Depart. of General Services
Public School Construction
- ☐ Dept. of General Services
Anna Garbelf
- ☐ Environmental Services Section
- ☐ Delta Stewardship Council
Kevan Samsam
- ☐ Housing & Comm. Dev.
CEQA Coordinator
- ☐ Housing Policy Division
- ☐ Independent Commissions, Boards
- ☐ Delta Protection Commission
Michael Machado

- ☒ OES (Office of Emergency Services)
Marcia Scully

Native American Heritage Comm.

- ☐ Debbie Treadway

- ☐ Public Utilities Commission Supervisor

- ☐ Santa Monica Bay Restoration
Guangyu Wang

- ☐ State Lands Commission
Jennifer Deleong

- ☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

- ☐ Caltrans - Division of Aeronautics
Philip Crimmins
- ☐ Caltrans - Planning
HQ LD-IGR
- ☐ Terri Pencovic
- ☒ California Highway Patrol
Suzann Ikeuchi
- ☐ Office of Special Projects

Dept. of Transportation

- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Eric Federicks - South
- ☐ Susan Zanchi - North
- ☐ Caltrans, District 4
Patricia Maurice
- ☐ Caltrans, District 5
Larry Newland
- ☐ Caltrans, District 6
Michael Navarro
- ☐ Caltrans, District 7
Dianna Watson

- ☐ Caltrans, District 8
Mark Roberts

- ☐ Caltrans, District 9
Gayle Rosander

- ☐ Caltrans, District 10
Tom Dumas

- ☒ Caltrans, District 11
Jacob Armstrong

- ☐ Caltrans, District 12
Maureen El Harake

Cal EPA

Air Resources Board

- ☒ All Other Projects
Cathi Slaminski

- ☐ Transportation Projects
Nesamani Kalandyur

- ☐ Industrial/Energy Projects
Mike Tollstrup

- ☒ State Water Resources Control Board
Regional Programs Unit
- ☐ Division of Financial Assistance

- ☐ State Water Resources Control Board
Karen Larsen
- ☐ Division of Drinking Water

- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
- ☐ Division of Water Quality

- ☐ State Water Resources Control Board
Phil Crader
- ☐ Division of Water Rights

- ☐ Dept. of Toxic Substances Control
CEQA Tracking Center

- ☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1
Cathleen Hudson
- ☐ North Coast Region (1)

- ☒ RWQCB 2
Environmental Document Coordinator
- ☐ San Francisco Bay Region (2)

- ☐ RWQCB 3
Central Coast Region (3)

- ☐ RWQCB 4
Teresa Rodgers
- ☐ Los Angeles Region (4)

- ☐ RWQCB 5S
Central Valley Region (5)

- ☐ RWQCB 5F
Central Valley Region (5)
- ☐ Fresno Branch Office

- ☐ RWQCB 5R
Central Valley Region (5)
- ☐ Redding Branch Office

- ☐ RWQCB 6
Lahontan Region (6)

- ☐ RWQCB 6V
Lahontan Region (6)
- ☐ Victorville Branch Office

- ☐ RWQCB 7
Colorado River Basin Region (7)

- ☐ RWQCB 8
Santa Ana Region (8)

- ☒ RWQCB 9
San Diego Region (9)

- ☐ Other

- ☐ Conservancy



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

December 3, 2015

To: Reviewing Agencies

Re: Property Specific Requests General Plan Amendment
SCH# 2015121012

Attached for your review and comment is the Notice of Preparation (NOP) for the Property Specific Requests General Plan Amendment draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Peter Eichar
San Diego County
5510 Overland Avenue, Suite 110
San Diego, CA 92123

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015121012
Project Title Property Specific Requests General Plan Amendment
Lead Agency San Diego County

Type NOP Notice of Preparation

Description The proposed project would result in revisions to the existing General Plan Land Use and zoning designations on private properties including their surrounding study areas, totaling approximately 13,000 acres, within 1,146 parcels throughout the unincorporated County and would result in increased residential densities of approximately 2,800 residential dwelling units above the number currently allowed by the existing General Plan. The project applies to the following Community Planning Areas (CPAs)/Subregional Planning Areas within the unincorporated area of San Diego County: Bonsall CPA, Crest-Dehesa CPA, Desert Subregion, Fallbrook CPA, Mountain Empire Subregion, North County Metro Subregion, Pala Pauma Subregion, San Dieguito CPA, and Valley Center CPA.

Lead Agency Contact

Name Peter Eichar
Agency San Diego County
Phone (858) 495-5524 **Fax**
email
Address 5510 Overland Avenue, Suite 110
City San Diego **State** CA **Zip** 92123

Project Location

County San Diego
City
Region
Cross Streets
Lat / Long
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways multiple
Airports
Railways
Waterways various
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Office of Emergency Services, California; Native American Heritage Commission; California Highway Patrol; Caltrans, District 11; Air Resources Board; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Board, Region 9

Date Received 12/03/2015 **Start of Review** 12/03/2015 **End of Review** 01/04/2016

Notice of Completion & Environmental Document Transmittal

2015121012

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # pending

Project Title: Property Specific Requests General Plan Amendment

Lead Agency: County of San Diego, Planning & Development Services

Contact Person: Peter Eichar

Mailing Address: 5510 Overland Avenue, Suite 110

Phone: 858-495-5524

City: San Diego

Zip: 92123

County: San Diego

Project Location: County: San Diego

City/Nearest Community: multiple

Cross Streets:

Zip Code:

Lat. / Long.: ° ' " N/ ° ' " W

Total Acres:

Assessor's Parcel No.: Multiple

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: multiple

Waterways: various

Airports:

Railways:

Schools:

Document Type:

CEQA:

☒ NOP

☐ Early Cons

☐ Neg Dec

☐ Mit Neg Dec

☐ Draft EIR

☐ Supplement/Subsequent EIR

(Prior SCH No.)

Other

NEPA:

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other:

☐ Joint Document

☐ Final Document

☐ Other

Local Action Type:

☐ General Plan Update

☒ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☒ Rezone

☐ Prezone

☐ Use Permit

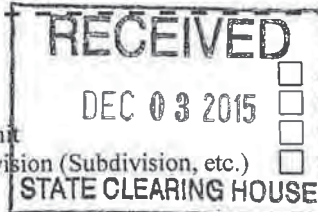
☐ Land Division (Subdivision, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☐ Other



Development Type:

☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Commercial: Sq.ft.

Acres

Employees

☐ Industrial: Sq.ft.

Acres

Employees

☐ Educational

☐ Recreational

☒ Other: This is a stand-alone GPA and Rezone, with no associated development proposed.

☐ Water Facilities: Type

MGD

☐ Transportation: Type

Employees

☐ Mining: Mineral

☐ Power: Type

MW

☐ Waste Treatment: Type

MGD

☐ Hazardous Waste: Type

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☒ Agricultural Land

☒ Air Quality

☒ Archeological/Historical

☒ Biological Resources

☐ Coastal Zone

☐ Drainage/Absorption

☐ Economic/Jobs

☐ Fiscal

☒ Flood Plain/Flooding

☒ Forest Land/Fire Hazard

☒ Geologic/Seismic

☒ Minerals

☒ Noise

☒ Population/Housing Balance

☒ Public Services/Facilities

☒ Recreation/Parks

☐ Schools/Universities

☐ Septic Systems

☒ Sewer Capacity

☐ Soil Erosion/Compaction/Grading

☐ Solid Waste

☒ Toxic/Hazardous

☒ Traffic/Circulation

☒ Vegetation

☒ Water Quality

☒ Water Supply/Groundwater

☒ Wetland/Riparian

☒ Wildlife

☐ Growth Inducing

☒ Land Use

☒ Cumulative Effects

☒ Other Climate change/Greenhouse Gas Emissions

Present Land Use/Zoning/General Plan Designation:

Variable

Project Description: (please use a separate page if necessary)

The proposed project would result in revisions to the existing General Plan Land Use and zoning designations on private properties including their surrounding study areas, totaling approximately 13,000 acres, within 1,149 parcels throughout the unincorporated County and would result in increased residential densities of approximately 2,800 residential dwelling units above the number currently allowed by the existing General Plan. The project applies to the following Community Planning Areas (CPAs)/Subregional Planning Areas within the unincorporated area of San Diego County: Bonsall CPA, Crest-Dehesa CPA, Desert Subregion, Fallbrook CPA, Mountain Empire Subregion, North County Metro Subregion, Pala Puma Subregion, San Dieguito CPA, and Valley Center CPA.

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SCH#

2015121012

County: San Diego

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Elizabeth A. Fuchs

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Lisa Johansen

☐ Dept. of Conservation
Elizabeth Carpenter

☐ California Energy Commission
Eric Knight

☒ Cal Fire
Dan Foster

☐ Central Valley Flood Protection Board
James Herota

☐ Office of Historic Preservation
Ron Parsons

☒ Dept of Parks & Recreation
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Scott Flint
Environmental Services Division

☐ Fish & Wildlife Region 1
Curt Babcock

☐ Fish & Wildlife Region 1E
Laurie Hamsberger

☐ Fish & Wildlife Region 2
Jeff Drongesen

☐ Fish & Wildlife Region 3
Charles Armor

☐ Fish & Wildlife Region 4
Julie Vance

☒ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

☐ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Wildlife M
George Isaac
Marine Region

Other Departments

☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

☐ Depart. of General Services
Public School Construction

☐ Dept. of General Services
Anna Garbeff
Environmental Services Section

☐ Delta Stewardship Council
Kevan Samsam

☐ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

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☐ Delta Protection Commission
Michael Machado

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Debbie Treadway

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Supervisor

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Jennifer Deleong

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Cherry Jacques

Cal State Transportation Agency CalSTA

☐ Caltrans - Division of Aeronautics
Philip Crimmins

☐ Caltrans - Planning
HQ LD-IGR
Terri Pencovic

☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

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☐ Caltrans, District 3
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☐ Caltrans, District 4
Patricia Maurice

☐ Caltrans, District 5
Larry Newland

☐ Caltrans, District 6
Michael Navarro

☐ Caltrans, District 7
Dianna Watson

☐ Caltrans, District 8
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☐ Caltrans, District 9
Gayle Rosander

☐ Caltrans, District 10
Tom Dumas

☒ Caltrans, District 11
Jacob Armstrong

☐ Caltrans, District 12
Maureen El Harake

Cal EPA

☒ Air Resources Board
All Other Projects
Cathi Slaminski

☐ Transportation Projects
Nesamani Kalandyur

☐ Industrial/Energy Projects
Mike Tollstrup

☒ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

☐ State Water Resources Control Board
Karen Larsen
Division of Drinking Water

☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
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Phil Crader
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North Coast Region (1)

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San Francisco Bay Region (2)

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Central Coast Region (3)

☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

☐ RWQCB 5S
Central Valley Region (5)

☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office

☐ RWQCB 6
Lahontan Region (6)

☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

☐ RWQCB 8
Santa Ana Region (8)

☒ RWQCB 9
San Diego Region (9)

☐ Other _____

☐ Conservancy

From: [Paulette Ache](#)
To: [Eichar, Peter](#)
Subject: Proposed development of DS24
Date: Tuesday, February 02, 2016 2:43:33 PM

Dear Mr. Eichar:

As a residents of Borrego Springs, we are very concerned about the proposed amendment to the General Plan which would rezone Borrego Country Club Estates (DS24).

Since Borrego Springs already has a well-documented water crisis, changing the current requirement from 1 house per 10 acres to 1 house per 1 acre will only exacerbate the situation. How will this help our small town and who will benefit from the change?

Also, anyone who has spent time in the desert knows, once the land has been disturbed, fine sand particles blow everywhere. There's a real health problem here. As you know, there is an off-road vehicle park as well as a shrinking Salton Sea to the east of us. To allow another 171 acre development to the west means no matter where the prevailing winds, Borrego will be under a cloud of brown particles.

The amendment of the General Plan zoning requirements will further deplete the aquifer and will worsen our air quality. We urge that the General Plan not be amended.

Sincerely,

Paulette Ache and Bill Holst
PO Box 655
Borrego Springs, CA 92004

pauletteache@hotmail.com

From: [Federico Agosti](#)
To: [Eichar, Peter](#)
Subject: 'PSRs GPA' Project name and number: PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 10:39:09 PM

From:
Agosti Federico, friend of **Hidden Valley Zen Center**:
2626 Sarver Lane, San Marcos, CA 92069.
PO Box 1355, San Marcos 92069-1355.
phone: [760-5919893](tel:760-5919893).

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

As an Architect who has worked in similar areas I am shocked that this could even be considered. In Germany something like this is simply NOT ALLOWED. We do not allow urban sprawl. Only farmers are allowed to build in rural areas like this. High density housing is positioned near existing high density development and public transportation. Traffic is reigned in by providing public transportation and NOT providing or limiting parking space.

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2 acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources : This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat than in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleontological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are solid granit and decomposing granit. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air pollution UNNECESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmittigable, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

Hydrology and Water Quality: Existing sensitive habitats will be destroyed due to changes in water and ground water levels during and after construction. We are very concerned about the dry stream on our property and our many old native oaks.

Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short sighted development, creating enormous traffic... Where I am from development in areas like this is simply not

allowed. Only farmers may get permits to upgrade their farm. The result is an un-fragmented landscape (e.g. in Bavaria near Munich and the Alps) which visiting Americans love (!)

Noise : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). In addition it is unthinkable that the necessary blasting and grinding for new developments (e.g. Newland Sierra) will not by far exceed the allowances for noise for the years(!) of ground preparation and construction.

Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and exiting high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Best regards,

Federico Agosti



Buena Sanitation District

December 23, 2015

County of San Diego
Planning & Development Services
Attn: Peter Eichar
5510 Overland Ave, Suite 310
San Diego, CA 92123

Subject: Response to Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for Project Number PDS2012-3800-12-005/PDS2014-REZ-14-006, Property Specific Requests (PSR) General Plan Amendment and Rezone

Dear Mr. Eichar,

Thank you for the opportunity to review the NOP for the above noted project. The project proposes to increase densification in certain areas that are within the Buena Sanitation District (District) sewer service area or could potentially be served by the District. Therefore, the Buena Sanitation District (District) is a Responsible Agency as defined under State CEQA Guidelines Section 15381. Pursuant to Section 15082(b) of the State CEQA Guidelines, the District has the following comments regarding the NOP:

PSR Areas NC22, NC37, and NC42

1. Utilities and Service System

Sewer Service and Capacity: These specific PSR areas in the project are either partially served or could potentially be served by the District. The EIR should verify if there is sufficient capacity in the District's sewer system for this project.

The District appreciates this opportunity to comment on the NOP. If you have any questions or would like to arrange a meeting to discuss these issues, please call me at (760) 643-5416.

Sincerely,

Elmer Alex, PE
Principal Engineer

CC: John Conley, Director of Community Development and Engineering
Greg Mayer, City/District Engineer

From: [Ben Allanoff](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA re: PSR ID # NC42 and Study Area
Date: Wednesday, February 10, 2016 11:20:32 AM

Dear Mr. Eichar,

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for silent retreats and daily meditation. People come here particularly because of the rural, silent environment, mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2 acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources : This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat than in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleontological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are solid granite and decomposing granite. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air pollution UNNECESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this cannot be mitigated, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and

eruption under frost etc.

Hydrology and Water Quality: Existing sensitive habitats will be destroyed due to changes in water and ground water levels during and after construction. We are very concerned about the intermittent stream on our property and our many old native oaks.

Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business").

Noise : It is unthinkable that the necessary blasting and grinding for new developments (e.g. Newland Sierra) will not by far exceed the allowances for noise for the years(!) of ground preparation and construction.

Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and exiting high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Ben Allanoff

member of **Hidden Valley Zen Center:**

2626 Sarver Lane, San Marcos, CA 92069.

PO Box 1355, San Marcos 92069-1355.

phone: [760-5919893](tel:760-5919893).

From: [Joan Allen](#)
To: [Eichar, Peter](#)
Subject: Project DS24
Date: Wednesday, February 03, 2016 9:31:52 PM

Dear Sir: I am a resident of Borrego Springs and am quite concerned about the plan called Borrego Country Club Estates that this developer is trying to push on our town. This land is an old growth forest of beautiful Ocatillos that bloom as spring arrives. It is an amazing burst of color and is awesome to see them all in bloom. I pass this grove everyday and it is beautiful all year as well. People come from far away to see them. They have lived here unbothered and truly loved for many years. Borrego Springs doesn't have a lot of beautiful vegetation to brag about and enjoy. It would be such a shame to level this beautiful landscape just so some outside developer could come in and tear up our town. He might be laughing all the way to the bank, but we would be crying as though we'd lost all our children. Please take this to heart and consider the people of Borrego Springs and their love for this land that has been such a joy to them for so many years. Thank you for your time and deep consideration in this most grave and important decision. I trust that you will consider all our letters. Sincerely, Joan Allen, 3510 San Pablo Ct., Borrego Springs.

From: [Ross Anthony](#)
To: [Eichar, Peter](#)
Subject: Rudyville
Date: Thursday, February 04, 2016 3:49:28 PM

Mr. Eichar,

My wife and I both greatly enjoy our regular trips out to the Anza Borrego Desert and Borrego Springs for the beauty and simplicity. The Ocotillos and sand dunes are a staple of the landscape and unique to this area of San Diego County. I respectfully urge you to reconsider your plans for the Rudyville development at the cost of removing any amount of these features for the development of more homes, as there more lots currently available than there is demand for them. The removal and degradation of the unique scenery and wildlife species that inhabit these areas are too great a cost to bear for any perceived benefits this development may offer.

Respectfully yours,

Ross Anthony



From: [Ken Baer](#)
To: [Eichar, Peter](#)
Subject: DS24 / Borrego Country Club Estates: TOO MANY ADVERSE ENVIRONMENTAL IMPACTS
Date: Thursday, February 04, 2016 2:37:10 PM

Dear PETER EICHAR,

I am opposed to the development of DS24 / Borrego Country Club Estates based on the overwhelming negative impacts it would have on the environment.

- 1) the proposed development is in a flood plain,
- 2) flood mitigation would require the taking of private property solely for the benefit of these developers
- 3) the proposed EIR can not conform to the requirements of the new Sustainable Groundwater Management Act that went into effect in January 2015 because the regulations have yet to be promulgated,
- 4) there are multiple endangered species on this parcel, as well as a relic sand dune and an ancient ocotillo forest,
- 5) the grating of the relic sand dune would create a source of increased air pollution in the valley,
- 6) there is no need to create more residential lots in Borrego Springs as there are already hundreds, if not thousands, of unsold lots.

In addition, the development is inconsistent with the Borrego Springs Community Plan (2010); here is an excerpt:

"There is significant development pressure for housing and commercial development projects that are not consistent with our community character. Of special concern are those proposed plans that do not take the fragile ecosystem into account, or are sited on botanically-rich, mature, native desert vegetation and which would significantly impact dark skies, scenic and vegetative elements of the community character."

Please count my vote 'AGAINST' this development as it would do irreparable harm to the environment.

I would like to be notified of any meetings or comment periods for DS24 / Borrego Country Club Estates.

Thank you,

Ken Baer
1644 Las Casitas
Borrego Springs, CA 92004





401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
sandag.org

February 5, 2016

File Number 3330300

Mr. Peter Eichar
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Eichar:

SUBJECT: Comments on the Property Specific Requests General Plan
Amendment and Rezone Notice of Preparation
(Project No. PDS2012-3800-12-005; PDS2014-REZ-14-006)

Thank you for the opportunity to comment on the Property Specific Requests General Plan Amendment and Rezone Notice of Preparation, which proposes revisions to the existing General Plan land use and zoning designations on 1,149 parcels throughout San Diego county.

Our comments are based on policies included in San Diego Forward: The Regional Plan (Regional Plan) and are submitted from a regional perspective emphasizing the need for land use and transportation coordination and implementation of smart growth and sustainable development principles. The Regional Plan sets forth a multimodal approach to reaching the region's transportation needs. Therefore, it is recommended that the traffic analysis in the Draft Environmental Impact Report (EIR) consider the needs of motorists, transit riders, pedestrians, and bicyclists, and the implementation of a robust Transportation Demand Management (TDM) Program. The San Diego Association of Governments (SANDAG) recommends that the following comments be addressed in the EIR:

Transportation Demand Management

Please consider integrating TDM measures into the County's General Plan amendment and rezone process. This will encourage the use of alternative travel modes that can assist with relieving traffic congestion in and around the proposed project areas. Promotion of TDM programs and services, such as the SANDAG Vanpool Program, online ride-matching, the Guaranteed Ride Home Program, and Park & Ride facilities can help reduce single-occupancy vehicle trips made by residents. Information on regional TDM programs and services can be accessed through www.iCommuteSD.com, and the SANDAG TDM Division can assist with the integration of these measures as part of the preparation of the General Plan amendment and rezones.

MEMBER AGENCIES

Cities of
Carlsbad
Chula Vista
Coronado
Del Mar
El Cajon
Encinitas
Escondido
Imperial Beach
La Mesa
Lemon Grove
National City
Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista
and
County of San Diego

ADVISORY MEMBERS

Imperial County
California Department
of Transportation
Metropolitan
Transit System
North County
Transit District
United States
Department of Defense
San Diego
Unified Port District
San Diego County
Water Authority
Southern California
Tribal Chairmen's Association
Mexico

Regional Growth Forecast

The proposed amendments to the County's General Plan were not included in the Series 13 Regional Growth Forecast used in the Regional Plan, which relies on land use data provided by County staff in 2013-2014. A key Regional Plan goal is to focus future population and job growth away from rural areas and closer to existing and planned job centers and public facilities to preserve open space and to make more efficient use of existing urban infrastructure. If the proposed General Plan amendments and rezones are approved, the proposed land use changes would need to be incorporated and evaluated in the next update to the Regional Growth Forecast.

Smart Growth Opportunity Areas

A key goal of the Regional Plan is to focus growth in smart growth opportunity areas. With some of the proposed General Plan amendments and rezoning, there are opportunities to better link land use and transportation/transit. The proposed project is located within some existing/planned Rural Villages identified on the Smart Growth Concept Map (CN-1, CN-3), as well as a Potential Rural Village (CN-2). The Rural Village designation calls for a residential density of 10.9 dwelling units per acre. Additionally, certain parcels in the proposed project are near an existing/planned mixed-use transit corridor (ES-3), which calls for a residential density of 25 dwelling units per acre. The existing/planned Rural Villages have a low-frequency local bus in service, while the potential Rural Village is planned to have a peak-period *Rapid* transit bus service to be phased in by 2018. However, enhanced planning will be required to ensure that this bus station is located within the smart growth area boundary. It is strongly encouraged that the General Plan amendment and rezones provide connections and facilitate access to these public transit services.

Due to the location of the proposed General Plan amendments and rezones, most trips are expected to be auto-based and could have a significant impact on the regional transportation system. Incorporating complete street design elements or improved bike access to local destinations can help to mitigate the traffic effects and provide mobility options for residents.

Other Considerations

We encourage, where appropriate, consideration of the following tools in evaluating this project based on these SANDAG publications (which can be found on our website at: sandag.org/igr):

1. Designing for Smart Growth, Creating Great Places in the San Diego Region
2. Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region
3. Trip Generation for Smart Growth
4. Parking Strategies for Smart Growth
5. Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in Environmental Impact Reports
6. Riding to 2050, the San Diego Regional Bike Plan
7. SANDAG Regional Parking Management Toolbox

When available, please send the Draft EIR to:

Intergovernmental Coordination
c/o SANDAG
401 B Street, Suite 800
San Diego, CA 92101

We appreciate the opportunity to comment on this project. If you have any questions or concerns regarding our comments on this project, please contact me at (619) 699-1943 or via email at susan.baldwin@sandag.org.

Sincerely,

A handwritten signature in dark ink that reads "Susan B. Baldwin". The signature is written in a cursive style with a long horizontal line extending to the right.

SUSAN B. BALDWIN, AICP
Senior Regional Planner

SBA/KHE/kcu

From: [hank barber](#)
To: [Eichar, Peter](#)
Subject: DS24/Borrego Country Club Estates (Rudyville)
Date: Thursday, February 04, 2016 12:12:07 PM

I have lived in Borrego for over 15 years, initially as a snowbird and now as a full time resident.

As an unincorporated community we do not have direct control over our unique town and must rely on the county supervisors to know and understand our community.

Rudville is a detrimental, precedent setting planned development. It is a bad idea. It was a bad idea when it was considered before; it is still a bad idea.

Let me list the reasons:

1. Lack of water. At the current rate of decline in our aquifer, the town only has 15-20 years of water left. Any new large scale development would accelerate this decline.
2. Plenty of existing lots. Drive around Borrego and look at the number of existing lots/homesites that exist. There are hundreds, maybe over a thousand. These lots will someday have a house on them and this must be factored into your decision regarding Rudyville. The focus of our development must be to fill out the existing lots (which will also accelerate the decline in our water).
4. The environment. Since there are already many, many lots available, why destroy more of our fragile environment. You know, Rudyville is in the middle of an ancient Ocotillo Forest. Some of these iconic plants are well over 200 years old. The desert deserves respect for its slow growing beautiful plants.
5. Dust Storm. Take away the plants for the development and there will be massive dust storms that come from the very windy Tubb Canyon. The dust storms will affect many local residences that are on the east side of Borrego Springs Road.

In summary, please slow down; consider what the people who live in Borrego have to say. Really, the priority in Borrego should be to help us find ways to slow the decline in our water table.

Additional development is the last thing we need in our little town.

If there is to be development at least let it be done on the vast amount of agricultural land that is fallow and already creating dust storms.

Thank you for your consideration.
Hank Barber

Hank Barber
760-693-2310
3414 Carillo Road
Borrego Springs, Ca 92004

From: [mary barber](#)
To: [Eichar, Peter](#)
Subject: Rudyville development
Date: Thursday, February 04, 2016 12:31:52 PM

I am a resident of Borrego Springs and was quite surprised to suddenly learn of a new plan for a housing development in Borrego. It seemed to have surfaced overnight and seems related

to an old development plan that was squashed for very good reasons.

Those reasons still seem viable.

We have many buildable lots available in this town already.

Creating this new development near Borrego Springs Road and Country Club road will destroy

an outstanding ocotillo forest, open the area to dusty wind storms, add more water problems for an aquifer that is already overdrawn and serve no purpose, since we do not need more empty houses.

Please consider the wishes and needs and concerns of the residents of Borrego Springs and squash this development idea.

Mary C. Barber

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Monday, February 29, 2016 8:17 AM
To: jason.farran@sdcounty.ca.gov; gabriel.gutierrez@sdcounty.ca.gov; daniel.howard@sdcounty.ca.gov; Johnston, Kevin; Livoni, Christopher; Wilson, Adam; Slovick, Mark; Smith, Ashley
Cc: Cox, Greg; Ron-Roberts; Jacob, Dianne; Roberts, Dave
Subject: NOP on PSR/ GPA comments

February 22, 2016

Allen F. and Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069-9761

Project Name: Property Specific Requests General Plan Amendment and Rezone
Project Number: PDS2012-3800-12-005,PDS2014-REZ-006
Env. Review Number: PDS2012-ER-12-00-003

Dear Peter:

I am writing regarding the NOP for the PSR. I will more specifically hone my concerns with Property Specific Request NC 42, Newland Sierra.

I really disagree with this entire concept. The General Plan was approved in August 2011. Immediately after the vote it was requested that several hundred properties be re-examined for an up zone. That is a problem as it took 12 years and over 18 million dollars to complete the General Plan with hundreds of people involved as well as hundreds of meetings.

Why pass a General Plan that is already flawed going out of the gate in the Board of Supervisors opinion?

Also, why do the taxpayers have to again pay for this? These are individual requests by property owners. They should be the ones to pay.

My real problem is with NC 42, Newland Sierra. Why on earth are we paying for them? Also, we are paying for their request while they went off and filed a request on their own!

What is with the "Study Areas"? I abut Newland Sierra. I am in the "Study Area". Why should my property have to be again rezoned to make Newland Sierra a bit more compatible to the surrounding area and to make it appear as if Newland Sierra is not "spot zoning"? The surrounding area cannot make Newland Sierra compatible as Newland is requesting a zoning change that is hundreds of times over what is allowed.

Can we in the "Study Area" opt out? Unless you have over 10 acres you cannot even subdivide so this "Study Area" request is a bit disingenuous and will only lead to a lot of confusion to those in the "Study Area".

Will the County be taking into consideration the ramifications of those who are eligible in the "Study Area" and that wish to subdivide their property? This will lead to more traffic gridlock, noise, air quality, threats to the environment, as well as Green House Gas Emissions.

It is bad enough that the County is even considering these Property Specific Requests, but to now include the "Study Areas" just so as not to create "spot zoning" is an even greater threat to the General Plan just adopted in August 2011.

These "Study Areas" are "growth inducing" and they are a recipe for disaster to the General Plan. "Study Areas" need to be eliminated entirely from consideration.

What on earth is the County doing, and why?

Thank you for your time and consideration of these matters.

Sincerely,

Allen F. Binns

Karen Binns

Allen F. Binns

Karen Binns

From: Royalviewranch@aol.com
To: [Eichar, Peter](#)
Cc: [Wardlaw, Mark](#); [Gretler, Darren M](#)
Subject: PSR"s, GPA comment
Date: Friday, December 04, 2015 9:25:48 AM

Hello Peter,

I got the notice in the mail yesterday.

I was just wondering why the County has been working on this for 4 + years and now all of a sudden, in the middle of the Christmas/ New Year season, when everyone is preoccupied, they drop this 30 day comment period/ Scoping Meeting on us.

They do it all the time. I guess I should not be surprised. Thanks for your time.

Karen Binns



The Desert Protective Council, Inc.

P.O. Box 3635, San Diego, California 92163-1635

protectdeserts.org

January 30, 2016

To: County of San Diego
PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123

RE: PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENDMENT AND REZONE
Project Numbers: PDS2012-3800-12-005; PDS2014-REZ-14-006
Via email and USPS mail

This letter should serve as a public comment on the Notice of Preparation filed by the County regarding the County's plan to prepare a Subsequent Environmental Impact Report (SEIR) to analyze the environmental impacts of proposed Property Specific Requests (PSR) that would amend the County's General Plan.

Specifically, this letter addresses PSR Desert 24, (DS24), in the Desert Subregion of the General Plan. This PSR is also known as the proposed subdivision Borrego Country Club Estates and relates to a proposed density change from SR-10 to SR-1 on two large parcels in Borrego Springs.

First and foremost, the Desert Protective Council objects to the inclusion of PSR Desert 24 in the SEIR because a project of this scope and controversial history is worthy of its own EIR. Attempting to change the density on this parcel as part of a much larger SEIR that will also affect parcels throughout the county, ignores the special considerations of the desert and this PSR in particular. The community of Borrego Springs, including numerous residents, the Anza-Borrego Desert State Park, and the Community Sponsor Group has analyzed a density change for this project since 2006. The developer sought entitlements to build one home per acre on this untouched, native desert landscape long before the General Plan Update was passed. The proposal was poor then and it remains poor now. The Borrego Springs Community Sponsor Group has opposed the density change for the past decade and supports one dwelling unit per 10 acres in the project area. A project of this complexity deserves its own EIR, and should not be considered as part of a hodgepodge General Plan Amendment.

The affected parcel (DS24) cannot have a density increased properly analyzed in an SEIR to the General Plan Update, because the General Plan Update did not evaluate the property under the state's Sustainable Groundwater Management Act, passed in 2015. DS24 is located within the Borrego Valley Groundwater Basin and the State Department of Water Resources has designated this basin as a critically overdrawn basin. The law requires that any land use decision affecting a critically overdrawn groundwater basin meet the requirements of the Sustainable Groundwater Management Act. To avoid conflict with this law, DS24 should be removed from the slate or projects under study as Property Specific Requests in this NOP.

The mission of the Desert Protective Council is to safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual, and recreational value, and to educate both children and adults to a better understanding of the desert.

The Desert Protective Council requests that the County perform the necessary level of study that the County is obligated to perform for a change of this magnitude in a desert riparian area that includes many species of concern. The Desert Protective Council supports the Borrego Springs Sponsor Group's objections to the increase in density, including the Sponsor Group's assertion that the community is not interested in the continuation of Country Club Road on the edge of a wilderness area, that the developer's characterization of the parcels as Sonoran Creosote Bush Scrub does not recognize the sheer number and quality of the numerous ocotillo plants on the land, and because the underlying sand dune that bisects the property should not be disturbed for numerous reasons.

Specifically, the Desert Protective Council requests that the following areas of concern be addressed fully before any increase in density is considered for DS24.

Aesthetics

The land in question is known as the "Ocotillo Forest." The area appears on historical maps of the valley as a tourist destination where one can see hundreds and hundreds of stately ocotillo plants from the vantage point of Borrego Springs Road. These plants bloom with a red top and green leaves during peak periods and are visible from many lookout points in the Borrego Valley. Grading of this habitat, as proposed by the developer, would destroy aesthetics, including from lookout points in Anza-Borrego Desert State Park.

How will the view shed be protected from electricity poles, high elevations needed to protect any structures from floodwaters, and how will Borrego Springs' International Dark-sky Community designation be protected?

Air Quality

DS24 contains portions of a relict sand dune that has stabilized over time. Any disturbance to this sand dune is likely to cause serious air quality problems for the residents of Borrego Springs. High winds blow in the area and if the vegetation and structure of the relict sand dune were disturbed by grading or by increased density in the area, the blowing dust and fine particulate matter that would be released would cause damage and impact visibility, air quality, and the health of area residents.

Biological Resources

The proposed increase in density for the parcels in question would have major impacts on biological resources. The proposal would destroy one of the most highly concentrated areas of the ocotillo (*Fouquieria splendens*) plant in Borrego Springs.

The site is home to burrowing owl, is in the range of endangered Peninsular Bighorn Sheep, and provides potential habitat for flat-tailed horned lizard, various fringe-toed lizards, raptors of concern, the rare hybrid San Diego horned lizard, and Kangaroo rat. The County should request input from the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service given the proximity of the property to the Pinyon Mountain Wilderness. Surveys of the property during wildflower season should be commenced in the months following periods of significant rainfall to look for rare and endangered flora species.

The proposed change in density for DS24 would impact the habitat of the federally endangered Peninsular Bighorn Sheep. The project is in close proximity to the Tubb Canyon population of Bighorn Sheep that are referred to by the U.S. Fish and Wildlife Service as the South San Ysidro Mountains Subpopulation of the endangered species. These sheep are sensitive to construction noise and depend on the local habitat for their survival.

How can the County adequately address these biological impacts in an SEIR whose underlying EIR focused on the entire County and did not specifically address the desert habitat?

Cultural and Paleontological Resources

The cultural significance of the ocotillo forest should be studied and taken into consideration. The area has archaeological resources, such as potsherds, and scraping the area could adversely impact the cultural resources of the property. The County should conduct studies of the Native American cultural and paleontological resources of the parcels in question before allowing their zoning to be changed.

Geology and Soils

The site of DS24 contains an important sand dune and disturbance of the dune would compact the dune and seriously threaten the seed bank within the dune. Full geological studies of the area should be commenced before any density change would comply with CEQA.

Global Climate Change

The County should study emerging research on the desert as a carbon sink. The desert caliche is formed over thousands of years and sequesters carbon. Any grading or disturbance of this caliche could release carbon into the atmosphere and impact climate change. Experts from the University of California are studying the desert's role in carbon sequestration and the County should analyze the impacts to increase in greenhouse gases from scraping the project area. Additionally, denuded desert loses its ability to absorb carbon. These impacts along with the increased human population are likely not minimal and need to be analyzed .

Hydrology and Water Quality

Borrego Springs is situated on a groundwater basin that is subject to state control because it is being rapidly depleted. How would increasing density on undeveloped lots impact the already over-drafted Borrego Valley aquifer? Would the state allow for the extra draw that such a proposed subdivision would require? How can the County make any density changes without first consulting with the State about the status of the valley's groundwater basin. Further, the project area would require numerous individual wells and septic tanks, to be inserted on shifting and unstable sand, which could cause pollution and instability in the landscape and affect the water table for the rest of the valley. The proposed increase in density is outside of the range of the Borrego Water District and would not have access to sewers. How can the County allow for more than 150 new septic tanks and wells in the project area?

Why haven't the neighboring landowners been informed of plans to create a flood control district in the area? How can the density be increased on the project site when any structures built would be in an alluvial flood plain? Will the increase in density include provisions for eventual flood? How will the State

Park's resources be protected if rainwaters are diverted away from their eventual entry into the park in order to protect the subject property?

Land Use and Planning

The proposed density increase for DS24 is in conflict with the General Plan and the Desert Community Plan. The project has been proposed for the past decade and was considered when both the General Plan maps were developed and the Desert Community Plan was written and updated. How can the Desert Subregion's community plan be changed by way of an SEIR to allow more density in an area that the community requested remain SR-10? Further the Community Plan for Borrego Springs calls for new high-density residential growth to occur in the northern part of Borrego Springs in order to allow for the fallowing of agricultural land and a reduction in water use in the valley. The proposal for DS24 would denude and degrade virgin, virtually untouched landscape, when numerous empty lots are available for development in Borrego Springs. The economic impact of flooding the market with 150 more empty lots and the negative impact on the Desert Subregion Community Plan that calls for residential growth in northern Borrego Springs must be considered. The Borrego Springs Community Plan would need to be updated and should not be done so as an afterthought in an SEIR, when the EIR for the General Plan Update already carefully considered how and where Borrego Springs should grow.

Population and Housing/ Public Services

How can an SEIR to a plan that addressed population in the entire County of San Diego, be used as the basis of a subsequent environmental impact report for the tiny village of Borrego Springs? An increase in population and housing density is likely to have unfavorable consequences in Borrego Springs where water is running out. How will the proposed project affect the Borrego Springs Unified School District? How could density be increased in this area of town when the Borrego Springs Fire Department is already in need of a second fire station? There is currently ample housing in Borrego Springs to support the population.

Transportation and Traffic

Increasing the density on DS24 would affect traffic on Borrego Springs Road, East Star, West Star, and Country Club Road. Portions of these roads are private property, blocked and not paved. How will the SEIR address transportation issues related to the closed and unfinished portion of Country Club Road. How will and SEIR to the countywide General Plan be able to inform the neighbors of DS24 of the potential increases in traffic and changes to their private roads?

Clearly, the proposal to raise the density on DS24 cannot be adequately studied through a Subsequent Environmental Impact Report tied to the County's General Plan Update. The Desert Protective Council and its numerous members request to be kept apprised of any public meetings or opportunities for comment regarding this project. Please send future notices to DPC at PO Box 3635, San Diego, CA 92163.

Thank you for the opportunity to participate in this process. Please add these comments to the public record for San Diego County General Plan Amendment And Rezone-
Project Numbers: PDS2012-3800-12-005; PDS2014-REZ-14-006. Please keep the Desert Protective Council informed of all subsequent documents and public hearings related to this proposed project.

Sincerely,

/s/ Maris Brancheau

Maris Brancheau, Esq.
CA Bar# 313909
(760) 212-9928
marisbrancheau@gmail.com

A handwritten signature in dark ink, reading "Terry Weiner". The signature is written in a cursive, flowing style.

Terry Weiner
Conservation Coordinator
Desert Protective Council
(619) 342-5524
terryweiner@sbcglobal.net

From: [Mary Ann Cincotta](#)
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates (DS24)
Date: Friday, February 19, 2016 3:59:27 PM

Dear Peter Eichar:

As a homeowner, property taxpayer, and part-time resident of Borrego Springs, I am writing to express my opposition to the proposed rezoning, and, indeed, any development, of the area in Borrego Springs owned by Rudy Monica and Chris Brown and referred to as Borrego Country Club Estates (DS24). Further, the proposed EIS should not be allowed to go forward at taxpayer expense (perhaps Mssrs. Monica and Brown should pay for it themselves).

My reasons are as follows:

1. The area is a flood plain directly below a steep mountain slope that can receive large amounts of flash-flood drainage;
2. Development would involve clearing the land of a mature , undisturbed stand of ocotillos, which are threatened by development throughout the southwest;
3. Grading would raise a significant amount of dust in an area prone to high winds;
4. Mitigation of dust created by grading (to say nothing of the additional houses) would place an undue strain on an aquifer that is severely over drafted;
5. A previous proposal to develop this land at a density of one house per 10 acres was not approved. By what stretch of the imagination should rezoning to one house per acre be considered acceptable?
6. Chris Brown is a former staff member to Commissioner Horn. Approving a development partly owned by Brown smacks of cronyism, at the very least.

Before you consider allowing development on this land, you should visit Borrego and see the ocotillos in bloom. They're just getting started this week.

Mary Ann Cincotta, PhD
PO Box 375
Borrego Springs CA 92004

From: ClarkeMH@aol.com
To: [Eichar, Peter](#)
Cc: dandd2@peoplepc.com; hecht.deb@gmail.com; desertguy1@sbcglobal.net; david.mayer@wildlife.ca.gov; Susan_Wynn@fws.gov; Mendel_Stewart@fws.gov; [Elias, Alexandra](#); [Lardy, Eric](#); sifarrell@cox.net; dsilverla@me.com; beckehl@cox.net
Subject: NOP, SEIR for Property Specific Requests, GP Amendment and Rezone
Date: Saturday, February 27, 2016 3:35:52 PM

To: Peter Eichar, Dept. of Planning and Development Services, County of San Diego
From: Mary H. Clarke, Co-Chair, North County MSCP/MHCP Task Force, Sierra Club, San Diego Chapter
Subject: Comments on NOP, SEIR for Property Specific Requests, General Plan Amendments and Rezone
Date: Feb. 27, 2016

Dear Mr. Eichar:

Thank you for the opportunity to comment on the Notice of Preparation for a Subsequent EIR for the Property Specific Requests for Amendments to the General Plan. I am commenting on behalf of the North County MSCP/MHCP Task Force of the Sierra Club, San Diego Chapter.

Our Task Force, which focuses on North San Diego County, has many concerns regarding these property specific requests (PSRs), particularly since most of them are located in North County and most of them involve increasing the density/footprint of development.

Our Task Force has been involved in the development of the North County MSCP (NC-MSCP) since the late 1990s. We have followed its development closely and have commented on NC-MSCP documents, the most recent document being the Preliminary Public Review Draft of Feb. 19, 2009. In our comment letter of April 6, 2009, we contend that the NC-MSCP does not conserve enough valuable habitat. (The habitat to be conserved in the NC-MSCP is primarily in the Pre-Approved Mitigation Area, or PAMA.) We continue to urge the County to seek ways to increase the extent of valuable habitat to be conserved in the Plan, not reduce it by allowing more development to occur as per the PSRs.

Our concerns about the PSRs are that these Requests will impact the PAMA and reduce the preservation of valuable habitat, compromising listed species. This is the primary concern of our Task Force, although in general, there are many other significant concerns such as impacts to core areas and linkages; impacts due to extension of roads and other infrastructure to accommodate increased density of development; degradation of rural areas by urban-type development; and increases in greenhouse gases due to increased development, to name a few.

We would like to point out that there is a Planning Agreement (PA) for the Proposed North and East County MSCP Plans, signed onto by the County of San Diego, the U.S. Fish and Wildlife Service and the California Dept. of Fish and Wildlife in May, 2014. Exhibit B (Interim Review Process) of the PA states that the purpose of the Interim Review Process is to insure that discretionary projects approved or initiated in the North or East County MSCP Planning Areas prior to the adoption of the Plans do not compromise the successful implementation of the Plans. (Rezoning is considered discretionary actions -- see Exhibit B, p. 2.) We think it is highly likely that many of the PSRs for rezonings will compromise the successful implementation of the Plans. Therefore, we request that the SEIR address all impacts to the PAMA and listed species in the NC-MSCP, and to the extent possible, given that the East County MSCP has yet to be developed, to valuable habitat and listed species in the East County Plan.

We appreciate that the County will address impacts to all of the Environmental Factors shown on the Initial Study Checklist for CEQA review. We anticipate a thorough and complete analysis and evaluation of each factor for each PSR.

Lastly, we would like to point out that the North County MSCP should be finalized before any General Plan amendments are approved that may compromise the Plan or reduce the PAMA.

Please add me to your contact list for future notices, workshops, public documents and hearings involving the SEIR for Property Specific Requests.

Thank you for your consideration of these comments. Please feel free to contact me if you have any questions.

Sincerely,

Mary H. Clarke
2006 Trevino Ave.
Oceanside, CA 92056

From: [Steve Cook](#)
To: [Eichar, Peter](#)
Subject: DS24 Borrego Country Club Estates.
Date: Thursday, February 04, 2016 9:12:43 AM

Hello and greetings

I am a Borrego Springs citizen and property owner concerned about the development of DS24 - Borrego Country Club Estates.

The vast majority of our residents (according to our social media groups) are concerned and oppose the development of the land in question.

Aside from the aesthetic and preservation issues there are environmental and financial reasons we are opposed to it.

The main reasons are that the property is in flood zone and there is a flash flood river/wash running through it as we speak. The diversion would run the water through somebody else's property destroying it.

It is also directly in the path of the wind funnel coming out of Tubb Canyon on an almost daily basis.

It is one of the windiest places in Borrego Valley. There is a residential area of many many homes directly downwind of the project. Grading and removing the vegetation will cause daily dust storms to descend upon those homes making a mess of dirt on their homes, cars, patios, and swimming pools.

Additionally our population has been almost stagnant and has remained around the 3,000 mark in the thirty five years I've lived in Borrego Springs. And many of those are winter residents.

The population, business and visitor activity drops considerably in the warmer months.

There are already many failed developments, many vacant homes, and many many residential lots that have not been built upon throughout Borrego Springs. We really don't need more.

Please consider this when making decisions that affect the entire community.

Thank you,
Steven Cook
Borrego Springs, CA

January 19, 2016

Cheryl Criss
9574 Paseo Montril
San Diego, CA 92129
Ph: 858-566-7819

Attn: Peter Eichar:
Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

**RE: Borrego Country Club Estates
Project # DS24**

Dear Mr. Eichar;

Regarding the above mentioned plan, aka, Rudyville, I must oppose the proposition that this project would enhance our community on multiple levels, in fact it would be a detriment and I believe a disaster to approve this plan.

Here's why,

1. The property known as Rudyville has been under question for some time. I don't want to make assumptions or point fingers at our politicians, but a few years back this project tried to slip through the red tape without citizen awareness or for that matter also EIR. For many reasons it fell apart and rightful so.

Now that it has suddenly resurfaced, let me explain, as a resident, why this is not only a degradation of the community, but in fact an environmental disaster.

1. First and foremost, I own a home in Tubb Canyon, 3532 Country Club Road, Borrego Springs. The winds are common, prevelant, strong and destructive which flow from the West. 50 to 70 MPH winds are not uncommon. Scraping off of 172 acres of desert in that area (which doesn't regenerate), is not only environmentally unsound it is catastrophic, especially those who live East of that location. Disrupt the desert and you get horrific Sandstorms! Example: the solar farm on Di Giorgio Road—I've got pictures where sunlight was obscured by the dust from the solar plant, roads were covered in sand, like a movie directed from Hell.
2. The ground "Rudyville" propsoses to prepare for 172 individual acre lots, would have to be scraped of the beautiful Octotillo forest (some of the oldest living trees next to the Sequoias) ---with the great environmental concern we have today, how could this even be a consideration?
3. Water! Borrego is trying to address our dire concern for the depleted aquifer. The survival of our community as it stands today is tipping towards extinction.

Adding access to water for another 172 homes at this point is impossible to imagine. However, when we do get rain, there's plenty of proof that it floods out of Tubb Canyon and two years ago heavy rains parked over the mountains washed out the berm that held flood waters back for decades. No plans to repair that berm have I heard of AND the proposed Rudyville would sit smack dab in the middle of that flood path!

4. This is important! There are many building lots available for sale in Borrego, and have been for many years, and yet have not sold. Borrego is a depressed market compared to the City of San Diego, so grading another 175 acres to dirt is simply insane.
5. I find it so questionable that Mr. Rudy Monica was a former staff member of our Supervisor Bill Horn. That smacks of something not right and I'll make sure people in Borrego are aware of that.
6. Something is much amiss here and I hope you address it. In the meanwhile, the residents of Borrego are unhappy and will be more so as they learn more about this and the connection between Supervisor Horn and Mr. Rudy Monica. I promise you, as I will circulate this letter.

Sincerely,
Cheryl Criss

A handwritten signature in cursive script, appearing to read "Cheryl Criss". The signature is written in dark ink and is positioned below the typed name.

From: [Karen DeLorenzo](#)
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates Project # DS24
Date: Saturday, January 23, 2016 11:09:37 AM

January 23, 2016

Peter Eichar
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: Borrego Country Club Estates
Project Number DS24

Dear Mr. Eichar,

My husband and I are in opposition to the project known as Borrego Country Club Estates, DS24 for which there has been issued a Notice of Preparation of an Environmental Impact Report (EIR.)

We oppose this project for the following reasons:

- 1.) The Sustainable Groundwater Management Act, in effect as of January 2015 has not yet issued regulations. Based on our understanding of the current groundwater and aquifer situation in Borrego Valley building homes at the requested density (one home per acre) would be in violation of this Act. According to the recent USGS report cited in the January 14, 2016 issue of the Borrego Sun there is currently 20,000 acre feet being extracted from the aquifer with only 5,700 acre feet being added by natural recharge. The water is simply not there for new homes in this area.
- 2.) The grading and land preparation for this proposed development would further increase the air pollution we now experience, due to the desert environment, the ORV activity at Ocotillo Wells, and the recent installation of solar farms in the valley.
- 3.) This area is home to a variety of endangered species, including an ocotillo forrest (already being stressed by California's ongoing drought) as well as a desert Sand Dune community.
- 4.) The potential for increased traffic on Country Club, Broken Arrow and Wagon Roads both from construction equipment and, in the future, additional residential cars. This is a serious issue especially since the south end of Country Club Road which connected to S-3 has been bulldozed, fenced-off and otherwise permanently blocked by a local property owner.
- 5.) The location of the flood plain, which flooded seriously about two years ago, runs right through this proposed development. That particular storm/flood event also removed old earthen berms which directed waters around the few homes in the Tubb Canyon area. Any flood mitigation that would be part of the SD24 project would potentially affect those homes below it in this same flood plain. We invested several thousand dollars in flood mitigation at our property; we do not want our property to be lost because of ill-considered development of this area.

We appreciate the opportunity to comment on this project and ask that our concerns be incorporated into the Notice of Preparation of an Environmental Impact Report on DS24, Borrego Country Club Estates.

