

General Plan 2020
Interest Group Committee Meeting Minutes
April 30, 2002
Revised June 11, 2002

Interest Group Committee:

Al Stehly	Farm Bureau
Bob Pinnegar	SD Association of Realtors
Bonnie Gendron	Back Country Coalition
Bruce Tabb	Environmental Development
Carolyn Chase	Coalition for Transportation Choices
Dan Silver	Endangered Habitats League
Diane Coombs	Citizen Coordinate for Century 3
Eric Bowlby	Sierra Club
Greg Lambron	Helix Land Company
Jim Whalen	Alliance for Habitat Conservation
Karen Messer	Buena Vista Audubon Society
Matt Adams	Building Industry Association
Mike Stepner	SD Regional Economic Development Corporation
Phil Pryde	San Diego Audubon
Terry Barker	American Society of Landscape Architects

Public at Large:

Brent McDonald	Caltrans
Charlene Ayers	
David Pallinger	Ramona
Devore Smith	Sierra Club
Dutch Van Dierendonck	Ramona CPG
Florence Sloane	SDCSD/SDCWF
Jeanne Pagett	
Loraine Folin	
Lynne Baker	EHL
Mary Allison	USDRIC
Mike Thometz	MERIT
Parke Troutman	UCSD
Paul B. Etzel	SDSU/Astronomy Dept.
Sachiko Kohatsu	San Diego County/3 rd District

County Staff:

Karen Scarborough (DPLU, group facilitator)
Gary Pryor (DPLU)
Ivan Holler (DPLU)
LeAnn Carmichael (DPLU)
Michelle Yip (DPLU)
Tom Harron (County Counsel)

Agenda Item I: Logistics –

- a) Minutes for April 16, 2002
 - Gendron corrected her statement on pp. 3 (4th to last bullet under New Policy). The areas she had mentioned are Gregory Canyon in the San Luis Rey watershed, Lakeside has industrial in the San Diego River, and Tecate has industrial over the sole source aquifer of Tecate.
 - Gendron moved to approve. Stehly seconded. Motion passed.
- b) “Tools” Sub-committee Update
 - Stehly stated that the group met with Rick Pruetz from 9 to 11 am. Still need to talk about clustering and PDRs but these have been identified as issues. The next big step identified was a technical analysis, a comparison of the old and the new plan and what we are talking about transferring.
 - **Motion:** Messer moved that the “tools” sub-committee is recommending that the Interest Group direct staff to assemble a professional team to do a numerical analysis comparing the old plan to the new plan. The goal is to obtain a financial model and a possible TDR program. The sub-committee recommends that the Interest Group direct staff to work with Rick Pruetz to set the primers of the job and to proceed as quickly as possible, starting immediately. Whalen seconded the motion.
 - **Vote:** 10 – 0 – 2

Agenda Item II: Overview –

- a) Steering Committee on April 20, 2002
 - Holler stated that a working copy of the map and the structure map was shown. A presentation was made, including the public review process of 6 to 8 weeks and how staff will be working with communities on this. The period we are in now is scheduling meetings, which were mailed out to property owners.
 - Bowlby asked if the notice has been mailed and was concerned that the early May meetings were getting very little notice. Holler replied that more than one meeting will be held in each community if necessary. Scarborough added that the brochure was not the only notice, but rather an addition to the plethora of ads in the newspapers. It was confirmed that these notices were sent out to out-of-state property owners as well.
- b) Board of Supervisors Progress Report on April 24, 2002
 - Scarborough noted that there were more Interest Group members there, showing trepidation but general support. The board actually did hear the concern about having a complete package. There were some comments on population numbers and the availability of appropriate land to accommodate those numbers. Some board members noted that the process was taking longer than anticipated, however, realized quality was important.
 - ❖ **Addition made at the May 14th, 28th, and June 11th meetings:** Bowlby had requested the following conversation be added to the minutes: Bowlby had asked Pryor why the county was pursuing 40 ac lot sizes on the east side of the CWA line when this interest group had signed off on 80s and 160s, which would solve the problem that the County has been faced with in regards to the lawsuit brought forth by SOFAR. Pryor responded that what was submitted to the court does not undermine this process. Whatever finally comes out of this process will be the new plan, not the ag20 lawsuit.

Agenda Item III: Draft Revisions to Goals & Policies –

- a) Conservation
 - Policy F**
 - **Motion:** Pryde moved to change the language to *Encourage the continuance of agriculture in the county*. Stehly seconded the motion.
 - Chase suggested adding staff’s recommendation to the motion.
 - Holler pointed out Land Use Goal III, policy D as the reason for staff’s recommendation of focusing on soils within the Conservation section.