Sincerely,

Karen J. DeLorenzo

Anthony P. DeLorenzo

3237 Country Club Road
PO Box 613
Borrego Springs CA 92004

e-mail: ktdelorenzo@gmail.com
phone: 360-301-5446

From: douglas.dill@att.net
To: [Eichar, Peter](#)
Subject: SDPG - 2015-12-10 Meeting - Item 5B NOP Motion
Date: Friday, December 18, 2015 4:04:02 PM

SAN DIEGUITO PLANNING GROUP

December 10, 2015

REGULAR MEETING

5B. NOTICE OF PREPARATION (NOP) OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE PROPERTY SPECIFIC REQUESTS (PSRS) GENERAL PLAN AMENDMENT AND REZONE - County-generated, property specific GPA encompassing 13,000 within the County of San Diego; with 69 acres in SDPG area. NOP comments due by January 4, 2016 to Peter.Eichar@sdcounty.ca.gov. SDPG Member: Doug Dill 760-736-4333

SD2 – Referral #61. TM5278, this proposed 19.6 acre subdivision parcel map in Elfin Forest came before the SDPG in 2002, 2004, and again in 2010 as TM5278RPL3. In 2010 the SDPG recommended approval of the subdivision replacement parcel map 3.

Comments: Recommendation for approval still stands; no additional comments or recommendations.

SD15 – These two parcels of 42.4 acres are fronted on San Elijo Road. This property is an unincorporated island; it is not contiguous with the rest of the San Dieguito planning area. The property is surrounded by the City of San Marcos, bordering the old (closed) county land fill/trash recycling plant to the east, San Elijo Hill subdivision to the north, open space to the south and west. It used to have an orchard agricultural operation on it some time ago.

Comments: It is important to preserve the steep slope, natural habitat, open space portion of this parcel since it is contiguous with the adjoining open space, as part of an established regional habitat/wildlife corridor. Any residential development should be positioned to the west, close to existing residential neighborhoods. Any light industrial should be positioned to the east, bordering the old landfill.

Error under 'Discussion' text; references "close proximity to the Escondido Meyers Industrial Park." Wrong industrial park name; it is in proximity to the La Costa Meadows Industrial Park in the City of San Marcos.

Motion: (by D. Dill) To approve comments as presented.

Second: N. Christenfeld

Vote: 8 – YES; 0 – NO; 0 – Abstain

Respectfully submitted by,
Douglas Dill
Vice Chair, Seat 15
San Dieguito Planning Group



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Kevin Downey](#)
To: [Eichar, Peter](#)
Subject: Property specific requests general plan amendment and rezone
Date: Sunday, January 03, 2016 5:49:25 PM

Hello Peter,

I received the letter from the country regarding project name: Property Specific Requests General Plan Amendment and Rezone; Project Number(s): PDS2012-3800-12-005; PDS2014-REZ-14-006 and your email was give for comments.

The reason I moved to 654 Stewart Canyon Road was because of the seclusion. I do not support increasing the number of homes per acre. I currently have an event venue near my house that already makes too much noise and increases traffic. Repeated calls to the owners and management have not helped and I believe they are one of the locations trying for this increase in homes per acre. They currently have a residence near us and I would hate to see them add any more.

I appreciate the consideration the county is giving residence that live near these locations.

Sincerely,

Kevin and Melody Downey

From: [Nancy Earl](#)
To: [Eichar, Peter](#)
Subject: Feedback Project #PDS2012-3800-12-005; PDS2014-REZ-14-006
Date: Thursday, December 17, 2015 11:23:24 AM

Hello Peter, My name is Nancy Earl and I live at 2375 Royal Oak Dr. in Escondido. My home and community will be effected by the proposed revisions to the existing General Plan Land Use and zoning designations on nearby private properties. I would like to state here that I am absolutely NOT in favor of the proposed revisions as they will result in additional homes being built in the designated areas. My objection is based on the following: 1. There will be a significant increase in traffic. Roads that feed to the 15 Freeway, and the 15 Freeway itself, are already congested...especially during commute times. 2. Wildlife in the designated areas will be negatively impacted. As we are all aware, wildlife habitats are lost when homes are built in or near them resulting in the loss of the wildlife. 3. The proposed areas are natural and beautiful. Destroying these aesthetically pleasing natural areas to build homes results in little more than ugly urban blight.

I am not sure if I will be able to attend the meeting this evening in the County Building at 6pm on Overland Ave., so I wanted to give my feedback just in case I cannot attend. Thank you for your consideration of my opinion and please forward my thoughts to the Planning Commission as I am certain that others in the proposed areas share them.

Nancy Earl
858-204-2750

Submitted by EMAIL to Peter.Eichar@ sdcounty

January 27, 2016

Peter Eichar
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Borrego Country Club Estates, Project # DS24

Dear Mr. Eichar,

We are full-time residents of Borrego Springs. We are deeply concerned about this proposed amendment to the General Plan. The following issues should be carefully studied in the EIR, many of which I am sure you will hear from others in this community:

Water shortage: As you are aware, the aquifer that provides water for our community is drawing down rapidly. Studies are in process for determining what to do about this crisis. Extending water to a possible 171 homes will gravely exacerbate the problem, and is clearly not compliant with State and County mandates for conserving water resources.

Flood plain: The proposed project is on the slopes of an alluvial plain which is currently stabilized by native vegetation. Grading during development could create significant hazards for adjacent homes. Flood mitigation measures may be destructive to biological resources and may adversely affect adjacent properties.

Biological resources: This is pristine desert, including a beautiful ocotillo forest and provides habitat for numerous desert species. Development will most likely disrupt wildlife corridors that will affect wildlife protected in the nearby State Park.

Archeological resources may be impacted by the project, and by extension of roads and utilities to the project site. Although past flooding has eliminated some resources, artifacts are still found on alluvial areas.

Dark Sky: This is a community that takes pride in keeping outdoor lighting under control to provide a view of the night sky. Scientists and astronomical societies come here to study the stars. Lighting pollution affects the Palomar Observatory. What enforceable controls will be set on lighting of the streets and houses in this development?

Planning issues: This project will result in significant damage to a pristine area of the desert, while numerous already disturbed building sites are available for sale. The County should encourage infill prior to approval of such a project. Due to flood control and biological impacts and County policy will the home sites be clustered and actually be denser than the adjacent existing homes? Will this set a precedent for other plan amendments for denser projects?

Cost/Benefit Analysis: The County should weigh the costs of this general plan amendment to the benefits to the community. At this stage, we see only costs: increased water shortage, destruction of habitat, increased flood hazard with destructive mitigation, possible lighting pollution.

And one has to question: what are the real objectives of this developer? With all the costs incurred to develop this site, is it really viable? Can he really sell the lots and homes? There are many lovely architecturally-unique existing homes available for sale. There are many prime lots that have been on the market for years (many in the adjacent Country Club area). Why? Because building costs are considerably higher than in other areas of the County and market values are considerably lower. Many find that they are unable to sell custom-built homes at a price to even recoup their building costs.

With the costs that this developer will incur in grading, extending roads and utilities, and flood mitigation, it is hard to believe he will be able to recoup his costs. Will this pristine area be destroyed to leave empty streets and lots?

We have to wonder if the developer's real objective is a Rams Hill type of development. Will he come in later and attest that he cannot sell his homes unless some amenities are added and then demand approval for a new golf course and country club, and commercial uses on adjacent land?

We are not golfers but we live in an older golfing community that has made some efforts to conserve water. The course is allowed to go almost completely dry from June to October. Only enough watering is done to preserve the trees during the hot months. Other ways to reduce water use on golf courses are being considered in water resource studies. Until these studies are complete is this a good time to add another dense, water-demanding project?

Finally, many people live here because they enjoy the natural resources and the night sky. We provide support to the State Park through monetary contributions and volunteering. We enjoy the small town laid-back ambience. We do not want to become Palm Springs!

Thank you for this opportunity to comment. Sincerely,

Jana Edwards and Roy Melling,
160 Montezuma Road
P.O. Box 238
Borrego Springs, CA 92004
(760) 294-0140



DEPARTMENT OF PARKS AND RECREATION
COLORADO DESERT DISTRICT
200 PALM CANYON DRIVE
BORREGO SPRINGS, CA 92004
760-767-4037

Lisa Ann L. Mangat, Director

December 31, 2015

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

PROJECT NAME: Property Specific Requests General Plan Amendment and Rezone
PROJECT NUMBER(S): PDS2012-3800-12-005; PDS2014-REZ-14-006
ENV. REVIEW NUMBER: PDS2012-ER-12-00-003

To Peter Eichar and Relevant County of San Diego Staff:

As representative of the Colorado Desert District of California State parks, I would like to comment on the proposed Project changes to Land Use designations affecting the Anza-Borrego Desert State Park®. The Probable Environmental Effects listed in the Notice of Preparation, because of increased residential density, are of concern because of the negative impacts to lands adjacent and near State Park lands.

I would like the County of San Diego to reconsider increasing residential density and/or possible changes to commercial or industrial Land Use designation within the Desert Subregion (approximately 338 acres). Proposed changes may negatively affect State Park land aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, recreation, and traffic. In addition, affected land adjacent to State Park land west of Borrego Springs Road at the mouth of Tubb Canyon contain a rare Old Growth Ocotillo Forest of substantial and irreplaceable biological and aesthetic value.

Please keep me informed as the planning and review process continues for the Desert Subregion so that we can participate in the collective process.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Falat".

Dan Falat
District Superintendent

Sandra Farrell
1900 Esplendido Ave
Vista, CA 92084

February 14, 2016

Peter Eichar
Dept. of Planning and Development Services
5510 Overland Ave
San Diego CA 92123
Peter.Eichar@sdcounty.ca.gov

pds.advanceplanning@sdcounty.ca.gov

**RE: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT for
Property Specific Requests General Plan Amendment and Rezone**

(GPA 12-005; REZ 14-006) Project Numbers. PDS2012-3800-12-005; PDS2014-REZ-14-006ENV.
REVIEW NUMBER: PDS2012-ER-12-00-003; SCH#2015121012

Dear Mr. Eichar,

Thank you very much for this opportunity to provide input to this Notice of Preparation for Property Specific Requests, General Plan Amendment and Rezone. Upon review of the NOP for the Supplemental Environmental Impact Report (SEIR) to amend the County General Plan, it appears the County is using public money to accommodate a few property owner specific requests. But for the desires of specific property owners there is no need for this General Plan Amendment (GPA) or associated costs. In addition, many of these Property Specific Requests (PSRs) are connected with a development project and this GPA will bring the property density in line with the density of a proposed project.

Although the SEIR is to study the impacts associated with amending an existing General Plan and not to identify impacts connected with project specific plans, the goal of many of the PSRs is to bring the density up so that it matches a proposed development project. The projects in many cases are linked to the proposed GPA. General Plans tend to not get into specific project impacts because those impacts can't be known until a project is proposed and a project Environmental Impact Report (EIR) is done. However, some of the PRSs have significant amounts of environmental documentation. The impacts and mitigation measures are known. It would be disingenuous of the County and not keeping with the spirit of CEQA, if the County did not include past environmental documentation. The County should include any known, foreseeable, or impacts likely to occur due to implementation of the Property Specific Requests (PSRs) that are to be studied for this General Plan Amendment (GPA). Any reasonable person would want to know of previously identified impacts that could be created if the GPA is implemented.

For instance, the County knows of existing environmental documentation for projects proposed for NC22 and NC42. For both these projects there is a long history of concerns raised on proposed projects for these two PSRs. Therefore the SEIR for the GPA cannot use the language of a program EIR or state that impacts need to be addressed at a project level when they are revealed since there is existing documentation of the impacts already part of public record.

I would like the SEIR to cover the following:

1. To include past environmental documentation on the areas of the PSRs that have development projects or have existing environmental studies so that the decision makers and public can understand how the GPA relates to the land and any in-process or proposed development projects located within each of the PSRs.
2. To include past comments submitted by governmental agencies associated with in-process or proposed development projects located within each of the PSRs so decision makers and public can understand how the implementation of the GPA may:
 - a. allow a project to move forward that could result in significant negative impacts
 - b. be in conflict with other governmental agency policies, planning, and/or recommendations.

For NC22 there are comment letters from the Wildlife Agencies, LAFCO, EPA and the County that go back to 1990 for a project the property owner has been processing with the City of San Marcos and may want to process the project with the County. This project is called the San Marcos Highlands.

3. To include past comments submitted to in-process or proposed development projects located in the PSRs from non-governmental organizations and the public so the decision makers and public can understand how implementing the GPA may create significant negative impacts for the environment and/or the community. For NC22 please see comments submitted for the San Marcos Highlands project. For NC42 there are not only comments submitted for the project known as Merriam Mountains but also comments submitted to the Draft North County MSCP specific to NC42.
4. The SEIR should discuss why the line running at a diagonal through NC22 does not follow any existing property line. It should show how the density change supports an existing project by including a map graphic showing the NC22 area with the San Marcos Highlands project overlaid so that decision makers and the public can see how the PSR matches a development plan for a project currently being proposed through the City of San Marcos. The SEIR should also look at the project showing how much is being proposed outside the City of San Marcos and discuss the impact of annexation and urbanization on adjacent rural county areas.
5. Because I live in the "Study Area" created for NC22, I would like the SEIR to explain why the east end of Esplendido Avenue is part of the Property Specific Request. To my knowledge, no one on Esplendido asked to part of a study area. The SEIR needs to discuss if the formation of the Study Areas was done to address a problem of "Spot Zoning" created by NC22.

6. The SEIR should also explain how many of the parcels on Esplendido that are in the Study Area can actually build to the density being considered in this GPA. Many of the parcels on Esplendido are on steep slopes and have limited access.
7. The SEIR needs to identify the likelihood of the areas included in the Study Area of actually building to the density requested since the properties on the east end of Esplendido do not receive services such as sewer or natural gas and the cost to build those services to the east end of Esplendido is not likely to occur due to cost. Also, water pressure is a problem along the homes on the east end of Esplendido so the SEIR needs to discuss how services could be provided to serve a higher density.
8. The SEIR should note if the increase in density proposed in the PSRs and Study Areas will create unrealistic expectations by property owners to develop properties beyond the carrying capacity of the land.
9. The SEIR needs to study the impact of increasing the density in the Study Areas for NC22 will have on wildlife corridors in the area. The increased density in the Study Areas may preclude needed wildlife movement.
10. The SEIR needs to study the impact of increasing the density in NC42 regarding wildlife movement and connectivity.
11. The SEIR needs to look at habitat planning for the North County. The SEIR should study delay of implementation of this GPA until the North County MSCP is completed so that the decision makers and the public know the impact of the PSRs on habitat planning in the area.

I appreciate the opportunity to submit comments to the Notice of Preparation to the General Plan Amendment for the Property Specific Requests. Please let me know if you need any environmental documents referenced in this document. You can reach me at slfarrell@cox.net or at 760-415-3349

Sincerely,

Sandra Farrell

Steven Forrest
381 Ocotillo Circle
Box 82
Borrego Springs, California 92004
stevenforrest@mindspring.com

Re: Opposition to "Rudyville" in Borrego Springs
January 29, 2016

Dear Mr. Eichar,

I'll be brief here because I am sure you are familiar with all of the strong arguments against the proposed "Rudyville" development on Borrego Springs Road.

In essence, it would be harmful to the environment due to dust, harmful to threatened species, and due to the extreme peril of flash flooding there, physically dangerous to the population of that part of our town. And it robs us of water that we don't have.

That it ruins a very beautiful part of our village is heartbreaking.

And, at a practical level, it seems like a doomed, dumb idea—there are plenty of unsold houses available here, and there is very little employment available. I suspect that if Rudyville goes forward, they'll run out of money when faced with very few sales, declare bankruptcy, and we'll have a half-built ghost town where we once had grace and beauty.

Please protect us from these people!

Thanks.

All Best,



Steven Forrest

From: [Friedenberg, Jeff](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA - PSR ID #NC42 and Study Area
Date: Thursday, February 04, 2016 2:02:46 PM
Attachments: [image001.jpg](#)

Dear Mr. Eichar,

My name is Jeff Friedenbergr and I'm a 6th Grade Humanities teacher at Bernardo Heights Middle School in Poway. I've partnered with educators from Hidden Valley Zen Center for a number of years in educating students about Buddhism as part of their Social Studies (ancient history) curriculum. I'm alarmed that there is a proposal underway that would expand development into the land surrounding HVZC. This one of the last places in San Diego County where one can escape for quiet reflection and meditation. I'm afraid this expansion of development in the North County will infringe on the necessary spiritual practices of those who visit Hidden Valley Zen Center. There's a litany of other reasons why expanding development into the fragile woodland habitat of the Mirriam Mountains: Native American archaeological sites, fire danger, pollution, air quality, etc. Please carefully consider all of the long-term ramifications of the proposed expansion before making a final decision.

All my best,

Jeff Friedenbergr
Bernardo Heights Middle School
6th Grade Humanities
Master of Arts, Education
Master of Arts, Teacher Leadership



"for me, knowledge is happiness." — Miles Davis

Borrego Springs, CA 92004
February 1, 2016

Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attention: Peter Eichar
RE: DS24 Borrego Country Club Estates

Dear Mr. Eichar,

Please deny the request to rezone the DS24 property known as Borrego Country Club Estates. The planned rezone will increase the density of improvements by 100% and create numerous problems that will impact the people, environment and fauna of Borrego Springs area forever.

As you must already know, water is already a major problem in this remote desert area, largely because of numerous golf clubs, already approved housing developments, and significant agricultural usage. It isn't clear whether the new zone will even be viable given the approval of a Sustainable Groundwater management plan becoming effective this year. This new development will also significantly increase traffic in the vicinity, increase accidents on these small rural roads, and produce noise that many of us moved to the desert to escape.

But the most important reason we request denial is because of our community. Borrego Springs is a small environmentally friendly community of people who take pride in their year round involvement in everything natural and neighbor friendly. Many of us moved here because it is small, tight and friendly, and increasing the load on environmental and human resources through these zone changes is not seen as positive.

This zone change will also change the amount of open space available for the fauna, so abundant here. I occasionally enjoy the sound of an agreeable group of coyotes who stop near my home during the night, or the road runners constantly poking their heads around, or the quail who run their little chick trains along the edges of my property. There is no substitute for living in an area that isn't all concrete and makes no room for the animals with whom we share the space.

Sincerely yours,



Norm Gallagher
Borrego Springs, California

From: David Garmon [mailto:jdgarmon@me.com]

Sent: Tuesday, February 16, 2016 2:12 PM

To: Eichar, Peter

Subject: Fwd: TCDC Comment Letter Corrigendum: Missing caption text on DS-24 Aerial Photos

Dear Mr. Eichar,

A truncation of the caption for an aerial photo included in our comment letter re: DS-24 was just noticed. Apparently this was an error that occurred during conversion of our WORD .docx file to the Adobe .pdf file we submitted. Find attached a corrected version as a .pdf with a revised filename. If possible, please replace the aerial image pages in our letter with this copy.

Apologies for this inconvenience.

David

David Garmon, M.D.
President and Founding Director
Tubb Canyon Desert Conservancy
(800) 428-8903
www.tubbcanyondesertconservancy.org





4 February 2016

County of San Diego
Planning and Development Services
Peter.Eichar@sdcounty.ca.gov
Kevin.Johnston@sdcounty.ca.gov
5510 Overland Avenue #310
San Diego, California 92123

Re: Opposition to Property Specific Request Desert Subregion 24 (DS-24) proposed change from Semi-Rural (SR)-10 to SR-1 under the current San Diego County General Plan encompassing ~172 acres of pristine desert (APNs 198-320-01 and 198-320-26)

Dear San Diego County Advanced Planning Staff,

Tubb Canyon Desert Conservancy (TCDC) was established to preserve desert habitat and biodiversity, to protect native plants and wildlife, and to promote understanding of these special places. Tubb Canyon Desert Conservancy represents numerous desert landowners and visitors to the Anza-Borrego Desert in the vicinity of the proposed DS-24 Property Specific Request located on ~172 acres (APNs 198-320-01 and 198-320-26). It is our strong assertion that any increase in density on the DS-24 site would adversely impact neighboring landowners, Anza-Borrego Desert State Park, Pinyon Ridge Wilderness, rare species, and the associated economy of Borrego Springs.

DS-24 is located at the southern edge of the unincorporated San Diego County community of Borrego Springs. **The high conservation and pastoral recreational value of the two subject parcels was broadly recognized during the protracted San Diego County General Plan process, resulting in the final determination to include DS-24 in the lower density SR-10 zoning designation. This decision was correct and fair and should not be altered.** The current owners of the property had the same opportunity as all landowners in the immediate vicinity to provide input during the lengthy General Plan update process.

The high density of buildable lots surrounding the sand dune and a dense ocotillo forest on the DS-24 site as represented on the County planning maps for DS-24 is not reflected in reality and actual land use. DS-24 is not, as described by the property owner, "in-fill" to existing residential housing. In spite of the name "Country Club Road," there is no country club or high-density development in the area around DS-24. In fact, many local residents in the immediate area have deliberately "self-zoned" at lower density than the current SR-2, SR-1 or Village Residential (VR)-2 permits by purchasing vacant land (lots) on one or more sides of their own homes to prevent future development, which, in turn, preserves natural vegetation and wildlife habitat, maintains their semi-rural lifestyle, and protects their scenic views. Many more residents desire to purchase the vacant lot or lots around their homes; however, they cannot yet afford to acquire those parcels. Allowing DS-24, currently zoned low-density SR-10, to become a more "urban" SR-1 would result in smaller lots than currently exist in the surrounding residential area. See the attached aerial photos that document the actual low density of the neighboring homes adjacent to the DS-24 parcels as well as the floodplain and dune complex on the site.

The approved General Plan appropriately took the discrepancy between the County-specified density and reality into consideration, along with other germane factors, in lowering the zoning density for the open space parcels: APNs 198-320-01 and 198-320-26. It should also be noted that the two, large **DS-24 parcels have never been subdivided and have no certificate of compliance.**



Tubb Canyon Desert Conservancy

8899 University Center Lane #170, San Diego, CA 92122 * 858.535.9121 * TCDC@TubbCanyonDesertConservancy.Org

In this context, **the owners of DS-24 should not be granted a special zoning change that has been denied to other adjacent landowners of large parcels.** All property owners should abide equally with the new, lower density zoning in the region. Area landowners recognize the importance of a low-density, natural habitat buffer zone around their homes (or planned homes) that complements and protects adjacent Anza-Borrego Desert State Park. Area landowners, that is, excluding the owners of DS-24, notably Rudy Monica, David Davis, and Chris Brown. It is unacceptable that these property owners, *who had no active application in County Planning for any project at the time the General Plan was approved*, should be granted a free Subsequent EIR, conducted at taxpayers expense, to further their desire to be granted special privileges that other County landowners in the immediate area will not receive and that would be contrary to public interest.

In fact, local opposition to the numerous incarnations of the proposed high-density subdivision promoted by owner Rudy Monica has been consistent and so strong over the years, that immediate neighbors of the site, the larger community, state park personnel, local news media and even some law enforcement and utility company staff routinely refer to the DS-24 project as “Rudyville.” This is because the ostentatious name of “Borrego Country Club Estates” used in past Project documents and at Borrego Springs County Sponsor Group meetings, was perceived as absurd for what has become, over the years, a scheme to grade 172 acres of pristine desert into a grid of small, vacant lots for sale. **Borrego Springs already has a large surplus of buildable lots for the foreseeable future, especially considering the new limitations on water resources in Borrego Valley.**

The density proposed under the requested change for DS-24 is no longer be acceptable in the current, critically overdrafted state of the Borrego Valley Groundwater Basin (BVGB). Regarding water resource limitations on land use planning mandated by the adopted Groundwater Management Plan (GSP) under the Sustainable Groundwater Management Act (SGMA), please refer to the comment letter from TCDC dated 17 December 2015 at the Notice of Preparation public hearing (copy attached).

In a related matter, TCDC is concerned about **inadequate construction of water service infrastructure and the wastewater disposal system for any increased density development proposed on the DS-24 parcels.** In a letter dated July 24, 2008 sent to the San Diego Department of Land Use and Planning, Kenneth H. Lounsbery, of *Lounsbery Ferguson Altona and Peak LLC Attorneys at Law*, wrote the following:

According to the description provided by the developer, the Project will be served by on-site septic systems and groundwater from the Borrego Water District, which will require: 1) the construction of an off-site well that would be tied in to the District water system; 2) upgrading or increasing the pipe sizes surrounding the property; and, 3) upgrading the existing water tank located to the west of the Project with trenching and land disturbance to connect the project area to the tank.

*Regardless of whether a well is even feasible (there is reason to believe it is not, since a nearby well is going dry with minimal water supplies remaining), the developer's plans are more problematic than considered in the Project's reports. The plan is for the developer to dig a viable yield well elsewhere in Borrego Valley, then lease or donate the well to the Borrego Water District. The Borrego Water District would, in turn, import water to the large storage tank to the west of the Project site and pipe it to the development. **This will require additional trenching for the pipes, over land that has recently been donated to Anza-Borrego Desert State Park.***

Because Borrego Springs is in the Colorado River District, it falls under the jurisdiction of the Regional Water Quality Control Board, which has started to require treatment plants for housing developments with ten (10) or more units. [Kurt Schauppner Desert Trail, “Who has Sewer Power? The City” March 2, 2007] The only indication that the developer has considered wastewater disposal systems is by a reference in a letter dated February 18, 2008 from the County of San Diego Department of Environmental Health, Land and Water Quality Division which notes deficiencies in the developer's replacement of the Tentative Map, dated December 19, 2007. According to this letter, with the increase in the number of lots, the developer failed to provide percolation test data on certain lots; failed to include the layout of the existing well, or the layout for the proposed onsite wastewater disposal system and reserve area. Lastly, the letter notes that

"leach lines may not exceed 24 inches of cover and lines may not be placed in fill or in areas of disturbed soil." The fact is that all of the lots in the Project area would be elevated on sand fill from the graded down dune.

The Department of Environmental Health did not recommend approval of the subdivision proposal or the associated preliminary grading plan.

Not surprisingly, there is also a dearth of information in the record on plans for wastewater disposal and / or sewage treatment plans, either on the tentative maps or the preliminary grading plans. Given the Department of Environmental Health's concerns and the possible restrictions by the Regional Water Quality Control Board, the property owners in the Borrego Community (and the County) should be wondering what the developer plans on doing with the sewage from 150+ residences. Apparently, the developer is proposing to grade lots for sale and is not planning on building a planned development.

Most egregiously, the proposed development of the DS-24 parcels involves an unpublicized, covert preferred alternative plan that would infringe on the property rights of neighbors by acquiring land through eminent domain. The owners of the DS-24 site have long planned to build their high-density subdivision in a hazardous floodplain, necessitating the construction of an extensive dam, channel and debris basin flood control system on Tubb Canyon Bajada to divert natural flows away from their land. They intend to finance these extensive flood control structures by convincing County officials to create a new "assessment district" that would impose fees on neighboring landowners.

~60% of the proposed project site is located in a desert riparian floodplain susceptible to periodic flash flooding. Such floods in the desert are a periodic, natural, and beneficial phenomenon that brings water to an otherwise parched landscape. Floods move soil nutrients for vegetation from higher locations to lowlands. Floods also form the ephemeral streams and ponds that numerous species, such as frogs and waterfowl, require for sustenance and reproduction. There are even certain native plants, such as smoke trees, whose seeds have evolved to only germinate after a flood has rolled and battered their tough outer surface. Flood damage to the seed coat signals that there is water present to nourish the seedling, which in turn triggers germination at the right time. Regardless of the role flash floods play in Nature, desert floodplains are an unsafe and unwise location to build homes.

"Flood Hazard Evaluation for Borrego Country Club Estates" is a report with accompanying blueprints and maps prepared by Walter F. Crampton, Principal Engineer for TerraCosta Consulting Company, to analyze flood issues for the DS-24 site; dated August 27, 2007. The report recommends installation of extensive flood control structures and incorrectly states:

*"The 2,700-foot-long existing dike within the headwaters of the Culp-Tubb Canyon drainage was **constructed by the County** in the 1970s to divert flood flows to the south away from the populated east of Country Club Road, and has effectively done so for the last 40+ years."*

The earthen dike in question was *not* built by San Diego County, nor does the County own or even maintain that dike or the smaller sub-dikes located northwest of the main dike across Tubb Canyon Bajada. No easements vesting those levees in the public domain have ever been granted or recorded. The dike in question, which is being allowed to naturalize over time, is privately owned. The main dike and sub-dikes were actually built decades ago by the Army Corps of Engineers, some would argue illicitly without the permission of the original landowners, at a time when numerous floods were occurring across the desert Southwest.

Be that as it may, none of the owners on whose property the old earthen dike and sub-dikes exist would allow the County or any other agency to construct an extensive concrete flood control system including a dam and new sub-dikes across Tubb Canyon Bajada. Nor would neighboring property owners east of the existing old dike approve the construction of concrete channels and diversion berms down unpaved Tubb Canyon Road and across their land (and near their homes) in order to protect the DS-24 parcels from future floods. Only a forced taking of private property by eminent domain, which each and every owner has promised to oppose, could

enable a major flood control system to be built on the natural desert. Apparently, the developers who own the DS-24 parcels have considered exactly that approach.

Burrowing Owls live on the east side of the main dike berm. Eventually, the floods from Tubb Canyon and adjacent mountains will erode the levee and water will once again flow across the bajada and into Anza-Borrego Desert State Park.

In the "Flood Hazard Evaluation for Borrego Country Club Estates," author Walter F. Crampton recommends the formation of a "Geologic Hazard Abatement District (GHAD)" as the means to finance the design and construction of the flood control system. An abatement district levees a tax burden on all the neighboring properties alleged to "benefit" from the project.

This Draconian flood control plan to enable a high-density subdivision to be built where it does not belong presents grave environmental concerns. Blocking natural flood waters from natural arroyos, desert trees and ocotillos in the State Park would degrade the high biodiversity currently thriving on the bajada. An expanded concrete dam and channelized surface drainage system would also be a major visual blight marring scenic vistas.

This extensive dam and channel system, including full blueprints, was never publicized by the developers; not to the affected neighbors who would lose their properties and not to the Borrego Springs Sponsor Group during the many briefings and discussions about the "Rudyville" project over the years. This sort of subterfuge is chilling. It makes one wonder what else is not known about this project. The intent to charge neighbors through a special assessment district, as well as to take private land by eminent domain, in order to build a large development for their own profit, is unacceptable on multiple levels. This massive flood control plan should be definitively opposed by San Diego County. TCDC and the affected landowners oppose this plan along with any attempt to impose special district assessment fees on surrounding neighbors.

DS-24 is located within walking distance of Anza-Borrego Desert State Park and is a component of the transition zone between the Sonoran Desert (Colorado Subdivision) at its western terminus with foothill chaparral. **As with most transition zones, the DS-24 site supports significant biodiversity and listed species** due to the variety of vegetation regimes and terrain located in close proximity. The slightly wetter transition habitat where DS-24 is located encompasses the westernmost complex of Sonoran desert sand dunes, home to numerous lizard species, including the Flat-tailed Horned Lizard (*Phrynosoma mcallii*), a California Species of Special Concern, which favors stable dunes and desert riparian gravel flats. See the annotated California Department of Fish & Wildlife map attached.

The property in question is also an attractive hunting ground for a resident population of Burrowing Owls (*Athene cunicularia*), another California Species of Special Concern. Burrowing Owl populations remain in decline across much of their range. See photo documentation attached of burrowing owls on DS-25. Additional photos are available upon request.

DS-24 is adjacent (within walking distance) to the federal recovery area for the endangered Peninsular Desert Bighorn Sheep (*Ovis canadensis nelsonii* / *cremnobates*). See the annotated U.S. Fish & Wildlife Service map attached.

The varied terrain on the DS-24 site attracts a variety of resident and migratory bird species to its ephemeral water sources and ancient ocotillo forest, including several species of hummingbirds, hawks, warblers, and orioles. Bats roost nearby within local cliff cracks and small caves, flying out at night to feed on abundant insects present around seasonal water sources. Wildflower bloom abundantly on the site after sufficient rain. **The full spectrum of species living within the subject area has not been fully documented, merits further study, and is deserving of full protection from destruction.**

As noted by County planners, **the current designation of SR-10 for the undisturbed desert on the DS-24 parcels qualifies for habitat preservation measures under the Conservation Subdivision Program**

(<http://www.sandiegocounty.gov/pds/advance/conservationsubdivision.html>). **The requested change to higher density SR-1 zoning designation would not qualify for that program.**

As previously mentioned, a vast majority of neighbors and visitors familiar with “Rudyville” have strongly opposed the project in all its various forms over the years. Local neighbors and landowners greatly value the wildlife, wildflowers, and a large, ancient ocotillo forest located on the subject site. In fact, the ocotillo forest was once a popular destination highlighted on local tourist maps. **Development of DS-24 threatens the quality of life and property values of neighboring residents.**

Grading the stable dune and ocotillo forest into rows and rows of elevated vacant lots would result in unconsolidated sand and fine particulates becoming airborne in the frequent high winds (60 to 80 mph) that blow across Tubb Canyon Bajada from the western mountains. Dust storms created by vacant lots would blow into other neighborhoods and pollute the clean, dark skies that are highly valued in Borrego Valley. Borrego Springs is one of only nine IDA-certified “International Dark Sky Communities” in the United States: <http://darksky.org/idsp/communities/>. The tourism value of the Dark Sky designation would be diminished by the proposed development, as would business to a variety of local overnight accommodation and eating establishments, and other businesses supported by visitors.

Destabilizing the sand dune would also increase health risk in the community. Many persons move to the desert to improve their health, including seniors and those with allergies and other respiratory conditions. DS-24 is located in a high wind corridor that would pick up fine sand and dust particles from the 172+ acre denuded dune and graded floodplain, creating localized dust storms that would lower air quality to an unacceptable level, both in the immediate area and farther away in residential and recreational areas “downwind.” The resulting degraded air quality would also diminish the tourist value of Borrego Springs and the surrounding Anza-Borrego Desert State Park, resulting in harm to the local economy. Tourism revenues have decreased in other communities where a nearby land use change has resulted in a thick haze, high airborne particulate counts, and more frequent asthmatic, allergic, and other negative respiratory reactions in visitors and local residents.

Country Club Road across the DS-24 acreage is not paved and not currently used with any frequency by the public. **Roads planned through any future subdivision, along with the numerous vehicles associated with a higher density of homes, would bring undesirable and intrusive traffic onto existing narrow roads and through quiet neighborhoods, thereby changing the pleasant character of the semi-rural streets and sparsely spaced desert homes.** According to the 2006 “Transportation Analysis for Borrego Country Club Prepared for Borrego Country Club Estates (second submittal: June 13, 2006) by Urban Systems Associates, Inc. of San Diego, CA,” for the DS-24 site, the proposed subdivision would generate approximately 1,480 average daily vehicle trips, with 118 occurring during morning peak hour and 148 in the PM peak hour. Much of this traffic would be directed onto West Star and East Star Roads to the north of the site. These roads are both narrow (~20 feet wide), rural in nature, and insufficient for increased 2-way traffic flow. Redirecting traffic out of the area via those low density roads will require extensive widening and redesign that will adversely impact adjacent, established homes, and increase danger to pedestrians and animals, including wildlife and horses. Increased commercial vehicle traffic serving the proposed subdivision, such as heavy garbage trucks, UPS and Federal express delivery trucks, etc. will greatly accelerate road wear, necessitating more frequent and costly road maintenance and repair.

Increased traffic, private and commercial, would also contribute to higher ambient noise levels generated by a concentration of houses in what is an otherwise very low-density location. **Noise generated by an increased density of homes and associated human activities on the DS-24 parcels would reverberate off the nearby mountains and canyons, causing unacceptably high noise levels locally and across the adjacent State Park.** Noise is potentially destructive to both wildlife and the tranquil setting visitors expect in the State Park. Neighbors who moved to the outskirts of town for added solitude highly value the subtle sounds of nature around their homes, including bird songs, the chorus of frogs and toads after rain, as well as serenades by coyotes out on the bajada. All this would be lost if the DS-24 site is ever developed.

Increased traffic also has the potential adverse impact of vehicle emissions generating an inversion layer, further degrading air quality and visibility in the Borrego Valley. This consequence of increased traffic needs to be fully evaluated. Obscured views across scenic vistas would harm the local tourist economy.

A higher density subdivision would destroy ancient Native American sites. Tubb Canyon Bajada was once heavily used by the local Cahuilla for their seasonal harvest of agave. Nearby canyons and arroyos were a reliable source water in the desert from both nearby springs and ephemeral floods. Potsherds, stone hand tools, and other Native American and pioneer artifacts are often found in the surrounding area and are no doubt present on the DS-24 site.

Lastly, it has come to our attention that an owner / investor in DS-24, Chris Brown, is allegedly a former San Diego County employee who has worked directly for Supervisor Bill Horn in matters of regional planning. This relationship raises conflict of interest questions originating at the 2012 Board of Supervisors hearing that authorized a Property Specific Request (PSR) for the DS-24 site... in spite of strong, ongoing community and Borrego Springs Sponsor Group opposition... and, in spite of the fact that there was *no active application for any subdivision project on the DS-24 parcels* in the County planning system for *several years* before the new General Plan was ratified. The value of a “free” EIR for the landowners of DS-24 is immense, because this costly process may lead to special privileges for Mr. Brown and his partners that will not be granted to other landowners in the same area, and likely involving eminent domain “taking” of nearby properties for the purpose of a future subdivision.

This PSR is particularly unjustified considering the fact the owners’ original project plan for “Borrego Country Club Estates” (TM5487) had been in the County “dead file” *for years* at the time of General Plan approval. All this, along with the substantial impacts raised in this letter, generates suspicion about how a Project Specific Request for DS-24 ever qualified for County consideration.

Based on all of the reasons and evidence presented herein, TCDC urges the County to disqualify and remove DS-24 from the collective Property Specific Request SEIR process (thereby saving taxpayer funds and conserving limited County resources, including valuable staff time). In any case, the County should deny the zoning change that the owners of DS-24 have requested.

Sincerely,



J. David Garmon, MD
President, Tubb Canyon Desert Conservancy

Enc



Ocotillo and sand dune on DS-24 site.



Close up of a burrowing owl "pellet" (~2 inches long). Fur, bones, insect chitin and other indigestible parts of prey collect in the bird's gizzard where they are compressed into a pellet form, then regurgitated by the owl. Note the leg bones and piece of rodent skull above the pellet. Several pellets were taken from the DS-24 site as tangible, physical proof of the burrowing owl's existence on the property.

Photo by L. Paul

Burrowing Owls on DS-24 Parcels

Active burrowing owl burrow on the DS-24 property proposed for complete grading and leveling. Red arrows (upper left of image) indicate greyish owl pellets above the hole (located just left of one "observation perch" in the creosote bush that extends over the burrow's entrance). There is a back entrance (exit) to the burrow on the other side of the bush.

Photo by L. Paul



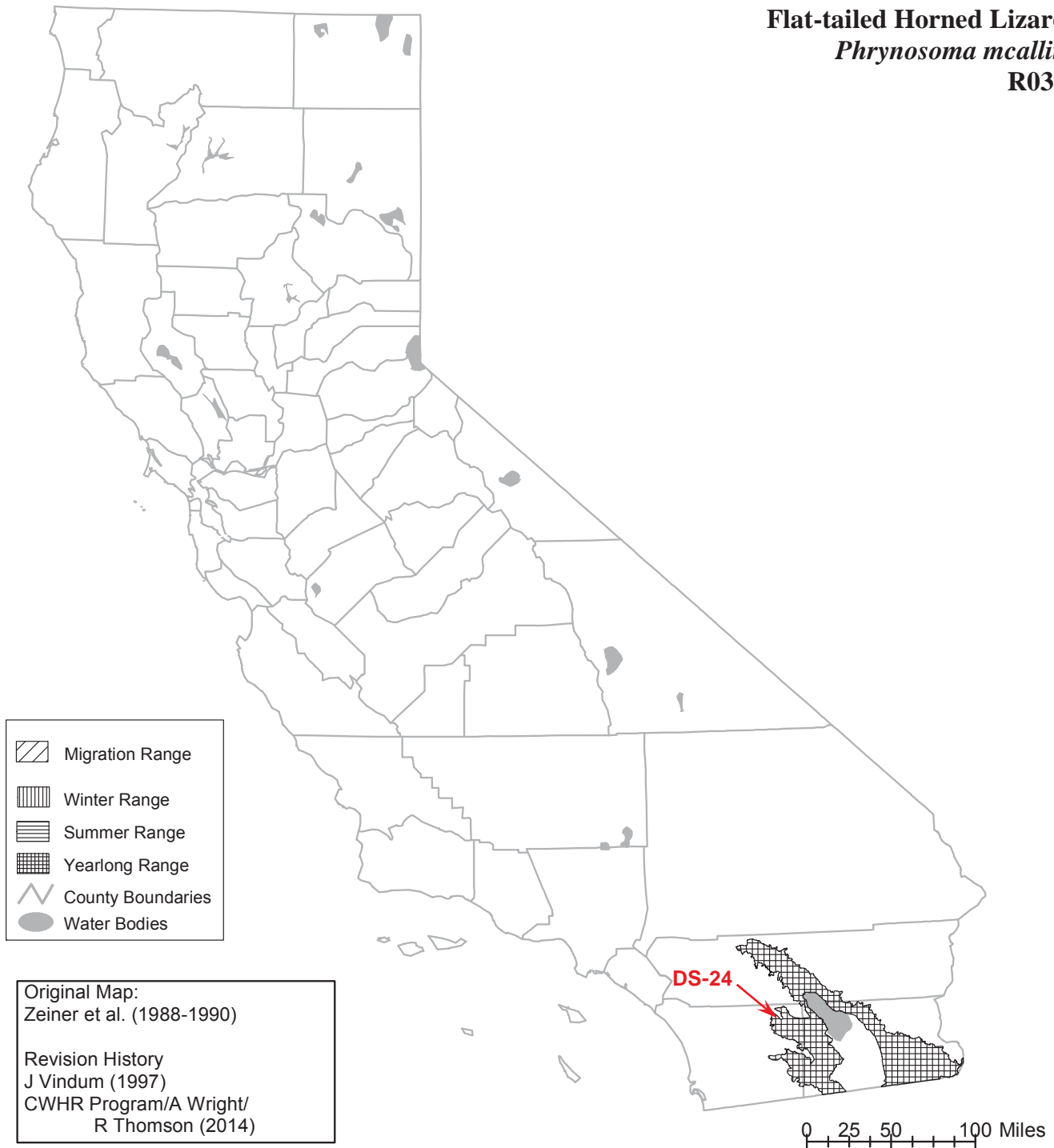
Burrowing Owl (*Athene cunicularia*) near property. Burrowing owls are a California Dept. of Fish & Wildlife Species of Special Concern. Photo by Thad McManus (used with permission)

California Wildlife Habitat Relationships System

California Department of Fish and Wildlife

California Interagency Wildlife Task Group

Flat-tailed Horned Lizard *Phrynosoma mcallii* R032



Range maps are based on available occurrence data and professional knowledge. They represent current, but not historic or potential, range. Unless otherwise noted above, maps were originally published in Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California. Updates are noted in maps that have been added or edited since original publication.

DS-24 is located at the boundary of the South San Ysidro Mountains / Region 7 of the Recovery Plan Habitat for the federally listed (endangered) Peninsular Bighorn Sheep. [Map excerpted from page 11 of the "Peninsular Bighorn Sheep (*Ovis Canadensis nelsonii*) 5-Year Review" by the U.S. Fish and Wildlife Service, April 21, 2011. Estimated location of DS-24 parcels added.]

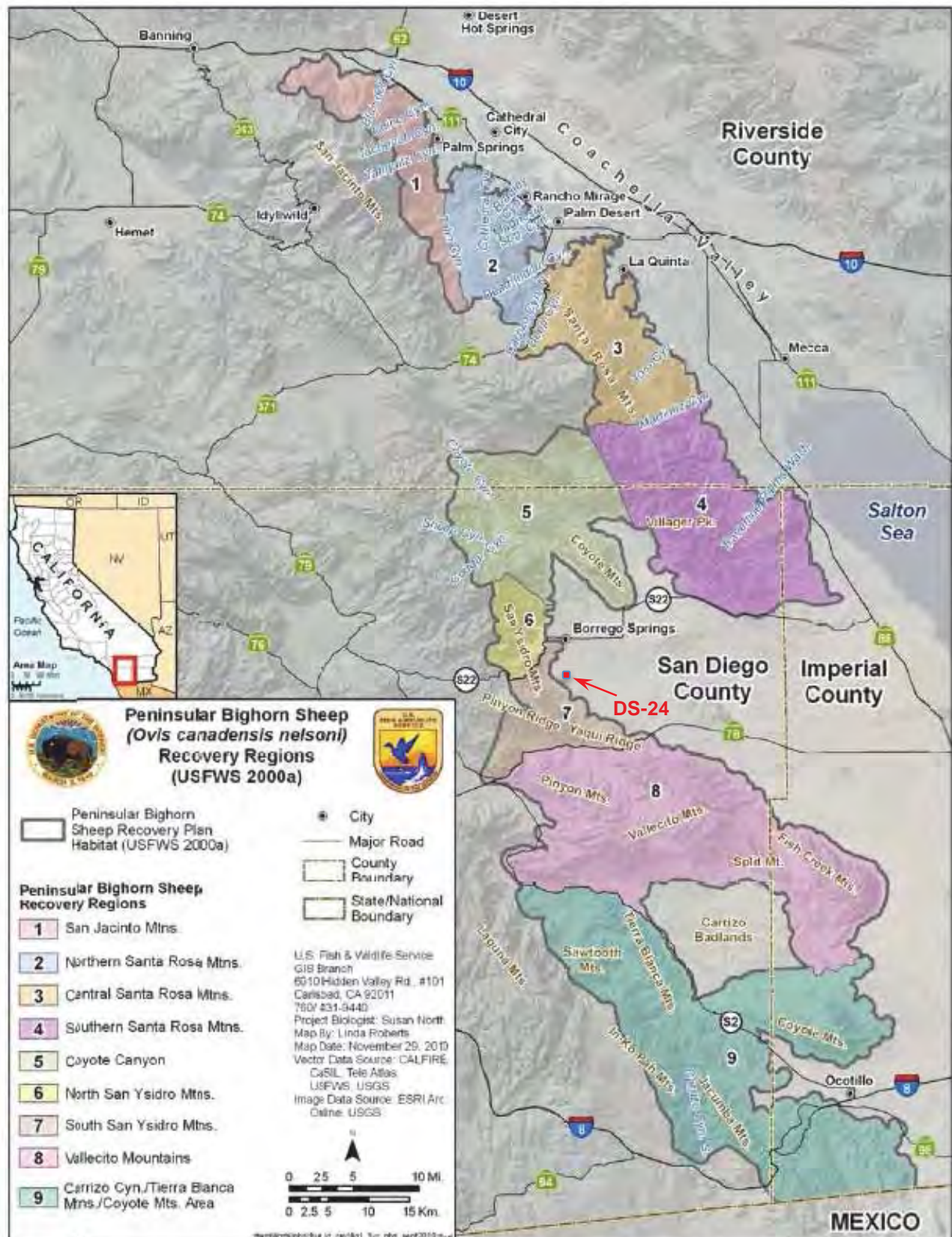


Figure 1: Recovery Regions and Recovery Plan Habitat for Peninsular bighorn sheep (*Ovis canadensis nelsoni*) as delineated in the Recovery Plan (USFWS 2000a).

AERIAL SATELLITE PHOTOS OF DS-24 PROPERTY

(Source: Google Maps, May 2012)



In this image, note that the southern boundary of the BCCE property is a non-County-maintained section of Country Club Road, which is functionally little more than a poorly surfaced dirt road across this section. As the town center is due north on Borrego Springs Road, note that the proposed “Country Club Road Extension” provides nothing to improve traffic flow.

All the land bordering the DS-24 property to the south is essentially undeveloped open desert. Much of it belongs to Anza-Borrego Desert State Park and is part of a relict dune system as well as a desert riparian corridor and watershed adjacent to undeveloped mountains.



Note the low density of existing homes surrounding the property. Many homeowners have purchased multiple lots to preserve desert habitat and the rural



December 17, 2015

Thomas Montgomery, Esq.
Office of County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101

Dear Mr. Montgomery

I am writing in response to the Notice of Preparation (NOP) for the Subsequent Environmental Impact Report (SEIR) for the Property Specific Request (PSA) designated as DS24 (Borrego Springs Rd. and Country Club Dr. area). I enumerate below the specific reasons that San Diego County ("the County") cannot authorize the SEIR to proceed at this present time:

(1) The County may no longer make land use decisions within a California Department of Water Resources (DWR) designated critically overdrafted basin in contravention of an adopted Groundwater Management Plan (GSP) that is accepted by the State Water Resources Control Board (SWRCB).

In January 2015 the Sustainable Groundwater Management Act (SGMA) became law in the state of California. This law requires that all land use decisions must conform to the requirements of SGMA.

Because the General Plan of San Diego County and the Community Plan of Borrego Springs do not yet conform to the requirements of SGMA, it is not possible to complete a SIER that would conform to current legislative requirements as specified by SGMA that mandates an adopted GSP for groundwater basins in California.

(2) DS24 is located within the Borrego Valley Groundwater Basin (BVGB). The BVGB has been designated by DWR as a critically overdrafted basin.

A study completed by the U.S. Geological Survey (USGS) indicates that in Borrego Valley, irrigated agricultural, residential, and commercial users, as well as the Anza-Borrego Desert State Park, use approximately four times more water than is replenished through annual average natural recharge of the BVGB underlying the Valley (Faunt 2015). The Department of Water Resources (DWR) has measured groundwater-level declines of more than 100 feet in some parts of the groundwater basin in response to anthropogenic activities, resulting in an increase in pumping lifts; reduced well efficiency; dry wells, changes in water quality; and loss of natural groundwater discharge, principally through reduced evapotranspiration from groundwater. Additionally, in 2015, the U.S.



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Department of the Interior, Bureau of Reclamation (BR), published a study entitled "*Southeast California Regional Basin Study*." The BR study concluded that none of the three pipeline alternatives for the Borrego Valley analyzed were economically viable under current conditions, and that further study of the pipeline alternatives was not warranted.

It is therefore my belief that it would be a waste of taxpayer money to proceed with a SEIR that cannot conform to current legal requirements under SGMA. I am officially requesting a written opinion by County Counsel on this issue requiring an adopted GSP before any SEIR is attempted for DS24.

J. David Garmon, MD

J. David Garmon, MD

President, Tubb Canyon Desert Conservancy



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December 17, 2015

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J. David Garmon, MD

-- COPY --

President, Tubb Canyon Desert Conservancy



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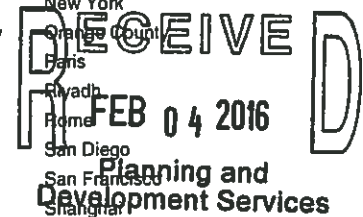
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February 4, 2016

VIA EMAIL AND HAND DELIVERY

Peter Eichar, Planner
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

File No. 025388-0011

Re: Golden Door Comments on Notice of Preparation for Property Specific Requests General Plan Amendment and Rezone, PDS2012-3800-12-005, PDS2014-REZ-14-006, PDS2012-ER-12-00-003, SCH#2015121012

Dear Mr. Eichar:

As you know, we represent the Golden Door Properties LLC (the "Golden Door"), an award-winning spa and resort that opened in 1958. This historic haven is situated on approximately 600 acres on the south side of Deer Springs Road in northern San Diego County ("North County") in a narrow valley enclosed by steep hillsides on three sides.

We appreciate the opportunity to share with you the Golden Door's comments regarding the Notice of Preparation ("NOP") for the NC-42 Property Specific Request ("PSR"). We attended the scoping meeting for this project and appreciate the information that County of San Diego Planning and Development Services staff ("County staff") shared with us there.

As discussed below, we have significant concerns about NC-42 and plans to urbanize our idyllic rural Twin Oaks Valley community. Our community has stood up time after time to protect our rural community character and pristine habitat against threats from developers who would attempt to urbanize this remote area in contrast to State, regional, and County of San Diego ("County") planning principles. This area simply lacks the connectivity to existing infrastructure, services, and density to justify this proposed urbanization.

We begin this letter by providing brief background on the Golden Door, followed by a discussion of other efforts to impermissibly urbanize our rural community. Next, we discuss several procedural and overarching issues regarding the PSRs and NC-42. We then suggest several alternatives to NC-42 for consideration in the environmental impact report ("EIR"). Finally, we provide an impact-by-impact summary of our comments on NC-42's NOP.

I. THE GOLDEN DOOR'S BACKGROUND

The Golden Door focuses on the health and fitness of its guests. Its property encompasses a peaceful array of hiking trails, luxurious spa amenities, tranquil Japanese gardens, and a bamboo forest. Agricultural cultivation on the property includes avocado groves and fresh vegetable gardens as well as citrus and olive trees.

The Golden Door is committed to environmental stewardship and sustainability. It uses sustainable and bio-intensive agriculture practices and has eliminated guests' use of plastic water bottles. The owners are not seeking to expand the Golden Door in any way, but are seeking to further enhance the Golden Door according to its guiding principles, including the extensive sustainable agriculture on several surrounding acres.

As such, the Golden Door is concerned about proposals to implement urban-style development in a rural area of the unincorporated County—especially when such intense density increases contradict all approved State, regional, and County plans. Additionally, we are concerned that the County's latest proposed General Plan amendment may result in forcing a significant amount of new traffic from this development onto the proposed County Route S12 six-lane regional arterial running through the narrow Deer Springs Valley, which is otherwise planned to remain rural and undeveloped. This unplanned intensification conflicts with the efforts of the Golden Door and our neighbors to protect our community character and prosper in our rural setting.

II. SUMMARY OF EFFORTS TO IMPERMISSIBLY URBANIZE RURAL TWIN OAKS VALLEY

As you are aware, the Newland Real Estate Group, LLC ("Newland") has now proposed a revived Merriam Mountains project, known as the "Sierra" project (the "Newland Project") on the same property affected by NC-42. This property is located just across Deer Springs Road from the Golden Door's property. Newland's proposal includes 2,135 residential units, 81,000 square feet of commercial development, a school, and various parks and equestrian facilities. Newland submitted an application for its project to the County on January 20, 2015, and the County issued a NOP for the project's EIR on February 12, 2015 (Attachment A).

We have attended public meetings and workshops regarding the Newland Project, held several meetings with County staff and Newland, obtained and reviewed voluminous materials relating to the Newland Project's Application and NOP, and provided comments to the Vallecitos Water District ("VWD") regarding its proceedings related to the Newland Project.¹ We have assessed the Newland Project's potential impacts based on the information available to date, and we have a number of significant concerns. The Newland Project proposes to implement urban-style development in a rural area of the unincorporated County that lacks the connectivity and transit infrastructure to comply with modern smart growth planning principles. The Newland Project also risks turning Deer Springs Road into a massive freeway bypass system

¹ The Golden Door's comment letter to the VWD, dated January 5, 2016, is attached hereto as Attachment B.

and destroying the community's rural character. We have proposed several alternatives to be reviewed in the Newland Project's EIR (and propose similar alternatives here) to determine the extent to which these alternatives would mitigate or avoid the Newland Project's significant impacts. We have also provided a number of comments on specific issues that we believe require detailed environmental review.

A drastic density increase on the project site has been proposed before as the Merriam Mountains project. This effort was rejected by the Board of Supervisors in 2010. The General Plan Update in 2011 decreased the density permitted on the project site such that the site is largely zoned RL-20, allowing one residential unit per 20 acres, permitting approximately 100 units. Despite the two recent decisions by the County Board of Supervisors (the 2010 rejection of the first Merriam Mountains proposal and 2011 application of appropriate density in the General Plan Update to maintain a low rural and semi-rural density on the project site), the Newland Project now proposes 2,135 residential units, 81,000 square feet of commercial development, a charter school, and the expansion of Deer Springs Road.

The County has heard from this community for years that we value the rural character of our community and want it to be preserved in line with these recent actions related to the project site. Public participation in this process is imperative to ensure that yet another bite at the apple does not result in a drastic density increase against the will of the community and the policy direction given twice by the County Board of Supervisors.

NC-42 similarly threatens the Twin Oaks Valley community. Although its density increase is less severe than that proposed by the Newland Project, NC-42 would result in more than 10 times the existing residential density on the project site. Such residential growth in this rural area would result in increased long, single-occupant automobile trips on adjacent rural roads to reach employment and commercial centers. This directly contradicts modern planning principles, State planning laws, and existing regional plans that focus residential growth in existing urban communities near jobs and existing transit infrastructure. The County should give careful consideration to whether it can move forward with this project before other regional plans are updated and reviewed to consider whether this significant density increase in remote rural locations is appropriate.

III. THE EIR SHOULD ANALYZE WHETHER ALL OF THE PROPERTY SPECIFIC REQUESTS, INCLUDING NC-42, ARE CONSISTENT WITH DIRECTION PROVIDED BY SUPERVISOR RON ROBERTS

In March of 2010, Supervisor Ron Roberts cast his vote against the Merriam Mountains project, and gave direction to County staff regarding future planning efforts on the project site and other locations in San Diego County. His statement is currently posted on his website at <http://www.ronroberts.com/hotissues/mmountain/> and is attached hereto as Attachment C.

This statement indicates that Supervisor Roberts will be looking for any new development to take into consideration the following: (1) "state regulations" and "specifics" in "addressing greenhouse gasses" and (2) "transit connections that do more than just a token job of offering people transportation alternatives besides the automobile."

Accordingly, the EIR for the PSRs, including NC-42, should address how the proposed General Plan amendments will be consistent with State regulations addressing the specifics of reductions in greenhouse gas (“GHG”) emissions. The EIR should also address how the PSRs’ proposed development, including NC-42, would provide transit connections that do more than “just a token job of offering people transportation alternatives beside the automobile.” In order for the EIR to provide this analysis, it must analyze consistency with the San Diego Association of Government’s (“SANDAG”) 2015 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”) and the County’s new Climate Action Plan (“CAP”). The County must further determine whether this new development will be consistent with the new RTP/SCS’s GHG reduction targets, which are being used by the California Air Resources Board in its statewide planning for reductions of GHGs. Additionally, the EIR should analyze whether the PSRs’ proposed new development will do more than a token job of offering people transportation alternatives besides the automobile, using the transportation alternatives planned and funded by SANDAG in the newly adopted 2015 RTP/SCS.

IV. THE COUNTY SHOULD SEPARATE PROCESSING OF NC-42 FROM THE OTHER PROPERTY SPECIFIC REQUESTS

NC-42 should be analyzed and approved separately from the dozens of other PSRs set forth at this time. NC-42’s density increase of approximately 1,000 residential units dwarfs the increases proposed in the other PSRs. In addition, NC-42 is unique in that it applies to the same property as a separate proposed General Plan amendment that would construct a master-planned development with over 2,100 homes, 81,000 square feet of commercial development, a charter school, and other related amenities—the Newland Project. The complexity of NC-42 and the number and intensity of its environmental impacts risks unnecessary delay in the consideration of other PSRs. Moreover, any streamlining or fast-tracking of environmental review and approval of NC-42 in order to accommodate the other PSRs would subvert the purpose of both the California Environmental Quality Act (“CEQA”) and the General Plan.

A. The County Must Avoid Improper Project Splitting in this EIR

Courts have provided limited analysis of the effect of attempting to split a project or portion of a project from other components of an approved environmental review. A court may choose to “sever” CEQA defects in an EIR from the remainder of the project if the severed portion may be reviewed independently without negatively affecting the remaining whole. *See* 14 Cal. Code Regs. § 21168.9(b). In application, courts appear to err on the side of denying severability where the activity is in significant noncompliance with CEQA. *See LandValue 77, LLC v. Bd. of Trustees of Cal. State Univ.*, 193 Cal. App. 4th 675, 680 (2011) (rejecting concept of severance where the lower court did not sever a portion or specific project activity or activities from the remainder, but set aside project approval due to CEQA defects in the EIR); *Cty. of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089 (project activity at issue is not severable where CEQA defect was failure to determine the necessity of an EIR); *but see Golden Gate Land Holdings, LLC v. East Bay Regional Park Dist.*, 215 Cal. App. 4th 353 (2013) (eminent domain proceedings and servable, existing project activity allowed to move forward while CEQA defects relating to a singular future project activity were remedied). Due to this uncertainty, and in order

to avoid any unnecessary complications from considering NC-42 along with the other PSRs, the County should analyze and process NC-42 separately.

V. THE EIR MUST ANALYZE THE IMPACTS OF THE PROPOSED NEWLAND “SIERRA” PROJECT

As discussed above, the County is currently processing Newland’s application for 2,135 residential units, 81,000 square feet of commercial development, a school, and various parks and equestrian facilities on the same property as NC-42. It is unclear why the County is spending taxpayer resources to process NC-42 simultaneous with the developer-funded processing of the Newland application—especially when the degree of residential density increase for NC-42 dwarfs the other PSRs studied in the EIR. The law, however, is perfectly clear that any EIR for NC-42 must provide a more detailed and project-specific analysis of the proposed Newland Project.

A. The Newland Revived Merriam Mountains Project Is Reasonably Foreseeable Given Its Pending Application

CEQA requires environmental review of a project’s reasonably foreseeable impacts. *Laurel Heights Improvement Ass’n. v. Regents of the Univ. of California*, 47 Cal. 3d 376, 396 (1988) (“*Laurel Heights I*”). Here, all impacts associated with the Newland Project are reasonably foreseeable because the County is currently processing its application. Consequently, the EIR for NC-42 would be insufficient if it failed to fully analyze the Newland Project’s impacts on the same project site.

In addition, the proposals for two separate density increases on the project site—both of which are substantial—raises a concern about piecemealing where the County would only analyze the impacts of the less intense density increase of NC-42 now, while improperly ignoring the additional impacts of the full-blown Newland Project. CEQA Guidelines section 15165 prohibits piecemealing, and requires the lead agency to analyze the entire project in a single environmental document. *See also Bozung v. Local Agency Formation Comm’n*, 13 Cal. 3d 262, 284, n. 27 (1975). Such a prohibition ensures “that environmental considerations do not become submerged by chopping a large project into many little ones – each with minimal potential impact on the environment – which cumulatively may have disastrous consequences.” *Bozung*, 13 Cal. 3d at 283-284 (citing 14 Cal. Code Regs. § 15165).

B. The County Must Avoid Improper CEQA “Piecemealing”

Courts have also found that where one project constitutes a first step towards future development, failure to analyze the impacts of the ultimate project would result in improper piecemealing. *City of Carmel-by-the-Sea v. Bd. of Supervisors*, 183 Cal. App. 3d 229, 242-243 (1986) (“Where the project is a development, for which various government approvals are necessary, ‘[all] phases of project planning, implementation, and operation must be considered in the initial study of the project,’ and an EIR must address all phases.”). Here, any attempt to use NC-42 to “pave the way” for future additional development would be improper. Given the current processing of Newland’s application and the previous attempts to develop this property

for even more units than proposed by Newland (the failed Merriam Mountains project, for example), any claim that NC-42 is not a stepping stone to a higher density development would simply lack credibility.

The County risks impermissibly splitting the projects' environmental review by simultaneously considering two different General Plan amendments to convert the same specific property—the project site—from agriculture and rural residential to urban levels of development. *See Paulek v. Cal. Dept. of Water Resources*, 231 Cal. App. 4th 35 (2014) (a single project may not be divided into smaller pieces for individual environmental reviews that do not adequately account for the project's overall impacts); *see also Bozung*, 13 Cal. 3d at 283-284 (CEQA ensures "environmental considerations do not become submerged by chopping a large project into many little ones"). As a result, the County should delay processing the pending application for the Newland Project until it has the opportunity to first process NC-42. In any event, the County should not be splitting environmental review into two separate projects.

C. In Preparing an EIR for NC-42, the County Must Consider Infrastructure Needed or Which Will Be Funded by These Density Increases

Further, while NC-42 only includes a density increase, rather than a specific development proposal, necessary infrastructure to serve this increase must be analyzed, including the appropriate alternative locations for any expanded six-lane County Route S12, including locating S12 on Newland's own property or the extensive blasting required in Deer Spring Valley (if the six-lane County Route S12 is to be placed on the current Deer Springs Road) and overhaul of the Deer Springs Road/Interstate 15 interchange. Transportation, GHG emissions, noise, biological, and many other impacts are reasonably foreseeable from NC-42's proposed density increase. The County cannot adopt NC-42 without considering these essentials and their environmental impacts.

Finally, the County must analyze the impacts from the full Newland Project *at least* in NC-42 EIR's cumulative impacts analysis. Newland's proposal may provide in some respects for development that is *additive* to any density increase in NC-42. Theoretically, approval of both NC-42 and the Newland Project could result in over 3,000 residential units when added together. In reality, many of the land use density increases would overlap—but not necessarily all. The EIR, therefore, must include careful analysis of the total number of residential units, commercial square footage, and other amenities that could be developed on the project site if both NC-42 and the Newland Project were to be approved, and then must analyze the cumulative impacts of the two projects together.

In summary, the EIR for NC-42 cannot simply ignore the Newland Project. It must analyze the Newland Project's impacts, both as reasonably foreseeable project impacts and as additive cumulative impacts. The EIR must further analyze all reasonably foreseeable impacts from infrastructure, services, and other necessary components of developing the project site.

VI. THE EIR SHOULD ANALYZE ALTERNATIVES THAT REDUCE IMPACTS

An EIR must demonstrate that the lead agency identified and investigated all significant environmental effects of a proposed project. 14 Cal. Code Regs. § 15126.2(a). Through mitigation measures or project alternatives, CEQA requires a public agency to mitigate or avoid any significant environmental effects of a project whenever feasible. Pub. Res. Code § 1002.1(b). An agency may reject a proposed project alternative or mitigation measure and approve a project, despite significant environmental impacts, only if the agency makes appropriate findings that the mitigation or alternative is infeasible. Pub. Res. Code § 21081.5; *see also Cal. Native Plant Soc'y v. City of Santa Cruz*, 177 Cal. App. 4th 957, 959 (2009). A measure is “infeasible” if it is incapable of being accomplished in a successful manner within a reasonable time. Pub. Res. Code § 21061.1.

Like other EIR findings, a finding of infeasibility must be based on substantial evidence. *Preservation Action Council v. City of San Jose*, 141 Cal. App. 4th 1336 (2006); *Ctr. for Biological Diversity v. Cty. of San Bernardino*, 184 Cal. App. 4th 1342, 1357 (2010). The findings of expert consultants may not be sufficient to constitute substantial evidence of infeasibility if they are not adequately supported. *See Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F. Supp. 2d 1098, 1125-29 (E.D. Cal. 2013). An agency must directly respond to any proposed mitigation measure or project alternative unless the measure is facially infeasible. If a proposed measure is not facially infeasible, an agency must respond with a good faith and reasoned analysis. *Los Angeles Unified Sch. Dist. v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1029-30 (1997).

A. NC-42 Conflicts with SANDAG's 2015 RTP/SCS

NC-42 proposes a drastic density increase in a rural area that contradicts the recently adopted County General Plan Update and the regional plans developed by SANDAG. The General Plan Update designates most of the project site as RL-20, one unit per twenty acres, which would limit development to approximately 100 units. Moreover, SANDAG's land use and density projections for 2020, 2035, and 2050 forecast a largely rural and agricultural region along the Interstate 15 corridor in North County. *See* Attachment D, SANDAG Land Use and Population Density Maps. In comments on SANDAG's recently approved RTP/SCS, the County has admitted the inconsistency between the land use calculations underlying SANDAG's plan and any General Plan amendments adding density in rural areas. *See* Attachment E, County Comment Letter to SANDAG, dated July 15, 2015, and Responses. County staff and SANDAG staff proceeded to finalize the 2015 RTP/SCS without including or referencing any of the County's pending General Plan amendments, including the Newland Project and NC-42.

As a result, the SANDAG 2015 RTP/SCS was finalized without any planning for these General Plan amendments, and the future GHG reductions promised by the RTP/SCS were sent to the California Air Resources Board for approval and incorporation into the Board's ongoing planning for compliance with California's GHG reduction goals. *See* California Air Resources Board Executive Order G-15-075, December 2015 (“ARB Acceptance of GHG Quantification Determination”) http://www.arb.ca.gov/cc/sb375/sandag_eo_15_075.pdf. The EIR should

evaluate whether the project would interfere with the San Diego Region's achievement of the "2020 and 2035 GHG reduction targets established by ARB." *See* Executive Order at 1.

The EIR should analyze alternatives that reduce density on the project site, mitigate the impacts of density increases on the project site, or shift density increases to alternate locations in order to mitigate or avoid traffic, GHG, fire safety, biological, and other impacts. To avoid and mitigate NC-42's potential impacts, the Golden Door suggests that the EIR evaluate at least the following alternatives.

B. Alternate Route Alternative: The EIR Should Analyze an Alternative that Includes a Four-Lane or Six-Lane Road Through the Project Site that Avoids Dumping NC-42 Project Traffic onto Deer Springs Road

NC-42 would result in a significant increase of trips on Deer Springs Road, unless an alternate route is constructed. Deer Springs Road exists today as a two-lane rural lane, and any attempt to widen it to four or six lanes would face significant grading and biological challenges. We believe that previous County decisions to use Deer Springs Valley as the location for an expansion of County Route S12 were based on the unavailability of the Newland property for development and the existing interchange configuration at Interstate 15. With the new proposed plans to develop the project site and replace the interchange at Interstate 15, it is now possible for the County to look for new routes for County Route S12 to handle the increased traffic from development. The County should take this opportunity to provide an option that would avoid the significant impacts on noise, biological resources, and tribal cultural resources associated with cutting a new six-lane major arterial road through Deer Spring Valley.

1. Unimproved Two-Lane Deer Springs Road Already Handles Substantial "Bypass" Traffic

Unimproved Deer Springs Road currently is forced to handle substantial bypass traffic from regional trips fleeing the congested freeway system, which has not been expanded to handle increased traffic in the region. This is indicated by a license plate survey conducted last year by Linscott Law & Green ("LLG"). *See* Attachment F, LLG License Plate Survey (May 5, 2014). NC-42 would add trips to Deer Springs Road from residents of the approximately 1,000 new homes. Any project on that location following the community design proposed by Newland that is designed to discourage internal circulation—indirect, winding internal roads, featuring many cul-de-sacs, grade changes, and intersections, and no connections to the north, northeast, or northwest—would cause project residents to rely heavily, if not solely, on Deer Springs Road rather than utilizing project roads on the property for access. Dumping project traffic on to Deer Springs Road and discouraging internal circulation or use of project roads for through trips poses a safety threat to the non-vehicular traffic on the current Deer Springs Road, including any new non-vehicular traffic generated by a new project on the site.

2. NC-42 Should Consider Alternative Routes for Six-Lane County Route S12 Needed to Serve this New Proposed Development

The EIR should study an alternative that routes the planned six-lane County Route S12 on project property, rather than through the narrow Deer Springs Valley. This would involve the construction of a direct road (which can be referred to as “*Relocated County S12*”) to accommodate all of the planned traffic that needs to travel through the project site and would allow for direct access to Newland’s planned regional commercial center. This option would keep trips off of Deer Springs Road, causing traffic to instead travel through the project site on the north side of the ridgeline immediately north of Deer Springs Road (the “Alternate Route Alternative”). This “*Relocated County S12*” road would provide for a more unified project connecting uses across the site and allow project residents direct access to their commercial center.

3. New Circumstances in 2016, Such as the New Proposed Development, Require an Updated Evaluation of Alternative Routes for County Route S12 that May Be Built as a Result of this Development

The General Plan update approved in October of 2011 did not take into consideration whether County Route S12 could be built on the Newland property, and instead kept the route on the current unimproved Deer Springs Road, with plans to expand County Route S12 to a six-lane regional arterial through the narrow valley, wedged between Deer Spring creek and a steep hillside to the north. In fact, the County had explicitly rejected the original Merriam Mountains project on March 24, 2010. The General Plan update designated the project site primarily as RL-20 and severely constrained by habitat and topography. Deer Springs Road, therefore, was conceived as a location for County Route S12 to serve merely as a conduit between Interstate 15 and the village centers to the west in San Marcos and was not designed to accommodate any development on the project site to the north.

4. NC-42’s Proposed Development Should Be Served Directly by a Six-Lane Regional Arterial to Allow New Residents Direct Access to Commercial Development and Transit Facilities

NC-42 proposes to significantly change the character of the area north of Deer Springs Road to include a new village center which will draw regional traffic from all directions. Nearby housing could utilize that village center as the primary area of services, if sufficient direct road and trail access were provided between the housing and the commercial center. NC-42, if approved, requires the County to re-evaluate the circulation network of the North County Metro area without the General Plan’s existing land use constraints, and provide for the appropriate planning for the six-lane County Route S12 in a location that serves these new residents and avoids the significant adverse effects of constructing in Deer Springs Valley. Moving County Route S12 onto the project site would connect the regional traffic flow from and to Interstate 15 directly with the new village center. This would efficiently move those trips through the project site and on to other village centers to the west, and also accommodate the internal trips from NC-42 project housing.

5. Under CEQA, NC-42's EIR Must Evaluate Alternative Routes that Will Avoid or Reduce Significant Adverse Impacts of Constructing County Route S12 in Deer Springs Valley to Serve NC-42's Development

As noted above, Deer Springs Road is a two-lane rural road that is consistent with the rural character of the area. Expansion of Deer Springs Road to convert it into a six-lane regional arterial road to service new development is likely to have significant impacts on the community character of the area and direct impacts to biological resources, including wildlife corridors and an adjacent wetland. The attached U.S. Geological Survey wetlands map shows a blue line stream adjacent to Deer Springs Road that may need to be filled in order for the expansion to occur. *See Attachment G, USGS Topographic Map.*

1. Prior County Analysis Confirms that Locating a Six-Lane County Route S12 in Deer Springs Valley Will Result in Significant Adverse Impacts

(1) Impacts on Tribal Resources that Must Be Studied Under AB 52

The Merriam Mountains Project EIR's analysis for the of the feasibility of widening Deer Springs Road (EIR Section 9.2.3) found that there is a potential for identified tribal human remains and cultural artifacts discovered at these sites to be impacted by widening the roadway. The EIR at section 9.2.3.1 states that, "[c]ultural resource sites identified as CA-SDI-4558 and CA-SDI-9822, both of which are within the Deer Springs Road corridor, have been previously tested and identified as significant under the County of San Diego and CEQA criteria." The cultural resources survey noted the presence of pottery and burned bones on site, which could indicate sensitive Native American tribal resource sites that will require consultation with tribal officials prior to moving forward with any plans to widen Deer Springs Road. Indeed, newly enacted laws, such as AB 52, that state a "preference for historical and archeological resources of preservation in place, if feasible," (AB 52 sec 1(b)(3)) could make it difficult to accommodate the widening.

(2) Significant Aesthetics and Noise Impacts Due to Required Blasting and Mass Excavation of the East Side of Deer Springs Valley

Part of the charm and value of Deer Springs Valley is the surrounding steep hillsides on three sides of the valley, which provide a sense of isolation and rural surroundings. After the intersection with Mesa Rock Road, Deer Springs Road enters the valley through a narrow and winding entrance, just wide enough for two lanes, wedged between an extremely steep hillside on the north and the creek and the rural homes located on Windsong Lane to the south. To build a six-lane County Route S12 through this intersection will require a very large amount of blasting and excavation to remove the steep hillsides to the north, thereby removing the hillside which isolates Deer Springs Valley from Interstate 15 to the north. This will have a significant adverse aesthetic impact on the valley and views from within the Golden Door and its extensive network of trails, meditation areas, and outdoor dining areas.

(3) Substantial Condemnation Costs Associated with
Alternative Six-Lane County Route S12

A Deer Springs Road expansion for the location of a new six-lane County Route S12 would also require the condemnation of right-of-way from multiple owners, which could impact the cost of the road and inhibit efficient route design. Among other condemnation impacts, as the Golden Door has informed the County previously during the consideration of the Merriam Mountains project, construction of the six-lane County Route S12 in Deer Springs Valley will require the “total” take of the Golden Door, and compensation for the complete loss of this important County hospitality destination. The Golden Door will no longer be able to operate at a location adjacent to this new regional six-lane road and freeway bypass. In evaluating the costs of each alternative location for the new six-lane County Route S12, the County staff should consider the potential right of way costs, versus alternative routes that could be dedicated at little or no cost to the County by any development adjacent to the alternative routes. Condemnation costs must be evaluated to determine the feasibility of each alternative route. As part of this EIR, the County must also determine whether it has sufficient resources to complete a six-lane County Route S12, including condemnation costs. Without sufficient resources and commitments for construction of County Route S12, the County will have no assurance that a six-lane County Route S12 will in fact be constructed as part of the transportation network required to serve this increased growth.

(4) Considering the NC-42 Property for Additional
Development Allows the County to Take a Fresh Look at
the Best Route for County Route S12

In the past, with development constraints to the north and south after rejection of the Merriam Mountains project in 2010, expansion of Deer Springs Road was the only corridor available to accommodate through traffic from Interstate 15 under the General Plan’s land use designations. Because NC-42 would provide a new opportunity that was outside the scope of the General Plan update, the County should accommodate NC-42 project traffic and non-project traffic through the region with a new roadway with modern pedestrian and bikeway elements, and potential Bus Rapid Transit (“BRT”) or other mass transit capabilities, while avoiding the significant cultural, biological, noise, and aesthetic impacts that will occur from the expansion of Deer Springs Road. Construction of the six-lane County Route S12 on Newland’s own property would only require land from a single development which could be provided at the time of subdivision of the area, lowering overall costs of the new road. The route could be designed to reduce impacts while more efficiently moving traffic from the designated village areas. The County was previously constrained, but the NC-42 proposal, if approved, provides an entirely new opportunity to apply the vision and policies of the General Plan to better accommodate mobility in the North County Metro subregional area.

Further, this opportunity presents itself at the same time that Caltrans is developing a Project Study Report to re-design the Interstate 15/Deer Springs Road interchange. Caltrans should be asked to analyze an interchange configuration that provides direct access to the alternative County Route S12 designated as “*Relocated County S12*,” directly funneling traffic from the interchange to the site of the commercial center proposed in Newland’s project on the

southeast corner of the site, rather than forcing the traffic to take a circuitous route to the south and then multiple turns to reach the commercial center. The Golden Door submitted a letter last year (*see* Attachment H) requesting that Caltrans include such a configuration in its Project Study Report. The new “*Relocated County S12*” road should also directly connect to an expanded park-and-ride facility and transit center which should be integrated into the NC-42 plan, and provide for an efficient “on/off” for a future expansion of SANDAG’s BRT system to the interchange.

The Alternate Route Alternative should be designed to encourage trips on the new road through the project site rather than on to Deer Springs Road in order to avoid traffic, noise, air quality, destruction of tribal resources, and safety impacts to the community and the pedestrians, cyclists, and equestrians traveling along Deer Springs Road. The details already provided by Newland in its own application as to how it would use the additional density under NC-42 require the County to analyze these details in the EIR for NC-42, including transportation alternatives for project traffic.

C. GHG Reduction Alternative: The EIR Should Analyze a Transit-Oriented Alternative to Reduce Greenhouse Gas Emissions

The EIR should also study an alternative with all residential units allowed under NC-42 clustered on the eastern side of the project site near Mesa Rock Road and Interstate 15. This would allow the residential units to access transit options and reduce required single occupancy vehicle trips and their related GHG emissions (the “GHG Reduction Alternative”). The GHG Reduction Alternative would allow all new residents to walk or bike to the planned commercial development in the site’s southeast corner (located within the City of Escondido’s sphere of influence). This commercial center could be designed to provide a transit connection for all residents via an expanded park-and-ride facility and a transit center with direct access on to Interstate 15, and link with SANDAG’s ultimate 2050 plan to extend toll lanes to the location. Under this alternative, the developer should provide for a peak hour shuttle system (funded by the developer) to the Escondido Transit Center or extend SANDAG’s BRT system along Interstate 15 to the project site from its current terminus six to seven miles to the south.

This alternative would realign proposed density to remove the units on the west side of the property and the steep, winding roads throughout the site, thus eliminating the need to drive from one side of the site to the other, or more likely, detour onto Deer Springs Road. This design could also realign the project’s primary entrance to Mesa Rock Road—with direct access from Interstate 15—and limit additional ingress and egress points to emergency access. Again, direct freeway access could be studied in Caltrans’ Project Study Report. *See* Attachment H, Golden Door Letter to Caltrans (Mar. 16, 2015). A design spreading density across the project site requires project residents to take circuitous winding trips in their single-occupant vehicles to reach transit access, thus discouraging or prohibiting transit or shuttle bus easy access and use of the park-and-ride facility. Such an approach should be discarded as inconsistent with the General Plan, SANDAG’s RTP/SCS, and State planning laws. The EIR must study whether and how the additional density provided by NC-42 must be clustered on the large scale site as a condition to any density increase.

Residential units clustered around a transit hub could be designed as higher density multistory town homes or apartments, and would not necessarily result in a reduction in the total number of residential units proposed in NC-42. A key feature of this GHG Reduction Alternative would be to allow transit more direct access to the commercial designated area on the southeast corner of the site, so that buses or shuttles provided by the developer can operate more effectively with greater usage, and provide for regional connections and transfers for all the drivers driving from North County to Vista, San Marcos, and Escondido.

1. An Alternative Needed to Be Consistent with the County's Own General Plan

This clustered, transit-oriented design of the GHG Reduction Alternative would minimize single-occupant vehicle trips by providing transit for longer trips and walkability or short bike path connections for internal trips, thus reducing vehicle miles traveled ("VMT") and GHG emissions. The County General Plan embraces smart-growth communities and a multi-modal mass transit system, stating that "[t]he General Plan will reduce GHG emissions primarily through minimizing vehicle trips and approving land use patterns that support increased density in areas where there is infrastructure to support it, increased opportunities for transit, pedestrians, and bicycles, and through green building and land development conservation initiatives." Attachment I, General Plan Introduction and Vision and Guiding Principles at 1-16. In addition, the County Mobility Element states the following:

Reducing vehicle miles traveled is also an important component of reducing greenhouse gas emissions. Along with compact land use patterns, a well-connected road network contributes to reducing vehicle miles traveled. The Mobility Element requires the provision of multi-modal facilities to accommodate alternative modes of travel, such as public transportation, bicycling, and walking. In addition, goals and policies are included to minimize single occupancy vehicular travel through carpooling, vanpooling, and other transportation demand management methods.

Attachment J, General Plan Mobility Element at 4-3.

2. An Alternative Needed to Be Consistent with SANDAG's RTP/SCS Policies

In addition, SANDAG's RTP/SCS favors a transit-first approach to new development. The RTP is a regional blueprint for a transportation system that meets the State's sustainable development planning priorities through 2050. It allocates funding across transportation priorities, including transit, highway improvements (consisting largely of HOV lane additions), and local roads. SB 375, which went into effect in 2009, requires that an SCS be prepared as part of the RTP to integrate land use and transportation planning in an effort to curb VMT and associated GHG emissions. SANDAG published its RTP/SCS in October 2011, then published an updated SCS as part of the "San Diego Forward" Regional Plan in October 2015. The SCS's strategies for sustainability include "focus[ing] housing and job growth in urbanized areas where

there is existing and planned transportation infrastructure, including transit . . . [and] invest[ing] in a transportation network that gives people choices and reduces [GHG] emissions.”

Attachment K, San Diego Forward: The Regional Plan (“SANDAG Regional Plan”) at 26.

According to these planning principles, when a rural area is proposed to be transformed into an urban area (such as proposed by NC-42), transit must be a central focus and not an afterthought. Because the Interstate 15 corridor in North County is not urbanized and lacks existing transit infrastructure, new development should consist of “transit-first” or even “transit-obligate” communities that proceed only after the construction of, and funding of contributions to, planned transit facilities to ensure that added impacts and increased emissions are fully mitigated or avoided. Without any meaningful transit proposals, NC-42 would result in long, single-occupant vehicle trips from its rural location to urban and job centers. Additionally, NC-42 is designed to “sprawl” across the property, forcing unnecessary internal trips. The Golden Door’s GHG Reduction Alternative, however, would embrace the County’s updated General Plan policies favoring connectivity and transit, the RTP/SCS, the Community Development Model, and the planning principles embodied in SB 375.

Further, the GHG Reduction Alternative would cluster development near the area currently designated as village in the County’s General Plan. We understand that the County does not intend to create a “new” village designation for the Project; therefore, any added density should be clustered in or near the existing village designation rather than spreading out in a very disconnected fashion into existing rural lands. A failure to provide for this design would cause NC-42 to conflict with the County’s General Plan policies. Depending upon the design, the GHG Reduction Alternative could eliminate the need for a General Plan and Community Plan amendment and would likely reduce potential significant land use impacts from NC-42.

D. Alternate Location Alternative: The EIR Should Analyze an Alternative Location in Closer Proximity to Existing Communities and Infrastructure

The EIR should analyze an alternative location for NC-42’s increased density that complies with General Plan policies. The preamble to the General Plan’s Land Use Element provides clear policy direction that, “[f]ocusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the rural landscape that helps define the unique character of the unincorporated County.” Attachment L, General Plan Land Use Element at 3-2. The Land Use Element goes on to state that “the core concept for the County’s development directs future growth to areas where existing or planned infrastructure and services can support growth and locations within or adjacent to existing communities. By giving priority to areas identified for urban level densities, this concept also helps to retain the rural setting and lifestyle of remaining areas of the County.” *Id.* at 3-5. Further, General Plan Goal LU-2 seeks to maintain the rural character of existing rural lands in the unincorporated County, and Goal LU-5 directs development patterns and techniques that curb GHG emissions and VMT while preserving rural lands. *Id.* at 3-24, 3-27 to 3-28. NC-42, however, is located far from existing communities and infrastructure and would urbanize existing rural lands contrary to the General Plan’s direction.

The EIR should analyze alternative locations that meet the principles set forth in the General Plan and SANDAG's 2015 RTP/SCS—locations that are closer to existing communities and infrastructure, in close proximity to transit, and that do not convert existing rural lands. The EIR should study alternative locations that accommodate NC-42's proposed density increase with fewer environmental impacts and more in line with the General Plan's Guiding Principles and policies.

E. Agricultural Alternative: The EIR Should Analyze an Alternative that Implements an Agricultural Use of the Property

The alternatives section of the EIR should include an Agricultural Alternative that would utilize the steep slopes of the project site for the production of avocados and other lucrative produce, providing an economically viable alternative for the applicant, which is consistent with the land use designations for the property in the General Plan. Agriculture is an appropriate use of the project site because the majority of the site is designated as Rural Lands in the General Plan. The General Plan notes that, "[t]he Rural Lands category is applied to large open space and very-low-density private and publicly owned lands that provide for agriculture, managed resource production, conservation, and recreation and thereby retain the rural character for which much of unincorporated County is known." Attachment L, General Plan Land Use Element at 3-8 (emphasis added). The General Plan goes on to state that "the undeveloped nature of Rural Lands benefits all of San Diego County by . . . [p]reserving and providing land for agricultural opportunities." *Id.* at 3-9. The Agricultural Alternative would be consistent with the project site's designation in the General Plan, and would also allow the preservation of open space, enhancement of the County's economy, provision of jobs, and creation of an economically viable use for the property.

As noted by the San Diego County Farm Bureau, farming provides carbon sequestration that can reduce GHG emissions (Attachment M, San Diego County Farm Bureau, San Diego County Agriculture Facts) as opposed to NC-42 which would significantly increase GHG emissions from increased VMT and construction. Based on these benefits and the minimization of environmental impacts, the EIR must study an Agricultural Alternative.

F. The EIR Should Analyze Other Reduced-Density Alternatives that Would Minimize Environmental Impacts

In addition to the alternatives described above, the EIR should analyze other reduced-density alternatives. These alternatives should include various levels of reduced density to determine the extent to which they would reduce traffic congestion, VMT, GHG, fire safety, biological, and aesthetic impacts; impacts to tribal cultural resources; and other impacts.

VII. THE EIR SHOULD PROVIDE A BROAD-BASED ENVIRONMENTAL REVIEW TO ENSURE IT ANALYZES ALL OF NC-42'S IMPACTS

An EIR must "identify and analyze the significant effects on the environment, state how those impacts can be mitigated or avoided, and identify alternatives to the project, among other requirements." *Cal. Native Plant Soc'y*, 177 Cal. App. 4th at 979 (internal citation omitted). A

significant effect is a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” 14 Cal. Code Regs. § 15382. Among other things, the County will need to determine whether there is a “reasonable plan of actual mitigation” from the relevant agency that is fully enforceable through project conditions, agreements, or other legally binding instruments. *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1187-89 (2005); *see also* Pub. Res. Code § 21081.6(b); 14 Cal. Code Regs. § 15126.4(a)(2).

Based on NC-42’s significant density increase in a rural area and lack of proximity to existing communities and infrastructure causing far-reaching connectivity issues, the scope of the EIR must encompass a broad array of communities in order to determine the extent of NC-42’s impacts. The Golden Door’s comments on specific potential impacts are provided below.²

A. Aesthetics

The urbanization of the Deer Springs Valley, Windsong Lane, and Twin Oaks Valley areas would irrevocably destroy the community’s rural character. Community residents and businesses have expressed time and time again that we value the feel and appearance of our rural community. The Golden Door and other community members have chosen to reside or operate our businesses in this area because of its tranquil, rural characteristics, not in spite of them. NC-42’s proposed density increase would completely transform the area. This proposal would further ruin our community’s tranquil rural nature if it resulted in realignment of Deer Springs Road and taking of land from surrounding property owners to the south to “smooth the curve” and allow high speed travel into Deer Springs Road, creating a dangerous “raceway.”

The County has acknowledged the detrimental effects of increase density in the area in its October 22, 2014 letter to Newland discussing Newland’s Pre-Application noting in a list of “major project issues” that “[t]he project proposes to locate a high density urbanized development, characterized by small lots, commercial and civic use types within an existing semi-rural community, which may conflict with some goals and policies of the General Plan.” *See* Attachment N, Letter from Mark Slovick, County Planning and Development Services, to Rita Brandin, Newland, at 4 (Oct. 22, 2014) (emphasis added). The EIR should analyze NC-42’s impacts to community character and consider alternative designs and mitigation measures which minimize or eliminate NC-42’s disruption of surrounding roads and property.

B. Agriculture and Forestry

Analysis of agricultural impacts should not be limited to the project site. The surrounding area consists primarily of agricultural lands, including 120 acres of agricultural production on the Golden Door’s property. Project-related impacts, including increased traffic

² While the Golden Door does not provide specific comments on mineral resources, public services, or recreation impacts or on mandatory findings of significance, the Golden Door generally encourages a wide-lensed approach to reviewing such impacts due to the breadth of the communities that may be impacted by NC-42.

from construction and operations, decreased water supply, and fugitive dust and other particulate emissions from construction could impact surrounding agricultural operations. In addition, NC-42's cumulative growth-inducing impacts could decrease the land available for agricultural production, which is a significant source of jobs and economic activity in San Diego County. Further, any efforts to widen Deer Springs Road to accommodate additional trips could encroach on land used for agricultural production.

C. Air Quality

The Initial Study for the Newland Project notes that it could result in a potentially significant impact from objectionable odors. *See* Attachment O, Newland Project Initial Study. NC-42 could result in similar impacts. Such odors could be particularly harmful to the Golden Door's guest experience. The EIR should analyze the extent of any objectionable odors and specify whether such odors will impact nearby residents and businesses, including the Golden Door.

In addition, both construction and project air emissions could significantly impact the surrounding community. This rural area is unaccustomed to the air pollutants associated with urbanization, and agricultural uses may be particularly sensitive to the effects of air pollutants on their crops. Moreover, the amount of rock crushing required to build on the steep slopes of the project site could result in significant air quality impacts. The EIR should analyze the impacts of air pollution from multi-year construction and project operations on surrounding properties.

D. Biological Resources

The project site is home to valuable species and habitat. As noted in the Newland Project Initial Study, the project site is located within the North County Multi-Species Conservation Program ("NCMSCP") subregional plan. The NCMSCP designates the project site as having very high, high, and moderate habitat value. *See* Attachment P, NCMSCP Habitat Evaluation Map. In addition, the project site contains areas designated as ecologically valuable Pre-Approved Mitigation Area ("PAMA"). The NCMSCP sets a goal of conserving 75 percent of natural lands in the PAMA. This should be the minimum amount of preservation required by the County on the project site, and any approval of NC-42 should be conditioned to require at least this level of preservation. The EIR should analyze NC-42's conformance with the NCMSCP and impacts on PAMA.

County staff noted in its previous report on NC-42 that the project site contained sensitive habitat and that the urban development proposed would not support the General Plan's Guiding Principles for steep slope development and habitat conservation: "The site is entirely constrained by steep slopes, sensitive habitat and is also located within the Very High Fire Hazard Severity Zone. Because of the predominance of upland chaparral habitat, the County's habitat evaluation model qualifies the site as low value. However, a site-specific study indicated that this area supports rare plants and is conducive to wildlife movement Specifically the request does not support Guiding Principle #5 due to the steep topography of the land and sensitive habitat." *See* Attachment Q, PSR NC-42. This report on NC-42 also includes maps that indicate the steep slopes on the site, and moderate to high habitat value for the property. The June 20, 2012

County staff report on NC-42 also states that “portions of the requestor’s property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.” Attachment R, County Staff Report for NC-42 and Study Area at 2 (June 12, 2012). The EIR should provide at least the level of analysis previously indicated as necessary by County staff.

Altering the rural character of the project site could significantly impact various populations and habitats. Moreover, the project site includes both north-south and east-west wildlife corridors, including a stepping stone corridor for the California Gnatcatcher, a species that has been sighted on the property. Attachment S, Merriam Mountains Project Recirculated Environmental Impact Report, State Clearinghouse No. 2004091166 (“Merriam Mountains EIR”), Biological Resources Subchapter, at 3.2-8, 3.2-10 (Mar. 2009). Any urbanization of this rural area should not come at the expense of precious habitat. The EIR should study impacts to species due to urbanization of the rural site and impacts to the California Gnatcatcher. In addition, the EIR should analyze NC-42’s impacts on wildlife movement.

NC-42’s impacts will require substantial mitigation. The EIR should analyze mitigation measures for impacts to biological resources, including off-site mitigation and whether such off-site mitigation land is available. Mitigation lands for biological impacts from development is at a premium in San Diego County. Because the project site could be used for biological mitigation for another project, the EIR should also analyze how the significant loss of this potential mitigation land could impact development throughout the County, including development in incorporated urban areas that could purchase parts of the property to mitigate their development impacts. In addition, the housing, population, and land use sections of the EIR should analyze how the loss of this property as potential mitigation land could affect development in urban areas, where the County General Plan, the SANDAG Regional Comprehensive Plan and the General Plans of incorporated cities like San Diego direct growth. If, for example, the PAMA located on the project site is not available as mitigation land, it could constrain development in urban areas that will require biological mitigation land to allow development. This could create significant regional land use impacts that implicate fundamental public policy impacts not only on the County General Plan, but the General Plans of incorporated cities throughout the County.

E. Cultural Resources

Construction of NC-42’s proposed density on the project site will require extensive grading, blasting, and excavation that could exhumate fossils or cultural remains of Native American tribes in the area. Senate Bill 18 requires cities and counties to contact, and consult with, California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. In addition, NC-42 must be analyzed against the San Diego County Resource Protection Ordinance (“RPO”). The EIR for the Merriam Mountains proposal that was rejected by the County Board of Supervisors found two RPO sites that would

be impacted by the project's requirement to expand Deer Springs Road. *See* Attachment T, Merriam Mountains EIR, Cultural Resources Subchapter at 2.5-8.³

In addition to project construction, any widening of Deer Springs Road could also result in a significant impact to cultural resources. In particular, there are two sites with tribal artifacts of significant cultural value in close proximity to the north side of Deer Springs Road. Cultural resource sites identified as CA-SDI-4558 and CA-SDI-9822—both located in the Deer Springs Road corridor—have been “previously tested and identified as significant under the County of San Diego and CEQA criteria . . . on the basis of human remains and a pictograph feature . . . bedrock milling features, and foundations from remains of residential structures.” *See* Attachment U, Deer Springs Road General Plan Amendment/Circulation Element at Chapter 9.2.3.1. Additionally, AB 52 has been adopted since the County previously analyzed the six-lane road in 2008-2010. *See* Attachment V, AB 52. AB 52 requires the County to engage in additional study and consultation regarding projects that can affect tribal cultural resources.

The County must consider the entire impact of the Newland Project, including the density increase, related infrastructure, and options for relocating the proposed six-lane construction of County Route S12, rather than chopping the Newland Project into smaller pieces to be analyzed individually. *See Bozung*, 13 Cal. 3d at 283-284. Per the requirements of AB 52, the County must provide notice to and consult with the Native American tribe culturally and traditionally affiliated with the region regarding the planned disturbance or eradication of CA-SDI-4558 and CA-SDI-9822. The County must also re-analyze impacts to these resources, including a complete analysis of the total human remains that will be disturbed by any project or construction activity.

F. Geology and Soils

The project site is composed of steep slopes that could pose the potential risk of landslide. In addition, mountainous regions are typically created through earth movement over millions of years. A thorough analysis of potential earthquake faults will be required.

G. Greenhouse Gas Emissions

GHG emissions present a pressing global environmental concern. On-road transportation is the primary contributor of GHG emissions in the San Diego region. NC-42, however, follows an outdated auto-centric development model with development far from urban and job centers and that sprawls across even its own site. Because of its location far from existing communities, job centers, and transit infrastructure, NC-42 will cause long single-occupant automobile trips that increase VMT, resulting in harmful GHG emissions. The EIR should analyze mitigation measures and alternatives that reduce VMT, including mitigation measures set forth in the RTP/SCS and the integration of developer-funded shuttles or transit into the project design.

³ The Merriam Mountains EIR notes that impacts to RPO sites that are within an essential public facility are exempt from the RPO.

A recent California Supreme Court decision emphasizes the difficulty in making a finding of no significant impact for GHG emissions. *See Ctr. for Biological Diversity v. Dept. Fish & Wildlife*, 62 Cal. 4th 204 (2015). In that case, the Supreme Court indicated that an EIR using the reduction from “business as usual” approach to significance determinations for GHG emissions impacts must bridge the “analytic gap” between project level emissions and statewide standards by substantial evidence and reasoned explanation. *Id.* at 227. This guidance should not be taken lightly.

The County may not merely rely on its CAP for GHG emissions analysis. The CAP was invalidated by a 2014 Court of Appeal decision. *Sierra Club v. Cty. of San Diego*, 231 Cal. App. 4th 1152 (2014) *petition for review denied*, No. S223591 (Cal. Mar. 11, 2015). The County’s General Plan relied on the CAP to mitigate GHG emissions impacts. *See* Attachment W, San Diego County General Plan Update EIR, State Clearinghouse No. 2002111067, Global Climate Change Subchapter at 2.17-30 (Mitigation Measure CC-1.2) (Aug. 2011). This EIR, therefore, cannot merely rely on the invalidated CAP for GHG impact mitigation, but must propose enforceable mitigation measures and alternatives. The CAP is attached hereto as Attachment X. Additionally, the County should carefully consider whether it can move forward to analyze this major regional project without first adopting a replacement CAP.

The EIR must also analyze NC-42’s consistency with executive orders setting future goals for GHG emissions reductions. *Sierra Club v. County of San Diego*, 231 Cal. App. 4th at 1161, 1175 (invalidating the County’s CAP because, among other reasons, it failed to sufficiently analyze compliance with Executive Order S-3-05’s GHG emissions reduction target for 2050). Here, Executive Order S-3-05, issued by Governor Schwarzenegger in 2005, sets a statewide goal to reduce GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and finally to 80 percent below 1990 levels by 2050. In addition, Executive Order B-30-15, issued by Governor Brown last year, establishes a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.

H. Hazards and Hazardous Materials

NC-42 proposes a significant density increase in a High Fire Hazard Severity Zone. This puts thousands of people in increased danger from fire hazards and exponentially increases the potential for fire-related damage to property value. This increased density directly conflicts with the County General Plan Safety Element Policy S-1.1- Minimize Exposure to Hazards, which sets forth the following policy proclamation: “Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards.” Attachment Y, San Diego County General Plan Safety Element at 7-4 (2011).

It should be noted that the County recently went through the General Plan Update process of designating land at appropriate density levels to minimize the exposure of people to the risk of fire hazards. The staff report for NC-42 notes that the entire site is in a Very High Fire Hazard Severity Zone. *See* Attachment Q. NC-42, therefore, contradicts the thoughtful consideration that was given to the density designation on this site during the multi-year General Plan Update process. The EIR should analyze reduced-density alternatives and mitigation measures that will avoid or mitigate density-related fire safety impacts.

NC-42 also risks overcrowding local evacuation routes in event of a fire. During the fires in May 2014, area roads were at a standstill, and Interstate 15 and State Highway 78 both experienced closures. The EIR should analyze a plan that includes moving evacuees out the north side of the project site—to North Twin Oaks Valley Road, Gopher Canyon Road, and Lawrence Welk Court—to avoid evacuation in a single direction or taking the risk of trapping residents if the fire is to the south. Improvements to northern access points necessary to mitigate fire safety impacts cannot be deemed infeasible simply due to costs.