- Tabb mentioned that there are areas with prime agricultural soil that does not make sense to continue agriculture and feels that by protecting soils, wherever they may be, is not practical.
- Bowlby mentioned that agriculture is the fourth largest industry in the county and believed that it was stated at the last meeting that the State does require us to have an element that does protect the prime agricultural soils and asked for a clarification on what the state requires us to say in this section, in terms of soil. Pryor responded that those are general guidelines and not state law. They recommend that you look at areas of soil and Pryor reminded everyone that those guidelines are statewide. We have farming that is so unique here that it is not necessarily soil dependent so we will have to deal with the agriculture soil issue entirely different from what those guidelines are set out for. Carmichael added that it may be CEQA that is in mind, which has a checklist that determines whether a project is impacting agriculture and its soils.
- **Amendment:** Barker suggested adding on *through the protection of soils and other resources*. She felt that the policy needed to be pointed more in the direction of the conservation of resources. Tabb suggested *Encourage the continuance of agriculture in the county through the conservation of resources*. Pryde suggested changing the wording to *Encourage the continuance of agriculture in the county through the conservation of agricultural resources*.
- **Vote:** 14 – 1 – 0

New Policy

- **Motion:** Bowlby felt that if we have some prime agricultural soil left in the county, we should try to protect it and moved staff's recommendation as a new policy.
- **Vote:** 9 – 6 – 0

Policy G

- **Motion:** Bowlby moved to retain the original language. Feels that using *shall be limited* refers to the fact that there will be restrictions on development in the floodplains but is not prohibitive or inflexible, so it speaks to the need to protect floodplain areas. Chase seconded the motion.
- Adams asked what the current policy was in regards to floodplains and whether the proposed language was more or less restrictive. Carmichael replied that the current Resource Protection Ordinance (RPO) allows fill of floodplains if there is not environmentally sensitive lands on there, i.e. riparian habitat. So if you have a disturbed floodplain that is only a floodplain, fill can be brought in to elevate that and it is a percentage of the width of the floodplain and floodway that is allowed to go into it. There is a mathematical formula of how far you can go into that floodplain and fill in the RPO today. If it is determined that it is a wetland and has habitat there, it brings you into the no net loss of wetlands and becomes a different situation. She added that we should not think this policy alone determines whether it is more or less restrictive but rather what you put into the ordinance. Harron added that given the broad discretion of the words under this language, *minimize* vs. *limit*, it is virtually the same.
- Bowlby stated that floodplains provide for a lot of resources, including slowing down floodwaters, absorbing them, and filtering pollution out of urban runoff. Developing in floodplain areas will invariably increase flood flow downstream and cause other problems in terms of flood hazards. Does not want to narrow the protection and conservation to just areas that are environmentally sensitive and thinks that the original language is much stronger.
- **Amendment:** Coombs suggested using Doyle's language. Bowlby and Chase accepted.
- Adams was opposed to Doyle's language because he felt it was far too specific for what the policy is trying to do, which is stay out of the floodplains. Feels it curtails any opportunity to provide housing and infrastructure.
- Tabb stated that a floodplain is not the equivalent to a river, stream or watercourse and stated he would support the language if *floodplain* was changed to *floodway*.
- Gendron stated that she did not see the language as prohibiting as the ordinance will be the ultimate limitations.
- Pryde stated the reason he supported Doyle's language was because he is in favor of groundwater recharge.
- Silver suggested using the term 100 year floodplain. Pryde responded that we have no idea what a 100 year floodplain is because we have no records.
- Whalen thought the proposed language had too much in it, adding that we have groundwater recharge, watersheds and biology covered or dealt with. Preferred going with staff's recommendation or the original language.

- Barker suggested using both of Doyle's proposals and changing the first recommendation to floodways and retaining the floodplains in the alternate language. Coombs stated that we have already dealt with the safety issue in floodplains and added that she was in opposition to the original motion of retaining the original language and only in support of Doyle's language, since we are talking about conservation here and conservation resources.
- Adams stated that from a practical standpoint, he does not see how we are going to put the units down on the ground here. Feels the language is far too restrictive and the way it is being proposed now will tie developers' hands from essentially doing anything.
- Pryor cautioned the group on wording because it makes it very difficult to draft ordinances with terms that are undefined like *greatest extent feasible* and *other watercourses*. He added that Doyle's alternate language of *development in floodplains should be limited* is what you are trying to do in the floodplains. You can quantify that when you define it in the code or ordinance.
- **Amendment:** Chase suggested combining the two proposals to *Development in the floodplains shall be limited in order to protect environmentally sensitive lands and to sustain rivers, streams, and native fish and wildlife habitat*. Pryor stated that this is mandatory language and when you get too specific, it begins to get problematic.
- **Amendment:** Chase altered the language to *Development in floodplains shall be limited in order to protect environmentally sensitive lands and protect native fish and wildlife habitats, preserve riparian and wetland habitat and natural vegetation*. Adams was concerned with the word *preserve*.
- **Amendment:** Chase removed *preserve*.
- Bowlby thought we needed a policy to maintain floodplains. Scarborough advocated having a subsequent policy for this because there appeared to be a growing consensus on this amendment.
- **Amendment:** Whalen suggested substituting *natural vegetation* to *native vegetation*. Bowlby and Chase accepted the amendment.
- **Vote:** *Development in floodplains shall be limited in order to protect environmentally sensitive lands and protect native fish and wildlife habitats, riparian and wetland habitat and native vegetation:* 16 – 0 – 0.