A crucial mitigation measure that must be studied is the redesign of NC-42 to include a direct four- or six-lane road—“*Relocated County S12*”—as discussed above in Section VI.B, that will provide a new east-west evacuation route for the thousands of new residents located on project site’s west side. In an emergency, it is crucial that all residents and the community have access to a new direct four- or six-lane east-west road across the project to evacuate to the east, rather than limiting evacuation points.

I. Hydrology and Water Quality

Water availability is a significant concern for agricultural and domestic uses in the areas surrounding the project site—and throughout California generally. Some properties in the area use water from on-site wells. Water is a precious resource, particularly to the agricultural properties in the Twin Oaks Valley community. The County Water Authority has declared the County to be in Drought Level 2, requiring 20% mandatory conservation. If the County Water Authority further downgrades the condition to Drought Level 3, no new potable water service will be available. The County should ensure that NC-42’s proposed urbanization of the area does not adversely impact existing water and wastewater services. The EIR should analyze impacts on water supply under various drought conditions, including Drought Level 3. The EIR should also analyze the impacts to water availability and quality to the area’s water resources, including wells.

J. Land Use and Planning

The State Planning and Zoning Law requires the County’s project approvals to be consistent with the General Plan. *See Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 570-71 (1990). The County recently completed a General Plan Update in 2011, which zoned the project site as rural lands allowing one residential unit for every 20 acres (RL-20), with just a sliver of village, office, and commercial designation near Interstate 15. *See* Attachment Z, Twin Oaks Valley Land Use Map. The RL-20 designation is actually a *decrease* in the density previously allowed. Because NC-42 proposes a substantial increase in density so soon after the conclusion of the lengthy General Plan Update process, it is important that the EIR provide an in-depth analysis of NC-42’s compliance with the General Plan’s policies and Guiding Principles and whether any General Plan amendment will have an impact on similarly situated property elsewhere in the County.

1. The EIR Should Analyze Whether the Project Will Require Amendments to the General Plan's Guiding Principles

The General Plan lists ten Guiding Principles that apply to all development in the unincorporated County:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

Attachment I, General Plan Introduction and Vision and Guiding Principles at 2-6.

The EIR should analyze NC-42's compliance with each of the Guiding Principles. NC-42 risks violating the Guiding Principles in at least the following ways: (1) locating growth far from existing and planned communities, infrastructure, and services; (2) drastically altering existing community character; (3) impacting operations of businesses that rely on the peace and

tranquility of a rural setting; (4) disrupting wildlife corridors; (5) developing despite physical constraints posed by the project site's slope; (6) failing to provide transit options; (7) requiring long single-occupant vehicle trips that increase GHG emissions; (8) urbanizing a rural agricultural community; (9) requiring the extension of utility services and annexation into the VWD; (10) developing in excess of that allowed by the City of Escondido's sphere of influence designation; and (11) developing the project site despite significant community opposition, a previous rejection of a similar project, and a recent General Plan Update that spent years weighing stakeholder input. Any change to the County's Guiding Principles would require an analysis of the impacts of the change on similarly situated properties throughout the County and could require additional public input on the County General Plan's EIR.

In evaluating NC-42 shortly after passage of the updated General Plan, County staff designated the request as "Major" and "High Complexity." See Attachments Q, R. According to the Staff Report for a January 9, 2012 workshop on the General Plan Property Specific Requests, a "Major" category designation indicates an inconsistency with General Plan Guiding Principles and "would require more fundamental and extensive changes to the General Plan Update and associated environmental documents." See Attachment AA, County Staff Report for General Plan Property Specific Requests Workshop ("Workshop Staff Report") at 3 (Jan. 9, 2012). The Workshop Staff Report further noted that "if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties," that additional public outreach and review would be required to modify the Guiding Principles, and that changes to the General Plan's Land Use Map could be required for consistency. *Id.* at 4.

In a follow-up report by County staff on June 20, 2012, for NC-42, the request was deemed "Very High" complexity specifically because the significant changes being sought could alter the basic policy construct and planning principles of the General Plan. The staff report for NC-42 notes the following rationale for the "Very High" complexity classification of PSR NC-42:

- The workplan outlines an extensive community remapping that will have a major impact on the Twin Oaks Community and neighboring communities. The effects of adding over 1,000 dwelling units on land that is currently undisturbed rural land will require extensive study to determine the impact on the community, resources, and the environment and to address consistency with Policy LU-2.3 assigning densities in a manner that is compatible with the character of the community.
- The proposal would shift the focus of the Twin Oaks Community from its center to its edge along Interstate 15. At a minimum it would be necessary to review the proposed change to address consistency with the Community Development Model, Policy LU-1.1, and Guiding Principle 2. The Community Development Model supports decreased densities as the distance increases from the village core to promote compact development and preserve distinct boundaries between communities.

- The study area affects over 250 property owners. A change affecting such a large number of people increases the complexity involved in notifying owners of the proposed changes, seeking their input, and addressing their concerns. Given the large amount of community opposition to this project, additional issues will be brought up over the life of the approval process.
- The adjacent study area constitutes primarily agricultural lands. Further analysis would be required to determine the effect of a density increase on efforts to preserve important agricultural areas of the county such as this one.
- Portions of the requestor's property contain High and Very High Value Habitat and would require additional environmental analysis to ascertain the impact of development on such sensitive habitat.
- Review of the mapping principles regarding prohibiting "leapfrog" development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned village will be required.

See Attachment R, County Staff Report for NC-42 and Study Area at 2.

In light of these concerns, the EIR must analyze whether NC-42 is consistent with the General Plan Guiding Principles and whether it requires additional environmental review of the General Plan. The EIR should analyze the basis for any change in County staff's position.

In addition to analyzing NC-42's consistency with the General Plan's Guiding Principles, the EIR should also analyze NC-42's consistency with each of the General Plan's specific policies. For example, Policy LU-2.3 requires density to be compatible with community character. Attachment L, General Plan Land Use Element at 3-25. NC-42 proposes to drop urban development into a rural and semi-rural area, thus violating this policy.

2. The EIR Should Analyze NC-42's Consistency with the General Plan's Leapfrog Policy

General Plan Policy LU-1.2 ("Leapfrog Policy") prohibits leapfrog development:

Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.

Attachment L, General Plan Land Use Element at 3-23. We understand the County has taken the position that the Newland Project is exempt from the Leapfrog Policy because a small portion of the project site is currently designated as “village” and, therefore, does not constitute a “new village.” We are not aware if the County takes the same position regarding NC-42. In any event, the Golden Door’s position is that either NC-42 or the Newland Project would be inconsistent with the Leapfrog Policy for at least five reasons, thus precluding approval. This issue must be analyzed in the EIR.

First, County staff has previously taken the position that NC-42 must be reviewed for consistency with the Leapfrog Policy as well as with Policy LU-1.4, which applies to new village designations. The County staff report for NC-42 states that the requested General Plan change would require a “[r]eview of the mapping principles regarding prohibiting ‘leapfrog’ development as outlined in Policy LU-1.2 and consistency with Policy LU-1.4 involving establishing new Village Regional Category designations outside of an existing or planned Village” *See* Attachment R, County Staff Report for NC-42 and Study Area at 3. The EIR, therefore, must address this issue.

Second, a plain reading of the Leapfrog Policy contradicts the County’s position on the Newland Project that the Leapfrog Policy applies only to a “new” village. The Leapfrog Policy’s indication that a “new” village may be exempt implies that an “existing” village is not exempt. The first sentence of the Leapfrog Policy is a clear prohibition on leapfrog development with no reference to “new” or “existing” village designations. The second sentence provides a limited exemption from the prohibition for “new villages” that meet certain criteria. This exemption, therefore, applies only to a subset of “new villages”—and does not apply to an “existing” village. Consequently, if the County determines that NC-42 contains an “existing” village, the second sentence’s exemption does not apply. Without the protection afforded by the exemption, the Leapfrog Policy, as described in the first sentence, applies to NC-42.

Third, NC-42 appears to make no changes to an “existing” village designation, but adds a new swath of village residential designation just north of office park designation connected to the existing sliver of village designation. The initial village designation, however, appears unchanged. Attachment BB, Existing and Proposed General Plan Land Use Maps for NC-42. The EIR should analyze whether this constitutes addition of a “new” village or alteration of an “existing” village and whether this designation is consistent with Policy LU-1.4.

Fourth, much of the project site is disconnected from the limited village designation in the project site’s southeast corner—regardless of whether such village is “new” or “existing.” The Leapfrog Policy, therefore, precludes the semi-rural designation throughout the site. Any contrary finding would constitute an absurd result allowing even the smallest village designation on the General Plan’s Land Use Map to provide protection for clear-cut leapfrog development as far out as a developer is willing to build a road from that village designation. Moreover, the existing village designation is hardly a bustling center of activity—it supports only a gas station convenience store and several roadside stands. General Plan Policy LU-1.4 limits village expansion and requires, among other things, that such expansion be consistent with community character. Here, allowing dense residential growth is wholly inconsistent with the area’s markedly rural setting.

Fifth, and finally, even if the exemption found in the second sentence of the Leapfrog Policy could apply to NC-42, NC-42 does not meet the exemption's three criteria: consistency with the Community Development Model, provision of services and facilities, and LEED-Neighborhood Development ("LEED-ND") standard or its equivalent. NC-42's design is not consistent with the Community Development model because it spreads density throughout the project site away from the area designated as village. Also, there are not sufficient existing facilities and services to support construction of the units permitted by NC-42. Further, construction on the project site, as designated, could not meet LEED-ND or equivalent standards. LEED-ND requires a project's connectivity to transit and existing communities and infrastructure. The US Green Building Council's FAQ on LEED-ND states that, "[u]sing the framework of other LEED rating systems, [LEED-ND] recognizes development projects that successfully protect and enhance the overall health, natural environment, and quality of life of our communities. The rating system encourages smart growth and new urbanist best practices, promoting the location and design of neighborhoods that reduce vehicle miles traveled and communities where jobs and services are accessible by foot or public transit. It promotes more efficient energy and water use—especially important in urban areas where infrastructure is often overtaxed." *See* Attachment CC, U.S. Green Building Council LEED-ND FAQ. LEED-ND also requires a walkability component that cannot be accomplished on the project site if residential units are spread from the west side to the east across steep terrain. No substitute for LEED-ND could be found "equivalent" without such walkability and connectivity components.

As discussed above, NC-42 lacks connectivity to existing urban and job centers or public transportation and will require long single-occupant vehicle trips which increase VMT. While we understand the County is in the process of determining what criteria to use for LEED-ND "equivalent," such criteria cannot include the wholesale discarding of central tenets of LEED-ND, such as walkability, connectivity, protection of the natural environment, and other such new urbanist best practices.

The EIR should analyze NC-42's consistency with the General Plan's Leapfrog Policy in light of the points raised above.

3. The County Should Carefully Consider Whether It Can Move Forward with NC-42 Before SANDAG Revises Its RTP/SCS's Land Use Assumptions and Before the County Approves a New CAP

Generally, an EIR should analyze whether and to what extent a project is consistent with County and regional plans. *See* 14 Cal. Code Regs. § 15125(d). The EIR should carefully consider NC-42's consistency with SANDAG's RTP/SCS.^{4, 5} As discussed above, SANDAG's

⁴ While Government Code Section 65080(b)(2)(K) does not legally require that a County's General Plan be consistent with the RTP/SCS, the County should still consider whether it is good policy to stay consistent with the Region's overall adopted plan. Moreover, by stating that an EIR need not evaluate consistency with an "Alternative Planning Scenario," Government Code Section 65080(b)(2)(I) implies that an EIR should evaluate consistency with an SCS—a more definitive plan than an "Alternative Planning Scenario."

RTP/SCS relies on land use allocations that do not include the density increases proposed by NC-42 or the Newland Project. The County provided comments to SANDAG noting that the RTP/SCS failed to account for any General Plan amendments—without providing any details of proposed amendments that SANDAG could have incorporated—and SANDAG refused to update its underlying land use model. Attachment E, County Comment Letter to SANDAG.

SANDAG is required to approve a new RTP/SCS by 2019. *See* Gov. Code § 65080(d). We recommend that the County work closely with SANDAG in advance of that plan to incorporate any projected land use changes and carefully consider delaying processing of any significant density increases in Twin Oaks Valley until such density is included in SANDAG's regional growth projections. Without a concerted effort to work toward cohesive regional planning goals, new unplanned development in the unincorporated County threatens to subvert the State's planning and GHG emissions reduction goals and will cause disconnect between transportation and land use planning—in contradiction to SB 375's stated purpose. A more coordinated approach between the County and SANDAG is required to achieve the RTP/SCS's goals and ensure the San Diego region's compliance with GHG emissions reduction requirements.

Similarly, the County should carefully consider whether it should delay processing NC-42 until it has approved a new, legally compliant CAP. As discussed above, the County's current General Plan relies upon an invalid CAP. We understand the County is currently in the process of preparing a new CAP. The County, therefore, should carefully consider whether or not the State Zoning and Planning Law requires the County to first adopt its new CAP *before* proceeding with additional General Plan amendments for unplanned development in rural Twin Oaks Valley. Generally, State Planning and Zoning Law requires the County's project approvals to be consistent with the General Plan. *See Citizens of Goleta Valley*, 52 Cal. 3d 553, 570-71 (1990).

Additionally, a General Plan is required to be consistent within itself. *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal. App. 3d 698, 703 (1981). The County's General Plan depends on the invalid CAP for consistency among its elements, and may not be “reasonably consistent and integrated on its face” without it. *Concerned Citizens of Calaveras Cty. v. Bd. of Supervisors*, 166 Cal. App. 3d 90, 97 (1985). The County should carefully consider whether it is possible for the General Plan to be consistent without the new CAP and whether it should delay this substantial General Plan amendment until a new CAP has been adopted. This way, the EIR would be able to analyze consistency with a new, valid CAP. Further, consideration of NC-42 after adoption of a new CAP would permit the County to incorporate any recommended mitigation measures from the CAP.

⁵ Similarly, the EIR should further analyze NC-42's consistency with County and SANDAG growth forecast maps, including SANDAG's Smart Growth Concept Maps. *See* Attachment DD, SANDAG's San Diego Region Smart Growth Concept Map and North County Subregional Smart Growth Concept Map, both dated October 2014; *see also* Regional Plan at 7.

In addition to any legal requirement, the Golden Door believes that, as a matter of public policy, the County should not process NC-42 until a new CAP is implemented. GHG mitigation strategies are constantly evolving, and new development in rural Twin Oaks Valley should be consistent with the measures adopted in the forthcoming CAP. The Golden Door believes that adopting NC-42 now without considerations of the new CAP would be contrary to the State's climate change objectives. *See* Executive Order S-3-05, Executive Order B-30-15. Further, it is the Golden Door's position that amending the General Plan without carefully considering its overall consistency and adequacy would subvert CEQA's purpose of allowing the public opportunities to fully analyze NC-42's GHG emissions impacts in light of a valid CAP.

4. NC-42 Contradicts the General Plan's Smart Growth Principles

NC-42 is simply out of step with General Plan's smart growth policies. NC-42 would designate approximately 1,100 residential units on rural lands far from urban and job centers—and without meaningful transit options—in stark contradiction to the planning principles encompassed in the County's General Plan, LEED-ND, SANDAG's RTP/SCS, and SB 375. General Plan Goal LU-5 promotes “[a] land use plan and associated development techniques and patterns that reduce emissions of local [GHGs] in accordance with state initiatives, while promoting public health.” Attachment L, General Plan Land Use Element at 3-27. In addition, the County's 2013 General Plan Annual Progress Report states that “[t]he core concept for the County's Land Use Element is to direct future growth to areas where existing or planned infrastructure and services can support that growth and to locations within or adjacent to existing communities.” *See* Attachment EE, 2013 General Plan Annual Progress Report at 3. As previously discussed, NC-42 will be located away from existing services, faces challenges with internal circulation, is located far away from existing transit infrastructure, and will require long single-occupant vehicle trips in contradiction with these policies. NC-42 must do more than merely pay lip-service to County, regional, and State planning requirements emphasizing smart growth principles.

5. NC-42's Proposed Density within the Escondido Sphere of Influence Would Be Inconsistent with the County's General Plan

A portion of the project site falls within the City of Escondido's sphere of influence. The San Diego County Local Agency Formation Commission's (“LAFCO”) map of the Escondido sphere of influence is attached hereto as Attachment FF. The map clearly shows the Escondido sphere of influence extends north of Deer Springs Road and west of Interstate 15 into the project site—notably covering the area currently designated as “village.” This inter-jurisdictional issue requires review of both the County General Plan and Escondido General Plan to analyze consistency. Here, NC-42's proposed density would be inconsistent with these General Plans.

The North County Metro Community Plan (“NC Metro CP”) is part of the County General Plan and includes the project site. The general goals and policies of NC Metro CP require the County to take the City of Escondido's planning into consideration. *See* Attachment

GG, NC Metro CP at Policy 1.⁶ NC Metro CP Policy 7 limits density on unincorporated County land within the Escondido sphere of influence to one unit per acre. Specifically, Policy 7 prohibits “new major and minor subdivisions within the adopted Escondido city spheres of influence if the density shown on the final subdivision or parcel map is greater than one dwelling unit per gross acre, unless: (1) *consistent with the general plan land use map*; or (2) the proposed project has sewers available and can obtain sewer lateral connections to an existing sewer main, in which case this policy shall not apply to the property.” *Id.* at 5 (emphasis added). This provision appears intended to limit the County’s ability to approve dense development within the City of Escondido’s sphere of influence. The County’s General Plan, therefore, limits the County to approving development at a density of one unit per acre within the City of Escondido’s sphere of influence unless the Escondido General Plan allows for additional density.

Currently, Escondido’s General Plan designates the portion of the project site within its sphere of influence for very low density development. *See* Attachment HH, Escondido General Plan Land Use Map. The northwest corner of the Escondido General Plan land use map includes the portion of the sphere of influence covering the part of the project site. It depicts this area as Rural Residential I (1 du/4, 8, 20 acres) and Estate I (1 du/1, 2, 4, 20 acres). *Id.* This density is equal to or less than one dwelling unit per acre, and therefore does not create an exception to NC Metro CP Policy 7. As a result, the County is not able to approve density greater than one unit per acre on that portion of the project site, because it would be inconsistent with the County’s General Plan pursuant to NC Metro CP Policy 7.⁷ *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal. App. 3d at 703 (“[T]he general plan is required to be consistent within itself.”); *Concerned Citizens of Calaveras Cty*, 166 Cal. App. 3d. at 97 (“A general plan must be reasonably consistent and integrated on its face. A document that, on its face, displays substantial contradictions and inconsistencies cannot serve as an effective plan because those subject to the plan cannot tell what it says should happen or not happen.”).

K. Noise

Noise related to reasonably foreseeable construction activities would persist for years to accommodate development of all units allowed on the project site by NC-42. Due to the project site’s steep slopes, construction is likely to result in significant noise impacts. For example, in its application, Newland notes that rock crushing will be performed on-site, but provides no details of the volume, duration, or location of rock crushing activities. *See* Newland Project

⁶ NC Metro CP Policy 1: A. “Because cities of the Subregion are closely related to the surrounding area in terms of public services, travel patterns, and community identity; and B. the cities and County are generally agreed on the spheres of influence boundaries, which were adopted by the Local Agency Formation Commission (LAFCO) the County will cooperate in the planning and regulating of growth in the unincorporated territory within each city’s sphere of influence. Future County decisions on proposed projects in the sphere areas will take each city’s planning objectives into consideration.”

⁷ Because the City of Escondido’s sphere of influence encompasses the area currently zoned as “village” in the County’s General Plan, the inability to develop at a high density further impacts the Leapfrog Policy arguments above in Section VII.J.2.

Application, Project Description at 13 (Jan. 20, 2015, on file with the County). The EIR should analyze the noise impacts from rock-crushing and other similar construction techniques, as well as alternatives to on-site rock crushing and implementation of noise-reducing mitigation measures. In addition, the EIR should identify the specific location or locations within the project site that will most effectively mitigate noise impacts from rock crushing or other similar operations.

The EIR should analyze noise and ground vibration impacts on the Golden Door and other surrounding properties from construction and project operations generated by activity both on the project site and on Deer Springs Road. The EIR should also analyze appropriate mitigation for noise impacts to the Golden Door and other surrounding property owners.

L. Population and Housing

NC-42's proposed urbanization of a rural area could result in growth-inducing impacts both in the areas surrounding the project site and elsewhere in the unincorporated County. Because the General Plan encourages new development near existing communities, adding a new community on the project site could induce other communities to develop nearby. As noted in the County staff report on NC-42, "[t]he proposal would shift the focus of the Twin Oaks community from its center to its edge along I-15." Attachment R, County Staff Report for NC-42 and Study Area at 2. Because of this shift, NC-42 could act as a bridge between previously designated rural and urbanized areas creating an incentive for in-fill development of rural areas between the project site and urbanized areas. The EIR must analyze NC-42's potential to induce additional development of rural lands.

In addition, setting the precedent that the 2011 General Plan Update is subject to amendment that drastically increases density in contradiction of the General Plan's Guiding Principles could pave the way for other General Plan amendments adding similar urban density in other areas of the unincorporated County with existing rural designations. The EIR should analyze NC-42's growth inducing impacts to the area surrounding the project site as well as other areas in the unincorporated County.

M. Transportation and Traffic

NC-42 will cause significant traffic impacts on freeways and surface streets. It is located far from urban and job centers without any meaningful transit options, and—if designed similar to the Newland Project—could face challenges with internal circulation due to steep slopes. Due to these shortcomings, NC-42 would cause traffic to be dumped on to Deer Springs Road, which already experiences significant peak hour cut-through trips in contradiction of General Plan policies for regional connectivity and rural roads. For this reason, the Golden Door proposes a direct four- or six-lane east-west connection such as the "*Relocated County S12*" described in Section VI.B. As discussed in more detail below, the EIR should analyze NC-42's traffic impacts on a broad scale as well as feasible alternatives and mitigation measures.

1. The EIR Should Study Mitigation Measures and Alternatives to Maintain a Two-Lane Configuration on Deer Springs Road to Prevent Any Development from Dumping Traffic onto Deer Springs Road

NC-42 proposes a drastic increase in density far from existing communities and infrastructure or job and urban centers. Moreover, as shown by LLG's license plate survey, a number of trips on Deer Springs Road are freeway bypass trips resulting in regional impacts. *See* Attachment F. These freeway bypass trips occur now and will increase in the future because of existing freeway congestion on Interstate 15 and State Highway 78. As discussed below, NC-42 will contribute to gridlock Level of Service "F" on Interstate 15 in the future, causing large numbers of residents to divert from Interstate 15 to escape stopped freeway traffic. Any approval of NC-42 must be conditioned to require a direct road across the project site rather than allowing a developer to design its roads as a circuitous system with cul-de-sacs to funnel the cut-through traffic away from their property and on to Deer Springs Road.

Due to the increased density and cut-through implications, NC-42 could cause traffic impacts within a broad geographic radius from the project site. Under CEQA, the County will be required to consider mitigation measures or alternatives which could fully mitigate or avoid predicted traffic impacts (as well as the complete and detailed performance objectives for mitigation measures for impacts on State highways provided by Caltrans under CEQA Guideline Section 15086). Pub. Res. Code § 21100; *see also Gray v. Cty. of Madera*, 167 Cal. App. 4th 1099, 1116-17 (2008). Courts have found mere fair-share payments made to undefined or insufficient mitigation fee programs to violate CEQA. *See Anderson First Coalition*, 130 Cal. App. 4th at 1187-89 (requiring fair-share payments to fund a program that would *actually mitigate* cumulative traffic impacts) (emphasis added); *Endangered Habitats League, Inc. v. Cty. of Orange*, 131 Cal. App. 4th 777 (2005) (invalidating EIR that did not provide evidence of improvements funded by the project's mitigation fee or evidence that fees would adequately mitigate traffic impacts).

A traffic study included in the Lilac Hills Ranch project's EIR forecasts a failing Level of Service "F" on Interstate 15 from Escondido all the way to the Riverside County line when both Newland's Project and the Lilac Hills Ranch project are developed. *See* Attachment II, Lilac Hills Ranch Draft Revised EIR, State Clearinghouse No. 2012061100, Transportation/Traffic Subchapter (June 2014) at 2.3-41 to 2.3-42, 2.3-96 to 2.3-97. The Golden Door believes that when Interstate 15 reaches Level of Service "F," a large number of motorists traveling to and from State Highway 78 will simply view Deer Springs Road/Twin Oaks Valley Road/Buena Creek Road as an alternate freeway ramp to the West 78, the City of Vista and south San Marcos, including Cal. State San Marcos and Palomar Community College. For NC-42, the EIR should include traffic studies analyzing impacts, mitigation measures, and alternatives within a broad study area—including multiple segments of Interstate 15 and State Highway 78, Twin Oaks Valley Road, and Buena Creek Road—due to the prevalence of freeway bypass trips on Deer Springs Road affecting a wide range of freeways and surface streets. Any approval must be condition upon full funding of mitigation measures *before* a development project can move forward on the project site. A traffic study should consider improvements on Interstate 15 and State Highway 78 that would minimize the freeway congestion caused by NC-42 that will exacerbate future cut-through traffic.

The EIR should consider improvements to Deer Springs Road—without adding lanes on Deer Springs Road—that discourage additional cut through trips in this rural area and avoid making the road more attractive for bypass trips that should remain on the freeway rather than burdening local property owners. If the County staff nonetheless believes an east-west regional freeway “cut-through” should be built in this area, the County staff should consider instead the alternative of building the “cut-through” road across the project site using a direct four- or six-lane parkway and through a realignment of the Deer Springs Road interchange bridge, rather than widening Deer Springs Road.

The updated General Plan no longer views road-widening as a “one-size-fits-all” solution to congestion. According to the General Plan’s Mobility Element, the “widening of roads, which can dramatically change the character of a community, should be pursued only after environmental and community character impacts are also considered. The need to widen roads is minimized when trip vehicle miles traveled are reduced, the performance of the existing network is optimized, and the use of alternative modes of travel is maximized.” Attachment J, General Plan Mobility Element at 4-3. The EIR should study ways to avoid environmental and community impacts that would occur if Deer Springs Road were expanded, such as the following: (1) the rural character of the community does not support a major thoroughfare ferrying passers-through from one freeway to the next; (2) the extensive grading on steeply sloped landscape would destroy habitat and potentially water flows; (3) the extensive blasting required to fit the road into Deer Springs Road; (4) the impacts to residents to the south of Deer Springs Road near Mesa Rock Road; (5) the impacts of a high speed road adjacent to the planned trail on the north side of Deer Springs Road; and (6) an expanded roadway inviting vehicle trips would create an additional hindrance to wildlife and pedestrian, bicycle, and equestrian movement, especially north-south movement across the road.

Moreover, the General Plan supports County road configuration that discourage freeway-bypass trips. LLG’s license plate survey indicates that approximately 78% of trips on Deer Springs Road originating at the Interstate 15 southbound ramp during morning peak hours are freeway bypass trips. *See* Attachment F. With the County’s projection that Interstate 15 will reach Level of Service “F” and be extremely congested for many hours of the day, (due in large new developments), many more motorists will be encouraged to “flee the freeway” and find any surface street that can provide an alternative. We understand that County staff, nonetheless, has expressed a lack of concern over freeway bypass trips on Deer Springs Road and would support the transformation of this rural road into freeway-to-freeway bypass. We could not disagree more—and neither could the General Plan.

Policy M-1.1 of the General Plan’s Mobility Element requires prioritizing travel *within* communities by encouraging “a public road network that accommodates travel between and within community planning areas **rather than accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands.**” Attachment J, General Plan Mobility Element at 4-12 (emphasis added). The Twin Oaks Valley community should not be burdened by a massive freeway bypass because of congestion on Interstate 15 and State Highway 78. The EIR should study alternatives and mitigation that would maintain the area’s rural character, which would be destroyed by a “Deer Springs Freeway Bypass System,” which, even if effective, would merely serve as a short-term stop-gap measure instead of seeking

a more systematic solution to freeway congestion through more efficient freeway management and alternative means of transportation.

In addition, General Plan Policy M-2.1 describes situations in which acceptance of a failing Level of Service is necessary to achieve other General Plan goals, such as environmental preservation or enhancing community character. One situation justifying acceptance of a failing Level of Service involves regional connectivity issues, “when congestion on State freeways and highways causes regional travelers to use County roads, resulting in congestion on the County road network. Rather than widening County roads to accommodate this traffic, the deficiencies in the regional road network should be addressed.” Attachment J, General Plan Mobility Element at 4-14. Another situation calling for acceptance of a failing Level of Service on a County Road is when “adding travels lanes to a road that would adversely impact environmental and cultural resources This situation would also occur in areas with steep slopes where widening roads would require massive grading, which would result in adverse environmental impacts and other degradation of the physical environment.” *Id.*

We believe that the environmentally superior alternative under CEQA would be to accommodate this bypass traffic using improvements in traffic and transit facilities on the Interstate 15 and State Highway 78 corridors. SANDAG’s RTP/SCS encourages additional transportation options rather than simply relying on the old-style auto-centric suburban development model. Attachment K, SANDAG Regional Plan at 30. This comports with Supervisor Ron Roberts direction for new development to provide “transit connections that do more than just a token job of offering people transportation alternatives besides the automobile.” *See* Attachment C. This approach would limit VMT and GHG emissions in accordance with State, regional, and local planning priorities.

Newland has recommended an “Option A” in its application that maintains Deer Springs Road as two-lane road between Sarver Lane and Mesa Rock Road. *See* Newland Application, Project Description at 14-15. If the County will not condition future development on a road through the project site, such as the “*Relocated County S12*,” it should at least condition future development on maintaining a two-lane configuration on Deer Springs Road between Sarver Lane and Mesa Rock Road similar to Newland’s “Option A.” Because the segment of Deer Springs Road between Sarver Lane and Mesa Rock Road meets the criteria set forth in the preceding paragraphs, acceptance of a failing Level of Service is warranted. Moreover, NC-42 would not *create* a failing segment on Deer Springs Road by maintaining this segment at two lanes. The two-lane segment is *already* failing today. As demonstrated by the LLG license plate survey, a two-lane configuration between Sarver Lane and Mesa Rock would result in the same or improved Levels of Service on all other segments of Deer Springs Road. *See* Attachment F. Additionally, the developer of NC-42 could be required to fund and operate a transit shuttle to San Marcos and Escondido from the park-and-ride transit center at NC-42’s planned commercial center, to replace the lost road capacity resulting from Option A and improve levels of service by reducing traffic in this portion of the County Route S12 corridor.

Expanding Deer Spring Roads would require significant right-of-way acquisition from local property owners and could destroy the Golden Door and other businesses in the area. Based on the steep slope in front of the Golden Door and the Golden Door’s need to access Deer

Springs Road at grade, grading to or constructing four lanes—and even more so for six lanes—would require substantial encroachment onto the Golden Door’s property and would significantly harm the Golden Door’s business. Such an encroachment may result in a “taking” of both the Golden Door’s property and business and require the County to compensate the Golden Door for the value of both its property and its business.

Other area property owners would also be subject to significant property loss and potential destruction of their intended use. For example, the various alignments of the southward bend on Deer Springs Road would require differing degrees of condemnation of the TERI property. Depending on the configuration, it could render the TERI property useless for the non-profit’s intended equestrian center and other facilities for developmentally disabled individuals. A two-lane configuration of Deer Springs Road, and a reduced speed limit, would be more likely to allow for a tight turn radius or T-intersection that would limit the need to acquire right-of-way from TERI or other area property owners. The EIR should analyze the impacts to local property owners of the extensive condemnation that would be required for expanding Deer Springs Road, including impacts that would occur if the encroachment caused a closing of businesses, blight, or the conversion to other uses.

Finally, the County should implement measures to reduce the speed at which vehicles travel on Deer Springs Road, including a reduced speed limit, traffic calming circles, and a T-intersection at the intersection of Sarver Lane and Deer Springs Road. Reduced speed would not only discourage freeway bypass trips, it would increase safety in the area—the safety of vehicles as well as pedestrians, cyclists, and equestrians. Various residences and businesses, including the Golden Door, access Deer Springs Road directly, and excessive speeds pose a significant safety risk. Moreover, high-speed travel is not necessary for true “local trips,” but benefit only the freeway bypass drivers seeking to treat Deer Springs Road as a long freeway access ramp. The EIR should study alternatives and mitigation measures that maintain Deer Springs Road as two lanes.

2. The EIR Should Evaluate NC-42’s Traffic Impacts Using a VMT-Based Metric

In addition to measuring traffic impacts using the Level of Service, the County should also perform a VMT-based analysis as required by SB 743. Recent guidance from the Governor’s Office of Planning and Research (“OPR”) would promulgate a new CEQA Guidelines section—Section 15064.3—mandating a VMT-based threshold of significance for transportation impacts in place of Level of Service. *See* Attachment JJ, OPR Draft Proposal Implementing SB 743 (Jan. 20, 2016). The new criteria are intended to promote reduced GHG emissions, multimodal transportation network development, and diverse land uses. OPR’s proposed guidance notes that “[VMT] is the most appropriate measure to replace level of service . . . [VMT] directly relates to emissions of air pollutants, including greenhouse gases, energy usage, and demand on infrastructure, as well as indirectly to many other impacts including public health, water usage, water quality and land consumption.” *Id.* at 3.

While Level of Service may still be analyzed under current regulations, given the clear language from the State, the County should also provide a VMT-based traffic analysis for NC-

42. The adoption of VMT as a means to measure a project's traffic impacts is intended to shift CEQA's current method of reducing traffic impacts by expanding roads and highways to allow for more cars on the road (thus reducing delay) to providing more public transportation and concentrating development in urban areas to actually reduce the number of vehicles on the road. VMT-based analysis will "facilitate transit projects and better uses of existing infrastructure as well as bicycle and pedestrian improvements . . . it also means that CEQA will no longer mandate roadways that focus on automobiles to the exclusion of every other transportation option. It will no longer mandate excessive, and expensive, roadway capacity." Attachment JJ at 1. This in turn will reduce GHG emissions.

A Level of Service analysis may require Caltrans to greatly expand the Deer Springs Road interchange to allow for the increased population in the region. Analyzing VMT in conjunction with Level of Service will ensure that traffic impacts focus not only on reducing the amount of time spent in the car, but the amount of miles on the road. This is especially pertinent because NC-42 proposes a drastic density increase in a rural area with no transit infrastructure far from urban and employment centers. VMT will provide a more accurate representation of NC-42's impacts. Because NC-42 is not located near the places where people congregate and travel on a daily basis, such as a workplace or restaurants and other entertainment options, there will be a significantly higher VMT impacts than if the project was located in an urban area. In fact, the OPR predicts that "a focus on [VMT] will facilitate the production of badly-needed housing in urban locations." Attachment JJ at 1. The County should, therefore, analyze VMT in evaluating NC-42's environmental impacts, because undoubtedly it will demonstrate the true traffic impacts of the project as they relate to other environmental concerns such as GHG emissions.

3. Deer Springs Road/Interstate 15 Interchange Impacts

We are aware that Caltrans is developing a Project Study Report for the Deer Springs Road/Interstate 15 interchange. County staff has stated that the EIR for the Newland Project will analyze all alternatives proposed in the Project Study Report. The NC-42 EIR should similarly include and analyze Caltrans' Project Study Report. While the County should analyze the impacts of all alternatives in the Project Study Report, it should not limit its analysis to those alternatives. The EIR should analyze all feasible mitigation measures and alternatives even if they are not included in the Project Study Report.

4. The EIR Should Study Transit Options

In addition, the project site lacks any meaningful transit options. The nearest Sprinter stations are located "within six miles" of the project site. *See* Newland Project Application, Project Description at 22. This distance would preclude the Sprinter train from serving as a viable everyday commute option for residents on the project site. Despite the strong policy preference for transit in the County General Plan, SANDAG's RTP/SCS, and the LEED-ND standards, NC-42 would locate significant residential density far from any viable transit options. Because of this lack of transit infrastructure, any approval of NC-42 should be conditioned to include a "transit-first" approach to transportation.

The County should only allow development on the project site to proceed *after* the construction of, and funding of contributions to, planned transit facilities to ensure that NC-42's added impacts and increased emissions are fully mitigated or avoided. Such facilities must be coordinated on a regional basis with SANDAG, rather than created on a partial, haphazard, or unfunded basis at the project level. In addition, the EIR should consider a shuttle operating at regular intervals that would connect the project site to the closest Sprinter stations and the Escondido Transit Center, which could reduce some of the thousands of single-occupancy car trips that will be generated by NC-42.

As discussed above, NC-42's traffic impacts should be analyzed on both a Level of Service and VMT basis to demonstrate the necessity of a substantial transit component as mitigation.

N. Utilities and Service Systems

We are aware that VWD provides water and wastewater services for the project site. VWD noted in its June 5, 2014 comment letter on the Newland Project that additional study is required for the provision of water and wastewater services. *See* Attachment KK, Letter from Eileen Koonce, VWD, to County Planning and Development Services. VWD's letter concludes that the Newland Project's density could cause significant impacts on water and wastewater services: "[T]he potential increased density of the project may have a significant impact on offsite facilities both for this project and cumulatively with other projects currently being proposed. These projects may significantly impact District facilities including local water and sewer mains, water storage, the sewer interceptor, pump stations, outfall and treatment." *Id.* at 4.

Although VWD approved a Water Supply Assessment and Water Supply Verification for the Newland Project earlier this year (over the Golden Door's objection), the County is required to independently analyze utility and service system impacts. The EIR should analyze the impacts to water and wastewater services from NC-42's proposed density increase, including to other users in the VWD area or to users whose service providers share facilities with VWD. The County should also analyze mitigation measures for impacts, such as requiring water offsets for use of new supply.

VIII. CONCLUSION

NC-42 would result in a significant increase in density and poses connectivity issues that could impact a broad geographic area. It could alter the County's General Plan framework that was updated only a few years ago. As such, the NC-42's environmental review should require a broad analysis of potentially significant impacts. The Golden Door has proposed four distinct alternatives for analysis and encourages the analysis of many additional alternatives and mitigation measures that would mitigate or avoid NC-42's many significant impacts.

LATHAM & WATKINS LLP

Thank you for your time and attention to our comments. Please feel free to contact me at (858) 523-5400 or christopher.garrett@lw.com if you would like to discuss these matters further.

Sincerely,

Christopher Garrett

Christopher W. Garrett
of LATHAM & WATKINS LLP

cc: Kathy Van Ness, Golden Door
Mark Slovick, County Planning and Development Services
Ashley Smith, County Planning and Development Services
Dan Silver, Endangered Habitats League
Doug Hageman, Newland
Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley
Stephanie Saathoff, Clay Co.
Maddy Kilkenny, Clay Co.
Andrew Yancey, Latham & Watkins

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



December 16, 2015

Peter Eichar
County of San Diego
5510 Overland Ave, Suite 310
San Diego, CA 92123

Re: Project Numbers PDS2012-3800-12-005; PDS2014-REZ-14-006

Dear Mr. Eichar:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we request to be kept in the information loop as the project progresses and would appreciate being maintained on the receiving list for project updates, reports of investigations, and/or any documentation that might be generated regarding previously reported or newly discovered sites. Further, we may recommend archaeological monitoring pending the results of site surveys and records searches associated with the project. If the project boundaries are modified to extend beyond the currently proposed limits, we request updated information and the opportunity to respond to your changes.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

PROPERTY SPECIFIC REQUESTS – GENERAL PLAN AMENDMENT
PROJECT NUMBERS: PDS2012-3800-12-005; PDS2014-REZ-14-006
ENVIRONMENTAL REVIEW NUMBER: PDS2012-ER-12-00-003
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR)

NOTICE OF PREPARATION (NOP)
DECEMBER 3, 2015 – FEBRUARY 4, 2016

SEIR NOTICE OF PREPARATION COMMENT SHEET

NOP Public Scoping Meeting
Thursday, December 17, 2015, 6:00pm
County Operations Center, Hearing Room
5520 Overland Avenue, San Diego, CA 92123

WRITTEN COMMENT FORM

We are concerned about possible 2nd outlet for
DS-14. Shadow MNT is 50 homes
with a single, poorly maintained outlet
via Madison to Greenfield (which is
part of El Cajon City). Shadow MNT
community is unincorporated.
Attempts to add other community access
has failed all attempts.

(Attach additional pages as needed)

TO LEARN MORE, VISIT:

www.sandiegocounty.gov/pds/advance/PSR
Internet search: Property Specific Requests

MAIL or E-MAIL FORMS TO:

Peter Eichar
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
e-mail: Peter.Eichar@sdcounty.ca.gov

Signature

Date

Print Name

Address

City

State

Zip Code

Phone Number

Email Address

COMMENTS MUST BE RECEIVED BY 5:00 PM, FEBRUARY 4, 2016

From: [Keith Giebelman](#)
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates DS24
Date: Sunday, January 31, 2016 1:00:53 PM

Department of Planning and Development Services

Ref: Borrego Country Club Estates
Project DS24

Mr. Eichar

This letter is to voice my opposition to the above project. As a resident of Borrego Springs, I feel this project would not be in the best interest of our community for several reasons. First of all, there are hundreds of existing empty lots, which if built upon, will draw down our depleting aquifer at an increased alarming rate. Next, as you know Borrego Springs has earned the special recognition of a Dark Sky community. A denser rezoning of this project would only add to light pollution, and jeopardize this designation. In addition, the environmental concerns over, water shed, flora, habitat, traffic, etc. dictate that the proposed zoning change would not be beneficial to either the environment or the Borrego Springs community.

Keith Giebelman
707 San Pablo Road
Borrego Springs, Ca 92004
kgiebelman@gmail.com

From: flavia@cox.net
To: [Eichar, Peter](#)
Subject: Home project
Date: Thursday, February 04, 2016 2:08:44 PM

Please do not destroy the quiet serenity of the Hidden Valley Zen Center.

Flavia Gilmore

Sent from my iPad

Scott Graves
2797 Vistamonte Glen
Escondido, CA 92027

February 4, 2016

Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Members of the San Diego County Planning & Development Services,

On December 17, 2015 I attended a County of San Diego scoping meeting regarding a Notice of Preparation (NOP) to make General Plan Amendments (GPAs) for 43 Property Specific Requests (PSRs). All 43 of these requests call for zoning changes to increase density, mostly in rural North County San Diego. In total, these requests call for up to an additional 2,800 dwellings above what the San Diego General Plan has approved. In my opinion, a reasonable person would agree that consideration of these PSRs goes counter to San Diego County's General Plan elements of land use, housing, circulation, conservation, open space, safety, and noise.

I am concerned that after 13 years, 18 million dollars, and countless public meetings, developers and politicians are attempting to subvert the General Plan. It should be noted that the Board of Supervisors directed the Planning Department to initiate these GPA/PSR studies less than 1 year after the General Plan Update was adopted, at a projected cost of at least an additional 1.5 million dollars to taxpayers (Planning Department figures).

http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Jun2012/Property_Specific_Requests_Workplan_BL.pdf

In fact, workshops addressing PSRs were held in a little over 4 months after the General Plan was adopted. I find it concerning that the General Plan supposedly got zoning density "wrong", so quickly, in an area encompassing approximately 13,000 acres.

I suspect that developers' and corporate interests, not citizens, initiated the majority of these requests. When matching Valley Center (VC7+) assessor parcel numbers (APNs), with San Diego County Treasurer Tax Collector records, and California Secretary of State Business records, it appears that Accretive Investments Incorporated has significant ownership and development interests in the study area. Please refer to VC7+ spread sheet and Planning & Development Services Disclosures attachments.

Accretive Investments agent for service of process, Donald R. Faye, was previously indicted by a San Diego federal grand jury on 10 felony counts of conspiracy and fraud. See (USA v. Dani, et al.) Southern District of California (San Diego) CRIMINAL DOCKET FOR CASE #: 3:94-cr-01413-B-2

http://articles.latimes.com/1994-12-16/business/fi-9734_1_homefed-bank

In my opinion, this convoluted acquisition practice and subsequent zoning requests appears intended to elude public scrutiny, and regulatory oversight. Given the recent Fair Political Practices Commission's (FPCC) advisory letter regarding Accretive's Lilac Hills Ranch project, the VC7+ requests will once again embroil Supervisor Horn in a potential conflict of interest.

As demonstrated by the low public attendance of the NOP meeting, I am concerned that the drivers behind these upzoning changes are developers and their direct and indirect financial political contributions, not the general public. I feel that the Board of Supervisors is in essence, asking San Diego taxpayers to bankroll developers' goals of increased zoning density.

Please respect the General Plan, and the will of San Diego voters.

Respectfully,

Scott Graves

Attachment P – Ownership Disclosure



County of San Diego, Planning & Development Services
**APPLICANT'S DISCLOSURE OF
 OWNERSHIP INTERESTS ON
 APPLICATION FOR ZONING PERMITS/
 APPROVALS**
 ZONING DIVISION

Record ID(s) _____

Assessor's Parcel Number(s) See Exhibit A

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

See Exhibit B

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

See Exhibit C

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

N/A

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

R. Randy Goodson
 Signature of Applicant
R. Randy Goodson
 Print Name
20 July 15
 Date

--- OFFICIAL USE ONLY ---

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcountry.ca.gov/pds>



Accretive Investments, Inc.
Lilac Hills Ranch - Disclosure of Ownership

Exhibit A

APN's	APN's	APN's
1 128-280-27	21 129-010-62	41 129-010-72
2 128-290-07	22 128-290-51	42 129-011-16
3 128-440-03	23 129-010-73	43 128-290-69
4 128-440-02	24 129-010-74	44 128-290-70
5 128-290-74	25 129-010-75	45 128-290-71
6 128-280-46	26 129-010-76	46 128-290-72
7 127-072-14	27 128-290-54	47 128-440-14
8 128-280-42	28 128-290-55	48 128-440-15
9 127-072-20	29 128-290-56	49 128-440-06
10 128-440-17	30 128-290-57	50 128-280-37
11 128-440-18	31 128-290-75	51 128-440-05
12 128-440-19	32 128-290-58	52 128-440-22
13 128-440-20	33 128-290-59	53 128-440-23
14 128-440-21	34 128-290-60	54 128-280-10
15 128-440-01	35 128-290-61	55 128-290-09
16 127-072-47	36 128-290-11	56 128-290-10
17 127-072-38	37 129-010-68	57 129-011-15
18 127-072-40	38 129-010-69	58 129-300-09
19 127-072-41	39 129-010-70	59 129-300-10
20 127-072-46	40 129-010-71	

Accretive Investments, Inc.
Lilac Hills Ranch - Disclosure of Ownership
Exhibit B

Names of all Owners

- 1 Shirey Falls, LP
- 2 Lilac Creek Estates, LP
- 3 Alligator Pears, LP
- 4 Gopher Canyon, LP
- 5 Karla V. Davitt
- 6 Joseph J. Davitt
- 7 Joseph M. Davitt
- 8 Andrew J. Davitt
- 9 Linda C. Carlson as Trustee of the Linda C. Carlson Trust, of 1996
- 10 Timothy and Zita Mar Revocable Trust dated October 4, 2000
- 11 ZNN Limited Partnership, a California limited partnership
- 12 Zita Marjorie Z. Mar
- 13 Noli C. Zosa
- 14 Noel F. Zosa
- 15 Wayne A. Nutt
- 16 Glenda Nutt
- 17 Geraldine T. Jones, Trustee of the Geraldine and Frank Jones Trust
- 18 Geigert Ranch, LLC

Accretive Investments, Inc.

Lilac Hills Ranch - Disclosure of Ownership

Exhibit C

Names of all known owners of more than 10% of LP Owners on Ex B

1 LHR Investment Company, LLC



Dan McAllister

SAN DIEGO COUNTY TREASURER-TAX COLLECTOR

Property Tax Information Search Results















The property being searched may have additional tax bills that do not appear in the search results using this search criteria.

Step 2 of 7 - Search Results

Secured

Parcel Number	Owner	Inst	Action	Status	Amount Due	Late After
127-072-14-00 (SecuredDetails.aspx?parcelNumber=1270721400)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$142.51	04/11/16
127-072-20-00 (SecuredDetails.aspx?parcelNumber=1270722000)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$7,322.40	04/11/16
127-072-38-00 (SecuredDetails.aspx?parcelNumber=1270723800)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$3,778.12	04/11/16
127-072-40-00 (SecuredDetails.aspx?parcelNumber=1270724000)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$1,846.93	04/11/16
127-072-41-00 (SecuredDetails.aspx?parcelNumber=1270724100)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$2,147.92	04/11/16
127-072-50-00 (SecuredDetails.aspx?parcelNumber=1270725000)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$1,468.09	04/11/16
127-360-04-00 (SecuredDetails.aspx?parcelNumber=1273600400)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$247.57	04/11/16
127-360-06-00 (SecuredDetails.aspx?parcelNumber=1273600600)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$952.15	04/11/16
127-360-07-00 (SecuredDetails.aspx?parcelNumber=1273600700)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15






		2nd	2nd	DUE	\$170.04	04/11/16
128-280-27-00 (SecuredDetails.aspx?parcelNumber=1282802700)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$2,011.37	04/11/16
128-280-42-00 (SecuredDetails.aspx?parcelNumber=1282804200)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$2,963.93	04/11/16
128-280-46-00 (SecuredDetails.aspx?parcelNumber=1282804600)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$3,856.27	04/11/16
128-290-07-00 (SecuredDetails.aspx?parcelNumber=1282900700)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$2,965.66	04/11/16
128-290-11-00 (SecuredDetails.aspx?parcelNumber=1282901100)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$422.07	04/11/16
128-290-51-00 (SecuredDetails.aspx?parcelNumber=1282905100)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$10,087.44	04/11/16
128-290-54-00 (SecuredDetails.aspx?parcelNumber=1282905400)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$750.99	04/11/16
128-290-55-00 (SecuredDetails.aspx?parcelNumber=1282905500)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$767.41	04/11/16
128-290-56-00 (SecuredDetails.aspx?parcelNumber=1282905600)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$763.67	04/11/16
128-290-57-00 (SecuredDetails.aspx?parcelNumber=1282905700)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$879.71	04/11/16
128-290-58-00 (SecuredDetails.aspx?parcelNumber=1282905800)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$1,012.80	04/11/16
128-290-59-00 (SecuredDetails.aspx?parcelNumber=1282905900)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$792.49	04/11/16
128-290-60-00 (SecuredDetails.aspx?parcelNumber=1282906000)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$476.09	04/11/16
128-290-61-00 (SecuredDetails.aspx?parcelNumber=1282906100)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$475.31	04/11/16

128-290-62-00 (SecuredDetails.aspx?parcelNumber=1282906200)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$90.03	04/11/16
128-290-74-00 (SecuredDetails.aspx?parcelNumber=1282907400)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,209.36	04/11/16
128-290-75-00 (SecuredDetails.aspx?parcelNumber=1282907500)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,826.52	04/11/16
128-290-78-00 (SecuredDetails.aspx?parcelNumber=1282907800)	ALLIGATOR PEARS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$377.55	04/11/16
128-440-01-00 (SecuredDetails.aspx?parcelNumber=1284400100)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,590.39	04/11/16
128-440-02-00 (SecuredDetails.aspx?parcelNumber=1284400200)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,813.92	04/11/16
128-440-03-00 (SecuredDetails.aspx?parcelNumber=1284400300)	SHIREY FALLS L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,780.85	04/11/16
128-440-07-00 (SecuredDetails.aspx?parcelNumber=1284400700)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,584.47	04/11/16
128-440-11-00 (SecuredDetails.aspx?parcelNumber=1284401100)	RITSON ROAD LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,996.76	04/11/16
128-440-17-00 (SecuredDetails.aspx?parcelNumber=1284401700)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,676.01	04/11/16
128-440-18-00 (SecuredDetails.aspx?parcelNumber=1284401800)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,650.09	04/11/16
128-440-19-00 (SecuredDetails.aspx?parcelNumber=1284401900)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,295.07	04/11/16
128-440-20-00 (SecuredDetails.aspx?parcelNumber=1284402000)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,791.92	04/11/16
128-440-21-00 (SecuredDetails.aspx?parcelNumber=1284402100)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,514.48	04/11/16
129-010-62-00 (SecuredDetails.aspx?parcelNumber=1290106200)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15






		2nd	2nd	DUE	\$9,440.45	04/11/16
129-010-68-00 (SecuredDetails.aspx?parcelNumber=1290106800)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$4,564.60	04/11/16
129-010-69-00 (SecuredDetails.aspx?parcelNumber=1290106900)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$2,160.80	04/11/16
129-010-70-00 (SecuredDetails.aspx?parcelNumber=1290107000)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$714.81	04/11/16
129-010-71-00 (SecuredDetails.aspx?parcelNumber=1290107100)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$767.80	04/11/16
129-010-72-00 (SecuredDetails.aspx?parcelNumber=1290107200)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$3,253.59	04/11/16
129-010-73-00 (SecuredDetails.aspx?parcelNumber=1290107300)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$368.97	04/11/16
129-010-74-00 (SecuredDetails.aspx?parcelNumber=1290107400)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$368.97	04/11/16
129-010-75-00 (SecuredDetails.aspx?parcelNumber=1290107500)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$368.97	04/11/16
129-010-76-00 (SecuredDetails.aspx?parcelNumber=1290107600)	LILAC CREEK ESTATES L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$368.97	04/11/16
129-011-16-00 (SecuredDetails.aspx?parcelNumber=1290111600)	GOPHER CANYON L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	2nd	DUE	\$1,085.39	04/11/16
160-690-09-00 (SecuredDetails.aspx?parcelNumber=1606900900)	ST CLOUD RECOVERY ACQUISITION L L C	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd		PAID ON 12/10	\$0.00	04/11/16
160-690-11-01 (SecuredDetails.aspx?parcelNumber=1606901101)	ST CLOUD RECOVERY ACQUISITION L L C	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd		PAID ON 12/10	\$0.00	04/11/16
160-690-11-02 (SecuredDetails.aspx?parcelNumber=1606901102)	ST CLOUD RECOVERY ACQUISITION L L C	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd		PAID ON 12/10	\$0.00	04/11/16
160-690-11-03 (SecuredDetails.aspx?parcelNumber=1606901103)	ST CLOUD RECOVERY ACQUISITION L L	1st		PAID ON 12/10	\$0.00	12/10/15

	C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-690-14-00 (SecuredDetails.aspx? parcelNumber=1606901400)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-06-01 (SecuredDetails.aspx? parcelNumber=1606910601)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-06-02 (SecuredDetails.aspx? parcelNumber=1606910602)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-06-03 (SecuredDetails.aspx? parcelNumber=1606910603)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-06-04 (SecuredDetails.aspx? parcelNumber=1606910604)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-07-00 (SecuredDetails.aspx? parcelNumber=1606910700)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-08-00 (SecuredDetails.aspx? parcelNumber=1606910800)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-691-09-00 (SecuredDetails.aspx? parcelNumber=1606910900)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-12-00 (SecuredDetails.aspx? parcelNumber=1606921200)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-15-00 (SecuredDetails.aspx? parcelNumber=1606921500)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-18-00 (SecuredDetails.aspx? parcelNumber=1606921800)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-19-00 (SecuredDetails.aspx? parcelNumber=1606921900)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-01 (SecuredDetails.aspx? parcelNumber=1606922001)	ST CLOUD RECOVERY ACQUISITION L L	1st	PAID ON 12/10	\$0.00 12/10/15


	C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-02 (SecuredDetails.aspx? parcelNumber=1606922002)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-03 (SecuredDetails.aspx? parcelNumber=1606922003)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-04 (SecuredDetails.aspx? parcelNumber=1606922004)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-05 (SecuredDetails.aspx? parcelNumber=1606922005)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-06 (SecuredDetails.aspx? parcelNumber=1606922006)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-07 (SecuredDetails.aspx? parcelNumber=1606922007)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-08 (SecuredDetails.aspx? parcelNumber=1606922008)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-09 (SecuredDetails.aspx? parcelNumber=1606922009)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-20-10 (SecuredDetails.aspx? parcelNumber=1606922010)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-21-00 (SecuredDetails.aspx? parcelNumber=1606922100)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-22-00 (SecuredDetails.aspx? parcelNumber=1606922200)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
160-692-23-00 (SecuredDetails.aspx? parcelNumber=1606922300)	ST CLOUD RECOVERY	1st	PAID ON 12/10	\$0.00 12/10/15
	ACQUISITION L L C	2nd	PAID ON 12/10	\$0.00 04/11/16
259-231-28-00 (SecuredDetails.aspx? parcelNumber=2592312800)	OLIVENHAIN TOWN CENTER 5.6 L P	1st	PAID ON 12/10	\$0.00 12/10/15


		2nd	 2nd	DUE	\$5,453.54	04/11/16
259-231-30-00 (SecuredDetails.aspx?parcelNumber=2592313000)	OLIVENHAIN TOWN CENTER 5.6 L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$4,347.74	04/11/16
259-231-32-00 (SecuredDetails.aspx?parcelNumber=2592313200)	OLIVENHAIN TOWN CENTER 5.6 L P	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$2,053.52	04/11/16
267-240-14-00 (SecuredDetails.aspx?parcelNumber=2672401400)	SEGAL ALEXANDER&DINA B	1st		PAID ON 12/05	\$0.00	12/10/15
		2nd	 2nd	DUE	\$8,440.62	04/11/16
480-021-76-00 (SecuredDetails.aspx?parcelNumber=4800217600)	KWAN ACACIA L L C	1st		PAID ON 11/19	\$0.00	12/10/15
		2nd	 2nd	DUE	\$8,228.64	04/11/16

Supplemental

Parcel Number	Owner	Inst	Action	Status	Amount Due	Late After
849-094-12-14 (SupplementalDetails.aspx?parcelNumber=8490941214)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,593.60	04/11/16
849-094-12-24 (SupplementalDetails.aspx?parcelNumber=8490941224)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$942.92	04/11/16
849-094-12-34 (SupplementalDetails.aspx?parcelNumber=8490941234)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$696.66	04/11/16
849-094-12-44 (SupplementalDetails.aspx?parcelNumber=8490941244)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,029.12	04/11/16
849-094-12-54 (SupplementalDetails.aspx?parcelNumber=8490941254)	SHIREY FALLS LP	1st		PAID ON 12/10	\$0.00	12/10/15
		2nd	 2nd	DUE	\$1,554.57	04/11/16

Unsecured

Bill Number	Owner	Status	Action	Amount Due	Payment Type
2011-001181 (UnsecuredDetails.aspx?billNumber=2011001181)	SILICON BORDER DEVELOPMENT LLC	OPEN	 Add	\$103.45	Balance
2015-000338 (UnsecuredDetails.aspx?billNumber=2015000338)	ZOSA RANCH INCAKA LILAC HILLS RANCH	PAID		\$0.00	Balance
2015-030097 (UnsecuredDetails.aspx?billNumber=2015030097)	RANCH CAPITAL LLC	PAID		\$0.00	Balance
2015-051729 (UnsecuredDetails.aspx?billNumber=2015051729)	SHEPPARD MULLIN RICHTER&HAMPTON LLP	PAID		\$0.00	Balance

2015-061535 (UnsecuredDetails.aspx?billNumber=2015061535)	ZOSA RANCH INCAKA LILAC HILLS RANCH	PAID	\$0.00	Balance
2015-065964 (UnsecuredDetails.aspx?billNumber=2015065964)	SAMUEL SCOTT FINANCIAL GROUP LS OF CIT FINANCE LL	OPEN	<div> Add</div>	\$148.78 Balance

To add additional payments to your shopping cart, please click "New Search" below.

The Treasurer-Tax Collector accepts Visa, MasterCard and Discover credit cards, and all American Express cards. A convenience fee of 2.19% is required for processing these cards. All other debit cards, dual-use cards, gift cards and prepaid cards are NOT accepted.

- Convenience Fee:
- Electronic Check: \$.00 per transaction
 - Credit Card: 2.19% of the total payment amount

New Search



Law Offices of
Julie M. Hamilton

January 8, 2015

Peter Eichar
County of San Diego
Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

**RE: Comments on Notice of Preparation of an Environmental Impact Report
Property Specific Requests General Plan Amendment and Rezone
Project No. PDS2012-3800-12-005; PDS2014-REZ-14-006
Env. Review No. PDS2012-ER-12-00-003**

Dear Mr. Eichar:

I represent Samir Salem, an individual interested in the above mentioned project. At this time, we do not have any comments on the Notice of Preparation. However, please notify my office of any opportunities for public input on the Property Specific Requests General Plan Amendment and Rezone in the future. We are particularly interested in any further opportunities for public input on the Property Specific Request (PSR) ID NC42. Please contact my office if you have any questions.

Very truly yours,

Julie M. Hamilton
Attorney for Samir Salem

DS24 Borrego Country Club Estates

We are against the denser housing zone change from 1 house per 10 acres to the dense 1 house per acre. Potentially this beautiful area will go from 17 homes to 171!

As you drive around the Borrego Springs area you will see many homes for sale and many have been on the market for a long while. One spec home has been on the market for 8 years and has not sold yet! If the 17 or 171 homes are built how many will be sold? The developers will probably tell you that all 171 homes will sell. Probably not.

Paved roads, water, power, sewer or a lot of septic tanks will be installed. On the subject of water... how can the county allow this development in our area? Golf and citrus are drawing down our aquifer at an alarming rate. 20,000 acre feet of water is used each year and the recharge rate is only 5,700 acre feet a year. People are doing the best they can to save water at their homes. Adding 17 or 171 homes does not seem logical when our drinking water is leaving us. We cannot do anything to slow down the tremendous amount of water used for commercial purposes because they pump it themselves. But, we can keep more from being used by stopping development of housing projects.

The area where Borrego Country Club Estates is going in is beautiful virgin desert with a forest of wonderful ocotillo and an ancient sand dune. It is a very pretty sight to drive by. Only a few scattered houses further west of this site exist. This site is also in a flood plain and ugly diversion methods will have to be put in place to protect the homes in this estate area. Next to unsightly, land will have to be taken from the owners westward, which will set a precedent, since it has not been done before in our beautiful valley. Also what will happen for sure is excessive lighting in this area. People will leave porch lights on all night and probably the lights on the front of their garages. Who wants to see this happen here? We are a designated Dark Skies Community.

The developers will say that Borrego needs growth, many jobs will be created, and there will be new tax money. We are doing just fine without the lights and traffic for this area. But after they remove the virgin desert to build their homes and abandon the project part way through what will we have? A destroyed desert and it will be something that will affect all of who live here along with tourist visiting the desert because it is beautiful.

If the 171 homes are built will they buy land next to it and put a golf course in too?

17 homes out here in this view shed is way too many and will destroy the beauty of the area. 171 homes built will be sickening.

Bill and Linda Haneline

Borrego Springs

From: [Ranitea Harispuru](#)
To: [Eichar, Peter](#)
Subject: Valley Center Owner About GPA
Date: Saturday, December 26, 2015 9:27:06 AM

Assessor Parcel # 1890132500
28341 Cole Grade Road, Valley Center
15.25 acres, currently zoned as "citrus groves"

Hi Peter,

We recently received the Notice of Preparation of An Environmental Impact Report, thank you for reaching out.

We were unable to attend the December meeting, but we'd like to get more information about what all of this entails for us property owners, as well as what has been decided already, what is in the works, and what is expected from us, as well as our rights and responsibilities in this project.

Please don't hesitate to call me at your convenience on my cell (# in my signature).

Best regards,
Ranitea

--

Ranitea Harispuru
MBA Candidate '17
Georgetown McDonough School of Business
[+1\(760\)500-2097](tel:+17605002097)
rharpuru@gmail.com

County of San Diego
Department of Planning & Development Services
5510 Overland Ave. Suite 310
San Diego, Ca. 92123

Att: Mark Wardlaw

PROJRCT Name: Property Specific Requests General Plan Amendment & Rezone

PROJECT NUMBER(S): PDS2012-3800-12-005; PDS2014-REZ-14-006

ENV.REVIEW NUMBER; PDS2012-ER-12-00-003

I received your letter on this project and would like to make my commence short and to the point. I object to every environmental issue change presented. I love the open spaces with nature the way God make it, not cluttered with housing tracts uprooting trees and disfiguring the landscape.

Spoiling the sweet quietness with crushing of rock and polluting the air with emissions from cars. We have a water shortage, so we don't need to have more people using it.
Allowing animals to have the freedom to live in their natural country side uninterrupted.

To the proposed Project changes to Land Use designations to increase residential densities of the PSR areas. My vote is to "NO" To each and every area mentioned from Bonsall to Valley Center.

Carol Helsel
2019 Sycamore Dr.
San Marcos, Ca. 92069

From: [Kerry Hunsinger](#)
To: [Eichar, Peter](#)
Subject: Borregos Rudyville
Date: Thursday, February 04, 2016 5:59:02 AM

Greetings,

I have been a full time resident of Borrego for over 35 years. We don't need another failed development across the street from one that has been through bankruptcy many times since its inception (Rams Hill). We can hardly support the Fire Department we have now and the second one required for this development will only increase the financial burden. This is pristine property that is most likely littered with Native American sites and is a beautiful Ocotillo Forest. Raping it for another failed development while current development struggle to survive is wrong. Borrego is not like other towns and does not grow at the same rate as other areas of So. Ca. Please don't allow this development.

Kerry Hunsinger
PO box 1551
Borrego Springs Ca
92004

Sent from my iPad

February 12, 2016

Kimberly Jones
5510 Overland Avenue, Suite 410
Mail Stop O-332
San Diego, CA 92123

RE: PROJECT NUMBER(S): PDS2012-3800-12-005; PDS2014-REZ-14-006
ENV. REVIEW NUMBER: PDS2014-ER-12-00-003

Dear Kimberly:

First I want to thank you for the invitation and opportunity to express some thoughts and concerns I have about the impact that is rezoning will have on Campo and the surrounding community.

1. Community Resources.
2. Water
3. Fire concerns
4. Changes in wild habitat
5. Road in and out will be impacted
6. Some of our fixed income resident's taxes that will increase as a financial hardship

Our community resources that will have the most impact on the schools in the area of class sizes, increase as well as teaches and busses, materials and supplies that are in the school budget. Fire department and medical are a concern also.

Campo is aired high desert with ongoing water concerns. How will the need for water for our Ranching and farming residents be protected? The use of ground water must be a necessity. That means captured water only with reservoirs of tanks that will need to be the developer's responsibility and expense.

Those of us that have lived in the Campo area for some time are aware that there is a 7-9 months' time period that we have high fire risk and live in such a way that we are always on watch for fire hazards. Will there be anyone coming into this area be able to experience that lifestyle or be comfortable with that ongoing reality. The entire community is on fire watch. One careless act puts the entire community at risk.

The encroachment on wild habitat is very real. When building human habitat, not enough thought is given to how much we lose as a result of not taking the time to look at what is irreplaceable. This diminishes our lifestyle as well. The quail, bobcats, skunks and possums live in Campo as well.

[Recipient Name]

February 12, 2016

Page 2

Road repair and expansion without putting strain on an already limited roadway accessibility in some areas.

My land parcels are used for family camping, recreation and are undeveloped, but I enjoy all of the parcels adjacent to mine. Developing property may be reassessed and any increase in tax would prove a hardship on some of the Campo residents.

Please mail any future correspondence to:

Aneva Ann Isaacs
2235 Serena Hill Drive
Ramona, CA 92065

You may also reach me by phone at 760-484-7352 or email janadee@live.com

Sincerely,

A handwritten signature in cursive script that reads "Aneva Ann Isaacs". The signature is written in dark ink and is positioned above the printed name.

Aneva Isaacs

From: [Lynn Jennings](#)
To: [Eichar, Peter](#)
Subject: Borrego Springs Development: Country Club Estates
Date: Thursday, February 04, 2016 8:39:09 AM

Dear Mr. Eichar,

I am writing to you today to express my strong concerns regarding the proposed Country Club Estates development in Borrego Springs.

The biggest impact that this dense development would have on the community would be environmental. The development will impact a unique ocotillo forest which now grows on the land. People come to the desert to view its natural beauty and destroying one of Borrego's great assets will not contribute to tourism which is the lifeblood of Borrego Springs.

Borrego's water supply is in a dire situation and threatens the existence of this community. Adding housing built out to this density will only exacerbate the problem. During a recent search on the internet I found that there were hundreds of lots for sale in the area, many of which have been on the market for years. Why do we need to add more?

There are many other reasons that I have to oppose this development which include the dust hazard from construction and grading of the land (including concerns about Valley Fever) and increased traffic to Country Club Road. This proposal simply does not make any sense and I respectfully ask you to reconsider it.

Sincerely,

Lynn Jennings
Borrego Springs

From: [Paul Johnson](#)
To: [Eichar, Peter](#)
Subject: Rudyville development in Borrego Springs
Date: Thursday, January 28, 2016 11:04:43 PM
Attachments: [OcotilloCholla.1205-copy.jpg](#)
[IMG_7345v3jpg-copy.jpg](#)

Dear Mr Eichar

I am a 42 year resident of Borrego Springs and I live in a section of the town called Ocotillo Heights, which is approximately 1/4 mile east of the development know as Rudyville. I understand that you will oversee the approval (or reapproval) of Mr Rudy Monica's 172 acre development and I wish to register my opposition to this project.

The area which is proposed for this project is quite unique within the Borrego Valley. It consists primarily of an old growth "forest" of native ocotillo (*Fouquieria splendens*) which is probably the most spectacular display of this iconic desert plant any where in San Diego County. Ocotillo is a very slow-growing shrub which often reaches heights of 15 to 18 feet. While the plant itself is not rare, such an outstanding population alongside a paved road (Borrego Springs Road/S3) is extremely rare. I have included several photographs of this ocotillo forest as attachments.

The proposed development includes many acres of sandy desert floor. That sand is currently stabilized by the roots and foliage of ocotillo, creosote bush, white bursage, teddybear cholla, beavertail cactus, dyeweed and a wide variety of other desert plant species, nearly all of which are large and beautiful specimens due to the totally undisturbed nature of the property. Development would clear those old-growth speciman plants and de-stabilize the sand. Since I and many of my neighbors live downwind from this area we will be directly in the path of the wind-blown sand. This would have a huge negative impact on the residents of Ocotillo Heights in the form of sand blowing up against house walls, into the houses through cracks in doors and windows, into gardens, and especially into swimming pools. The infiltration of wind-blown sand will inevitably lower the value of the properties and have a negative impact on the life styles of the owners.

I hope you will be able to see the negative aspects of the proposed "Rudyville" development and take the appropriate actions to deny this proposal.

Thank you.

Paul Johnson
3470 Santa Saba Rd (P.O. Box 1555)
Borrego Springs, CA 92004

From: RUSSELL JOHNSON [mailto:russelljohnson@prodigy.net]
Sent: Wednesday, February 03, 2016 4:05 PM
To: Fitzpatrick, Lisa
Subject: "Rudyville"

Ms. Fitzpatrick,

I had hoped to send this to Peter Eichar but was unable to get his email address. If appropriate perhaps you could forward this to him.

I am writing in opposition to the proposed development in Borrego Springs known as Rudyville. As I understand it the plan is for 172 one acre lots. If you live in Borrego this plan comes off as preposterous. Borrego Springs real estate is slow and depressed as any real estate agent will tell you. According to the MLS and Zillow there are between 123 and 129 properties currently for sale in Borrego. The notion that somehow developing and selling 172 bare lots is reasonable just makes no sense. This is a business plan headed to failure but not before a beautiful Ocotillo forrest is destroyed.

The proposed area at the mouth of Tubb Canyon is the windiest place in a very windy valley. Scraping off the desert to accommodate this sub-division will create dust which will inundate Rams Hill and the homes west of it whenever we have strong winds. The winter and spring winds here are very commonly over 50 mph. One only has to look to the off road area around Ocotillo Wells to see what happens when the desert is laid bare.

Finally, Borrego Springs is in a critical situation pertaining to the aquifer. The community is trying so hard to come to grips with what needs to change to allow for sustainable water supply. To allow a large scale residential development in the valley is to turn a blind eye to the water situation.

Frankly I am astounded that this is even under consideration. Greed cannot win out every time. I urge you to reject this plan as proposed.

Thank you very much for your consideration.

Russell Johnson
398 Big Horn Rd.
Borrego Springs, CA 92004

From: [Robert Keeley](#)
To: [Eichar, Peter](#)
Subject: DS24 Country Club Estates
Date: Wednesday, February 03, 2016 9:05:47 PM
Attachments: [DS24 Feb. 2016.docx](#)

The following letter is also attached as a "doc" file.

PO Box 2433
3466 Country Club Road
Borrego Springs, CA 92004
rhkeeley@earthlink.net
February 2, 2016

Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Email: Peter.Eichar@sdcounty.ca.gov

Attention: Peter Eichar

RE: DS24 Borrego Country Club Estates ("DS24")

Dear Mr. Eichar:

We are homeowners in Borrego Springs. Our home is about 0.5 miles west of DS24. We are very familiar with the site, and generally familiar with the history of the proposed project over the last several years.

We oppose the amendment to the General Plan of San Diego County that would reactivate DS24. We view it as a longshot gamble to profit on the land while visiting a much larger loss on the community as a whole. The purpose of the General Plan is to avoid such ill-conceived ventures, and to facilitate development of attractive, efficient communities that people want to live in. DS24 is asking the county to undo several years of planning, and to restore the prior situation.

The prior situation had Borrego Springs zoned to accommodate a "full-time population of 13,000" (Borrego Springs Community Plan of the San Diego County General Plan, 2011, p. 16. "Plan"). The current full-time population is about 2,700 (Plan, p. 5). The Borrego Springs economy is based on tourism and retirees (Agriculture employs about 75 people full-time, but will diminish over the next decade or two as the water supply becomes progressively more expensive to access.). Future growth depends on having a community that attracts people. DS24 is another step toward the haphazard development that hold back so many desert towns (e.g. Twentynine Palms); it is exactly the kind of development that the Plan tries to prevent in the interest of turning Borrego Springs into a thriving community.

The Plan has a view of making Borrego a more attractive place to visit and locate. Its goal is to grow from today's 2,700 full-time residents to 8,000 (Plan, p. 16). Part of the plan is to discourage development of marginal sites (Plan, p. 16), among them DS24.

Why is DS24 marginal? It is located in a high wind area, by far the windiest part of Borrego Springs. A bit of history: DS24's name, "Country Club Estates," comes from the abandoned section of Country Club Road that borders it. When Borrego Springs began in the late 1940's, the developers put the country club and golf course at the south side of the new town with Country Club Road running along it. They quickly learned that the south side was way too windy for a golf course, and moved it north. The road was never renamed, but its neighborhood developed very slowly. Even today, 65 years after development began, only 39% of the lots are built (212 houses on 549 lots in the tracts within 0.5 miles to the east and west of DS24. By any standard 39% built in 65 years is a development failure—economically and aesthetically.

If development were to begin, it would levy a cost on the community by making Borrego Springs a less attractive place to visit or locate. Borrego would become less attractive to new development in several ways. Among them are

1) DS24 removes a buffer zone with the park, thus detracting from the scenery that attracts visitors in the first place,

2) DS24 makes a mockery of the Plan (anyone who did not like the initial outcome simply requests and gets an amendment to reverse the Plan), thus creating doubts whether future development will be thoughtful per Plan, or random/haphazard/ugly. We are likely to look more and more like other marginal desert communities, and people who doubt the future viability of Borrego Springs are unlikely to spend the \$150,000-\$400,000 needed to build a home here.

3) The frequent high winds at DS24 will stir up lots of dust, if development begins and the currently stable landscape is disturbed.

4) Unless, contrary to our expectation, DS24 succeeds as a development, it will leave one more long-term scar of abandoned land. One of Borrego's negatives today is the number of empty lots and abandoned agricultural lands on the periphery of town. We need to undo that negative, not add to it.

We would close with the thought that at some future time, a few decades hence, the time for development at DS24 may come. Infilling of today's many hundred undeveloped lots (Within just ½ mile west and east of DS24, encompassing only 6% of the area of Borrego Spring, there are 345 undeveloped lots.) may lead to demand on the outskirts, and people may tolerate the wind once they can not locate in the more mild part of town. At that point it could be appropriate to consider developing DS24. Until then we hope you will stay with the Plan that San Diego County so carefully researched and formulated.

Thank you for your consideration of our thoughts.

Sincerely,

Sandra Keeley and Robert Keeley



Twin Oaks Valley Community Sponsor Group

P.O. Box 455

San Marcos, Ca. 92079

Sent via Email to Peter.Eichar@sdcounty.ca.gov

February 17, 2016

Mr. Mark Wardlaw, Director
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

**RE: PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENMDENT
& REZONE Notice of Preparation of an Environmental Impact Report –
Comments: Project Number(s) PDS2012-3800-12-005; PDS2014-REZ-14-006**

Mr. Wardlaw:

The Twin Valley Oaks Sponsor Group, on a vote of 5-0-0, approved the following letter:

We appreciate the opportunity to respond to the Notice of Preparation to GPA 12-005. Within our community there is concern that the purpose of this GPA appears to be only to accommodate a few property owners who felt they deserved more density. In many cases within the Twin Oaks Valley Community planning area, these property owners have purchased highly constrained land; land located in flood zones, watershed land, steep slopes, high fire danger areas or land containing sensitive habitat areas. Therefore, the SEIR needs to discuss how the money spent on this GPA by the County taxpayers will benefit the public at large greater than the property owners making the Property Specific Requests (PSR). The public needs assurance that the GPA is not driven by special interests but by wise planning. The SEIR should also point out flaws in the General Plan that allow County sponsored PSRs as a fix.

During the development of the current County General Plan, Planning Director, Gary Pryor, said the one of the intents of the then proposed County General Plan was to provide realistic expectations of what could be built given the constraints of the land. In his view, one of the key problems of the old General Plan was that

it created unrealistic expectations by property owners who purchased land that had topographical and environmental challenges.

Even at a macro planning level, the SEIR needs to demonstrate the density requested in each of the PSRs is attainable and does not create unrealistic expectations by property owners.

The proposed GPA, that addresses these property owners PSR to increase density, could have a significant negative impact on rural Twin Oaks Community and the adjacent communities. Although we can appreciate that the General Plan is a macro level plan, the General Plan needs to make sure what is in the plan is feasible and practical. The SEIR for the GPA needs to study the feasibility and practicality of the General Plan and GPA given the future funding for services, topography, ability of water, climate change, greenhouse gases, and other factors that ultimately impact growth within the Twin Oaks Valley planning area. Therefore, the SEIR for this GPA needs to open up the General Plan and re-evaluate both with and without the PSRs all impacts so that the public knows the General Plan with and without this GPA is feasible.

Transportation and Traffic- Circulation Feasibility:

For instance, the Circulation Element for the General Plan notes widening of both Buena Creek Road and Deer Springs Road but both roads are constrained by waterways and either steep slopes or existing dwellings. The PSRs proposed for the GPA stand to significantly increase traffic through the Twin Oaks Community and may require mitigation, including the widening of the above referenced roads. The SEIR needs to demonstrate the widening of these roads is feasible, meaning it is physically possible and economically practical to do so, in order for the public to be assured that future road improvements will not only accommodate the General Plan density but any increase in density created by the PSRs or any growth inducement the PSRs will trigger.

The SEIR for the GPA should also discuss if right of way currently exists to widen roads that could need to be widened to accommodate the PSRs. If not, the SEIR needs to discuss how additional easement will be obtained. This is part of the feasibility study that needs to occur so that the public knows the any mitigation for road improvements in the future, needed to accommodate either the current General Plan or the GPA, may result in the condemnation of private property or evoke the eminent domain process. The public shouldn't find this out during project level planning. The SEIR needs to study Deer Springs Road, Buena Creek

Road, Twin Oaks Valley Road, and the future extension of Las Posas Road as well as SR78 and I-15.

Because the existing roadways through the community are congested and not adequately maintained, the additional density increase from the PSRs may result in a physical deterioration of the existing Twin Oaks community because residents may not have access to a functioning road system. Many residents along Deer Springs and Buena Creek Road report having difficulty getting out of their driveways due to traffic. In addition, the roads have been allowed to deteriorate which lowers the desirability of the community and lowers property tax revenue. Several of the PSRs with current project maps submitted to either the County or adjacent Cities, contain largely residential development not be served by public transportation. Since residential development historically does not generate enough tax revenue to pay for services, including roads maintenance, the SEIR needs to study the long term impacts of the PSRs on traffic through the community and the long term impact on the County's ability to maintain the roadway system with additional density from the PSRs.

Community Character/Community Plan:

The SEIR also needs to compare the current population of the Twin Oaks Valley Community with the projected density under the General Plan at build out, and compare these numbers to the maximum potential density with the PSRs that are within the Twin Oaks Valley Community planning area. The SEIR also needs to look at how this change in density will impact the community character of the Twin Oaks community. The SEIR finally, should study the cumulative impacts of all the PSRs proposed in the North County on the Twin Oaks Community and neighboring communities.

Because the County General Plan references Community plans the SEIR needs to study the impact of the PSRs on past work done on the Twin Oaks Community Plan. The Twin Oaks community worked many years with County staff on its Community Plan. In fact, the Community has had an unofficial printed Community Plan since the 1980s. Although this older plan had not been adopted by the Board of Supervisors both staff and the community referenced the former Community Plan during workshops on the new Community Plan. Unfortunately, the new Twin Oaks Community Plan could not be completed in time to be included in the New General Plan, but the documents exist as a draft Community Plan. The community continues to ask County staff help to finalize the Twin Oaks Community Plan.

We feel strongly that the completion of the Twin Oaks Valley Community Plan should be part of this GPA so that the General Plan is complete for the Twin Oaks Community and the PSRs can be reviewed in context to the Community Plan. To accommodate the PSRs first and then craft a Community Plan to support the PSRs seems like backward planning. However, if the County intends to use this method of planning then the SEIR should explain to the public the method of its logic and study the impact of not completing the Twin Oaks Community Plan has on the General Plan. The SEIR should also study the impact these PSRs will have on past work done by Staff and the community on the Twin Oaks Community Plan. The County has documents from the previous Community Plan and the in process Draft Community Plan. If not, those documents are available from the Twin Oaks Valley Community Sponsor Group and should be included in the SEIR for the GPA.

In addition, since the County is willing to spend resources that include staffing, money and time to complete SEIR for a small segment of the County's population asking for PSR, it should also complete the other 7 remaining community plans prior to the completion of any SEIR in those areas too.

According to the County, the "General Plan provides a renewed basis for the County's diverse communities to develop Community Plans that are specific to and reflective of their unique character and environment consistent with the County's vision for its future". The community plan supports the General Plan and defines the community character of the area.

If there are no funds available to complete the community plans, then the SEIR for the PSR should be put on hold. If the County proceeds with the its commitment of limited resources, then it needs to explain in detail why there is no conflict of interest or bias. Such a one-sided approach will not benefit the community and will generate significant opposition and anger.

Growth Inducing:

Because the density proposed by the PSRs could significantly increase the population of the Twin Oaks community and place higher density housing next to older rural residents, the SEIR for the GPA needs to study if implementing the PSRs will be growth inducing or divide an existing community.

The inclusion of Study Areas, properties that are being studied to also get an increase in density even though the property owners didn't request appears to be a

growth inducing. The SEIR needs to discuss why the Study Areas were included in the GPA and if this action is growth inducing.

Study Areas:

Since most of the Study Area parcels are on 1.5 to 2 acres and on steep slopes, they may not be able to build to the density being considered in the GPA. The SEIR needs to evaluate the Study Areas, on parcel-by-parcel bases, to show the public how the Study Areas will/will not benefit from being included with the PSRs in the GPA. In addition, the SEIR needs to discuss if the inclusion of the Study Areas was to help prevent the interpretation that the PSRs were “Spot Zoning” or “granting to a particular parcel of land a classification concerning its use that differs from the classification of other land in the immediate area. Spot Zoning amounts to an Arbitrary, capricious, and unreasonable treatment of a limited area within a particular district and is, therefore, a deviation from the comprehensive plan”.

Housing:

The GPA for the PSRs appears not to be needed to accommodate housing in the County according to the County of San Diego General Plan Annual Progress Report, 2014 Accomplishments, report to the Board of Supervisors <http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP-APRs/GPAPR2014.pdf> This report states on page 2, under Housing Element Update , “This revision demonstrated that the County General Plan fully accommodates the unincorporated county Regional Housing Needs Assessment for the planning projection period of 2010 through 2020” The SEIR for the GPA needs to discuss how the increased density as proposed by the PSRs is needed given the revised Housing Element states that the existing GP accommodates for adequate housing.

Habitat Planning

Because the Twin Oaks Community contains a rich assortment of flora and fauna and contains several creeks, the SEIR for the GPA needs to consider the impact the PSRs could have on habitat planning. The Twin Oaks Community contains valuable habitat that may become part of NC Multiple Species Conservation Plan and which could be impacted by the GPA. In addition, the GPA may impact work being done on the adjacent Multiple Habitat Conservation Plan. (The southern

portion of the Twin Oaks area is listed in the Federal Register as the Focused Planning Area for MHCP, Multiple Habitat Conservation Plan).

The SEIR needs to note that portions of Twin Oaks contain important watersheds and wetlands as well as sensitive and endangered species. In addition, the Buena Creek Gnatcatcher Preserve is located within the Twin Oaks community and may be directly or indirectly impacted by the PSRs and /or the Study Areas. Before this GPA is completed the North County MSCP should be completed so that the public can understand the full impact the PSRs could have on both the North County MSCP and the adjacent habitat conservation plan, the MHCP.

Alternatives to be Studied

The SEIR should study an alternative to make whole the property owners who have put forth the PSRs while keeping intact the density of the current General Plan.

During the General Plan process for the current General Plan a plan to compensate property owners who were to be “downzoned” was proposed. It used a Transfer of Development Rights as a mitigation measure to offset any loss of density.

Properties getting a density increase would compensate properties getting downzoned. For some reason this was dropped and thus triggered the whole PSR issue at the Board of Supervisors. The SEIR should study an alternative that will apply a development fee to those properties who were upzoned during the General Plan to be used to compensate those properties downzoned and thus removed the need for the PSRs and the SEIR impact on the County General Plan. Upzoning as part of the objectives stated in the 2014, Appendix 1 of the Housing Element Implementation, (CCR Title 25 6202) to Maximum Development Yields in Villages to achieve 80% gross density.

(<http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP-APRs/GPAPR2014.pdf>) could be used to obtain compensation for the PSRs.

The SEIR should study an alternative to balance out the density within each community. The Transfer of Development Right should also be studied as mitigation for the community to offset the impacts of the PSRs. Since the PSRs reflect an increase in density fees through the development process gathered from the PRS could be used to reduce the density elsewhere in the Twin Oaks Planning Area by compensating those property owners impacted by the density decrease. The overall result would be a balanced density within the community and may reduce the environmental impacts of the GPA.

We hope that you will take the necessary steps to ensure that the resources used by the County is applied equally to all those involved and not just those who have asked for Property Specific Request. A time-line of when the completions of the outstanding eight (8) community plan, including the Twin Oaks Valley Community Sponsor Group would also be helpful during the SEIR process.

Sincerely,

Tom Kumura, Chair, Twin Oaks Valley Community Sponsor Group
Tomkumura@aol.com; (760) 310-8882.

Copy: San Diego County Planning Commission c/o
Lisa.Fitzpatrick@sdcounty.ca.gov; Eric.Lardy@sdcounty.ca.gov;

From: Tami [mailto:sugarsbeat007@yahoo.com]
Sent: Monday, January 04, 2016 12:46 PM
To: AdvancePlanning, PDS
Subject: Property Specific Request Comment

Ref: Assessor Parcel # 1880900700
Commercial C46

I Roger Lincoln am requesting that my property, Assessor Parcel number 1880900700 remain Commercially zoned property. I bought it as commercial property and I want it to remain the same. I talked to Bob Cilantro and he assured me that the property would remain commercial. I will continue to attend any and all meetings regarding these matters.

Thank you for your time,

Roger Lincoln
(760)751-3922

Jan/4/2016

[Sent from Yahoo Mail on Android](#)

February 3, 2016

Peter Eichar
Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
re: Project No. DS24, "Rudyville"

Dear Mr. Eichar:

We are residents and property owners in Borrego Springs who have grave concerns about the project referenced above. As you know, the current application seeks to amend the General Plan to change the zoning on this parcel, allowing one acre lots and the potential of 171 new residences. This plan is even worse than an earlier proposal for 10 acre lots – which met with widespread opposition. The arguments against the prior application are even stronger today:

1. It would result in the destruction of a majestic ocotillo forest and the resulting negative impact upon both vegetation and wildlife, including endangered species.
2. Destruction of the native vegetation will likely lead to sandstorms, degradation of dunes, air pollution, and an increase in flash flooding.
3. Our already stressed aquifer cannot handle a development of this size and density.
4. There is no need for additional small residential parcels in Borrego Springs and certainly no need for 171 of them. There are empty lots for sale everywhere. These facts should be sufficient to result in denial of the application. But the fact that the taxpayers are paying for the EIR makes this project particularly suspect. We trust that, when all the facts are openly discussed, this project will end up in the recycling bin, where it belongs.

Sincerely,

Tom Lohr, Jim Lohr, Robin Reynolds, Kathy Brigham, Dennis & Debora Stanger, Jack & Helen Hamilton, Clint & Carol Brandin, Cheryl Criss, Delores del Bono, Frank and Barbara Coates, David Lasley, Don Fay, Bob Phillips, Cecelia Kuhn, Julie Nyssen, Kym & Scott McNabb, Liz Carr, Robert Andrews, Bill Herman, Christina Warren, Valerie Rogers, Lorie Young, Kathy Walkenhorst, Betsy Knaak, Bill Haneline, Karen Dege Saunders, Steven Forrest, Gene Wild, Alonso Araujo, Judy Duncan, Thom Keys

From: [Lynne Malinowski](#)
To: [Eichar, Peter](#)
Cc: [Lynne Malinowski](#)
Subject: North County Metro Specific Requests GPA and Rezone
Date: Thursday, February 25, 2016 3:06:25 PM

February 25, 2016

Mr. Mark Wardlaw, Director

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

RE: North County Metro Property Specific Requests GPA and Rezone: Study areas NC37, NC38, NC41, NC42, and NC48

Mr. Wardlaw,

I am a property owner in San Marcos, and a horse rider in the Twin Oaks Valley area (North County Metro.)

I have looked at the requests cited above, and have deep concerns about the potential adverse changes that would be made to the character of this area.

The General Plan for 2020 was made with the intention of locating development in certain specific areas and allowing the retention of rural character in existing rural and agricultural areas. In other words, put the developments where the transit and the infrastructure already exist, not continue a sprawl into our precious low density back country and rural areas.

Changing the zoning on these areas to have increased density will put further strain on the already maxed out roads which already need a lot of maintenance. It will further exacerbate the safety issues of high speed traffic in rural winding roads (e.g., Deer Springs Road, Twin Oaks Valley Road, and others). And it is well known that when major roads become congested, local residential streets become alternatives for bypasses, and those 25mph speed limits are recklessly unheeded. It is unsafe to try to walk, bike, or ride horses in these areas due to the traffic conditions. We shouldn't be compounding these problems with additional traffic.

In fact, if you look at this specific North County Metro area, you will see the history of quiet, rural/agricultural, horse friendly character, which has attracted likeminded residents to choose this area above others to live and locate their businesses for more than a century. This area is a jewel in the region where encroaching subdivisions and commercial development are applying pressure to 'pave paradise and put up a parking lot.' These specific requests aim to do just that. The rural quality of life is the legacy of this valuable area, and should not and cannot be erased for the sake of unchecked sprawl.

Please help save the Twin Oaks Valley by retaining the current GP2020 zoning for these parcels.

Lynne Malinowski

Property owner

Lynne.Malinowski@gmail.com

Potrero Community Planning Group
P. O. Box 9
Potrero, CA. 91963

February 4, 2016

To: Mr. Peter Elchar
County of San Diego
Planning and Development Services
5510 Overland Ave., Suite 310
San Diego, CA. 92123

Re: Comments on the Property Specific Requests General Plan Amendment, PSRs GPA

Overview: The proposed project is a Property Specific Requests GPA to the San Diego County General Plan. The proposed project would result in revisions to the existing General Plan Land Use designations and zoning (when necessary for consistency) on private properties including their surrounding study areas, totaling approximately 13,000 acres within approximately 1,149 parcels throughout the unincorporated County. Primarily, the proposed project would change certain Land Use designations within some community planning areas (CPAs) and sub regional planning areas (Sub regions).

Comments:

- 1) Our initial findings were that there was not enough time to respond, the proposal was not consistent with existing plan, and that there was insufficient evidence of a need to change general plan.
- 2) The County recognized that the initial time limit was adjusted to allow for input and comment. The New date for response was adjusted to February 2016. The Potrero Community Planning Group appreciates the effort to allow for our response.
- 3) With the cooperative effort to address future growth in the rural areas of San Diego County contained within the General Plan, the PCPG feels that any amendment to the plan is not consistent with the current plan. Additionally this runs counter to Supervisor Dianne Jacob statement on 7/10/09 at Sandag “it’s real clear to me that when you’re talking about more density, we should in no way be talking about putting it in the unincorporated area, certainly not in the backcountry. It needs to be placed where there is infrastructure, where there’s transits, where there’s commerce and where there’s job centers.”... “When the groundwater is depleted, there is no water for the people that live in these areas. It’s the lifeblood of two-thirds of the portion of the eastern part of our County. So groundwater constraints certainly should be taken into consideration as we talk about numbers and so on.”
- 4) Lastly, the PCPG found insufficient evidence either from the County or developers that there is a real need to change the density and consequently the quality of life in our rural areas. As such, that lack of proof the PCPG felt, does not warrant a change to the existing San Diego County General Plan.

Thank you for your consideration.

The Potrero CPG voted on 11 February 2016, 5 ayes, 0 nay, 3 absent, 1 vacancy after public participations and board discussion to send response on the issue.

Sincerely,

Carl Meyer
Chairman, Potrero CPG
(619) 820-6429

Hannah Alonso
Member, Potrero CPG

Roberto Uribe Jr.
Member, Potrero CPG

Distribution: Mr. Mark Wardlaw, Director PDS

Planning and Development Services
5510 Overland Avenue
Suite 310 San Diego, CA 92123
Attention: Peter Eichar

January 31, 2016

Re: Borrego Country Club Estates
Project Number: DS24
aka "Rudyville"

Dear Mr. Eichar:

We were surprised and extremely disappointed to read that the project indicated above is still under consideration and that San Diego County's department of Planning and Development services has issued a notice of preparation of an environmental impact report (EIR). Years ago, when the local community became aware of the proposed project, there were a series of community meetings and actions intended to make the residents and then the county aware of the consequences of development of this land. At the time an EIR was mentioned and we believe it was to be funded by the developers.

Now it seems it is the tax payers who will be funding the study. We are not quite sure how that change came about. Whoever funds the EIR, it is, in our opinion a grave mistake to go forward with the project and, now, a waste of taxpayers' money to do the EIR.

Development of this property would be an environmental disaster for several reasons:

1. It is in a flood plain and could potentially lead to significant consequences if there were residential development of the land... and flooding.
2. Building would require scraping of the berm or sand dune on the land which would cause significant sand/air pollution in the whole valley. The prevailing winds are from the west and the homes to the east of the berm would be inundated with blowing sand. We are well aware of the strength of the winds in this valley having had 600 square feet of roof blow off and over the house a few years ago; the next year the wind completely destroyed a shed. This is not a place to scrape the vegetation off a tract of land and leave it exposed to the wind.
3. There are a variety of desert plant species to be found on this property that would be eliminated including a wonderful old ocotillo forest. Ocotillo is a species unique to the Borrego valley. A 1950's map for tourists shows the ocotillo forest as a feature to be visited. The forest is still there and would be decimated, if not totally destroyed, if Borrego Country Club Estates goes ahead. (We sent a copy of the tourist map to the county during the first round of the community's consideration of this project and may well still be in your records.)
4. Borrego has significant water problems. The aquifer is shrinking at an alarming rate. It is well documented that we annually consume four times more water than is going back into the aquifer yearly... and this project would most likely not conform to the yet to be promulgated requirements of Borrego's Sustainable Groundwater Management Act.

Furthermore, there is currently a surplus of residential lots available in and around Borrego. The provision of 172 more lots is unnecessary.

One wonders if the relationship one of the project's principals has with Supervisor Bill Horn is a factor in keeping this ill thought out, unwanted and devastating project alive.

Lastly, some years ago there was a cartoon in the local paper (the Borrego Sun) depicting the community's feeling to the decision to terminate the project. It showed two rabbits looking at a man digging up a grave with a headstone saying Rudyville RIP. One rabbit is asking, "What's he digging up? The other rabbit replies, "Rudyville and I wish it would stay buried." Now for some thoughtless, self-serving reason it is being considered for resurrection. Please be rational and reconsider.

Respectfully,

Saul L. Miller Ph.D
Laara K. Maxwell Ph.D.

Homeowners - 3363 Broken Arrow Road
Borrego Springs, CA 92004

760 767 5496
P.O. Box 1763
Borrego Springs
CA 92004

*P.S. Please see above-mentioned cartoon,
published in The Borrego Sun,
enclosed. Thank you*

Bunny & Hare

Rodville +
I wish it would
stay buried
What's
he digging
up?

SAUL
MILLER



Saul

BORRERO San Newspaper

BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



BY ELECTRONIC MAIL

January 30, 2016

Mark Wardlaw, Director
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: Notice of Preparation of Supplemental EIR for the County's Property Specific Requests General Plan Amendment and Rezone

Dear Mr. Wardlaw:

The Bonsall Sponsor Group reviewed the proposed Property Specific Requests submitted to our group and the following are our comments.

1. The County has not completed all of the Planning and Sponsor Group Community Plans throughout the county. That being said the County has an obligation to complete all community plans for the County General Plan (GP) to be whole. Why having a second round of Property Specific Requests (PSR) that are not only out of compliance with the GP but do not meet the growth expatiations of the communities.
2. As the San Diego County General Plan and the Bonsall Community Plan was approved by the Board of Supervisors in 2011 **we have not asked for and do not want to CHANGE our approved community plan how did we get placed on this list?**
3. As all property in Bonsall was reviewed at that time for density and the community of Bonsall residents were willing to see our population change from 11,000 to 17,000 with buffers and a green belts along the boundaries of the community things have already changed and it has been all of five (5) years
4. We have seen a project of 300 acres of prime agriculture land ask to be annexed into the City of Vista on the south west boundary of our community and now with these PSR presented we will now have our eastern boundary impacted on both sides of Highway 15. Again we will see agricultural and our buffers eliminated and thus becoming just another linking community without any identity.
5. The Bonsall Community Plan was established to create density and zoning which staff is moving forward to change 1,181 acres in Bonsall to higher density and the change the tapestry and identity of Bonsall. The PSR near Aqueduct Road have steep slopes and high fire risk, violating Policies LU-6.11, LU-7.1, LU-9.2, S-1.1 and S-7.1.the proposed PSR in Bonsall cannot be reconciled with any of the applicable Update Policies. This area would also require a new road system though out and the loss of more agriculture if approved.



<http://www.bcsbg.org>



BONSALL COMMUNITY SPONSOR GROUP

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One of the three Goals of the GP was to promote agriculture however we are losing it by the hundreds of acres both in the GP and through these “late to the GP requests”. Where were they during the General Plan Update and why were they not processed during that time?

6. Who is paying for this density update? Is this the funds that the County proposes to spend of up to \$1.3 million in taxpayer funds to process these requests in a General Plan amendment. This is a private benefit at cost to the public with increased infrastructure and services costs required to serve additional development.
7. When reviewing the GP we noticed LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.
8. GP -LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands. The Bonsall Community Plan 1.2 Community Growth Policy Goal LU-2.1 Development that centers inside the core Village in Bonsall and discourages spot development outside that area. The PSR suggested for Bonsall are not within the community growth policy nor do they support our Residential Land Use while maintaining and enhancing the existing rural atmosphere of the community.
9. GP -LU-2-4 Relationship of Land Uses to Community Character. ENSURE that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area. How do you rationalize this statement within the approved GP and the spot development being suggested in the PSR?
10. GP - LU-6.2 Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources. Again the proposed PSR do not conform to the GP nor the Bonsall Community Plan.
11. The NOP does not state why the proposed additional dwelling units are “necessary” or “desirable” to add to the already over 72,683 new units provided for by the newly adopted General Plan or how the General Plan with its focus on planned growth in or adjacent to existing or planned higher density and infrastructure (and thus reduced sprawl and greenhouse gas emissions).
12. The NOP does not, but should make clear what impact if any approval of the individual parcels (or the adjacent “study area” parcels) would have on the pending Accretive Lilac Hills Ranch Project, whether that Project is approved, or denied.



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13. The NOP does not but should make clear what impact if any approval of the individual parcels (or the adjacent “study area” parcels) would have on the pending NewLand Sierra Tentative Map Project, whether that Project is approved or denied.
14. Will there be a Project Alternative that proposes just the Property Specific Request parcels (without the “Study areas”) but at reduced densities that those requested.
15. The NOP does not provide the Public with sufficient information to intelligently comment as required by CEQA.