New Policy

- **Motion:** Bowlby moved to add a new policy: *Maintain floodplains to protect flood and erosion control and groundwater recharge benefits*. Gendron seconded the motion.
- **Vote:** 5 – 8 – 3. Motion denied.

Policy H

- **Motion:** Tabb moved staff's H through K. Requests were made to take each policy one by one.
- **Motion:** Adams moved *Protect areas with regionally and locally sensitive wildlife habitat connections and corridors, consistent with habitat conservation planning and in coordination with affected public agencies*. Whalen seconded the motion.
- Harron commented that Doyle's language has four mandates and by taking out the mandates, you can put in the protection and at the same time, not have someone sue over an inconsistency in the general plan.
- **Substitute Motion:** Tabb moved staff's recommendation of H through K. Whalen seconded the motion. Motion made by Adams was removed. Silver had an issue with policy H. Feels it is very limiting and the wrong concept, and should be broader. Original motion placed back on table.
- **Amendment:** Silver proposed *Conserve and restore ecosystems processes and functions and maintain the full range of native biodiversity*.
- Adams asked what would not be an ecosystem and how it would be applied in real world experiences. Thinks it is too overly broad. Silver responded that it can be qualified by using a *should* so it is not a mandate.
- **Amendment:** Silver offered *Ecosystems processes and functions and the full range of native biodiversity should be maintained*.
 - ❖ **Addition made at the May 14th, 28th, and June 11th meetings:** Bowlby had requested that the following conversation between Adams and Silver be placed in the minutes verbatim: Adams had asked how this policy would work in conjunction with MSCP, the one now on the ground in the county and future ones. Harron had responded that it would be consistent. Adams stated that he sees it as MSCP areas where you cannot go and the remaining areas where you have to follow strict interpretation as regulatory. Silver stated he believed Adams was proposing that we divide the county into two things – MSCP, which is a political negotiation with wildlife agencies that preserves identifiable population species, and *everything else* for development.

He stated that he did not think that is what this is about. The MSCP is a mitigation with certainty. It has very good purposes but it is not a policy and is not for the entire county. Scarborough had asked Silver what his response was to Harron, who had said the way to accomplish this goal is through the MSCP. Silver responded that it is one of the ways but not the sole way.

- Coombs stated that the terms *restoration* and *enhancement* need to be in this policy.
- **Amendment:** Silver proposed *Ecosystems processes and functions and the full range of native biodiversity should be conserved and restored.*
- Adams sees this proposal as so restrictive that it is going to slowdown the development process during a time when it should be accelerated due to a severe housing shortage. Harron responded that he thinks it gives us the authority to do that but does not require us to do it and therefore, is a good policy to have in a general plan. Silver added that we are all trying to work together to put the development in the core areas, core support, and semi rural. We are in agreement that development has to go some place knowing that the ecosystem is not going to be the same and that is why the *should* is in the policy.
- Tabb pointed out that restoration is expensive asked who was going to pay for it.
- Pryor stated that there have been valid points and concerns raised on both sides. From a workable standpoint, he stated he can work with this and understands both viewpoints, which depends on how you write the standards. Keep in mind that this is a goal in a policy directed to the Board and what comes behind this will be the programs or ordinances and codes that will be put in place so if you are worried about how you are going to do these things, those all have to get reduced into a standard, regulation, or program and all this does is give us a direction for that.
- Lambron asked if this language would be in addition to MSCP guidelines. Harron responded that MSCP could be the answer to this or could be something else but it does not have to be both or one or the other, so it is not an addition. Adams asked how this would work in MSCP areas. Pryor responded that a deal is a deal but there are still a lot of areas out there that need a program or direction so MSCP is certainly very consistent with this policy and vice-versa.
- Bowlby stated that this does not speak to areas at all and that there needs to be the word *area* in the policy so we know we are talking about lands.
- Chase stated she sees the original policy H and Silver's proposal as being two different ideas and suggested having Silver's proposal become a new policy rather than in lieu of staff's recommendation for policy H. Whalen stated he was not comfortable supporting both.
- Bowlby stated that MSCP is an implementing tool and we are trying to establish policy so it is a different discussion altogether. Feels that we are losing the important part of this, which is what we are trying to protect, the land.
- **Vote:** *Ecosystems processes and functions and the full range of native biodiversity should be conserved and restored.* 9 – 3 – 2.