In summation the Bonsall Community Sponsor Group does not see how staff can prepare the NOP for Property Specific Requests General Plan Amendment and Rezone without having completed the Community plans for all 26 communities in the County of San Diego before they recommend changes to the 1,149 parcels in the communities. The cost to the public is not rational with the \$2.3 million dollar benefit going to private property owners that did not participate in the approved 2011 General Plan this is not a public benefit and the \$2.3 million should not be used for this purpose.

Another concern of the Bonsall Sponsor Group had was with the County of San Diego not currently meeting the State of California’s Green House Gas Emission Standards it appears that the increase in density throughout the unincorporated County that the NOP proposed revision is not in compliance with the State as well as the Community Plans that were approved and included in the 2011 General Plan.

Sincerely,

Margarette Morgan

Margarette Morgan, Chair
Bonsall Sponsor Group



<http://www.bcsbg.org>





Twin Oaks Valley Equestrian Association

PMB 430, 197 Woodland Pkwy, Suite 104 - San Marcos, CA 92069-3020

email: twinoaksvalleyequestrian@gmail.com

www.keepitequestrian.org

Sent via Email to Peter.Eichar@sdcounty.ca.gov

February 25, 2016

Mr. Mark Wardlaw, Director
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: North County Metro Property Specific Requests GPA and Rezone: Study areas NC37, NC38, NC41, NC42, and NC48

Mr. Wardlaw,

The Twin Oaks Valley Equestrian Association, on a unanimous vote of 8-0-0, approved the following letter:

Our North County Metro area is currently being studied for amendments to the General Plan. The properties under consideration are asking to increase density in an already impacted area. This raises several concerns for both residents and business leaders within the region:

Community Character:

The area of Twin Oaks is rural residential and has had a long history of agricultural farming and equestrian heritage. Businesses and residents interested in the rural lifestyle associated with these qualities have gravitated to this community to enjoy the extra space larger lots and lower densities provide. Twin Oaks has a unique character and has been an equestrian hub with Walnut Grove Park and the existing regional trail system being central to our community.

Infrastructure Limitations:

The rural residential and agricultural nature of our community creates natural limitations. As agricultural business evolves into a high impact industry, there is little contribution to our community's roadways and infrastructure. In addition, the unmet infrastructure needs associated with rapid growth in San Marcos and surrounding areas has generated high volume cut-through traffic in this region, and our roads are congested and failing. The region sees very little support to accommodate these impacts as the county continues to grow.

Further, our community and the properties requesting density increases have sensitive drainage issues and topographical challenges that will be adversely impacted with the introduction of more traffic and congestion, and we are deep in the midst of a multi-year severe drought. There are limitations to what this community can support in terms of residential development and increased density, and these zoning changes stand to impact areas far outside the scope of the development projects proposed.

Conclusion:

We understand that our community will evolve and change with the times; growth is inevitable throughout the county. However, as agricultural operations continue to expand and the county explores further increases in density, we want to preserve the rural character that is our history and our legacy for the current residents as well as for those who have long been drawn to this Twin Oaks community to enjoy the horse and rural lifestyle.

We are asking that the zoning currently in place not be amended and that all future zoning consideration follow our established community plan. Attention to the Master Parks and Trails Plan implementation to fulfill connectivity between City and County master trails plans should remain a high priority, as well as the continued inclusion of trail easements as part of any future subdivision or planned development of these lands. While members of the community seek to establish balanced partnerships with developers, it is important that the character of the community be preserved and its limitations be recognized.

Patty Morton

Patricia Morton

Chair, Twin Oaks Valley Equestrian Association

From: Patty Morton [mailto:patty@pathfinderfarm.com]
Sent: Friday, February 26, 2016 1:18 PM
To: Eichar, Peter
Subject: RE: North County Metro Property Specific Requests GPA and Rezone: Study areas NC37, NC38, NC41, NC42, and NC48

February 26, 2016

Mr. Mark Wardlaw, Director
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: North County Metro Property Specific Requests GPA and Rezone: Study areas NC37, NC38, NC41, NC42, and NC48

Mr. Wardlaw,

Our area is currently being studied for an amendment to the General Plan. The properties under consideration are asking to increase density in an already impacted area. The area of Twin Oaks is rural residential and has had a long history of agricultural farming and equestrian heritage. Business and residents interested in the rural lifestyle associated with these interests have gravitated to this community. Twin Oaks has a unique character and has been an equestrian hub with Walnut Grove Park and the existing regional trail system central to our community.

The rural residential and agricultural nature of our community creates natural limitations. Agriculture business is evolving into a high impact industry that does not directly contribute financially to our communities' roadways and infrastructure in addition rapid growth in the San Marcos and surrounding areas have generated high volume cut through traffic and our roads are congested and failing.

Our roads need long overdue upgrades- our community and the properties requesting density increases have sensitive drainage issues and topographical challenges, we are experiencing severe drought conditions. The reality of our community is the fact that there are limitations to what it can support as far as residential development and increased density. Our community will evolve and change with the times. Growth is inevitable – density is on the rise, agricultural operations continue to expand. We want to preserve the rural character that is our history. People have long been drawn to this community to enjoy the horse and rural lifestyle.

I am asking that the zoning currently in place not be amended and that all future zoning consideration follow our established community plan. Attention to the Master Parks and Trails Plan implementation to fulfill connectivity between City and County master trails plans should remain a high priority. A balanced process in our community's development is needed.

Patty Morton
2101 Marilyn Lane San Marcos CA 92069
APN 182-074-10-00

From: [Patty Morton](#)
To: [Eichar, Peter](#)
Subject: RE: North County Metro Property Specific Requests GPA and Rezone: Study areas NC37, NC38, NC41, NC42, and NC48
Date: Friday, February 26, 2016 1:02:19 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Sent via Email to Peter.Eichar@sdcounty.ca.gov

February 25, 2016

Mr. Mark Wardlaw, Director
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

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Patricia Morton

Chair, Twin Oaks Valley Equestrian Association

From: Carol Navagato
To: Elchar, Peter
Subject: PSRs GPA
Date: Saturday, February 06, 2016 1:36:13 PM

to: <Peter.Elchar@sdcounty.ca.gov>

subject: 'PSRs GPA'

Project name and number: PSR ID # NC42 and Study Area.

From:

Carol Navagato, member of **Hidden Valley Zen Center**:

2626 Sarver Lane, San Marcos, CA 92069.

PO Box 1355, San Marcos 92069-1355.

phone: 760-591-9893.

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2 acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources : This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat then in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleontological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are solid granite and decomposing granite. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air pollution UNNECESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is not mitigate-able, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

Hydrology and Water Quality: Existing sensitive habitats will be destroyed due to changes in water and ground water levels during and after construction. We are very concerned about the dry stream on our property and our many old native oaks.

Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short

sighted development, creating enormous traffic...

Noise : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). In addition it is unthinkable that the necessary blasting and grinding for new developments (e.g. Newland Sierra) will not by far exceed the allowances for noise for the years(!) of ground preparation and construction.

Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and exiting high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Thank you!
Carol Navagato , HVZC

From: [Jim Neuman](#)
To: [Eichar, Peter](#)
Subject: RE: Borrego Country Club Estates, Project DS24
Date: Tuesday, January 19, 2016 11:22:33 AM

Dear Mr. Eichar - I am writing to express my views regarding the proposed project referenced above. If approved and implemented, this project would have serious detrimental impacts on the Borrego Springs community, as summarized below.

(1) - It is well known that the ground water supply in the Borrego area is in serious overdraft. To approve a large development project in the face of this critical challenge simply doesn't make sense.

(2) - The proposed project is in a flood plain. Mitigation of this problem would require the taking of private property for the sole benefit of the developers.

(3) - A need to create more residential lots in Borrego Springs does not exist, as there is already an ample supply.

(4) - The subject property is home to numerous endangered species, as well as an ancient ocotillo forest.

Thank you for your consideration of these issues.

Jim Neuman

From: [dennis nichols](#)
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates DS 24 Comment Letter
Date: Thursday, February 04, 2016 10:27:40 AM

Subject: Borrego Country Club Estates DS 24 Comment Letter

Dept of Planning and Development Services: We are writing to submit our opposition to the proposed development in regard to Rudyville in Borrego Springs. We agree with all points raised by the Tubb Canyon Desert Conservancy as published in the Borrego Sun Newspaper published Jan 14th, 2016 page 7. However, we had the impression that the previous study resulted in not allowing any development to said property. We want to voice our opinion that we are against any development. We have a ongoing water supply crisis that would be only worsened by adding more homes. We have a large number of unsold homes and lots already in the valley not being sold because of our water issues. Come see the beautiful Ocotillo Forest and Sand Dune that would be destroyed just to financially benefit a small group of investors and effectively reduce current property owners values. We urge you to consider this proposal carefully and respect the wishes of the residents of our unique community by blocking any development at this site. Respectfully submitted, Dennis & Carmen Nichols 3060 Broken Arrow Road P.O. Box 2271 Borrego Springs CA 92004

From: [Elaine Olsen](#)
To: [AdvancePlanning_PDS](#)
Subject: Proposed Property Change
Date: Friday, December 11, 2015 9:59:44 PM

FROM: Elaine Olsen
Legemere LLC

PARCEL NUMBER: 1822702100

In reference to the notification we were sent for a proposed General Plan Amendment, I would like to make the following comment.

Our main concern with this project involves any potential road widening near our facility. Because of the horses at the equestrian center, I want to insure that the disturbance from any noise from increased traffic or proximity of traffic does not create a dangerous situation for our boarders/riders. Horses are animals that are easily frightened by noises or by things they see. This could result in a run away horse where riders could get injured.

If this project is approved, I would like to know about the possibility of constructing a sound wall on the road side of our property to help negate the noise from the road traffic. Would you be able to tell me if a sound wall could be incorporated into the plan?

Thank you,
Elaine Olsen
949-636-4150

From: rw-peterson@cox.net
To: [Eichar, Peter](#)
Subject: Property Specific Requests General Plan Amendment and Rezone PDS2012-3800-12-005; PDS2014-REZ-14-006
Date: Thursday, February 04, 2016 3:03:57 PM

Dear Mr. Eichar,

The proposed project is a direct violation of the rural and agricultural character of Twin Oaks Valley and the area.

It is fraught with traffic, water, fire, environmental, noise, over population, community character, zoning and other concerns. It is a violation of the General Plan.

What can possibly be done to mitigate any of these concerns ?

Why is this bad development project even being considered, again ?

Thank you,

Robert Peterson
906 Deer Spring Road
San Marcos, CA 92069

760-443-0575

From: [Ann Pirruccello](#)
To: [Eichar, Peter](#)
Subject: PSRs GPA PSR ID#NC42 and Study Area
Date: Thursday, February 04, 2016 4:16:40 PM

Dear Planning Commission:

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

As an Architect who has worked in similar areas I am shocked that this could even be considered. In Germany something like this is simply NOT ALLOWED. We do not allow urban sprawl. Only farmers are allowed to built in rural areas like this. High density housing is positioned near existing high density development and public transportation. Traffic is reigned in by providing public transportation and NOT providing or limiting parking space.

.....

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

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Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmitigable, even if three so called fire exit roads and fire station were provided. The area is extremely fire prone! Exit roads will be blocked in panic and escape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

Hydrology and Water Quality: Existing sensitive habitats will be destroyed due to changes in water and ground water levels during and after construction. We are very concerned about the dry stream on our property and our many old native oaks.

Planning and Land Use : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short sighted development, creating enormous traffic... Where I am from development in areas like this is simply not allowed. Only farmers may get permits to upgrade their farm. The result is an un-fragmented landscape (e.g. in Bavaria near Munich and the Alps) which visiting Americans love (!)

Noise : Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). In addition it is unthinkable that the necessary blasting and grinding for new developments (e.g. Newland Sierra) will not by far exceed the allowances for noise for the years(!) of ground preparation and construction.

Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and existing high density areas. NOT more expensive homes far away from all resources.

Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Let's preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Sincerely,

Ann L. Pirruccello, Ph.D.
Sent from my iPhone

From: desertstar2000@gmail.com
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates
Date: Tuesday, February 02, 2016 11:50:47 AM

Hello ~

I am writing to comment on the possibility of the Borrego Country Club Estates Development (AKA "Rudyville") moving forward in Borrego Springs. I am very much opposed. I do hope my opinion matters. I have lived in Borrego springs for 30 years. A development of homes in Borrego Springs makes no sense, especially right now. There are 100's of undeveloped lots for sale in Borrego right now. No one is buying them. It is currently questionable if our water source is sustainable. The last thing we need are more water users. But that is the main reason that these Lots ~ ARE NOT SELLING!

This proposed site sits in a flood plain.

Flooding is a constant issue in the desert.

I live downwind of the proposed building site. It would cause air contamination from dust whenever the wind blew. And the wind is always blowing in Borrego Springs!

My greatest fears are that the proposed site will be cleared and:

1. Destroy the Ancient Ocotillo Forest that has been there for hundreds of years and the ecosystem that surrounds it and the animals that rely upon it will also be wiped out.
2. The builders will let this now scarred and naked land lie dormant for years while they try to sell these lots and gather funds and permits to build.

(Selling these lots will be next to impossible due to the water shortage in the valley)

3. Since the Ocotillos and other plants have been destroyed and the land cleared, Flooding

will send acres of dirt onto other folks
developed lots and into homes. Lots of law
suits there will follow.

This development just makes no sense. Please
do not let it move forward!

Please let me know that you received my
letter.

Thank you,

Kathy and Earl Pratt

Owners/Operators

Earl's Pest Management

Borrego Springs Residents for 30 + years.

(760) 767-4446

Johnston, Kevin

From: Patrice Promack <ppromack@yahoo.com>
Sent: Thursday, January 14, 2016 8:35 PM
To: AdvancePlanning, PDS
Subject: Property Specific Requests General Plan Amendment (GPA 12-005) - NOP Comment

Planners:

In response to the "Notice of Proposed Property Change" which I received from the Department of Planning and Development Services, I am submitting comments regarding the PSR GPA near me, namely Assessor Parcel Number: 1875405228, PSR ID NC42

The rezoning request and required GPA to accommodate this proposed project (specifically the Newland Sierra Project) should absolutely be denied. The General Plan (the creation of which took millions of taxpayer dollars, hundreds of community planner hours over a period of 20 years) should not be trampled upon and ignored. There were many good and important reasons for the area that the development is proposed for to be designated as it was in the General Plan. Adding VR-20, SR-2 and SR 0.5 zoning would be an immense mistake. The proposed changes would be terrible for the environment and for the community.

The recent California Supreme Court rulings, which require developers to prove that their giant projects won't increase GHG emissions even if they conform to current guidelines, should be taken to heart in this case. The impact that the blasting and earth moving (during 10 years of construction), and the tens of thousands of additional vehicle trips when the development is complete, clearly will dramatically increase GHG emissions beyond an acceptable level.

The board of supervisors rejected Merriam Mountains in 2010 by a 3-2 vote, with the majority of the panel saying the days of such sprawling housing developments in rural areas may be coming to an end. Let us hope so. Even though the Newland Sierra project would include 2135 homes rather than the 2600 proposed in the Merriam Mountains development, this number is still FAR too large for this area. Too large a number for many reasons, the most important of which are the lack of a viable fire evacuation plan, and the negative environmental effects. It is a "leapfrog" type of project that simply does not belong in this rural/agricultural area. The result of granting this GPA to accommodate this absurdly huge development would be an unhealthy, unsafe environment, and would negatively impact the wildlife and agricultural resources of the area.

Thanks for reading this, and thanks in advance for making the right choice: deny the requested GPA.

Sincerely,

Patrice Promack
San Marcos

From: [Rob Raney](#)
To: [Eichar, Peter](#)
Subject: Opposing Rudyville
Date: Thursday, February 04, 2016 10:31:18 AM

Dear Peter Eichar,

There are a number of reasons my wife and I oppose the Rudyville Development. Looking around our community there are so many vacant and incompleted developments. It reminds one of developments you see while visiting in Mexico. Streets, curbs and street light go in then it just sits for years and years.

The area in question has a pristine iconic forest of ocotillo that would be wiped out. Leaving barren land to be wind swept. Scouring our desert floor for years to come. The winds howl down these mountains. Our air pollution will seriously be impacted.

We are all impacted by our water shortage. We save our gray water for outdoor watering. Now, in our face flies further development plans where we've been taught we have no water to give. We are trying to understand but we are at a loss.

As residents of Borrego Springs we oppose the development of Rudyville, again. For the same reasons we opposed it last time.

Thank You

Rob and Sandy Raney
3243 Country Club Rd
Borrego Springs, Ca. 92004

From: [Peter B. Reiner](#)
To: [Eichar, Peter](#)
Subject: RE: Borrego Country Club Estates
Date: Wednesday, February 03, 2016 6:41:54 PM

Dear Mr. Eichar:

I am writing to express my concerns about the impact of the Borrego Country Club Estates proposal (Project number DS24) which is currently being considered under the auspices of an Environmental Impact Report.

It is my understanding ([Borrego Sun](#), Jan 25, 2016) that the proposal involves a change of zoning of this 171 acre parcel from one house per 10 acres to 1 house per acre, a ten-fold increase in density. I am not an expert, but it does not take an expert to recognize the negative environmental impact that developing this piece of land would have on the delicate desert environment here in Borrego Springs. Of the many issues of concern, here are the four that stand out for me:

- The increased density would result in substantial disruption (if not eradication) of the spectacular ocotillo forest on this parcel; such forests grow extremely slowly and I see no way that the development could go forward without significant damage to this pristine ecosystem. Forests such as this are increasingly a tourist draw for Borrego Springs, and as you know, tourism is the lifeblood of the town.
- Given the water woes of the Borrego Springs community, it is not clear how increasing the density in this manner is consistent with the obvious mandate of water conservation.
- In a community where there is an excess of housing inventory as well as many, many empty lots for sale, increasing the density on this particular parcel is not logically defensible.
- There is a large sand dune on the property that would require grading; this would cause a dust hazard for neighbours such as myself.

I fully support sustainable development when it makes sense, and I have never in my life written to complain about a development permit. However, after considering the issues, I strongly feel that approving this rezoning plan is a serious mistake, and implore you in the strongest possible terms to reject the proposal.

Thank you for your work on behalf of the residents of Borrego Springs.

Sincerely,

Peter B. Reiner

Peter B. Reiner
322 Slash M Road
Borrego Springs, CA 92004

From: [ewarren](#)
To: [Eichar, Peter](#)
Subject: Rudyville, Borrego Springs
Date: Wednesday, January 27, 2016 4:34:22 PM

As a longtime resident of Borrego Springs, I'm writing to express my strenuous objection to the

development of the proposed community known as "Rudyville" in Borrego.

Could there possibly be a more disastrous idea--both for Borrego Springs, Anza Borrego State Park, and potential residents of Rudyville itself?

Borrego Springs is characterized by severely limited water resources worsened by continuing drought conditions, extreme wind and sandstorms in Tubb Canyon and all of Borrego, frequent flooding, and a town whose limited resources simply cannot support greater population density.

The environmental concerns alone are alarming--primarily the prospect of destroying 172 acres of precious and pristine Ocotillo forest, along with the issue of dust and sand raised in the process.

Not to mention that the Borrego Springs housing market is depressed, has been for several years, and shows no significant signs of rebounding anytime soon. Where is the rational thought behind a proposal to build new housing on 172 individual acre lots?

How dismaying it is--and yet predictable--to learn that the man behind Rudyville, Rudy Monica, is a former staff member for SD County Supervisor Bill Horn. This is really sorry news that smacks of governmental cronyism and corruption. What else could justify such an illogical and destructive plan, designed only to fatten the bank accounts of developers, without regard for larger issues.

Please do not let Rudyville move forward!

Alexa Rhodes

From: [Randall Ricketts](#)
To: [Eichar, Peter](#)
Subject: Borrego Country Club Estates
Date: Saturday, January 23, 2016 10:46:01 AM

As property owners in Borrego Springs we are against the proposed zoning change for borrego springs country club estates (DS24). That property lies within a unique and sensitive ocotillo forest flood plain and development at one home per acre would not be in keeping with surrounding area and would greatly increase traffic on country club road. The beauty and openness of this unique habitat should be preserved.

Randall Ricketts
Borrego Springs Ca

Sent from my iPhone

04 February 2016

Attn: Peter Eichar
Department of Planning and Development Services
5510 Overland Ave. Suite 310
San Diego. CA 92123

Regarding the proposal concerning PSR ID DS24, Borrego Country Club Estates, I am opposed for the following reasons:

1. This project will not be in compliance or follow the guidelines of the County General Plan. The General Plan directs future growth in the unincorporated areas of the County that reflects the County's commitment to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protection of existing community character in its extensive rural and semi-rural communities.

This project is not close to any infrastructure or services, would require the removal of an ancient ocotillo forest, and require more roads to be built and maintained.

The community currently does not meet the emergency vehicle response time in some areas. No new construction should be allowed, until this situation is remedied.

2. If the project is approved and the land cleared of all vegetation, the increase in dust would be a health hazard due to valley fever, asthma and allergies. The strong winds, which are often and mostly from the west would cause enormous amounts of dust and sand to be made airborne, thus affecting all the residences that lay east of the project. This would also be an environmental disaster. This is clearly seen by the huge increase in dust and sand from the recently installed solar farms, where the land was cleared of all vegetation.

3. The 2015 USGA Report suggests that we may have only enough water in our aquifer to last until the year 2060. A mere 45 years. Adding another 170 residences to the valley will not help that situation in any way and is hard to imagine.

3. This project sits right in the middle of a flood plain. There is ample evidence (scarring in the desert floor from heavy rain two years ago) that shows the water from Grapevine and Tubb Canyons do merge and flow right thru this proposed project.

4. These vacant lots are not needed. There are currently hundreds of vacant lots already for sale in the valley that still have their vegetation on them.

5. There are possible endangered species on the property, including burrowing owls.

6. Most Borregan's do not want this project approved. It does nothing for the community, and only enriches the property owners at our expense. (Loss off quiet, more noise and dust.)

Cont. PSR ID DS24, Borrego Country Club Estates

Respectively submitted.

Gary Saunders
3333 Lapped Circle Dr.
Borrego Spring, CA 92004

From: [Norman Shinabargar](#)
To: [Eichar, Peter](#)
Subject: Project DS24 Borrego County Club Estates
Date: Saturday, January 16, 2016 1:29:12 PM

WOW! The taxpayers will be paying for yet another EIR impact report as planned by notice of San Diego County Department of Planning and Development Services! This is at the behest of San Diego Board of Supervisors to amend the general plan? What is wrong with the board of supervisors when water is already a great issue of the aquifer overdraft in Borrego? There are many properties and empty lot that are available for ownership!

Do I suspect an insider doing someone a special favor for a friend (i.e..Rudy Monica and Chris Brown) a former staff member for supervisor Bill Horn???

Why do the elected officials, after getting into office, forget that they are to protect people and land? NOT show favoritism to select people? Maybe this is a cause of losing voter? Thank you for your attention to this matter! A Borrego Resident

From: [Stefanie Schubert](#)
To: [Elchar, Peter: AdvancePlanning_PDS: Johnston, Kevin](#)
Subject: 'PSRs GPA', PSR ID # NC42 and Study Area.
Date: Thursday, February 04, 2016 1:33:33 PM

to: <Peter.Elchar@sdcountry.ca.gov>
subject: 'PSRs GPA'
Project name and number: PSR ID # NC42 and Study Area.

From:
Stefanie Schubert, 2626 Sarver Lane, San Marcos, CA 92069. PO Box 1355, San Marcos 92069-1355. phone: 760-5919893.

Ass. Spiritual Director and teacher in residence at the Curch:
Hidden Valley Zen Center and Architect, trained in Munich, Germany

Hidden Valley Zen Center has a history of over 50 years, serving the community as a place for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing and what an asset to the community this place is. We strongly oppose the zoning upgrade from 1/10 to 1/2 acres for the area north of us, the parcels owned by Newland Sierra and others. Please do not destroy our valley and the Mirriam Mountains.

As an Architect who has worked in similar areas I am shocked that this could even be considered. In Germany something like this is simply NOT ALLOWED. We do not allow urban sprawl. Only farmers are allowed to built in rural areas like this. High density housing is positioned near existing high density development and public transportation. Traffic is reigned in by providing public transportation and NOT providing or limiting parking space.

Aesthetics : the natural beauty of the area will irreversibly be destroyed. Do we really want DS and North County to become as ugly as LA? If not we have to STOP proposals like that right now. We do NOT need more developments like San Elijo Hills, urban sprawl away from existing high density areas (more than 1/2acres) that cause more and more areas to be sealed with concrete and asphalt (buildings, road, parking...), and create unstoppable domino effects around the area. We need to stop this NOW right at the onset! Instead we need high density affordable housing near public transportation in town.

Agriculture and Forestry Resources :This zoning upgrade will lead to loss of the more and more rarefied agricultural areas, which are essential to our landscape. It will also lead to loss of native oak forest and a habitat of arm thick Manzanitas. The Mirriam Mountain area is a very diverse area with pockets of very specific micro climates that allows for a unique mix of plants and animals.

Air Quality and Greenhouse Gas Emissions : I am particularly concerned about air quality and emissions. Practically speaking: If a neighbor right now fires up their wood stove, the smell settles in the valley and does not move till mid morning. In the afternoon/evening cool air drifts down from the north mountains and settles at the bottom of the valley. There is practically NO VENTILATION in the whole proposed upgrade area, particularly in the northern part. We are dealing with a deep U-shaped valley! If further up north development (e.g. like Newland Sierra) is allowed, the situation could easily get out of hand. Heating/cooling, wood burning and vehicle emissions will doubtlessly lead to very high levels of pollution in the Gist road, Sarver lane areas.

Biological Resources: upgraded zoning invites a domino effect and the destruction of much more precious habitat then in the study area alone. We have seen net catchers in the valley near the propose Newland Sierra Development, not only in the north eastern section. Mirriam and adjunct mountains are wildlife corridors. There are many species requiring large open spaces. Bobcats, vultures, various rare owls and many others have been seen. It is important to keep this area as the last big open space in one piece and not start cutting into it from all sides.

Cultural and Paleonthological Resources : There are ancient Indian sites and less than 100a old graves in the area. Unfortunately during the last year or so, some Indian grinding holes/stones seem to have been illegally removed. Please contact the Larsen family about this. They know the area and have found this to be true.

Geology and Soils : The Mirriam Mountains are sold granit and decomposing granit. Any building activity will necessarily require blasting and grinding to a degree that will affect wildlife irreversibly. Do we expect e.g. the net catchers to stay here during years of blasting and grinding?

Global Climate Change: inviting traffic away from existing development will increase air polution UNNESESSARILY. It is possible to provide MORE housing, causing LESS pollution by clustering affordable housing near existing high density development and infrastructure.

Hazards and Hazardous Materials : Extreme fire hazard with no exits in deep U-shaped valley surrounded by mountains. In my opinion this is unmittigable, even if three so called fire exit roads and fire station were provided. The earea is extremely fire prone! Exit roads will be blocket in panic and excape over the mountains is not possible for many. Danger of land slides during and long AFTER blasting. Loosening of rocks, water entrance and eruption under frost etc.

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for SILENT(!) retreats and daily meditation. People come here particularly because of the rural, silent environment. Mentioning again and again how wonderful peaceful, quiet and healing it is and what an asset to the community. Any further development will destroy this (as well as our "business"). From the planning perspective I find it extremely short sighted to begin to break up this last large untouched area between San Marcos and Bonsall. The resulting domino effect will be impossible to restrain. Do we want to look like LA? San Elijo Hills is another bad example of short sighted development, creating enormous traffic... Where I am from development in areas like this is simply not allowed. Only farmers may get permits to upgrade their farm. The result is an un-fragmented landscape (e.g. in Bavaria near Munich and the Alps) which visiting Americans love (!)

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Population and Housing : SD County needs more affordable high density housing near existing or new public transportation and existing high density areas. NOT more expensive homes far away from all resources.
Public Services : Any public services necessary for future development, like e.g. a school in the case of Newland Sierra, will increase traffic far beyond the development itself and is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed.

Recreation : Please do not destroy one of the last resorts for recreation. Lets preserve this beautiful spot for future generations.

Transportation and Traffic : zoning upgrade is not sustainable via existing infrastructure. Expanding infrastructure is not a solution!!! Even the I-15 is already jammed. We need less, not more traffic.

Thank you!
Best!
Stefanie Schubert, HVZC

--

HVZC.org

Facebook: [Hidden Valley Zen Center](#)

From: [Beth Shugan](#)
To: [Eichar, Peter](#)
Subject: DS24 Borrego Country Club Estates Rezoning
Date: Monday, February 01, 2016 8:39:41 PM

Borrego Springs, CA 92004
February 2, 2016

Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attention: Peter Eichar

RE: DS24 Borrego Country Club Estates

Dear Mr. Eichar,

I own a home in Borrego Springs, California, and I am writing to ask that the County of San Diego deny the request to rezone the DS24 property known as Borrego Country Club Estates. This property backs up to my home and will greatly impact my life and the life of my community if it is allowed to be developed at the density being requested with the rezoning. The ancient sand dune is shifting now; increasing the density of houses for this property will exacerbate the movement of the dune. Our house already has cracks developing as the dune shifts. In addition, with increased housing density, the grading necessary for these buildings will also affect the flooding channels that currently pass throughout the area.

Of major concern, however, is the impact on the air quality in Borrego Springs due to blowing dust, plus the very serious water issues that Borrego

Springs is facing. Our community is already reeling with dust storms due to local development and clearing of lands for the solar farms. Clearing more lots and creating more streets in the Borrego Country Club Estates will only increase this problem. Borrego Springs is grappling with dire water predictions that make large scale developments unfeasible, and cannot conform to the requirements of the new Sustainable Groundwater Management Act that went into effect this year.

The viewshed of my neighborhood looks directly on this beautiful parcel consisting of ancient dunes and an "old growth" ocotillo forest. It is an undisturbed parcel in our beautiful desert, home to multiple endangered species, and deserves to be protected. If the zoning of this parcel is changed to one house per acre, it will scar this area permanently.

On behalf of the citizens of Borrego Springs, I am urging the County of San Diego to deny this request for rezoning. Please help protect our fragile ecosystem from large scale developments.

Sincerely yours,

Beth Shugan
Borrego Springs, California



February 4, 2016

VIA ELECTRONIC MAIL

Peter Eichar
Dept. of Planning and Development Services
5510 Overland Ave
San Diego CA 92123
<Peter.Eichar@sdcounty.ca.gov>

**RE: Notice of Preparation for Property Specific Requests General Plan
Amendment and Rezone – *Additional Comments***

Dear Mr. Eichar:

Endangered Habitats League (EHL) appreciates the opportunity to submit additional comments on the NOP for this project. These comments concern regional planning and climate impacts.

The PSRs grossly violate central Guiding Principles and Policies of the 2011 General Plan. That plan wisely focused growth within existing villages, with opportunities for limited and controlled expansion, as well as a single new urban node. All projected population growth was amply accommodated. Contrary to the adopted plan, the project would place rural residential sprawl in locations distant from infrastructure and services and place major new urban development – via NC-42 – in a similarly rural and habitat-rich location. All of development contemplated in the PSRs is removed from job and activity centers and devoid of current or future meaningful transit orientation. Long-distance auto trips that maximize GHG emissions would inevitably increase.

Going forward, as it considers any newly planned development, the County should, in accord with modern practice, address transportation impacts through transit and multi-modal options rather than simply through more road capacity. The State's shift toward a VMT-based analysis of traffic instead of level-of-service illustrates this direction.

Besides inconsistency with the County's General Plan, the entirety of the PSR GPA and Rezone is inconsistent with the SANDAG RTP/SCS. This is because the latter relies on the "smart growth" land use designations of the 2011 General Plan for all of its assumptions and outcomes. The County should not undermine the RTP/SCS through the backward-looking PSRs. Indeed, it should not undermine the region's future in terms of climate change through these PSRs. All such impacts on regional planning should be

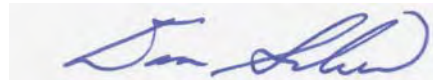
analyzed. In doing so, the DEIR should follow recent court guidance regarding use of a “business as usual” comparison approach (*Ctr. for Biological Diversity v. Dept. Fish & Wildlife*, 62 Cal. 4th 204 (2015)) as well as evaluate consistency with gubernatorial Executive Orders on climate change.

The County’s Climate Action Plan (CAP) was invalidated due to the absence of enforceable mechanisms to reduce GHG emissions. Yet, the CAP was an integral part of the General Plan. It is difficult to understand how or why the County would amend its General Plan via the GHG-intensive PSRs absent first knowing where it is going in terms of addressing climate change. Indeed, absent a valid CAP, it may not be legally permissible to amend the plan in such a major way.

EHL therefore urges the County should adopt a legally valid revised CAP *prior* to considering dozens of *ad hoc* amendments that take the County down a counterproductive path. Otherwise, the PSR GPA will face the twin burdens of 1) General Plan consistency when an important component of that plan – the CAP – is no longer valid and 2) providing alternative enforceable mechanisms for GHG reduction, as the invalidated CAP did not.

In conclusion, it is by retaining the integrity and achievement of the 2011 General Plan that the County will best contribute to the future of the region. We again appreciate the chance to work with you on land use and transportation planning.

Yours truly,



Dan Silver
Executive Director



January 7, 2016

VIA ELECTRONIC MAIL

Peter Eichar
Dept. of Planning and Development Services
5510 Overland Ave
San Diego CA 92123
<Peter.Eichar@sdcounty.ca.gov>

**RE: Notice of Preparation for Property Specific Requests General Plan
Amendment and Rezone**

Dear Mr. Eichar:

Endangered Habitats League (EHL) is in receipt of the NOP for this project and appreciates the opportunity to comment. For your reference, EHL served on the Interest Group of stakeholders for the General Plan Update adopted in 2011. We continue to have a keen interest in the values and benefits of this historic update, and in its integrity over time.


As reflected in previous testimony to the Board of Supervisors, we have profound concerns over the Property Specific Requests (PSRs). Absent a planning-based rationale, these requests revisit in an *ad hoc* manner the uniform and comprehensive land use designations arrived at during the orderly, deliberate, and inclusive GPU process. If adopted, they would constitute special exemptions from the sound planning rules in force for thousands of similar properties. They would deeply undermine the rural character of San Diego, the savings in infrastructure and service costs achieved by the 2011 Update, and provide little other than GHG-intensive estate lots rather than even moderately affordable housing.

The *current* designations – now being proposed for change – also reflected the best professional judgment of, and were recommended, by your own Department. In EHL's view, the scope of these requests – affecting well in excess of 10,000 acres – spiraled out of control compared to the more limited initial intent of the process. For your reference and use during SEIR preparation, I enclose EHL's testimony to the Board in 2012 which includes analysis of these proposals.

We look forward to a rigorous analysis of General Plan consistency and environmental effects in the SEIR. Effects of these *ad hoc* amendments on regional planning, such as the SANDAG Regional Transportation Plan/Sustainable Communities Strategy, should be assessed as well as implications for the County's Climate Action Plan.

EHL looks forward to constructive participation in any public outreach process that the Department may lead between now and DEIR release. We believe such a process, particularly if started early, would be of great value to the County as it develops the SEIR and alternatives for this highly controversial project. We therefore urge robust and meaningful stakeholder input.

Yours truly, and with best wishes for
the New Year,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered within a light gray rectangular box.

Dan Silver
Executive Director

cc: LUEG
DPDS
Board Offices
Interested parties

BY ELECTRONIC MAIL AND FACSIMILE

June 17, 2012

The Hon. Ron Roberts, Chair
Board of Supervisors
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

RE: Workplan Options for Property Specific Requests (June 20, 2012, Item 3)

Dear Chairman Roberts and Members of the Board:

These comments are submitted on behalf of the Endangered Habitats League (EHL), a non-profit corporation that owns land in San Diego County, the members of Endangered Habitats League, many of whom own land in San Diego County, and Jacqueline Arsivaud-Benjamin, a resident and homeowner in San Diego County.¹

As you know, the Endangered Habitats League (EHL) has worked alongside this Board and your planning staff for over a dozen years to help produce a sustainable framework for growth that meets the environmental and economic challenges of the 21st century. The Update you adopted last August represented huge progress compared to the plan it replaced—reducing pressure on natural resources, saving taxpayer money on infrastructure and services, and helping to preserve the San Diego backcountry’s rural and agricultural heritage. The Update also provided for all projected growth with room to spare and, in the more than 12 years of public outreach, provided hundreds of opportunities for affected landowners to participate in its development. One result was the eventual incorporation into the Update of dozens of “referrals,” whose conformance with the Update’s objectives as reflected in the Guiding Principles was questionable.

Now, *post-Update*, the Board is poised to undermine the plan’s fundamentally good outcomes by processing *at public expense* an additional set of landowner-generated amendments, or “property specific requests” (PSRs), affecting thousands of acres—changes that are irreconcilable with the Update’s Guiding Principles and the General Plan policies implementing them and which have no rational relationship to any legitimate public interest. Indeed, as we explain below, a great many of the proposed requests bear no substantial and reasonable relationship to the public welfare and are therefore invalid as beyond the exercise of the police power. (See *Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 336-337.)

¹ As such, these entities have paid property taxes and/or property-related surcharges and special district taxes within the last year.

It is the purpose of this letter to alert you to the high legal risks inherent in this venture if it goes forward. Legal defense is another cost that would be borne by the taxpayer—*on top of* the effective transfer of public dollars to benefit a select group of landowners who wish to increase the financial value of their properties, and *in addition to* the higher long term costs of providing infrastructure, fire protection, and other services to remote development.

The legal uncertainty is on three levels. The first is the obvious matter of CEQA compliance, impact assessment, mitigation, and findings. Many of the PSRs and associated re-planning of Study Areas to avoid spot zones have not been analyzed in the completed CEQA process for the Update. Cumulatively, they could have a cascading effect on other elements of the Update, including the circulation element, mitigation and, depending on what additional PSRs move forward, the very architecture of the Update itself. Reliance on the existing EIR as the Project changes will become increasingly problematic.

The second level of risk is that of General Plan internal inconsistency, a risk inherent in a process of modifying proposals to achieve a semblance of conformity. But due to the new terminology now used to categorize the PSRs, this uncertainty is minimized and downplayed (as will be described below). PSRs are now segregated by their “complexity.” More “complex” PSRs, as Staff notes, require “greater justification” to demonstrate consistency with adopted General Plan principles and policies. (Staff Report at p. 4.) In other words, the Staff Report itself acknowledges that many of the PSRs proposed for processing will require complex, tenuous and likely unsupportable rationales to justify their existence as the proverbial square pegs are thrust into round holes. The term “complexity,” as used by Staff, therefore really means “likelihood that a General Plan inconsistency will result that increases litigation exposure.” While the term “complex” might typically be understood as meaning a problem that simply requires a more lengthy analysis, prolixity will not paper over General Plan inconsistencies.

Adding to this level of risk is the precedent set by the County’s own actions on Referrals over time. As Staff noted in January of this year, “general plan decisions be made based on a deliberative process that is not arbitrary or capricious.” In building this Update, this Board and Staff rejected numerous proposed referrals because they were found inconsistent with the Update’s Guiding Principles. For example, when considering residential referrals in September of 2003, this Board rejected many for being inconsistent with surrounding densities, for being distant from infrastructure and services, for environmental and physical constraints such as habitat and agriculture, and for public safety rationales, including high fire and flood risk.² [See, e.g., Referrals 141, 151, 152, 153, 160, 162, 166-167, and 171.] Many of the requests deemed to create inconsistencies then are factually indistinguishable from the ones being proposed as being consistent here.

² <http://www.sdcounty.ca.gov/dplu/gpupdate/bos_sep03.html>, Oct. 1, 2003 Statement of Proceedings <http://www.sdcounty.ca.gov/bos/agenda/sop/index_2003.html>

Even Staff recognizes that this inconsistency in interpretation raises significant legal issues. In its January 2012 Report, Staff noted that “if the County chooses to implement the Guiding Principles differently for a single property, it would risk an inconsistency with how the Guiding Principles were applied to other similar properties.” The arbitrary about-face in the County’s approach towards these property specific requests is best illustrated by the random and contradictory application of the planning principles over time.

The third level of legal risk is that the mere processing of these amendments at public expense already runs afoul of settled common and statutory law prohibiting the wasteful and illegal expenditure of public funds. Code of Civil Procedure section 526a³ provides:

An action . . . preventing any illegal expenditure of, waste of, or injury to, the estate, funds, property of a county . . . may be maintained against any officer thereof . . . either by a citizen resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax therein.” (Code Civ. Proc. § 526a.) In *Ceres v. City of Modesto* (1969) 274 Cal. App. 2d 545, the court elaborated on the term “waste” as used in section 526a. The court explained that it:

“means more than an alleged mistake by public officials in matters involving the exercise of judgment or discretion; although the court must not close its eyes to wasteful, improvident and completely unnecessary spending, it should not attempt to enjoin every expenditure which does not meet with a taxpayer's approval; but a taxpayer complaining of government waste may state a cause of action under section 526a by alleging that funds are being expended for a project with no public benefit and no useful purpose.” (Id. at pp. 555-556.)

Even when “ ‘done in the exercise of a lawful power,’ ” public spending may qualify as waste if it is “ ‘completely unnecessary,’ ” or “ ‘useless,’ ” or “ ‘provides no public benefit.’ ” (*Sundance v. Municipal Court* (1986) 42 Cal.3d 1101, 1138-1139; *County of Ventura v. State Bar* (1995) 35 Cal.App.4th 1055, 1059.) It is unquestionably waste for government to budget or spend money administering an illegal ordinance. (See *Tobe v. City of Santa Ana* (1995) 9 Cal.4th 1069, 1086, citing *White v. Davis, supra*, 13 Cal.3d 757, 764.) While courts have made

³ “The primary purpose of this statute, originally enacted in 1909, is to ‘enable a large body of the citizenry to challenge governmental action which would otherwise go unchallenged in the courts because of the standing requirement.’ [Citation.] [¶] California courts have consistently construed section 526a liberally to achieve this remedial purpose.” (*Blair v. Pitchess* (1971) 5 Cal.3d 258, 267-268; accord, *Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Assn. of Governments* (2008) 167 Cal.App.4th 1229, 1236; *Cates v. California Gambling Control Com.* (2007) 154 Cal.App.4th 1302, 1308.) Thus, “under section 526a ‘no showing of special damage to the particular taxpayer [is] necessary’ ” for the taxpayer to prevent injury to the public. (*White v. Davis* (1975) 13 Cal.3d 757, 764, quoting *Crowe v. Boyle* (1920) 184 Cal. 117, 152.)

clear that “although in general CCP section 526a should be interpreted liberally, it should not be used to invade, supersede, or even intrude upon the discretion invested in the legislative and executive branches of government⁴,” this principle necessarily implies that taxpayers should not countenance expenditures of public funds that are an *abuse* of that discretion.

Here, as we explain below, the County proposes to spend up to \$2.3 million in taxpayer funds to process these requests in a General Plan amendment. There is no public benefit or useful purpose to any of the proposed changes; to the contrary, there is only a *private* benefit at a *cost* to the public in increased infrastructure and services costs required to serve additional far-flung development. Moreover, a large percentage of the proposed changes would be manifestly inconsistent with the Guiding Principles and Policies that make up the architecture of the Land Use Element of the Update and therefore illegal. (Gov’t Code § 65300.5; *Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2004) 126 Cal. App. 4th 1180.) Compounding this legal uncertainty, to our knowledge the action contemplated by your Board is *unprecedented*. We do not know of other local governmental agencies that have called upon landowners to come forward with requests to increase the development potential of their properties and then offered to pay *with government funds* for the processing of these requests for private gain.

Finally, adoption of a critical mass of these PSRs will concededly trigger revision of the Traffic Impact Fee (TIF). The thousands of additional units and associated vehicle trips on already congested rural roads that these PSRs will produce will likely result in the necessity for new road construction, improvement, and maintenance costs far in excess of the current TIF’s capacity (even assuming the additional units were to pay the current TIF). An underfunded TIF would result in lowered levels of service and necessitate a generally applicable increase in TIF fees. The increase in the TIF will thus affect everyone in the County who is subject to this fee, not just the landowners who benefit from the PSRs.

Individual Analyses of PSRs and Study Areas

Bonsall BO18, BO20, BO22, BO29, BO32 & BO33

Despite Community Planning Group opposition, nearly 300 acres in 5 parcels in the Bonsall Community are proposed for an increase in density from SR-10 to SR-4, a change that means that any subdivision would *no longer* be subject to the mandatory Conservation Subdivision Program (CSP) clustering provisions. An additional 634 acres would be similarly re-planned to avoid illegal spot zones. This means that about 58 additional units could be distributed in a dispersed estate lot subdivision pattern as opposed to being clustered if the densities were to remain at the Update’s SR-10 designation.

⁴ *Humane Society of the United States v. State Bd. of Equalization* (2007)152 Cal.App.4th 349, 358.

While there is some existing parcelization within the area to be re-planned, most of the land is in lots of 8 acres or more, meaning that the re-planning is likely to do significant damage over time. Staff analysis disregards the extensive habitat values that would be harmed, particularly in the south of the Study Area, contravening Policy LU-6.2 which seeks to assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources and agricultural resources. These areas also contain steep slopes and high fire risk, violating Policies LU-6.11, LU-7.1, LU-9.2, S-1.1 and S-7.1. In sum, the proposed PSRs in Bonsall cannot be reconciled with *any* of the applicable Update Policies.

Crest Dehesa CD14

The single PSR in this community, CD-14, will convert a portion of that parcel currently at SR-20 to SR-2 in an area that has been identified as high fire risk and valuable for habitat, violating Policy LU-6.2 and Policies LU-6.11, LU-9.2, S-1.1 and S-7.1. This radical densification would remove the mandatory CSP clustering for this area, compounding the damage.

Desert DS8

A major rationale for the Update was to promote economically efficient development to reduce infrastructure and service burdens. Guiding Principle 9 states that land use designations should “[m]inimize public costs of infrastructure and services and correlate their timing with new development.” Accordingly, new development should be “located near existing and planned infrastructure and services to require less extensive roads and infrastructure.”

In disregard of this bedrock principle, DS 8 would add nearly 400 dwelling units on prime agricultural land in a location with no jobs for these new residents, creating potentially expensive burdens on regional roads and public services. This change would violate Policy H-1.3 and LU-7.1.

Fallbrook FB2 & FB18

In an area surrounded on all sides by rural densities (SR-40) and public open space, this is a classic spot zone, even *after* Staff’s proposed compromise of SR-4 (from SR-2) on FB2 and SR-20 (from SR 10) on FB18. These groundwater dependent parcels are distant from infrastructure and have significant resources and development constraints. Policies LU-1.1, H-1.3, as well as Policies LU-6.11, LU-9.2, S-1.1 and S-7.1 as well as LU-8.1 are observed in the breach.

Staff provides no persuasive rationale why the proposal is still not a “major” change that violates the Guiding Principles. That utilities may be available on FB18 lands does not “cure” the spot zone of RL 20 surrounded by RL-40. Nor does parcelization in the “area” of FB2 alter the characterization of this classic spot zone of SR-4 in a “sea” of RL-20 and RL-40. Staff’s

characterization of this PSR as “low” in complexity lacks a factual foundation. The reality is that even this compromise is fundamentally inconsistent with the Update’s Guiding Principles and implementing Policies.

Fallbrook FB17

This PSR would create a long “finger” of SR-1 density in an area surrounded by SR-4 and SR-2, adding about 28 units, in an area with steep slopes and wetlands and with active agricultural operations. It cannot be reconciled with either the Community Development Model nor with Update policies mandating lower densities on resource-constrained areas.

Fallbrook FB19, FB25 & FB26

These PSRs would create “islands” of SR-10 in a rural area dominated by RL-20 in violation of LU-1.1. Staff claims the change would present “low” complexity based on speculation that the high percentage of land constrained by slopes will not ultimately significantly alter the unit yield. In actuality, Staff has it backwards. Update policies require that densities be *consistent* with constraints, including slope. Specifically, Policy LU-9.2 states that “areas that contain more steep slopes or other environmental constraints should receive lower density designations.” These PSRs therefore cannot be reconciled with Update policies.

Fallbrook FB21, FB22 & FB23

These PSRs would also create “islands” of SR-10 in a rural area dominated by RL-20 and public lands and apparently with no public roads in violation of LU-1.1. Staff again claims the change would present “low” complexity based on speculation that the high percentage of land constrained by slopes will not ultimately significantly alter the unit yield. In actuality, Staff has it backwards. Update policies require that densities be *consistent* with constraints, including slope. Specifically, Policy LU-9.2 states that “areas that contain more steep slopes or other environmental constraints should receive lower density designations.” These PSRs therefore also cannot be reconciled with Update policies, including LU-9.2.

Jamul/Dulzura JD16

In this late addition to the list of PSRs, a nearly 200-acre “finger” of RL-20 would be created in an ocean of RL-40 and public lands. Staff concludes that a designation of SR-10 would violate the Community Development Model while it does not specifically address this question for RL-20. As both of these designations are inconsistent with surrounding parcels of a similar size, both alternatives would violate Policy LU-1.1.

Julian JL5

This 32-acre parcel in a groundwater dependent area would change from SR-10 to SR-4 in an area dominated by SR-10 and RL-40. Staff states that any groundwater concerns will be addressed by the groundwater ordinance. This rationale ignores that the Update requires that groundwater be addressed in the *planning* for the land. LU-8.1 “requires” that “land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies.” Staff’s approach would render this Policy entirely superfluous.

Lakeside 7A

This 50-acre PSR contemplates a change to an industrial designation in a floodplain—a change opposed by adjacent landowners whose *own* properties would be *involuntarily* affected. The affected Study Area contains coastal sage scrub and steep slopes. The proposed industrial area lacks a buffer against residents to the south and habitat lands to the north as required by LU-11.9. The change also violates Policy S-10.1, which limits incompatible uses (e.g. structures) in floodways. Contrary to the Staff Report, no exception in this Policy exists merely because there are efforts being made to change the 100-year flood designation.

Mountain Empire/Boulevard ME19

This 164-acre area is proposed for what is effectively an industrial area surrounded by RL-40 and RL-80 and public lands designations, and distant from other developed uses. Recognizing the planning inconsistencies, Staff recommends changing the County’s Zoning Ordinance to allow for “limited” food production in rural and agricultural areas. Such a change would upend the Community Development Model and violate Policy LU-10.4, which contemplates that industrial activities such as food processing be kept out of natural open space rural areas to limit traffic and environmental impacts. At the very least, this proposal needs further definition and clarity.

Mountain Empire/Campo/Lake Morena ME26

ME 26 is a 200-acre PSR would require the re-zoning of nearly 500 additional acres planned at RL-20 to avoid a spot zone, creating a long finger of SR-10 land surrounded by publically owned open space within a larger context of RL-80 rural lands. All of the land is in an area of very high fire risk in a remote location that is almost certainly groundwater dependent.

Semi-rural densities in this location offend the Community Development Model (LU-1.1) and Principle No. 9 aimed at locating development near infrastructure, as well as policies against density increases in groundwater dependent areas (LU-8.1) and in areas of high fire risk (LU-6.11). Staff’s reliance on the speculation that development in this area could meet required emergency vehicle travel times cannot replace the distinct policy that development should not be placed in such areas in the first place.

Mountain Empire/Campo/Lake Morena ME30A

ME 30A would convert the majority of a nearly 300-acre rural site just east of Campo into 4-acre estate lot subdivisions abutting a dense village—subdivisions that would not be subject to the mandatory clustering provisions of the Conservation Subdivision Program. This conversion of rural land completely upends the Update’s intent to maintain high densities in villages (LU-1.1) and expand them only where services are available to meet the expansion (LU-1.4, LU-6.11, LU-8.1)

North County Metro NC 18A

The majority of this nearly 100 acre area in an agricultural preserve would be converted into SR-1, even though Staff concedes that the required emergency response times for this density would likely not be met with current resources. This ignores Policy LU-7.1, requiring that densities preserve agricultural values, and Policy LU-1.4, which permits Village expansions only where “[p]ublic facilities and services can support the expansion without a reduction of services to other County residents.”

North County Metro/Hidden Meadows NC 3A

This 243-acre spot zone drags nearly another 757 acres into a massive 1000-acre doubling of density from RL-20 to SR-10. Doubling the density in this rugged, high-fire risk and habitat-rich area cannot be reconciled with Guiding Principles Nos. 4 & 5 and violates Policy LU-6.2 and Policies LU-6.11, LU-9.2, S-1.1 and S-7.1. Staff’s Reliance on the Conservation Subdivision to justify this change renders these Policies ineffective. The Conservation Subdivision comes into play only *after* appropriate densities have been assigned.

North County Metro/Twin Oaks NC22

NC22 is a 27-acre PSR in the San Marcos Highlands that drags another 131 acres into an up-plan to cure a spot zone. Vehemently opposed by the community, the sole rationale of this PSR is to accommodate a landowner’s wish to resuscitate an expired potential development and annexation into the City of San Marcos that never should happen. Habitat-rich and fire-prone lands on SR-10 lands that would have been clustered under the Conservation Subdivision Program would be obliterated under a carpet of one-acre lots that would not be subject to clustering. Staff acknowledges that the land “is at the center of an intersection between two important wildlife corridors for the area” that are critical for the development of the MSCP North. This PSR cannot be reconciled with Guiding Principles Nos 4 & 5 and violating Policy LU-6.2 and Policy LU-10.3, as well as Policies LU-6.11, LU-9.2, S-1.1 and S-7.1.

North County Metro/Twin Oaks NC 37

NC37 is another instance where 130 acres becomes collateral damage for a 26-acre spot zone, forcing the rezoning of 156 acres from SR-10 to SR-4 (removing all this property from the protection of the Conservation Subdivision Program's clustering provisions) to accommodate a single 26-acre landowner. Opposed by the community, the property has some steep slopes, habitat and agricultural value, and is in a very high fire hazard area. This completely unnecessary up-plan would violate Policies LU-6.11, LU-9.2, S-1.1 and S-7.1.

North County Metro/Twin Oaks NC 38, NC 41 & NC 48

NC38, NC41, and NC48 together total about 80 acres—3 PSRs that would generate about 40 additional units from an up-plan from SR-2 to SR-1. Opposed by the community, this suburban density designation would add these homes in a FEMA floodway on prime agricultural soils peppered with high habitat value oak and sycamore woodlands. Aside from violating Policies governing habitat and agricultural lands, this set of PSRs is in direct contravention of Policy S-1.10, which “limits new or expanded uses in floodways to agricultural, recreational, and other such low-intensity uses and those that do not result in any increase in flood levels during the occurrence of the base flood discharge” and which specifically *excludes* “habitable structures.” Staff provides no rational basis for putting suburban-style densities in such an area.

North County Metro/Twin Oaks NC42

Site of the former Merriam Mountains proposal, NC42 would turn the Community Plan on its head. It would also cause a massive re-planning of over 1500 acres of surrounding rural lands. The Community Development Model, Guiding Principle 2, and related Policies LU1.1, LU1.2 and LU1.4 would be violated. Policies that assign lower densities to habitat and agricultural resources would also be breached.

North Mountain NM5

NM15 would remove 5 acres of land from RL-80 rural use and from an existing agricultural preserve pursuant to Board Policy I-38. There is little point in creating such preserves and such a policy when the designation can be removed at the whim of the landowner.

North Mountain NM16

NM16 represents a classic situation of robbing Peter to pay Paul. The owner sold a portion of a rural landholding for conservation (and possibly reaping associated tax benefits) and now seeks to recover all the units the owner would have had if the land had *not* been sold by increasing densities on the remainder area—a portion with very high habitat values and very high fire risk—by up-planning it from rural densities to a semi-rural SR-10 category.

Staff itself had concluded in January that “[d]ue to the remoteness of the property, the application of Semi-Rural designations does not support the project objectives to reduce public costs and promote growth near existing jobs, services and infrastructure” and that such a change was a “major” one that is inconsistent with the Update’s Guiding Principles.” Staff now appears to conclude exactly the opposite, noting that the sale of lands into conservation “mitigates” the destruction. But the issue is not about mitigation of impacts, it is about *planning* consistent with the rules the Board adopted in the Update, including evenhanded application of the Community Development Model. This arbitrary change in position contravenes the Model (LU-1.4) as well as Guiding Principles Nos 4 & 5 and violates Policy LU-6.2 and Policies LU-6.11, LU-9.2, S-1.1 and S-7.1. In addition, this PSR sets a terrible precedent, generating expectations of additional revenue beyond the fair compensation, and tax benefits often received, in a conservation sale.

Pala/Pauma PP 30

PP 30 would suburbanize 526 acres of rural, high-fire risk land by radically changing its designation from RL 40 to SR 2. Opposed by the community, the SR-2 designation would avoid the clustering provisions of the Conservation Subdivision Program and thus literally destroy the very high-value habitat located on the site. It would create inconsistent estate lot subdivision adjacent to a village and add over 100 units in an area east of the County Water Authority line.

Staff had concluded in January that “the property is nearly entirely constrained by steep slopes, floodplain, wetlands, or sensitive environmental habitat” and that “the General Plan principles and policies do not support increased development in areas with sensitive resources and physical constraints.” Staff provides no rational basis why *any* SR-2 density on such an area somehow becomes consistent with the Community Development Model, as well as policies mandating lower densities on high risk, prime agricultural, and habitat rich land (LU-1.1, LU-1.4, LU-6.2, LU-6.11, LU-8.1, LU-9.2, S-1.1, S-7.1 and LU-7.1)

Ramona RM3, RM15 & RM22

RM3 would replace the existing RL 20 designation with an industrial one within a FEMA and County Floodway. Placing structures in a floodway is in direct contravention of Policy S-1.10, which “limits new or expanded uses in floodways to agricultural, recreational, and other such low-intensity uses and those that do not result in any increase in flood levels during the occurrence of the base flood discharge” and which specifically *excludes* “habitable structures.” Staff provides no rational basis for putting industrial uses in such an area.

Ramona RM15

RM15 would change the permitted densities on a nearly 300-acre PSR from RL-40 to SR-4, even though most of the surrounding land is in rural densities. To cure the spot zone, an additional 103 acres would be similarly up-planned, even though the entire area has rich

agricultural soils. The stated rationale for this PSR is an existing tentative map at these densities, even though there is no guarantee that the Map will ever be built out. Almost all the land is constrained by steep slopes and high fire risk. Agricultural lands are found in the eastern portion.

Staff never really addresses these constraints, relying principally on the existence of a tentative map. But the existence of a map should be irrelevant to the planning process, since planning to conform to a tentative map would negate the expiration times that are an integral part of the Subdivision Map Act. Indeed, the very reason that tentative maps have a shelf life is to permit local jurisdictions to plan free from such constraints.

Ramona RM22

Staff had originally concluded that RM22 was inconsistent with the Update's Guiding Principles:

“Property request consists of three parcels in a holding of 200 acres on the eastern side of the Ramona Planning Area. It is adjacent to the RM5 referral, which is also a request to change the land use designation to Rural Lands 40. Like RM5, it is remote, has very high biological value and is within the Very High Fire Hazard Severity Zone. The additional development in this remote, constrained area would not support the Community Development Model or Guiding Principle #9.”

No changes have occurred since then that would alter Staff's conclusions.

San Dieguito SD2

SD2 would convert about 54 acres from SR-4 to SR-2; most of the re-planned land is outside the PSR to cure a spot zone. Again, the stated rationale for this PSR is an existing tentative map at these densities, even though there is no guarantee that the Map will ever be built out. The existence of a map should be irrelevant to the planning process, since planning to conform to a tentative map would negate the expiration times that are an integral part of the Subdivision Map Act. Indeed, the very reason that tentative maps have a shelf life is to permit local jurisdictions to plan free from such constraints. Zoning to conform to a tentative map would negate these statutory time limits. Independent of the map, it is clear the SR-2 designation is inconsistent with the significant habitat values on the site, as well as its location in a high fire risk area.

Valley Center VC7, VC9, VC11, VC20A, VC20B, VC54, VC60, VC61 & VC66

While the above series of PSRs total a relative modest 349 acres, the pattern of spot zoning they would collectively create would drag an additional 2078 acres—an increase of

nearly a factor of 7—into a massive 2,427-acre doubling of density from SR-4 to SR-2—adding 371 units and resulting auto trips to local roads. Over 300 landowners would be affected and the character of the entire community altered to accommodate the economic wishes of a set of vocal landowners one could count on the fingers of both hands. Not surprisingly, the community opposes this radical change.

Much of this land is in active agriculture, much is high fire risk, and other parts contain high habitat value. In addition, a massive zone of 2-acre lots would be created a great distance from any real town center, creating a disjointed land use pattern that is inconsistent with the Community Development Model in the Update. Yet despite inconsistency with the very architecture of the Update, despite the violation of Update policies that mandate *lower* densities on such lands (LU-7.1, LU-6.11, LU-6.2), despite the fundamental change to the physical appearance of the community from re-planning thousands of acres, and despite the wishes of the community, the economic ambitions of a mere handful of landowners would seem to literally trump all else. Where is the connection to the public welfare?

Valley Center VC51

VC51 is another spot zone that would cause 166 acres to be radically up-planned from RL-20 to SR-4 solely to accommodate the purely private ambitions of a single landowner of only 16 acres—an increase in collateral damage of a factor of 10. Not only would the change increase fragmentation through increased unit yield, but also it would result in loss of the clustering benefits of the Conservation Subdivision Program.

This remote and rugged area is unsuitable for semi-rural densities under the Community Development Model (LU-1.1), and the northern portion contains valuable coastal sage scrub habitat. SR-4 densities thus do not conform either to policy LU-6.11 (fire) or LU-9.2 (slope). No conceivable planning rationale supports this PSR.

Valley Center VC57, VC63 & VC64

PSRs totaling 278 acres would require up-planning from SR-4 to SR-2 of a total of 1,340 acres to avoid a spot zone, affecting over 200 property owners—all for the sake of three landowners. While there is some existing parcelization, a total of 238 units would be added. Although the existing density of SR-4 is not ideal for agriculture, its viability on the large amount of prime agricultural land in the area will be further compromised in violation of Policy LU-7.1. High value habitat would be further fragmented in violation of LU-6.2. More 2-acre lots would also be created a great distance from any real town center, again creating a disjointed land use pattern that is inconsistent with the Community Development Model.

Conclusion

The intent for “minor” changes enunciated by Board Members upon the initiation of the PSRs has mushroomed to nearly 16,000 acres. Whether individually small or large, viewed collectively, the above PSRs and the associated changes to avoid spot zoning constitute a major affront to the integrity of the Update and its Guiding Principles and Policies. No rational interpretation of the Update, nor any basis having even the remotest connection to the public welfare, supports the vast majority of the 50-odd PSRs under consideration for processing. EHL urges the Board to abide by the commitments to sound planning it made in the Update and end the PSR process in its entirety.

Very truly yours,

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January 12, 2016

The Valley Center Community Planning Group has the following comments on the Notice of Preparation of Subsequent EIR for County's Property Specific Requests to the countywide General Plan Amendment and Rezone.

1. The NOP does not provide the Public with sufficient information to intelligently comment, as required by CEQA.
 - a. The NOP should describe why the "Project" is not limited to the original individual properties requesting, but denied, increased densities in the county's General Plan approved in August 2011.
 - b. Particularly in Valley Center, the NOP should, but does not, describe the number of acres and parcels and existing and proposed dwelling units for the original individual properties requesting, but denied, increased densities in the county's General Plan approved in August 2011, without consideration of the artificial "study areas."
 - c. The NOP should, but does not, state why the proposed additional dwelling units are "necessary" or "desirable" to add to the already over 72,683 new units provided for by the newly adopted General Plan (which have NOT been utilized since its 2011 adoption), or how that would not undermine the entire structure of the newly adopted General Plan with its focus on planned growth in or adjacent to existing or planned higher density and infrastructure (and thus reduced sprawl and greenhouse gas emissions).
 - d. The NOP does not, but should, make clear what impact, if any, approval of the individual parcels (or the adjacent "study area" parcels) would have on the pending Accretive Lilac Hills Ranch Project, whether that Project is approved, or denied.
 - e. The NOP should describe what methodology was used to create the artificial "study areas" around the original individual properties requesting, but denied, increased densities in the county's General Plan approved in August 2011, other than to disguise their continued incompatibility with that adopted General Plan.
2. Will the Project be just the inclusion of the Property Specific Requests parcels in the General Plan, or will it be inclusion of those parcels as absorbed in the various artificial "study areas?"
3. The artificial creation of the "study areas" also makes it difficult for the public reader to understand the impact on the CEQA-required statement of "Project Objectives" against which the Project and all Project Alternatives will be measured. Will the "Project Objectives" for this SEIR be like those created for the Accretive Lilac Hills Ranch Project, to ensure that only the Project, and not any proposed alternative can satisfy them?
4. Will there be a Project Alternative that proposes just the Property Specific Request parcels (without the "Study areas") but at reduced densities than those requested?
5. Will property owners in the "Study areas" be offered the opportunity to opt-out of being in the study area?

The motion was approved by a vote of 14-0-1 at the regular Valley Center Community Planning Group meeting on January 11, 2016.

Oliver Smith
Chair, VCCPG

Valley Center Community Planning Group

PO Box 127 Valley Center CA 92082

February 8, 2016



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(open)

The Valley Center Community Planning Group has the following additional comments on the Notice of Preparation of Subsequent EIR for County's Property Specific Requests to the countywide General Plan Amendment and Rezone.

The Valley Center Community Planning Group sincerely feels that it is inappropriate for the county to be proceeding with this project without first completing the outstanding community plan updates needed since the General Plan Update was approved in August 2011. Per that update, community plans are a key element for making land use decisions. Projects continue to be judged against the old community plans without an opportunity for revision based on local community representative input. Land use decisions using old and outdated community plans do not accurately reflect the current community input to their unincorporated areas. Updating of these plans has the right to be the same priority as the PSRs now being proposed.

This is the **second** PSR project since the approval of the General Plan Update in August 2011. Valley Center is one of eight communities that have been asking for the county's help in completing their community plan updates. The county help has not been forthcoming. The needs of the communities with the old community plans should have the county resources at least equivalent to as those who are requesting the first round of PSRs, let alone this second round of PSRs.

We note that all of the county's community plans were at least minimally corrected during the General Plan Update process to include the minimum necessary wording to keep them legally consistent with the released GP Update. The process changes that occurred with the GP Update, including a complete reboot halfway through the process, did not allow many communities to focus on updating their community plans. They instead needed to be focused on the many complex changes and procedural issues involved with the GP Update itself. As such, significant community plan input was not available in an advanced form such that it could be included in the GP Update.

The Director of Planning and Development Services has publicly stated an estimate of 12 months to process each community plan update. He also stated PDS can only do two plan updates simultaneously. The reason given is limited resources with which to help the CPGs and CSGs. To help the county resolve this issue, VCCPG strongly recommends the following:

- 1) Reallocation of County PDS resources from the PSR project to the Community Plan Update projects until such time as the Community Plan Projects are completed.
- 2) PDS evaluate its community plan update process to reduce update time to 6 months. Valley Center Community Planning Group stands ready to assist the county in this reasonable goal.

The motion to approve the additional comments was approved by a vote of 13-0-0 at the regular Valley Center Community Planning Group meeting on February 8, 2016.

Regards,

Oliver Smith

Chair, VCCPG

PO Box 2459
Borrego Springs, CA 92004
February 1, 2016

Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attention: Peter Eichar
RE: DS24 Borrego Country Club Estates

Dear Mr. Eichar,

I am a resident of Borrego Springs, California, and I am writing to ask that the County of San Diego deny the request to rezone the DS24 property known as Borrego Country Club Estates. This property backs up to my home and will greatly impact my life and the life of my community if it is allowed to be developed at the density being requested with the rezoning. The viewshed of my neighborhood looks directly on this beautiful parcel consisting of ancient dunes and an "old growth" ocotillo forest. It is an undisturbed parcel in our beautiful desert, home to multiple endangered species, and deserves to be protected.

If the zoning of this parcel is changed to one house per acre, it will scar this area permanently. Developing this parcel at such a density will also greatly impact the air quality in the Borrego Springs area. Borrego Springs is already reeling with dust storms due to local development and more lots and streets will exacerbate this problem. Additionally, Borrego Springs is grappling with water issues that make large scale developments unfeasible, and cannot conform to the requirements of the new Sustainable Groundwater Management Act that went into effect this year.

On behalf of the citizens of Borrego Springs, I am urging the County of San Diego to deny this request for rezoning. Please help protect our fragile ecosystem from large scale developments.

Sincerely yours,

Connie Spears
Borrego Springs, California

**LORI L. STAEHLE PAUL & ROBERT L. STAEHLE
153 JAXINE DRIVE
ALTADENA, CALIFORNIA 91001**

Co-owners of San Diego County APN #198-320-14, #198-320-15 and #198-320-28

2016 February 4

County of San Diego
Planning and Development Services
Peter.Eichar@sdcounty.ca.gov
Kevin.Johnston@sdcounty.ca.gov
5510 Overland Avenue #310
San Diego, California 92123

Re: Public comment responding to the Notice of Preparation (NOP) for a Subsequent Environmental Impact Report (SEIR) to analyze impacts associated with the Property Specific Requests (PSRs) General Plan Amendment and Rezone (GPA 12-005; REZ 14-006).

Specifically concerning Property Specific Request (PSR) Desert Subregion 24 (DS-24):

APN# 198-320-01

APN#198-320-26

to change above parcels of undeveloped desert from Semi-Rural SR-10 to Semi-Rural SR-1 zoning under the current San Diego County General Plan

Dear Messrs. Eichar, Johnston, and Planning Staff,

As owners of record for three parcels near the subject APNs, ourselves and our property values would be negatively impacted by the proposed zoning and land use change to increase density of development on approximately 172 acres of natural desert encompassed by Property Specific Request DS-24. The requested zoning change from low density SR-10 to high density SR-1 is contrary to the County General Plan adopted for this area on August 3, 2011. Because the proponents had no active development application on record at the time the new General Plan was approved (and certainly no approval for any subdivision plan), we strongly object to the County giving any special treatment to the persons who propose to develop the subject parcels.

Further, whether or not they might have had an active request "in the system," we strongly object to the proposed County approval of development plans on the DS-24 site because of the negative impacts this would impart, including but not limited to:

1. Degradation of the semi-rural character of the zone surrounding Anza Borrego Desert State Park. It was precisely this semi-rural, open space character that the reduced density approved in the new General Plan was intended to preserve.

2. Dust, molds, and other fine particulate pollution will be added to the air in large quantities for many days of the year if the stable sand dune and a large ocotillo forest are removed from the DS-24 site, thereby degrading air quality and threatening public health. The developers plan to grade 170+ acres, scraping off native vegetation and biotic soil crust and using the existing old sand dune on the site as fill to create elevated vacant lots they hope to sell. This plan would dramatically increase the load of windborne dust, molds, and other fine particulates that will irritate our lungs and eyes and those of our co-owners, our guests, neighbors in the region, and tourists. The subject parcels are located in an area of known frequent high winds, often >50 mph.
3. Dark sky is one of the rare resources that brings many people to the Anza Borrego Desert. It is one of the significant reasons we value the desert. Unlike more populated parts of Southern California, the Milky Way galaxy in which our Solar System resides can be clearly seen on the usually-cloud-free nights. Increasing the residential density will increase background lighting in ways that degrade the dark night sky, especially when there is windblown dust in the air (see #2 above). The proposed increase in development density will counter efforts by Borrego Springs that have earned us an official Dark Sky designation (see <http://darksky.org/idsp/communities/borregosprings/>), as the second Dark Sky Community in the United States after Flagstaff, Arizona. Just as Flagstaff is located near Lowell Observatory (from which Pluto was discovered), Borrego Springs is located in the dark skies near the historical and still fully-utilized Palomar Observatory. The economy of Borrego Springs is enhanced by the astronomers and other visitors who specifically come here to see dark skies and clear, scenic desert views.
4. Traffic in close proximity to Anza-Borrego Desert State Park south of the Borrego Springs community proper would be dramatically increased if DS-24 is changed to SR-1 zoning, first during construction, and then as people occupy new residences. Traffic will increase noise, toxic exhaust, particulates thrown up by diesel engines and tires, and noise pollution. Traffic at night will further degrade Borrego Springs' dark sky resource and the attraction this holds for astronomical event tourism that helps support many local businesses.
5. Species diversity and biological resources will be greatly diminished and the natural environment degraded if the PSR for DS-24 is approved. Under the 10-acre minimum parcel size designation carried for the subject parcels in the new General Plan, there would be sufficient space between any eventual residences to retain natural vegetation and the wildlife that depends upon it. Higher lot density and the need to grade the stable sand dune to meet lot elevation requirements would ensure that most or all original native vegetation would be removed from the site, which in turn would virtually eliminate natural habitat for the numerous species of resident and migratory birds, amphibians in areas of periodic water, reptiles, mammals, abundant butterflies, and many species of annual and perennial wildflowers. After sufficient rain, the site can come alive with carpets of spectacular blooms.

In addition to habitat destruction, increased human activity in the higher-density setting would eliminate many significant species for which the site is home or forage or hunting range, including:

Burrowing Owls (*Athene cunicularia*, a California Species of Special Concern) who have active burrows on the site. Populations of these owls are in decline, largely from habitat loss to development as well as pesticide use, making the existence of this species on the DS-24 parcels an important consideration.

Flat-tailed Horned Lizard (*Phrynosoma mcallii*, a California Species of Special Concern) have been observed on the subject parcels. High density housing usually results in the introduction of foreign Argentine ants that kill native ant species and radiate out into the local environment. Horned lizards (including Flat-tailed, Desert, and Sand Diego Coast horned lizards) cannot eat Argentine ants, which results in extirpation of these native lizards around housing subdivisions. Such an occurrence so close to the State Park and wilderness areas is of serious concern.

Colorado Desert Fringe-toed Lizard (*Uma notata*, a California Species of Special Concern) has been seen on the DS-24 parcels in the sandy dune area adjacent to unpaved Country Club Road. The pristine desert habitat, including the old sand dune, large ocotillo forest, and desert stream bed on the subject parcels supports an incredible diversity of desert lizards, including the striking-looking Western Whiptail (*Aspidoscelis tigris*), Zebra-tailed Lizard (*Callisaurus draconoides*), and Long-nosed Leopard Lizard (*Gambelia wislizenii*), among many others. Snakes are also present in abundance, including the spectacular Red Diamondback Rattlesnake (*Crotalus ruber*), Northern Desert Nightsnake (*Hypsiglena chlorophaea / torquata deserticola*), and recognizable light and dark banded California Kingsnake (*Lampropeltis / getula californae*), etc.

Tubb Canyon Bajada and vicinity, including the natural habitat on the DS-24 site, receive occasional visitations by endangered **Peninsular Desert Bighorn Sheep** (*Ovis canadensis nelsonii / cremnobates*), which is a federally listed Endangered Species. Hoof prints of these Bighorn Sheep have been seen on an adjacent parcel as recently as December 2015. Endangered Bighorn Sheep may utilize the subject parcels for seasonal forage, especially during periods of drought. DS-24 parcels are located on the boundary of designated “critical recovery habitat” for the Peninsular Desert Bighorn Sheep. It is possible that future study data will result in extending critical habitat for this endangered species to include alluvial fans and desert riparian water sources that may provide the sheep with additional forage and drinking options during prolonged drought. Such adjustments to critical habitat boundaries have occurred in the past.

6. Noise will dramatically increase during grading and construction, and will remain a nuisance once new parcels are occupied, disturbing on adjacent parcels their owners’ quiet enjoyment and negatively impacting their property values as too many new residents move into the proposed development area so close to the recreational lands and habitat within the adjacent State Park and wilderness areas.
7. Recreational value and aesthetics of the area south of Borrego Springs, including the rugged Tubb Canyon outflow area, will be diminished by destruction of the ancient Ocotillo Forest (*Fouquieria splendens*) and associated rare natural ecosystem that presently occupies the subject

parcels. Every spring these parcels are part of one of the largest unbroken Ocotillo Forest blooms that is easily viewed and accessible from public roads. Most years, this bloom is so intense as to create for a few weeks an astonishing “haze” of brilliant red just above the ground that is part of the wildflower spectacle that thousands of tourists come from all over the world to see.

8. Property values of neighboring parcels will decline, including those in which we share ownership, as result of all the above deleterious effects of the proposed development. The new General Plan enforced the long-standing status quo of low density surroundings that made parcels near the State Park attractive. The proposed action, filed as an active project *after* adoption of the new General Plan, would take value away from us that was intended to be protected by the General Plan, in order to line the pockets of the developers and those politicians whose campaigns they fund.
9. Illegal taking of our property has long been planned by the owners and developers of DS-24 in order to construct extensive, unsightly, environmentally damaging, and costly flood control structures, including a concrete dam “built to federal standards,” additional diversion dikes and channels running east-west along Tubb Canyon Road, and additional debris basins at the mouths of Tubb and Dry Canyons. These flood structures would be built on our land and that of several neighbors. This flood control system has been designed to enable the development of the DS-24 site in a hazardous flood plain at the cost of other, preexisting landowners. It is the most insidious and ominous element of the proposed high-density subdivision of vacant lots located on what is currently pristine desert.

During past extensive discussions and briefings, including proposed tract maps, about the proposed “Borrego County Club Estates” subdivision on the DS-24 parcels over many years, notably at the Borrego Springs Sponsor Group and with neighbors, this massive flood control system of dikes, dam, and basins *was never mentioned by Rudy Monica or other owners of the site*. The flood control plan, and proposed “Geologic Hazard Special Assessment District” to fund its construction, was found buried in County records researched by Lori Paul and neighbor, Ann Irwin, and brought to light back in 2008. It shocked all affected landowners, the Sponsor Group, State Park staff, and raised even greater public opposition to the project that has become commonly known as “Rudyville.”

Refer to the following developer’s report for details along with past TM5487 “Borrego Country Club Estates” Flood Hazard Evaluation documents and plans:

“Flood Hazard Evaluation – Borrego Country Club Estates – Borrego California”

Prepared for Mr. David S. Davis, Carlsbad, California

by Walter F. Crampton, Principal Engineer

R.C.E. 23792, R.G.E. 245

Terra Costa Consulting Group, Inc., San Diego, California

August 27, 2007

The report repeatedly refers to “...*the County’s 2,700-foot-long-dike* [emphasis added] in the headwaters of Culp-Tubb Canyon.” The old, earthen diversion dike built on our property and that of other neighbors was not, as stated, constructed by San Diego County. The County does not own or maintain that dike, it is on private property and was constructed decades ago as a temporary dirt levee by the U. S. Army Corps of Engineers. Currently, the main dike and small sub-dikes to the northwest are naturalizing by erosion and revegetation. Furthermore, burrowing owls reside on the east side of the old dike berm. We have no intention of allowing any alternation in that dike which is returning to its natural state.

The massive concretized flood control system proposed by the owners of DS-24 includes: A concrete “5600’ +/- OFFSITE DIVERSION DIKE TO BE CONSTRUCTED” as featured in a map dated 05/18/07 [month slightly illegible on reduced paper copy], so may be different], titled “DRAINAGE EXHIBIT, REGIONAL DEVELOPED CONDITIONS, BORREGO COUNTRY CLUB ESTATES,” prepared by Stevens-Cresto Engineering, Inc., and submitted to San Diego County for “TRACT 6487-RPL1”. This map, copy attached in east and west halves, shows a “4000’ +/- DIVERSION DIKE TO BE RETRO-FIT” crossing our parcel APN #198-320-28, and the “Proposed Diversion Structure” downslope of that to be inside the Anza-Borrego State Park Boundary, and to run alongside our land, impinging on our parcel APN #198-320-15.

The map notes state that this structure is to render a portion of the proposed development “TO BE REMOVED FROM FLOOD ZONE ‘AO’ ”; AO being a zone determined by the Federal Emergency Management Agency (FEMA) to be subject to periodic significant flooding that threatens structures.

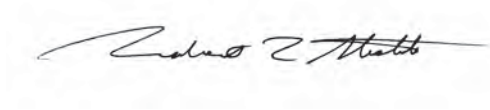
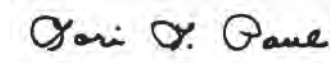
A preferred alternative involving the above flood control structures, includes excavation of catch basins at the base of Tubb Canyon and Dry Canyon, also on private property and possibly impinging on the State Park.

The land for these highly intrusive flood control structures is not owned by either the developers or the County, nor are there recorded easements that could be utilized for such structures. Thus, the required property would need to be seized from us, our co-owners, and our neighbors by eminent domain. Elsewhere there is a description for how the developers intend to secure support from elected officials to create a new special assessment district that would tax us, our co-owners, neighbors and others, in effect so that these developers could profit from illegally taking our lands for a project that should never be built in the first place.

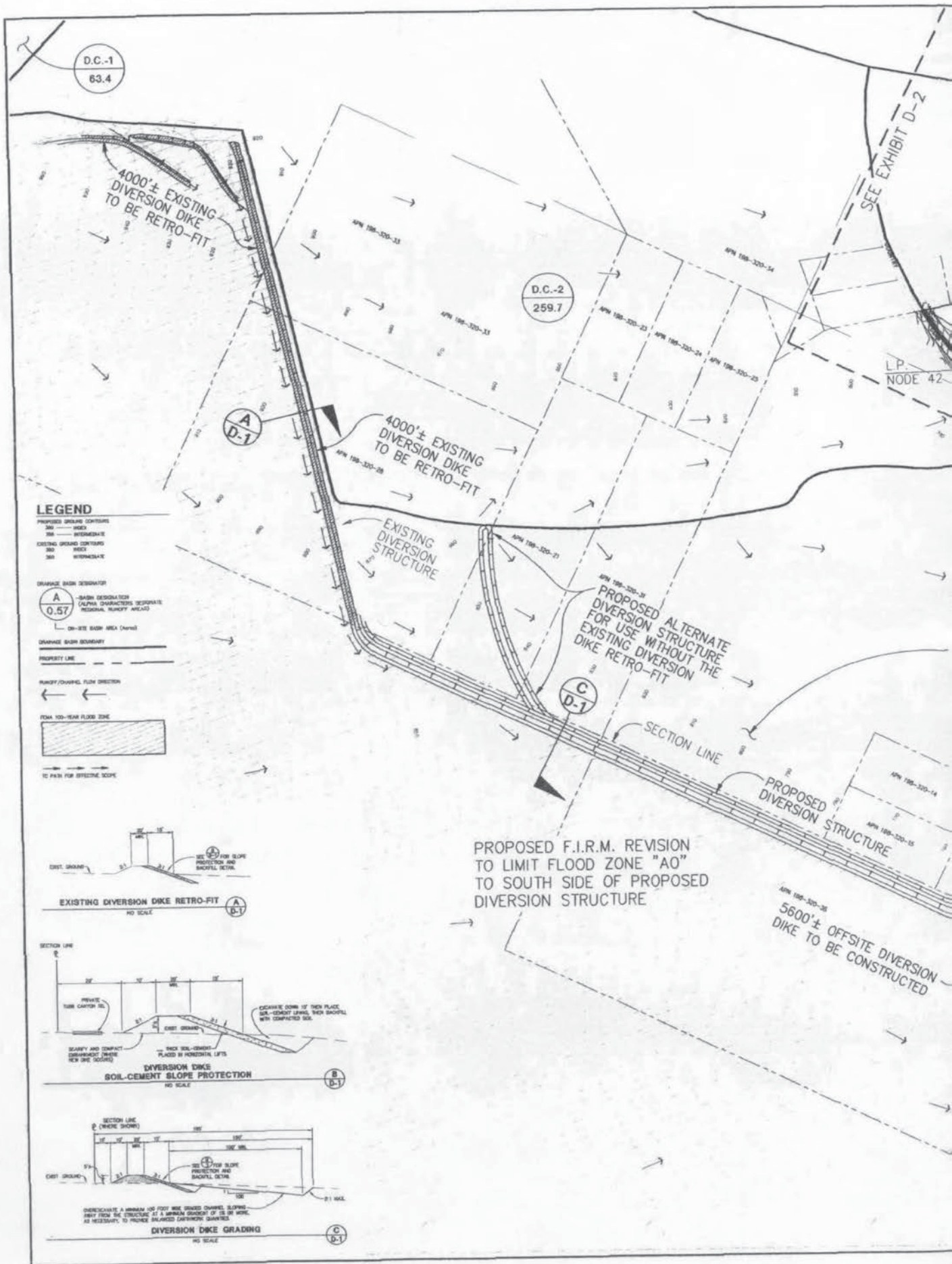
This travesty is, fortunately, prohibited by the new General Plan; therefore, on this basis, in addition to other germane concerns, no Project Specific Request should be approved for DS-24 (aka “Borrego Country Club Estates,” known locally as “Rudyville”).

For all these reasons, we oppose the proposed project for the DS-24 site. We therefore request that San Diego County suspend any and all actions taken in support of increasing the permitted housing density, or any other proposed use change with the exception of reduced density or conservation protection, from the present undeveloped land on APN #198-320-01 and #198-320-26.

Thank you,

A handwritten signature in black ink, appearing to read "Robert Z. Martin".A handwritten signature in black ink, appearing to read "Gori V. Paul".

Attachments: East and West halves of map dated 05/18/07, titled "DRAINAGE EXHIBIT, REGIONAL DEVELOPED CONDITIONS, BORREGO COUNTRY CLUB ESTATES," prepared by Stevens-Cresto Engineering, Inc., and submitted to San Diego County for "TRACT 6487-RPL1".





VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

February 1, 2016

Mr. Peter Eichar
County of San Diego
Planning Division
5510 Overland Ave., #310
San Diego, CA 92123

**RE: PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENDMENT & REZONE
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (SEIR)**

Dear Mr. Eichar:

Thank you for the opportunity to review the Property Specific Requests (PSRs) General Plan Amendment (GPA) to the San Diego County General Plan and the NOP of a Subsequent Environmental Impact Report (SEIR) to implement the County of San Diego General Plan Update (General Plan). The General Plan serves as a policy guide for determining the appropriate physical development and character of the County of San Diego planning area. The General Plan establishes the maximum level of development that can occur within this planning area, including areas serviced by the Vallecitos Water District.

The General Plan highlights the areas that have been identified for change over the next two decades. The Vallecitos Water District (District) provides water and/or sewer services to a portion of the County of San Diego. In addition the District has a major pipeline (the San Marcos Interceptor) that travels from the City of San Marcos to the Encina Wastewater Treatment Facility in the City of Carlsbad. The facility treats wastewater from San Marcos, Escondido, Vista and Carlsbad areas within the Vallecitos District Boundaries.

Water and sewer service will be provided under the rules and regulations of the District, under normal operating conditions after all required fees have been paid and all conditions of the District have been satisfied.

Any existing District pipelines located within the areas that are in conflict with proposed development will require relocation within the public right-of-way or District easements. District policy requires that all newly created parcels have frontage on a District main and extensions of facilities to serve each newly created parcel will be required. The exact location of the main line extensions and relocation will be determined during the planning

stage for each District boundary area development.

Water or sewer facilities not within the public right-of-way will require a minimum 20-foot easement granted to the District. The District may require additional easements through the new development or private properties for future extensions. The developer for each area is responsible for obtaining any easements including expenses incurred. Joint use of these easements is not allowed by the District and easements for storm drain and other facilities should be analyzed early so that adequate sizing of easements for all facilities and various agencies is provided.

No structures will be allowed over District facilities. This includes, but is not limited to, walls, entrance medians, landscaping, gates, guard house structures, curbs and gutters, and driveways. For protection of District facilities, any areas with water pressures near or higher than 150 psi will require water pressure regulators between the water main and the metering device.

The District adopted Ordinance No. 162 on May 6, 2009, which identifies various water conservation measures including mandatory conservation, the curtailment of availability letters and limiting new service connections as it relates to current and future drought conditions.

On April 1, 2015, Governor Brown issued an Executive Order directing that the State Water Resources Control Board impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use. On May 5, 2015, the State adopted new regulations and mandated a 24% reduction in potable water use for the District from 2013 demands.

On May 20, 2015, the District's Board of Directors adopted emergency drought restrictions under Ordinance 195 (to supplement Ordinance 162) to limit all outdoor irrigation, excluding certified agricultural or commercial growers, to 2 unassigned days per week/8 minutes per station and additionally as follows:

- The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.
- The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.
- The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

Mr. Peter Eichar
COSD GPA of PSRs and NOP of Subsequent Environmental Impact Report (SEIR)
January 5, 2016
Page 3

The District currently obtains 100% of its water supply from the San Diego County Water Authority, which in turn obtains most of its water from the Metropolitan Water District of Southern California. Therefore, the District's primary water sources are from northern California via the California State Water Project and from the Colorado River via the Colorado River Aqueduct. The Vallecitos Water District is currently a member agency in the Poseidon Resources Desalination project. This project includes a 30 year water purchase agreement through the San Diego County Water Authority for 3,500 acre-feet per year of desalinated water.

At this time, the District does not have recycled water available in the County of San Diego planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the County of San Diego planning area through Year 2030.

Conclusion

The District staff has been in contact with Mr. Peter Eichar in an effort to be provided with a more precise depiction of the area of change within the District's boundary. Mr. Eichar generously provided the District with a map that shows all land use changes within the District boundaries. The District was also supplied with a corresponding table of the land use designation and a list of the effected assessor parcel numbers. The information provided by the County of San Diego and Mr. Eichar stated that the County is planning on changing the General Plan Update land use designations for certain properties within the District's boundary. According to the information received there will be an approximate increase of 1025 dwelling units within the Districts' boundary.

The Vallecitos Water District requests notification of and inclusion in any future public review and requests copies of any related studies and environmental documents when they become available.

If you have any questions, please contact the undersigned at (760) 744-0460 or by e-mail at istichter@vwd.org.

Sincerely,



Ingrid Stichter
Engineering Technician II
VALLECITOS WATER DISTRICT

cc: Robert Scholl, Senior Engineer Development Services
James Gumpel, District Engineer

Paul & Angela Strathorn

P.O. Box 2610

3339 El Tejon Rd.

Borrego Spgs. CA.

92034

Subject: Project # DS24

(Borrego Country Club Estates)

Mr. Eichler, my wife and I have lived in Borrego Springs for over 20 years. Our house is just east of the project site. There are a number of concerns we have about a project of this size.

1. Borrego Springs has a very limited single source of water underground with a huge yearly overdraft.

To develop this land in view of this problem would not be in the best interest of our town or any future residents.


2. The development of a beautiful raw desert with a fabulous Ocotillo forest would be a scar in this valley. People visit from San Diego, L.A. and all over the world to enjoy the natural beauty of this special place.

3. Borreg Springs WAS overdeveloped
many years ago and currently has hundreds of
lots and thousands of acres that have not sold.

We ARE AGAINST the proposal to
change zoning in the General Plan
Regarding this project.

THANKS

Paul & Angela Stratton


Angela A. Stratton



From: [Elena Thompson](#)
To: [Eichar, Peter](#)
Subject: Borrego Springs Rudyville
Date: Thursday, January 21, 2016 5:11:56 PM

Hello Peter,

As residents of Borrego Springs and Encinitas, we can assure you that for the County to entertain any plans or discussions at this juncture for zoning changes in Borrego Springs would be total insanity, as would be any discussion of entertaining permits for new housing tracts.

There is a dire water shortage in Borrego Springs and making any zoning changes at this time must be put on HOLD. Please, STOP moving forward on any plans that encumber the future water supply in Borrego Springs, until the County and State of CA. can first come up with a solution to the shortage of water. Further, any rezoning of precious land of this kind, when you could keep your eye on already, previously farmed land, is where the focus would need to be going forward. Not on virgin land, plain and simply. We do not need to create more dust under any circumstances or denigrate any new land such as the rare land now being eyed by developers of Rudyville.

We are counting on the County of San Diego to be a partner and do the right thing here.

Kindly confirm receipt of this email thanks.

Thank you,

Elena and John Thompson

Office-Direct: 760.822.3873

Johnston, Kevin

From: Elena Thompson <elenathompson@cox.net>
Sent: Thursday, December 17, 2015 1:05 PM
To: Johnston, Kevin
Subject: Property Specific Requests General Plan Amendment - Borrego properties PUBLIC COMMENT
Attachments: NOP documentation - PSRs GPA_TimeExtension.pdf

Hello Kevin,

Please get this public comment in for the record if you could thanks,

WE ARE FIRMLY AGAINST ANY LAST MINUTE MODIFICATIONS TO THE GENERAL PLAN THAT CALL FOR ANY KIND OF ZONING CHANGE HERE FOR BORREGO SPRINGS.

THIS WOULD NEED TO BE FULLY VETTED WITH AMPLE PUBLIC NOTICE, FAR BEYOND THIS NOTICE NOW, FOR A ZONING CHANGE OF THIS KIND.

THANK YOU! ELENA AND JOHN THOMPSON
ENCINITAS AND BORREGO SPRINGS



HAPPY HOLIDAYS!!

Elena Thompson, "E.T.", Realtor
John Thompson, "J.T.", Broker
Office-Direct: 760.822.3873
INDIAN HEAD, BORREGO SPRINGS

San Diego Real Estate Sales and Investments since 2000! We love your referrals! Thank you for thinking of us!

Peter Eichar
County of San Diego Planning & Development Services
5510 Overland Ave, Suite 310
San Diego, CA 92123

RE: Borrego Country Club Estates. Project #DS24

Dear Mr Eichar,

As property owners on Country Club Road, Borrego Springs, my husband and I have strenuous environmental objections to the proposed zoning change of the so called Rudyville parcel from one house per ten acres, to one house per one acre.

The proposed development is in a flood plain which flooded seriously two years ago. We believe our property would be at risk if there is ill advised and needless development in the area. There is no guarantee that any flood mitigation undertaken as part of Project DS24 would be effective or would not result in further flooding danger to our property.

It is no secret that adequate water for the future of the Borrego Springs area is in jeopardy. It is unconscionable to consider a development of this magnitude in these circumstances.


Increased traffic due to construction vehicles and residential use is also a major concern. The threat of noise pollution is real, and must be considered in a place that people retire to for peace and quiet. Country Club Road has been blocked off for some reason so the proposed increase in traffic would go speeding past our door.

There are multiple endangered species in this area, including an ancient Ocotillo forest. There is absolutely no need for anything to be disturbed, as there already are any number of residential lots available in the Borrego Springs area.

We appreciate the opportunity to comment on this proposed project, and ask that our concerns be incorporated into the Notice of Preparation of an Environmental Impact Report on DS24, Borrego Country Club Estates.

Sincerely,

Elizabeth and Patrick Thompson


3445 Country Club Road
P.O.Box 2684
Borrego Springs, CA 92004

415-300-6492
lizziestewart@yahoo.com

February 2, 2016

COMMENTS on Notice of Preparation, 3Dec2015, revised 10Dec2015, re. Assessor Parcel Number 1283105000, Townsend Lyn R & Diana R Trust, 9430 W Lilac Rd, Escondido, CA 92026

Thank you for the opportunity to provide comments to the recently published NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT dated December 3, 2015 (revised December 10, 2015). Per requirements, our comments have been delivered by February 4, 2016, and have been sent via email to Peter.Eichar@sdcounty.ca.gov.

In the comments that follow, I note the importance of including the following pieces within the proposed SEIR:

- Thorough analysis and evaluation of cumulative effects of sweeping County-wide general plan land use and zoning redesignations,
- Complete inclusion and analysis of potential alternatives, particularly including infill development, and
- Careful examination of impacts to the recreational bicycling communities of North County San Diego.

The proposed Project is a Property Specific Requests GPA to the San Diego County General Plan. The proposed Project would result in revisions to the existing General Plan Land Use and zoning designations on private properties including their surrounding study areas, totaling approximately 13,000 acres within 1,149 parcels throughout the unincorporated County.

The Project diverges sharply from the county's expensive new General Plan, a blueprint for growth with the intention to guide decision-making. The new General Plan's LU-1.2 policy to prohibit leapfrog (sprawl) development or the cumulative impact of "revisions to the existing General Plan Land Use and zoning designations" which ultimately contribute to leapfrog and sprawling development (re General Plan LU-1.5 policy).

Based on the County's preliminary analysis of the proposed Project, the following environmental issues are to be examined in the SEIR: Aesthetics, Land Use and Planning, Agriculture and Forestry Resources, Mineral Resources, Air Quality and Greenhouse Gas Emissions, Noise, Biological Resources, Population and Housing, Cultural and Paleontological Resources, Public Services, Geology and Soils, Recreation, Global Climate Change, Transportation and Traffic, Hazards and Hazardous Materials, Utilities and Service Systems, and Hydrology and Water Quality. Other than brief mention that the SEIR will tier to the Programmatic EIR for the General Plan Update, there is no specific mention of CUMULATIVE IMPACTS of the aforementioned environmental issues. Unfortunately, the existing cumulative impacts analysis in the General Plan Update seem to be short on logic and fail to adequately assess the significance of collective impacts, particularly from a County wide redesignation of land uses from low density to high density, or low density to commercial or industrial.

Cumulative impacts are an essential inclusion to the SEIR and must be analyzed carefully and thoroughly. The cumulative impacts are where the erosion of community character and environmental safety and health can be most accurately captured, especially when such large scale, County-wide growth plan changes are to be made. Even if local impacts to habitat and infrastructure are considered less than significant under each individual development proposal, the cumulative impacts of sweeping zoning redesignation are certainly not. Each proposed or future revision or change in zoning designation represents an incremental change and cumulative impact on conditions in comparison to conditions at the time of adoption of the General Plan Update (2011).

Of particular concern is that cumulative environmental and infrastructure impacts have already reached or will reach a tipping point in many of the proposed zoning redesignation sites. For example, in the nearby proposed Lilac Hills Ranch development (Valley Center CPA), the roads, water, sewers, and house fire/wildfire response times are not sufficient for an estimated 5,000 additional people to live there, not to mention impacts, if the development proceeds, on the existing population in the surrounding and neighboring land and parcels. Conditions get cumulatively worse as developers are given permission to acquire rural and semi-rural land, build a large development on them, and leave the County to scramble to relieve the issues brought about by increasing densities in a previously rural or semi-rural

community. In other words, how can cumulative impacts that are at a tipping point of “significance” or imminently near a tipping point be mitigated or minimized with leapfrog, sprawling development in rural and semi-rural areas with little to no infrastructure?

Another essential piece of any EIR is the presentation of alternatives to the proposed project, which must be considered in order to ensure that significant individual and cumulative impacts are avoided, minimized, or mitigated. It is my expectation that the presentation of alternatives include a thorough analysis of the possibility of utilizing infill growth, instead of sprawl. Infilling development is environmentally sound in towns and cities with existing infrastructure, reducing the exorbitant costs to maintain a huge, spread-out network of roads, pipes, wires, and fire response. Infilling development will also have significantly fewer impacts in relation to the SANDAG 2050 transportation plan where the County is to meet state goals to reduce greenhouse gases. This will be difficult to impossible if developers are allowed to locate populations of people far away from available jobs, force them to commute, and offer no public transportation.

Finally, an essential consideration in the SEIR will be the individual and cumulative impacts to recreational activities, particularly bicycling in North County San Diego. The North County bicycling community consisting of many formal and informal groups and individuals has developed in this area as a result of excellent road cycling opportunities, climate, and aesthetic beauty. It is currently a world class hub for training of professional, amateur and recreational cyclists, e.g. the Race Across the West, and the Race Across America which both begin and traverse their way through the County. The economic and public health safety impacts of sprawling development throughout North County to an existing strong cycling community must be effectively analyzed. For example, there is an increasing concern of existing rural road standards with the new 3-foot clearance rule between vehicles and bicycles (California Vehicle Code § 21760). Changes to rural and semi-rural land use designations that increase traffic numbers will further heighten this concern to the detriment of health, safety, efficient traffic flow and potential loss of life by motorists and cyclists.

Please feel free to contact me for additional clarification and testimony.

Sincerely,

/s/ Lyn Townsend

Forest Ecologist (Ret), USDA Natural Resources Conservation Service

Cyclist (active): North County Cycling Club, North Coast Velo, Ranchos, Bonsal Wednesday Group

9430 W Lilac Rd, Escondido, CA

360-903-8756

From: [Jim Elliot](#)
To: [Eichar, Peter](#); [Wardlaw, Mark](#)
Subject: comment toProject Number PDS2012-3800-12-005; PDS2014-REZ-14-006
Date: Monday, February 29, 2016 5:10:19 PM

Mr. Mark Wardlaw, Director Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

RE: PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENMDENT & REZONE Notice of Preparation of
an Environmental Impact Report

Comments: Project Number(s) PDS2012-3800-12-005; PDS2014-REZ-14-006

Mr. Wardlaw:

It has come to our attention that changes to the County's General Plan Amendment (GPA) are being considered. The changes to be made are in involved with Project Numbers PDS2012-3800-12-05 and PDS2014-REZ-14-006. The proposed changes include an update to the Land Use designations and some possible changes to the current zoning plans.

As members of the Trails Advisory Committee for the City of San Marcos, we have an obligation to watch for changes to the County's GPA that may adversely affect trail access and usage. Our committee's purpose it to augment the usage of trails within the city of San Marcos and promote the healthy lifestyle that accompanies the hiking, running, biking or equestrian uses of our trails system.