Policies I, J, and K

- **Motion:** Chase moved staff's recommendation for policies I, J, and K. Messer seconded the motion.
- **Amendment:** Pryde stated he supported I, J, and K with the one exception to policy K, to change *encourage to promote*. Chase and Messer accepted the amendment.
- **Vote:** 15 – 0 – 0

Policy L

- Pryde stated that it would seem that we have covered most of L in G except for the concept of invasive species. Suggested Aggressively work to eradicate invasive non-native species and vegetation. Pryor responded that this language was a mandate and needed new wording.
- Bowlby recommended using Doyle's recommendation because it addresses natural hydrology.
- Silver stated that he thinks hydrology is an important concept and that Doyle's language is good since the original language begins with *support the enhancement*.
- Messer stated that she supports the existing language.
- **Motion:** Pryde moved staff's recommendation of no revision made to the original language. Coombs seconded the motion.
- **Vote:** 15 – 0 – 0

New Policy

- **Motion:** Pryde moved his language Work as aggressively to eradicate invasive species. Pryor stated that he did not like the motion because it does not talk about the right guidance for the growth of the

development of the county or a preservation of natural resources but rather a program that needs to be established through Ag, Weights, and Measures or through Public Nuisance, so it does not belong in the general plan. Pryor added that he feels that it is covered in the existing motion (policy L).

- **Motion:** Bowlby recommended *Promote invasive plant species control and removal efforts* would go to some type of effort on the county's part to solve in what is a huge problem in habitat conservation. Pryor reiterated his point that the general plan is supposed to be the guide of future growth and development of the area and the protection and preservation of those natural resources that are there. So there are other ways you can do this which he understands as a program but it does not give us guidance as to how we are going to look at a community in terms of the general plan. Chase seconded the motion.
- **Amendment:** Barker recommended *Recognize that invasive species pose a serious threat to native habitat conservation and promote their control and removal.* Amendment accepted.
- **Vote:** 7 – 6 – 1. Motion passes.

Policy M

- **Motion:** Pryde moved Doyle's recommendation. Bowlby seconded the motion.
- Tabb asked why staff recommended to delete this policy. Pryor responded that this is a procedural item we have to do and does not belong in the general plan.
- **Amendment:** Bowlby proposed *protect and conserve existing wildlife corridors.* Pryde accepted the amendment as an addition to Doyle's recommendation.
- Whalen recommended deleting the policy as staff had recommended, in order to avoid superfluous policies in the general plan.
- **Vote:** *Work in cooperation with state and federal wildlife agencies, local resources management agencies, and interested conservation groups, to plan and establish wildlife connections and corridors to protect and conserve existing wildlife corridors:* 3 – 8 – 3. Motion denied.
- **Motion:** Adams moved staff's recommendation to strike the language. Whalen seconded the motion.
- Coombs argued for redundancy because she feels that the current federal and state requirements will not always be there.
- Pryor stated that he had an issue with *coordinate with affected public agencies.* Looking at wildlife connections and corridors is legitimate but by placing this mandate in our general plan, our hands will be tied especially since we may disagree with them. Adams stated that he agreed with this and does not see any change on the horizon that regulation is going to get any less than what they are now but rather the opposite.
- **Amendment:** Messer suggested *Promote the planning and establishment of wildlife connections and corridors.* Amendment was not accepted.
- **Vote:** Delete language: 8 – 5 – 1

Agenda Item IV: Process –

- The group finished with Conservation as proposed and will take up Doyle's recommendations of N through Q at the next meeting.

Agenda Item V: Public Comments –

- Mike Thometz stated that a very substantial part of the county is not under the MSCP so the group needs to set policies here to protect the unprotected part of the county. Also hopes that staff talks about existing parcels, how they are protected under this and how the map is a draft concept and that equity is a concept as well, when going out to the communities.
- Brent McDonald mentioned that he had handed out Circulation goals and policies and re-emphasized that Caltrans is supportive of a multi-modal transportation system, which allows county residents and visitors transportation choices and is also supportive of a land use that will support those objectives. Scarborough asked if this was Caltrans' official position. McDonald replied that it has not been seen by anyone else but feels that these are innocuous enough that no one would have a problem with it.