A number of the trails used in San Marcos link to other trails and paths outside of city control but are part of the County of San Diego trail system. We strongly request any changes that are associated with these projects be mindful of the trail system and open space usage that our city has cultivated and the residents of the community desire. We urge the county planners to include, in any amendment to the land use, provisions for connectivity between existing trails, expansion of current trails, or creation of new trails. All proposed changes should follow guidelines as called out in the Master Parks and Trails Plan and the Twin Oaks Valley Community Plan.

It is equally important that the integrity of the open space be saved or restored for current and future generations. People choose to live here in the North County because of the uniqueness of the character of area and they enjoy the solitude that comes with the multitude of available open space. It is important to listen to residents of these areas before any proposed changes are planned. A robust trail system and the preservation of our open space would be beneficial to all residents of the County of San Diego.

Sincerely,

The Trails Advisory Committee, City of San Marcos



February 26, 2016

Mr. Mark Wardlaw, Director Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENMDENT & REZONE Notice of Preparation of an
Environmental Impact Report

Comments: Project Number(s) PDS2012-3800-12-005; PDS2014-REZ-14-006

Mr. Wardlaw:

It has come to our attention that changes to the County's General Plan Amendment (GPA) are being considered. The changes to be made are in involved with Project Numbers PDS2012-3800-12-05 and PDS2014-REZ-14-006. The proposed changes include an update to the Land Use designations and some possible changes to the current zoning plans.

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It is equally important that the integrity of the open space be saved or restored for current and future generations. People choose to live here in the North County because of the uniqueness of the character of area and they enjoy the solitude that comes with the multitude of available open space. It is important to listen to residents of these areas before any proposed changes are planned. A robust trail system and the preservation of our open space would be beneficial to all residents of the County of San Diego.

Sincerely,

The Trails Advisory Committee, City of San Marcos

Attn: Peter Eichar
Department of Planning and Development Services

Regards: Housing Development project know in Borrego Springs as "Rudyville," and referred to by County as DS24 or Borrego Country Club Estates.

We are **opposing** this development here in Borrego Springs for reasons below:

1. We live full time on (3266 Broken Arrow Rd., Borrego Springs, Ca 92004) due to this project above will cause us more undue traffic and air pollution in our area.
2. Grading or denuding 172 acre and destabilizing the dunes will result in horrific sandstorms, dust that will degrade air quality in the valley and expressly in our area.
3. No need to grade such a beautiful area here in Borrego Springs for unneeded building sites. There are already already thousands of unsold vacant lots here in Borrego Springs along with the lots around Borrego Springs resorts that already have utilities.
4. Water!! Borrego is already concerned about the shortage depleted aquifer another 172 homes will not help with our water depletion.
5. Flood plain, endanger species, ancient ocotillo forest along with other beautiful old growth desert plants.
6. It would be devastating for everyone who lives here in Borrego Springs if this development goes through. Please don't deface our beautiful town we all love so dearly.

Thank you, Dave and Sue Unterseher



Carlsbad
Los Angeles
Phoenix

January 22, 2016

DELIVERED VIA U.S. MAIL and Email

Peter Eichar
San Diego County Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Peter.Eichar@sdcounty.ca.gov

**RE: Property specific requests, general plan amendment, and rezone
Project numbers: PDS2012-3800-12-005; PDS2014-REZ-14-006
Env. review number: PDS2012-ER-12-00-003; SCH#2015121012**

To San Diego County Planning & Development Services and Mr. Eichar:

This firm represents Frederick and Rebecca Knox, owners of the real property located at 9678 Circle R Drive, Escondido, CA [APN: 129-390-18-00] (the "Knox Property"). I am writing to convey our clients' preliminary questions and concerns about the projects described above, which were mentioned in a Notice of Preparation of an Environmental Impact Report they received in December 2015.

Our clients are concerned that the pond on their property would be adversely affected by the projects, especially if the projects result in increased population density, vehicular traffic, and pollution of the air, water, and soil. The viability of animal and plant life in and around the pond, including nearby orchards of avocado and other vegetation (both endemic and agricultural), is of particular concern. Destruction of the orchards and other flora and fauna will affect the area's aesthetics, reduce property values, and diminish the neighborhood's appeal. Rezoning will inevitably require additional infrastructure to support the people moving into the higher density areas, and our clients are concerned about environmental contamination from installation and maintenance of new sewer lines, electrical wiring, and other utilities. Any sewer lines built on Mountain Ridge Road or Circle R Drive should be explained in detail, and mitigation measures proposed to deal with potential contamination of the Knox Property.

It is concerning that this area overlaps with the Lilac Hills Ranch project. The EIR should address these projects' effect on Lilac Hills, and vice versa. Staff should take care to explain any discrepancies or inconsistencies between the Lilac Hills EIR and the EIR prepared for these projects. If there are not any significant

differences in the impacts caused by the respective projects, the similarities require similar explanation. Given Accretive Investment's acquisition of easements and property using front companies, the community would undoubtedly appreciate an explanation of how many of the original property owners are still requesting that these changes be made. It is probable that some of the original requesters no longer hold full title to their land, having made separate deals with Accretive to support Lilac Hills Ranch. The EIR should enumerate the number of parcels affected by these changes as well as the number whose owners are actually *requesting* these changes.

As with the Lilac Hills Ranch project, third party or government intrusion on the Knox Property is unwarranted and should not be part of any projects. The EIR should include mitigation measures to assuage concerns that building new infrastructure, such as expanding or widening roads, will burden private property owners' land without their permission. Any use of eminent domain should appear in studies and reports like the EIR as soon as staff is aware that it might be necessary for any part of the project. One would hope a rezoning proposal would not involve eminent domain, but as the Lilac Hills Ranch project demonstrated, it never hurts to consider the issue early on. If the staff determines these projects would never require the use of eminent domain for any reason, please describe *why* eminent domain is unnecessary to accomplish the projects' goals or to deal with the likely consequences of the project in the future. The EIR should address the concerns raised in this firm's letter¹ to the Planning Commission in opposition to the Lilac Hills Ranch project, in which we explained that any modifications to the Circle R Drive and Mountain Ridge Road intersection would probably require an illegal use of eminent domain to pave part of the Knox Property. If these projects do not require any widening of Circle R Drive and Mountain Ridge Road or incursions onto the Knox Property, please explain why.

According to the Notice of Preparation, "The proposed project also includes revisions to the Residential Policy 8 of the Valley Center Community Plan; to change the minimum lot sizes allowed in the SR-2 designation, from one-acre to one-half acre and, change the minimum lot size allowed in the SR-4 designation from two-acres to one-acre. The stipulations in the policy for allowing the noted minimum lot sizes are not proposed to change. The full text of the current policy and the proposed revisions can be found on the project web page at: <http://www.sandiegocounty.gov/content/sdc/pds/advance/PSR.html>." However, when our firm contacted your office and spoke with Marcus Bishop, he said that the proposal to change the definitions of SR2 and SR4 had been withdrawn. Please explain in the EIR whether or not the definitions of SR2 and SR4 will remain as they are, or if they will instead be changed. A change from 1-acre to 0.5 acres for SR2 and from 2 acres to 1 acre for SR4, of course, would quadruple the density in the area, rather than merely doubling it, if the parcels are rezoned to SR2. This is a big difference, and must be adequately addressed.

The documents available on the county's website contain widely varying estimates of the number of new dwelling units expected to arise from these proposals. In a single map, for example, the estimates are either 371 dwelling

¹ A copy of this letter is attached for your convenience.

units (page 1) or “nearly 1000” (page 2)². Another area of the county’s website³ estimates this will result in an increase of 253 dwelling units. Yet another⁴ area estimates 160 dwelling units. When our firm spoke with county staff member Marcus Bishop in early December, we were told the current estimated increase is 250 new units on 230 affected parcels. Please explain the discrepancies in these numbers, and the methodology that underpins the staff’s final estimate.

We appreciate your consideration of these concerns.

Sincerely,

GALUPPO & BLAKE, APLC

A handwritten signature in blue ink, appearing to read "Daniel Watts", with a stylized flourish at the end.

DANIEL T. WATTS, ESQ.

² http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Jun2012/VC7%2B.pdf.
³ <http://www.sandiegocounty.gov/content/sdc/pds/advance/PSR.html> (entry for “Valley Center 7+”).
⁴ http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Jun2012/July_25_PSR_GPA_BL.pdf (entry for VC7+).



Carlsbad
Los Angeles
Phoenix

August 5, 2015

Sent via U.S. Mail, Email, and Fax

Mr. Mark Slovick, Project Manager
COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
Fax: (858) 694-2555

Ms. Lisa Fitzpatrick, Project Manager
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Mr. Jon Rilling, Project Manager
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jon@accretive-investments.com

Ms. Anne Moore, Esq.
NORTON, MOORE & ADAMS
525 B Street, Suite 1500
San Diego, CA 92101
amoore@nmalawfirm.com

RE: OBJECTIONS TO DRAFT FINAL ENVIRONMENTAL IMPACT REVIEW

Project: Lilac Hills Ranch
Specific Objection: Proposed Widening of Mountain Ridge Road
Affected Property: 9678 Circle R Drive, Escondido, CA [APN: 129-390-18-00]

Dear Mr. Slovick, Ms. Fitzpatrick, Mr. Rilling, and Ms. Moore:

I am writing on behalf of Frederick and Rebecca Knox, owners of the real property located at 9678 Circle R Drive, Escondido, CA [APN: 129-390-18-00] (the “**Knox Property**”), to object to the Lilac Hills Ranch Project and urge the Planning Commission not to approve it. Our clients are particularly troubled by the proposed construction at the intersection of Circle R Drive and Mountain Ridge Road. This construction would unnecessarily – and illegally – infringe on the rights of nearby property owners and cause both the public and private landowners to incur unnecessary costs.

The project as a whole violates the General Plan and County policies, including the prohibition on leapfrog development embodied in Policy LU-1.2. In the publicly available Draft Final Environmental Impact Report, appendices, and related documents (“**Report**”), the only responses to the community’s objections consist of conclusory statements, and linguistic somersaults. When those weren’t enough, the Report recommends the County *amend* General Plan to conform to the project, rather than amending the project to conform to the recently enacted General Plan. While the staff produced a well-researched and voluminous Report addressing many issues and providing many pages of useful background information on the scope of the project, the Report seems to dismiss the project’s flaws, such as the lack of legal rights to necessary land. The developer’s lack of easements is dismissed as a “dispute between private parties” with which the County need not concern itself – despite the Report’s simultaneous “acknowledgement” that the County will need to use eminent domain literally dozens of times to seize enough property to build the project. To justify building a project in violation of county policies, the Report redefines leapfrog development, redefines “village,” and cites court decisions for the exact *opposite* of their holdings. Based on the documents made available in the Draft Final Environment Impact Report (“**DFEIR**”)¹ and the county’s publication of comments received from the public,² it is clear that Accretive Investments, Inc. (“**Developer**”)’s proposal for the Lilac Hills Ranch project (“**Project**”) must be denied.

Like the Bonsall and Valley Center community groups, whose objections we adopt and incorporate by this reference, the Knoxes believe installing a new village in the middle of a semi-rural/rural area – without any concrete plan for acquiring the multiple easements from private property owners necessary to build it – violates CEQA, the General Plan, and County policies.

- 1. By simply moving a small portion of Circle R Road to its proper location along an existing easement, the Circle R/Mountain Ridge Road intersection could be fixed without exercising eminent domain.**

Eminent domain proceedings will fail when a viable alternative exists that would have a lesser impact on property owners. CAL. CIV. CODE §1245.220(c)(1)-(4) (proposed project must be planned “in the manner that will be most compatible with the greatest public good and the least private injury,” and seizure of land must be “necessary”). Eminent domain is an

¹ The most recent version of the DFEIR is available to the general public at http://www.sandiegocounty.gov/content/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/draft-FEIR.html

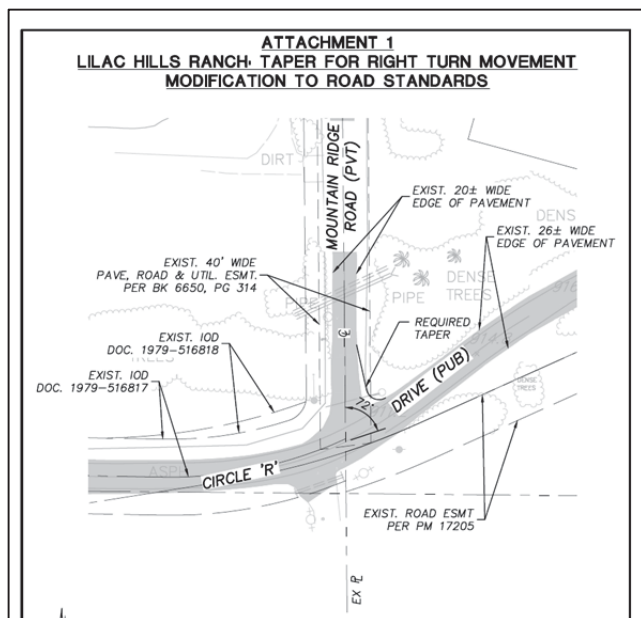
² The public’s objections to the project are chronicled at http://www.sandiegocounty.gov/pds/regulatory/docs/LILAC_HILLS_RANCH/LILAC-HILLS-RANCH.html and are hereby incorporated by this reference.

inappropriate remedy when “the public interest and necessity do not require the proposed project” (§ 1250.370(b)), “[t]he proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury” (§1250.370(c)), or seizure of the property “is not necessary for the proposed project” (§1250.370(d)). See *Council of San Benito County Governments v. Hollister Inn, Inc.* (2012) 209 Cal.App.4th 473, 486. The seizure of the Knoxes’ property at the intersection of Circle R and Mountain Ridge fails all these tests. In addition, because the proposed seizure of the land is for a private road to service only a portion of the residents of the area – namely, the inhabitants of the southern third of the Lilac Hills complex – the “stated purpose [of the seizure] is not a public use,” making eminent domain proceedings *completely* unavailable. CAL. CIV. CODE § 1250.360(b)). The Planning Commission is aware of this, since Section 4.8.1.8 (Road Design Alternative 8: Mountain Ridge Road at Circle R Road) of the Report clearly states that **“the County cannot condemn for a private road easement and this alternative may be infeasible.”** On all these grounds, but without waiving any other ground provided by law, we object to the project as long as its approval is predicated upon obtaining an easement through the Knoxes’ land. See also CAL. CIV. CODE § 1250.360 (h).

While the project’s violations of the General Plan cannot be reconciled by means other than an ill-considered overhaul of the General Plan, there is a solution to the eminent domain issue at Circle R and Mountain Ridge: Simply re-route a small portion of Circle R Road to its correct location. According to the Tentative Map supplied by the Developer and the Planning Commission’s staff, Circle R is located south of where it’s supposed to be. The easement creating space for Circle R Road is a few yards further north of where Circle R was actually built. The Tentative Map shows the easement still exists, so the Developer would not have to acquire any other rights of way from property owners to move Circle R northward into its proper position. Moving Circle R into the boundaries of its existing easement would mitigate the line-of-sight and turning radius deficiencies discussed in the Report without condemning anyone’s

land. Because this alternative was ignored by the Report but provides a greater public benefit (ensuring the proper placement of the road) while creating the “least private injury,” an eminent domain action to seize the Knoxes’ land may not succeed. Adopting this alternative plan would reduce the cost of time and acquisition and benefit all stakeholders.

→ Moving Circle R to its proper location (“EXIST. ROAD ESMT”) negate need for “required taper.”



Another alternative is to grant the modification requested by the Developer. In a January 31, 2014 document³, the developer requested a modification to the tapering requirement on Mountain Ridge Road because “there is virtually no traffic movement that would benefit from this right turn taper.” The Developer itself recognizes that the requested taper serves no practical purpose and should not be part of the project. Nevertheless, the proposal before the Planning Commission inexplicably includes several components requiring the seizure of land by eminent domain at this intersection. Eminent domain will *not* succeed unless it is the option expected to cause the greatest public good and the least private injury; this particular condemnation would create *no* public good and *great* private injury.

2. Sight distance at Circle R Dr. and Mountain Ridge Road is insufficient, and, without eminent domain, creates an unmitigated “significant impact.”

Chapter 2.3.2.3 (page 2.3-33) of the DFEIR discusses County sight distance requirements at intersections. The intersection at Circle R Dr. and Mountain Ridge Road must have a line of sight at least 450 feet in length. “The existing maximum line of sight at this intersection is currently 450 feet,” but the DFEIR somehow came to the conclusion that this fails to meet the 450-foot requirement. This might have been a typographical error. Regardless, the DFEIR tries to get around this “flaw” by stating that, “as discussed in Chapter 1.0, and Table 1-3, as part of the project the project proponent would request an off-site Clear Space Easement from the property owners of APN 129-190-44 (0.25 acre) and APN 129-390-18 (0.23 acre) to assure maintenance of the sight distance. If the project proponent is unable to obtain required easements, the project proponent shall be required as part of the County’s standard tentative map conditions, to request the Board of Supervisors to direct County staff to **begin eminent domain proceedings for acquisition of property rights** in accordance with Board Policy J-33.” Only by using the County to take land by force can the Developer claim that “impacts associated with sight distance would be less than significant.” This contingency is emphasized again in section 2.3.4.2, where the Report states, “As part of the project, the project proponent would therefore, request an off-site clear space easement from the property owners. Should an easement not be granted, **the County would acquire the sight distance by condemnation** through funds provided by the project applicant. Likewise a clear space easement would be required at Mountain Ridge Road at Circle R Drive. Thus, **potential transportation hazards** would be less

³ “Request for a Modification to a Road Standard and/or to Project Conditions,” Accretive Investments, Inc., *available at* http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/circulation/8_-_Taper_at_Intersection_Package.pdf (Jan. 31, 2014).

than significant.”

The report states that the existing line of sight is 450 feet, which seems to meet the requirements. It is not clear why the Report concludes eminent domain would be necessary or justified. Even if the existing line of sight were insufficient, the Developer’s proposal is contingent upon the acquisition of easements which it *cannot* obtain except through eminent domain. As already discussed above, eminent domain proceedings are inappropriate when used for private benefit or when other alternatives exist. Instead of seizing land, Circle R Drive can be relocated without affecting adjacent property owners or acquiring any new easements. As for the line of sight requirements, the required 450 feet already exists. If the Planning Commission adopts a final Report, it should not include any implied or explicit approval of using eminent domain to seize land, and should instead *bar* the use of eminent domain in order to protect private property owners.

3. Traffic on Mountain Ridge Rd. will exceed the limits of the private road’s easement, despite the Report’s creative reading of two inapposite court decisions.

Mountain Ridge Road is a private road designed to service the half-dozen homes adjacent to it. The easement providing for its creation reflects that reality. Because the road services only a few homes, the traffic traversing it amounts to fewer than 75 cars per day in either direction, according to the Report. The Lilac Hills project would build over 1,700 homes nearby, one-third of which would require access via Mountain Ridge Road. Even a couple hundred homes would add an enormous burden to a small private road designed to support fewer than a dozen homes.

The Report, however, claims that “As shown in Table 10.2 of the Traffic Impact Study, from a traffic operation perspective, the project does not cause any significant impact to the intersection at Mountain Ride Road and Circle R Drive (the REIR identified that only 5.5 percent of the project’s total traffic utilizing Mountain Ridge Road). As a result, no traffic mitigation was proposed or is necessary.”⁴ This conclusion is based on bad math. Assuming the road indeed bears only 5.5 percent of the project’s total traffic – despite the road serving **30 percent** of the project’s residents – that’s still an order of magnitude increase in the traffic on that road. Right now, Mountain Ridge is a small private road servicing a few homes. The Lilac Hills project, however, will consist of 1,746 homes, some of which will have multiple cars. Five and a half percent of 1,700 to 3,000 cars is a significant increase. The Report’s math is simply wrong.

4 Lilac Hills Ranch, FEIR Global Response 0 Easements (Covey Lane and Mountain Ridge Roads), at page “Global-7”, available at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/dfeir/responsetocomments/2_Global%20Response-Easements.pdf.

On the other hand, if the report is correct that the project will not affect traffic at Mountain Ridge and Circle R Road, the Developer's request for a modification should be granted.⁵ The Report can't have it both ways: Either the project will significantly increase traffic in excess of the existing easement for Mountain Ridge Road, or it will *not* increase traffic, in which case the taper is unnecessary. No matter which position the Planning Commission adopts, there should be no construction at the intersection of Mountain Ridge Road and Circle R Road.

The Report tries to get around the limitations on the Mountain Ridge easement by misinterpreting a few court decisions. It cites *Jordan v. Worthen*, for example, for the court's supposed holding that "that nearby and ongoing (foreseeable) development is a factor that supports increased use of an easement." The Report states: "Here, it is reasonably foreseeable given the development in Valley Center, that there could be some future subdivision of the benefitted parcels that would result in an increased use of the existing Easement. Indeed, the twenty existing residential properties along the Mountain Ridge Road are part of an earlier subdivision. This factual scenario is similar to *Jordan* wherein at least two defendants had themselves purchased property from an earlier subdivision. *Jordan*, supra, 68 Cal.App.3d at p. 325. Such defendants were later estopped from contesting the impact of additional development to their easement as such changes were foreseeable. *Id.*"

Jordan v. Worthen, however, was a case about a **prescriptive** easement, not an easement created by grant deed. The Mountain Ridge Road easement has specific boundaries defined by the terms of the easement, and was created for a specific purpose, unlike a prescriptive easement created by adverse possession. But even in the case of a prescriptive easement, its scope is defined by the use that created it (*O'Banion v. Borba* (1948) 32 Cal.2d 145, 155), and it cannot be changed in a way that unreasonably increases the burden of the easement. *Jordan v. Worthen* (1977) 68 Cal.App.3d 310, 327. This is the holding of *Jordan v. Worthen*, not what the Report says. Under *Jordan v. Worthen*, the test for expanding the use of a prescriptive easement is whether the increased use resulted from "the normal evolution in the use of the **dominant** tenement" and was reasonably foreseeable and consistent with the pattern found by the **prescriptive** use that created the easement. *Applegate v. Ota* (1983) 146 Cal.App.3d 702, 711. The project's proposed use of the Mountain Ridge easement *fails* that test, not least because the Mountain Ridge easement is not a prescriptive easement. Even if it were prescriptive, the dominant tenements are the handful of homes located along Mountain Ridge road, *not* the thousands of future homes built in Lilac Hills Ranch, which was a vacant field at the time the

5 "Request for a Modification to a Road Standard and/or to Project Conditions," Accretive Investments, Inc., available at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/circulation/8_-_Taper_at_Intersection_Package.pdf (Jan. 31, 2014).

easement was created. The construction of 1,700 homes in a previously vacant field is not a “normal evolution in the use” of the parcels along Mountain Ridge road. Furthermore, the *Jordan* court did not hold that anyone was “later estopped from contesting the impact of additional development to their easement.” The Report’s interpretation of *Jordan v. Worthen* is legally incorrect.

The characterization of *Wall v. Rudolph* is worse. The Report claims that *Wall v. Rudolph* and *Hill v. Allen* hold “development generally is part of the inevitability of change dictated by natural forces and human activities that the servient estate must accommodate,” and the existing Mountain Ridge Road easement will support the additional traffic burden as long as the project’s residents “will use the easement for ingress and egress purposes as intended by the original reservation and grant.”⁶ This is an incorrect reading of *Wall v. Rudolph*. The *Wall* court held that excessive or unduly burdensome uses of an existing easement are prohibited, even if the use is of the type for which the easement was created. *Wall v. Rudolph*, 198 Cal. App. 2d 684, 692 (Ct. App. 1961). Whether a use “is excessive [or] unduly burdensome depends primarily upon the terms of each grant construed in the light of circumstances surrounding its execution (CIV. CODE §§ 1066, 1647),” but only where “there is room for doubt as to the proper interpretation” of the easement. *Id.* If the easement’s terms are clear, the permissible uses are clear, and the easement must be enforced according to its terms. The easement must always be used “consistent with the purposes for which the easement was granted.” *City of Pasadena v. California-Michigan etc. Co.*, 17 Cal.2d 576, 582. Here, the easement was created for the benefit of the dominant tenements existing at the time it was created, of which the parcels comprising Lilac Hills Ranch are **not** members. “Use of an appurtenant easement for the benefit of any property other than the dominant tenement is a violation of the easement because it is an excessive use⁷.” *Wall v. Rudolph*, 198 Cal. App. 2d 684, 695 (Ct. App. 1961) (citing *Myers v. Berven*, 166 Cal. 484, 489). Although an easement allowing for general road purposes would include its use for “normal future development within the scope of the basic purpose” of the easement, it would *not* include “an abnormal development” that burdens the servient tenement – such as the 1,700-unit Lilac Hills Ranch project. REST., LAW OF PROPERTY, § 484, illus. 3, p. 3021. As in *Wall v. Rudolph*, the “properties here involved comprised a quiet area devoted to rural pursuits.” *Wall v. Rudolph*, 198 Cal. App. 2d 684, 689 (Ct. App. 1961). Allowing traffic commensurate with a community

6 The Report concludes by once again arguing “As previously noted, this is a private matter.” As already explained in this letter, the justifications for eminent domain are not a private matter.

7 This rule applies “whether the easement is created by grant, reservation, prescription, or implication.” *Wall v. Rudolph*, 198 Cal. App. 2d 684, 695, 18 Cal. Rptr. 123 (Ct. App. 1961) (citing *Cleve v. Nairn*, 204 Ky. 342).

the size of a 1,700-home **village** is not consistent with the existing use of the road for **rural** traffic. This discrepancy between the easement's purpose and the project's use for it is compounded by the inevitable traffic headed to the commercial buildings inside Lilac Hills Ranch, an eventuality the Report completely failed to address. Traffic aimed at commercial businesses exceeds the terms of an easement granted only for rural and semi-rural residential use.

4. Cumulative traffic noise and vibrations, which the Developer admits it cannot mitigate, will harm the health and well-being of residents.

Chapter 4.0 of the DFEIR admits that the plans for Mountain Ridge Road, as well as all proposed alternatives, will have "significant noise/vibration impacts related to traffic, stationary, and construction noise sources." The Reports acknowledges the "cumulative traffic noise impacts" will *not* be mitigated, stating: "As with the project, these cumulatively significant traffic noise impacts would remain significant and unmitigated (see subchapter 2.8.6.4)."

As for the vibration and noise impacts that are supposedly amenable to mitigation, the DFEIR's proposed mitigation measures consist of undefined, vague references to a "blasting and monitoring plan...and, if needed, limitations on heavy equipment." See *DFEIR Chapter 4.0, page 4-148*. Who would perform this "monitoring" and what those "limitations" would look like are not clear. What *is* clear is that "a residence is located within 150 feet of the Mountain Ridge Road/Circle R Drive intersection improvement area" and would be subject to "significant vibration impacts" from this blasting. Though the DFEIR makes the conclusory statement that its unspecified mitigation measures would reduce the vibrations to a "less than significant" level, there is absolutely no evidence in the DFEIR to support such a conclusion.

5. Whether the County has the authority to use eminent domain on Mountain Ridge Road is not "a legal question between private parties," but a public issue requiring rejection of the project.

The failure to consider whether the project can be completed without eminent domain will doom this project. The Report repeatedly refers to the necessity of using eminent domain as a "legal question between private parties" or a "private matter" undeserving of public attention. This is not so. The very purpose of eminent domain is to take land from a private landowner for a *public* purpose. The Report's insistence that the Developer's need for eminent domain is a "private matter" implies a lack of attention paid to the interests of the private landowners in the community affected by the project. If the need for eminent domain is a purely "private" matter with no public benefit, then eminent domain should be completely off the table. The project should be evaluated as if eminent domain were *not* an option to acquire the easements necessary to complete the project. Taking at face value the Report's characterization of this as a "private" matter, the Planning Commission must assume eminent domain cannot be used to complete Lilac

Hills Ranch, impelling the conclusion that the project is fatally flawed since it lacks dozens of necessary easements to fulfill its “private” purposes.

While declaring acquisition of easements a “private” matter, the Report explicitly admits that the project cannot be completed without use of eminent domain:

1) Mountain Ridge Road Access Rights

Issue: Lack of easement rights (access) and issues pertaining to the “overburdening” of the Mountain Ridge Road private road easement.

Background: Mountain Ridge Road is an existing two-lane private road that provides access from Circle R Drive to several existing parcels that are located within the southern portion of Phase 5. A Title Report was submitted to PDS that identified an existing 40-foot private road easement over Mountain Ridge Road that was granted to parcels located within the southern portion of Phase 5. The project proposes gated access to the southern portion of Phase 5, so that only the institutional use and proposed residents located within the southern portion of Phase 5 could use Mountain Ridge Road as primary access.

Staff Determination: **The use of private road easements is a private matter outside of the County’s land use authority. Therefore, the question of overburdening Mountain Ridge Road is a legal question between private parties.** The environmental effects of constructing Mountain Ridge Road and the project’s impact on the roadway were analyzed pursuant to CEQA. See Attachment G for the Environmental Findings and Attachment H for the Environmental Documentation.

The report also admits that the County cannot condemn land for a private purpose, including the land necessary for this project. The construction at Mountain Ride Road and Circle R Road is contingent upon the *illegal* use of eminent domain to seize land for a private road:

4.8.1.8 Road Design Alternative 8: Mountain Ridge Road at Circle R Road – Taper

The project’s proposed road design for this road segment corresponds to Road Exception Request #8, as submitted to the County. ... “This road design alternative would construct the required taper to County standards, which involves acquiring 0.03 acre of additional right-of-way on an off-site parcel as well as the extension of an existing culvert, and power pole relocation. It is noted that **the County cannot**

condemn for a private road easement and this alternative may be infeasible.”⁸

If the County cannot condemn for a private road easement, and the proposed easement at Mountain Ridge and Circle R would be a private road easement, then the County cannot use eminent domain at that intersection. This admission dooms any future attempt at using eminent domain, and therefore dooms the project, insofar as the project is predicated upon the assumption that the Developer will succeed in acquiring easements from unwilling property owners through the illegal use of eminent domain.

6. Whether the phrase “LEED-ND” is trademarked is irrelevant to the project’s ability to comply with LEED-ND standards.

County Policy LU-1.2 requires projects to be designed to meet the LEED-Neighborhood Development Certification or an equivalent. This project, quite plainly, does not. Why not? The Report suggests that the project is exempt from complying with LEED-ND standards because “As a trademark [sic] program, LEED®-ND cannot be explicitly duplicated by any other program.”

That’s not how trademarks work. A registered trademark gives its owner the exclusive right to use the name to sell goods and services. It does *not* prevent local governments from requiring projects to adhere to environmental requirements. A local government may indeed require developers to adhere to LEED standards despite the word “LEED” being trademarked, just as the Superior Court requires litigants to upload documents using “Microsoft Internet Explorer” or to submit briefs in “Adobe PDF” format, or to use “WestLaw” citations rather than “LexisNexis.” There is nothing in trademark law preventing the developer from using a LEED-ND checklist to evaluate whether the project complies with LEED-ND requirements; to the contrary, LEED’s creators *encourage* such a use of the LEED-ND standards:

For projects that do not (or cannot) pursue LEED-ND certification, another approach is to perform your own internal LEED-ND audit using the checklist in this Citizen’s Guide to evaluate some or all of the categories and standards in the system.⁹

8 Draft Environmental Impact Report, Chapter 4.8.1.8, Project Alternatives, available at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/circulation/GPA12001-REIR-Chap4-061214.pdf

9 A Citizen’s Guide to LEED for Neighborhood Development, page 17, available at https://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf

The report justifies its refusal to require LEED standards in other problematic ways: “Staff analysis concluded that: ...the interpretation that a new village could only be found to comply with Policy LU-1.2 if it qualified or was certified as LEED®-ND would render the term ‘equivalent’ meaningless and; an interpretation that an equivalent program means it must be identical to LEED®-ND would also render the term ‘equivalent’ meaningless.” The report continues:

... Staff analysis also concluded that, Policy LU-1.2 does not demand rigid conformance to the LEED®-ND program, but rather uses the term ‘equivalent.’ The word equivalent is not defined in Policy LU-1.2 or in the General Plan, and a number of questions have been raised as to its meaning. The ordinary meaning of the word equivalent is described by the dictionary as something that is ‘corresponding or practically equal in effect.’ (Webster’s II New College Dictionary, Third Edition, 2005.)

Therefore, it is reasonable to interpret the word ‘equivalent’ to mean that a village may be designed to meet a program that is corresponding to the LEED®-ND Certification program or **designed in accordance with the underlying principles of LEED®-ND**. In other words, a project may be approved if found to have been designed in a manner that is corresponding to or practically equal in effect in performance or outcome with LEED®-ND.”¹⁰

The “underlying principles” of LEED-ND certification are to build communities in an environmentally friendly way. Those “underlying principles” are shared by nearly everyone on the planet. Indeed, “When used for formal certification, LEED-ND is rigorous and complex, but the principles behind the system are much simpler.”¹¹ But because those principles are so universal, they are impossible to enforce, which is why the term “LEED-ND” was used in the County policy. Interpreting “LEED-ND’s equivalent” to mean “in accordance with its underlying

10 Lilac Hills Ranch, FEIR Global Responses, Project Consistency With General Plan Policy LU-1.2, page 44, available at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/dfeir/responsetocomments/8_Global%20Response-LU-1.2.pdf

11 A Citizen’s Guide to LEED for Neighborhood Development, available at https://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf

principles” neuters the Policy by allowing any half-hearted attempt at environmentalism to suffice. This is not the intent of Policy LU-1.2, and the Planning Commission should not adopt this unsupportable interpretation of it.

The Report admits that the project does not adhere to LEED-ND standards, nor any to any similarly strict standards, but is merely designed with LEED’s unspecified “underlying principles” in mind. The project therefore violates County Policy LU-1.2.

7. The DFEIR is unclear on whether the project requires a new regional category in the Community Development Model.

The wording in the Report leaves the public without a clear understanding of whether the project requires an extensive overhaul of the Community Development Model. At the very least, this project requires a revised designation of the Lilac Hills area, transforming it from semi-rural/rural into a “village”. At worst, it requires revising the very definition of “Village” in the General Plan’s Community Development Model:

“The Project complies with the CDM because **it proposes a new “Village” Regional Category** that is surrounded by Semi-Rural Regional Category lands, which transition to Rural Regional Category areas.”¹²

The Report does not explain how this “new” village category differs from the existing village category, though it is implied that the revised definition of a “village” would allow for standalone villages in the middle of semi-rural land. The existing definition of a “village” does *not* allow standalone villages because they would violate the prohibition on leapfrog development in County Policy LU-1.2. The Report must be revised to explain the difference between the new and existing “village” categories, or else explicitly state that the project requires a reclassification of the Lilac Hills area, not the creation of an entirely “new village regional category.”

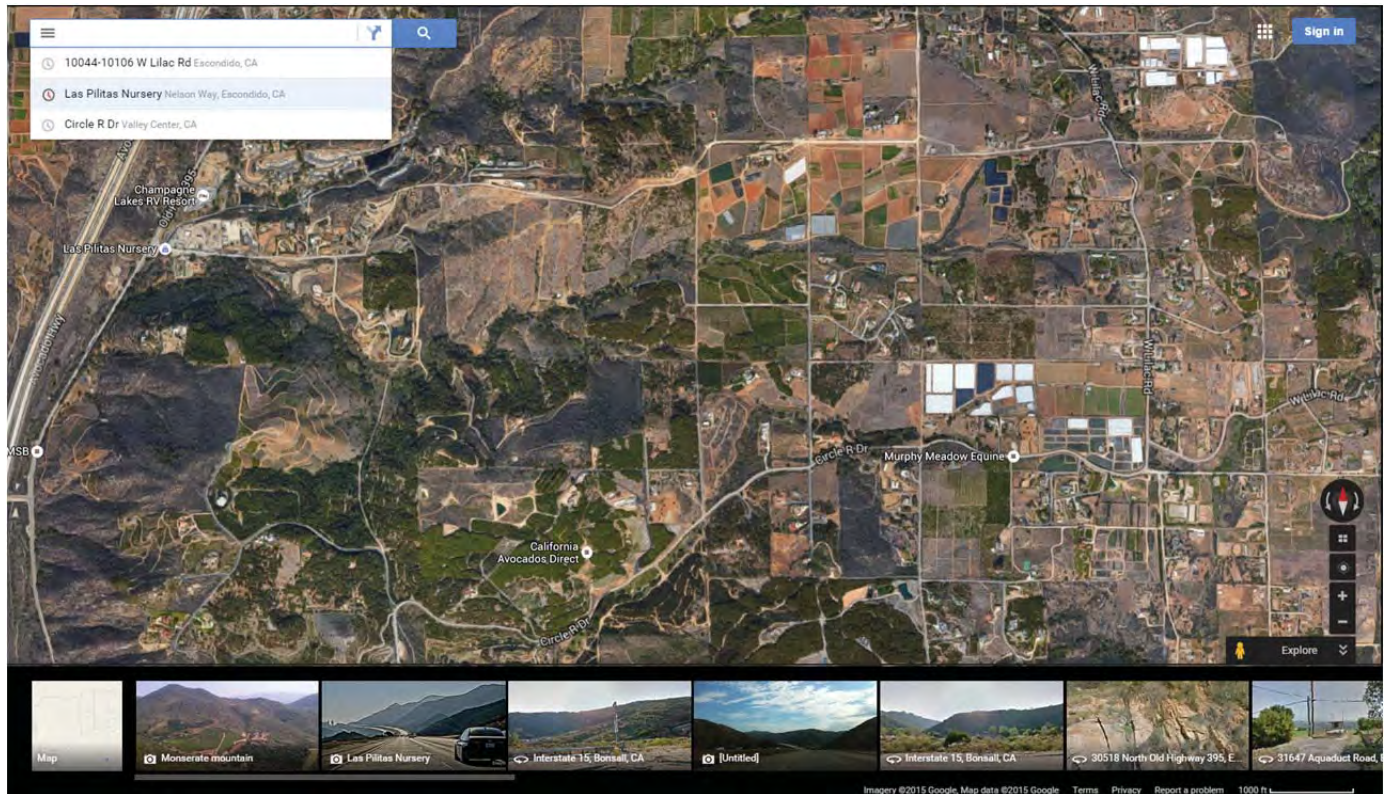
12 Planning Commission Hearing Report, page 42, available at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/dfeir/responsetocomments/Staff%20Report.pdf

8. The project violates the prohibition on Leapfrog Development enshrined in Policy LU-1.2 because it located away from established villages.

The Planning Commission acknowledges receiving many objections to the project based on its violation of Policy LU-1.2, the ban on leapfrog development. The Report's response to the violation of policy and the Community Development Model fails to acknowledge that the proposed development would fall outside established villages.

Leapfrog development "is defined as Village densities located away from established Villages or outside established water and sewer service boundaries."¹³ This project is both outside established villages *and* outside established water and sewer service boundaries. The Planning Commission received numerous letters from residents objecting to this leapfrog development. The Report's response was that "The Project complies with the CDM because it proposes a new 'Village' Regional Category that is surrounded by Semi-Rural Regional Category lands, which transition to Rural Regional Category areas." This is a non-sequitur, not a substantive answer; a village surrounded by semi-rural lands still violates the prohibition on building villages away from existing villages. Putting aside the fact that proposing the possible creation of a "new" regional category does *not* comply with the CDM (as discussed above), this response is inadequate because it does not acknowledge that building a village in the middle of a semi-rural area *far away from existing villages* is, by definition, impermissible "leapfrog development." One need only look at a map to see how far away the project is from existing villages. The Lilac Hills Ranch village will be built literally in the middle of fruit orchards:

¹³ General Plan, page 3-23, Policy LU-1.2, available at <http://www.sandiegocounty.gov/pds/gpupdate/docs/LUE.pdf>.



The patchworks of color on this map are rural agricultural parcels far away from existing villages. The Developer plans to build Lilac Hills Ranch in the center of this map, several miles away from the nearest existing village. The DFEIR apparently argues either (a) building a village “located away from established Villages” does not violate a ban on building villages “located away from established Villages,” or (b) revising the General Plan’s definition of “village” does not violate the existing policy’s ban on building villages away from established villages. Either option is untenable. The Planning Commission should not adopt a DFEIR containing either unsupportable position.

9. The project contravenes the General Plan, violates principles of smart growth, and is universally opposed by the community.

Every document analyzing this project is replete with references to the General Plan and how this project violates it. Rather than asking the Developer to revise its project to comply with the General Plan, the Report takes the unusual approach of asking the County to revise the General Plan to conform to the Lilac Hills Ranch project:

“Land Use Planning

The land uses included in the Mountain Ridge Road Design Alternative would be the same as the project. Implementation of **either the project or this alternative would involve GPAs [General Plan Amendments] and Rezones** that would be consistent with applicable land use plans as detailed in subchapter 3.1.4. Thus, the land use impacts of this alternative would be similar to the project, and would be less than significant.”¹⁴

Although the DFEIR claims elsewhere that the project complies with the General Plan, it admits in Section 3.1.4.4 that the only way it can comply with the General Plan is by *altering* the General Plan:

“Because **the project is not consistent with the existing General Plan designations and zoning for the project site**, a GPA and Rezone are required as part of the project’s approvals in order to reconcile the inconsistency.”¹⁵

It is primarily for this reason that the Bonsall Community and the Valley Center Community both oppose the project. On the same grounds and the others stated in this letter, the Knoxes oppose it as well. On their behalf, we respectfully request the Planning Commission deny this proposal.

Sincerely,

GALUPPO & BLAKE



DANIEL WATTS, ESQ.

cc: Fred Knox (via e-mail)

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- 14 DFEIR, Chapter 4.0, Project Alternatives, *available at*
http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/circulation/GPA12001-REIR-Chap4-061214.pdf
- 15 DFEIR, Chapter 3.1.4.4, Environmental Effects Found Not to be Significant,
http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/LILAC_HILLS_RANCH/dfeir/DFEIR%20-%20Chapter%203.1.4%20Land%20Use.pdf

SAM & ASTRID WEBB
PO BOX 2268
BORREGO SPRINGS, CA 92004



January 29, 2016

Department of Planning & Development
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Subject: Rudyville Project – Borrego Springs

Dear Mr. Eichar,

Everyone in Borrego Springs knows about "Rudyville" - It got that name because the residents of our town universally objected to this proposed housing project.

Why the objection? Because this "Rudyville" project is located in the middle of the best, and perhaps largest, Ocotillo forest in the Anza-Borrego Desert. The residents of Borrego Springs recognize and appreciate this fact and want to protect this desert treasure along Borrego Springs Rd (Hwy S-3) that leads into their desert community.

I have attached a couple of photos that I have taken of the Ocotillo forest that the proposed "Rudyville" project would displace. Hopefully, after viewing these photos you too will realize why the County must not approve this project . . .

This unmatchedable desert Ocotillo forest must be forever protected!

Sincerely,

Sam & Astrid Webb

cc: Borrego Sun Newspaper





From: [Ginna](#)
To: [Eichar, Peter](#)
Subject: Project DS24 Borrego Country Club Estates
Date: Wednesday, February 03, 2016 3:30:35 PM

The proposal of project DS24, Borrego Country Club Estates, was recently brought to my attention. When I heard this news I was saddened and concerned for all the people of this close knit community as well as for all our welcomed tourists. Project DS24 will jeopardize our quality of life.

Here's why.

1) This area is home to what Borregans call the "Ocotillo Forest". This beautiful desert Ocotillo manages to survive through 120 degree summers and years of drought to faithfully show off bright green leaves and red/orange blossoms come the next rain. Tourists as well as locals have come to love this area.

2) Wind has become one of our newer challenges. If this large area were scrapped I fear the ensuing blowing sand would cause major health concerns for all living and visiting in the vicinity.

I live in nearby Ocotillo Heights and the wind blows towards me from that direction. Locals already call us the "windy" part of town. Blowing sand could be devastating. This area has many young children and senior citizens.

3) In addition to my home in Ocotillo Heights, I also own two 1+acre vacant lots on West Star Rd. These lots are in the neighborhood next to the proposed project DS24. I have been wanting to sell my neighborhood lots but the economy has not yet recovered in Borrego Springs. Discussions with local realtors indicate that vacant lots are not selling. It appears to me that there is not a need for new graded lots in Borrego Springs.

Please do not approve project DS24, Borrego Country Club Estates. I beg you to help keep Borrego the small town community it is and a wonderful place for tourists to visit.

Thank you!

Sincerely,
Virginia West
3579 San Rafael Rd.
Borrego Springs, Ca 92004

P.O. Box 1816
Borrego Springs, Ca 92004

760 271-5131

Ronald E. Wheatley
PO Box 2051
3424 El Tejon Rd.
Borrego Springs, CA 92004
January 30, 2016

Attn: Mr. Peter Eichar
Dept. of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

This is a COMMENT LETTER in regards to Borrego Country Club Estates

Project #DS24

Greetings All:

I respectfully oppose the proposed amendment to the General Plan regarding re-zoning on this parcel for a number of reasons, the first being the severe over-drafting of our aquifer, which is the only source of water for residents in the Borrego valley.

To increase the residential load of this parcel by a factor of ten would have a serious long-term effect, which would begin before the new homes are occupied: Water is used extensively for dust control during grading, and also to settle the earth before pouring foundations. Tens of thousands of gallons of water, that took hundreds of years to accumulate, will be spent on each home site before concrete is even poured.

The Borrego valley doesn't need new developments, and especially one with that density. The existing subdivisions currently have hundreds of vacant lots available for building, and that number will only exacerbate the overdraft further if these many dozens of new homes are allowed.

Another major concern is flood control. This proposed development is "uphill" from Unit G and surrounding homes to the east. What will be done to provide new and safe floodwater courses after the established ones are disrupted by the new construction? How will the developers ensure that flooding water will not flow through Unit G? (Will private land be taken?) This could have an immediate and very serious impact on the safety of residents and also on home values in what could become a "downstream flood area" during and after construction.

I respectfully request that the Department not change the zoning of the parcel known as Borrego Country Club Estates (Project DS24) from one house per ten acres, to one house per acre.

Sincerely,

 1/30/2016

Ronald E. Wheatley

From: tim willett [mailto:tablecovers@sbcglobal.net]
Sent: Wednesday, February 17, 2016 4:26 PM
To: AdvancePlanning, PDS
Subject: Property Specific Requests General Plan Ammendment (GPA12-005)-NOP comment

To The County of San Diego Department of Planning & Development Services

We are writing you to express our concern to the proposed land use designation changes, Assessor Parcel Number 1083910800 (PSR ID # FB19 + Study Area). As property owners in this area we can see how such a change would have negative effect on the geology and the environment. Impacting not only local traffic, noise and pollution levels, infrastructure, water usage, erosion but also the local wildlife which is abundant in this area. Residents from all over the county come daily to hike the neighboring Mt. Monserate to enjoy the outdoors, wildlife and the view.

As residents of California for 50+ year we have seen many such changes get pushed through only to find out later that proper planning and foresight was not used and easily foreseen problems developed before and after completion. Maintaining the current designation will hurt no one. Changing the designation will effect so much.

We ask you to please consider long and hard the proposed changes and it's effect both the residents and the environment. We urge you to keep the RL-20 Designation in place in this area.

Sincerely,

Timothy & Debra Willett

From: [john wilson](#)
To: [AdvancePlanning, PDS](#)
Subject: re: assessor parcel parcel 5121600300
Date: Monday, December 14, 2015 10:02:27 AM

I am responding to Notice of proposed property change letter sent to me dated Dec. 3. 2015.

I grew up on this property since 1951 when my parents purchased it. We have enjoyed the "rural setting" that we have.

I am fearing that with the steep topography & great number of large boulders located near my location, that any development will endanger me.

I thought that there were restrictions that would prevent any development because of steepness of property in this location.

My family opposes any increased density to this proposal. Thank you for sending me this information.

John J. Wilson
2347 Orchard Ave.
El Cajon, CA. 92019

January 27, 2016

Mr. Peter Eichar
Department of Planning and Development Services
5510 Overland Ave. Suite 310
San Diego, CA 92123

RE: BORREGO SPRINGS PROPOSED RESIDENTIAL DEVELOPMENT "RUDYVILLE"
(COUNTRY CLUB AT BORREGO SPRINGS ROAD)

Dear Mr. Eichar,

I am cautiously concerned and opposed (until I am more informed) of the proposed big residential development in Borrego Springs at Country Club and Borrego Springs Road.

I am trying to decide if the information being voiced by the residents of Borrego Springs is true and valid, or just an attempt to prevent a "not in my backyard" push back. If your department or some official representative could provide facts and assure us that the proper filters and reviews have been done and requirements have been met, then by all means, an individual landowner should be able to do what they see fit with the land.

But with this said, I am concerned about the impact a development of this size may have on the community. I am a homeowner directly east of the proposed development (within a mile). So this makes me one of those "not in my backyard" people as well.

1. I am concerned of how a development would handle being in the possible flood plain (as I saw it to be about two years ago). And how a new development may or may not redirect floodwaters on to my neighborhood and my home.

2. Water: Can Borrego Springs with it dire lack of water support this big of a development?
3. Environment: Has there been discussions and reviews of scraping this much land? I am concerned of the desert dust storms it would cause. Winds from the west pushing that dust into my home and the quality of air to breathe.
4. Is it true what I read about the beautiful old ocotillos? Are those grand ocotillos truly unique to the desert environment? Are there other giant ocotillo forests in the Anza Borrego Desert?

Recap:

Major Concern: Flood plain and flooding.

Major Concern: Water.

Major Concern: Air Quality.

Subjective Comment: is there a demand for this? There sure are a lot of empty lots for sale. And there sure is a ton of residential inventory in the Borrego Springs market.

How can I be assured that these should not be a concern of mine? Until I know more, I stand OPPOSED to this development.

Thank you,



Robert Wright
3330 El Tejon Road
Borrego Springs, CA

619-248-8109

Mr Peter Eichar
Department of Planning and
Development Services
5510 Overland Avenue
Suite 310
San Diego, CA 92123

Dear Mr Eichar,

This letter is to register my strong opposition to the proposed "Rudyville" development in Borrego Springs. I oppose the "Rudyville" development for the following reasons:

1. Lack of Water. As shown by a recent USGS report, Borrego Springs is running out of water. I think the County should take action to suspend approval of all large developments in Borrego Springs until the very serious issue of overdraft of our aquifers is addressed.
2. There is already a large surplus of building lots of every price range and in every location of Borrego Springs. Many of these lots have set vacant for years. The proposed development of 172 building lots in "Rudyville" will add unnecessary additional building lots.
3. The proposed development is in a sensitive desert environmental that will be destroyed by clearing and grading. Clearing and grading could cause serious dust problems for Borrego Springs residents.

I hope the Department of Planning and Development Services will deny the proposed "Rudyville" development.

Thank you for your attention.



Richard L Yates
PO Box 2110
Borrego Springs, CA 92004