

# STATEMENT OF REASONS TO PERMIT THE PROPOSED USE AND ELIMINATE ACCESS TO MINERAL RESOURCES OF REGIONAL SIGNIFICANCE (MRZ-2)

Project Name: Warner Ranch; PDS2006-3810-06-002 (SP), PDS2006-3810-06-009 (GPA), PDS2006-3100-5508 (TM), PDS2006-3600-06-11 (REZ), PDS2006-3600-06-011 (MUP), PDS2006-3000-06-040 (AD), PDS2006-3910-0602020 (ER), PDS2011-3500-11-007 (S)

Project Location: Pala Road (SR-76) and west of Pala Temecula Road in the Pala Pauma Subregional Planning Area, within unincorporated San Diego County.

Date: December 8, 2016

## Purpose of Notice

Section 2763 of the Public Resources Code requires the County as Lead Agency to prepare, in conjunction with the preparation of an Environmental Impact Report (EIR), and prior to approving a project, a statement specifying the County's reasons for permitting a proposed use in an area that contains mineral resource deposits of regional significance. The County of San Diego is considering the approval of the proposed Warner Ranch Specific Plan, which would allow a residential project in a location that currently contains lands classified by the Mineral Resource Zone (MRZ) System. The County's statement is as follows:

## BACKGROUND INFORMATION

### Mineral Resource Zone

As mandated by the Surface Mining and Reclamation Act of 1975 (SMARA), the California State Geologist classifies California mineral resources with the MRZ system. The three MRZ zones are defined as follows:

- MRZ-1 – Areas where adequate information indicates that no significant mineral deposits are present or likely to be present.
- MRZ-2 – Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence.
- MRZ-3 – Areas containing mineral deposits, the significance of which cannot be evaluated from available data. In contrast to MRZ-2 areas where it has been judged that there is a high likelihood of minable, marketable mineral deposits (notably Portland cement and asphaltic concrete aggregate), MRZ-3 areas are areas where the data is not sufficient to evaluate the significance of any potential aggregate deposit.

- MRZ-4 - Areas where available information is inadequate for assignment to any other MRZ zone.

These zones have been established based on the presence or absence of significant sand and gravel deposits and crushed rock source area, e.g., mineral products used in the production of cement. The classification system emphasizes Portland Cement Concrete (PCC) aggregate, which is subject to a series of specifications to ensure the manufacture of strong durable concrete.

### **Project Description**

The Warner Ranch project consists of 780 residential units (534 single family detached and 246 multi-family and attached townhomes), 7.69 acres of private neighborhood parks, 14.63 acres of privately maintained landscaped areas, a 4.23-acre public park, 358.77 acres of preserved open space and a Fire Station.

#### Potentially available mineral resources on MRZ-2 lands within the Project Site:

According to the revised 2013 *Warner Ranch Mineral Resource Technical Report* completed by Leighton and Associates, Inc. for the County of San Diego, the amount of onsite land of MRZ-2 quality within the Warner Ranch project site is estimated at 57.8 acres. An estimated 1,250,000 tons of MRZ-2 mineral resources are believed to be recoverable from these 57.78 acres, with an estimated value of \$25,000,000.

#### Potential project impacts on the MRZ-2 Area (Project Site and Adjacent Lands):

The entire 514.49 acre Warner Ranch project site will be rezoned to the S88 Specific Plan Area or S80 Open Space Use Regulations which would effectively eliminate access for mineral extraction to the areas designated as containing regionally significant mineral resources (MRZ-2) as described above.

The majority of the MRZ-2 lands on the project site are located in the designated S88 Specific Plan Area which will include the residential units, private parks, landscaped areas, a public park and the Fire Station. The Mining and Processing Use Type is not a permitted use within the S88 Specific Plan Area Use Regulation or within the Warner Ranch Specific Plan. Additionally, the development of the project site uses will preclude future access to the underlying minerals.

The remainder of the MRZ-2 lands on the project site is located in the designated S80 Open Space areas. The Mining and Processing Use Type is permitted by a Major Use Permit in the S80 Open Space Use Regulation, however the Warner Ranch Specific Plan identifies the Open Space land use designation as those lands suitable for conservation and permanent protection of environmental resources with no

development allowed except for a vehicular river crossing, essential infrastructure and public facilities, and trails.

It is additionally believed that once the Warner Ranch project is developed, it will effectively eliminate access for future mineral extraction on 41 acres of adjacent offsite land also of MRZ-2 quality due to that adjacent land being within a 1,300 foot buffer of the residences proposed by the project. This buffer would be utilized to achieve adequate separation of the proposed residences from the noise and dust of a hypothetical mining operation on the adjacent lands. An estimated 900,000 tons of MRZ-2 mineral resources are believed to be recoverable from these 41 acres, with an estimated value of \$18,000,000.

The total potential impact of the Warner Ranch project is estimated to be the permanent loss of access for future mineral extraction of 98.8 acres of onsite and offsite MRZ-2 quality land. 2,150,000 tons of MRZ-2 mineral resources are believed to be recoverable from these 98.8 acres, with an estimated value of \$43,000,000.

## **REASONS WHY COUNTY MAY PERMIT THE LOSS OF POTENTIAL MINERAL RESOURCES, BY IMPLEMENTATION OF THE PROPOSED PROJECT**

*Map Sheet 52 Aggregate Sustainability in California* provided by the California Geological Survey and updated in 2012 indicates that the Western San Diego County P-C Region currently has 167 million tons of Permitted Aggregate Reserves, with a 50-year Demand of 1,014 million tons. A conclusion is made that the Western San Diego County P-C Region is one of four study areas that are projected to have 10 or fewer years of permitted aggregate reserves remaining as of January 2011. Given this background information, the County of San Diego has the following reasons why it may permit the loss of potential mineral resources at the Warner Ranch project site:

Development of the Warner Ranch project site does not substantially preclude the future development of mining facilities in the greater MRZ-2 classified area

Per County Conservation and Open Space Policy COS-10.1 Siting of Development, the County should “Discourage development that would substantially preclude the future development of mining facilities in these areas.” The greater San Luis Rey River Valley has been estimated to contain 1.6 billion tons of sand and 1.2 billion tons of coarse aggregate within the 14,607 acre drainage basin. The Warner Ranch project site is within Sector D, which is a 3,740 acre corridor associated with the river between Pauma Valley to the east and Interstate 15 to the west. Sector D has been estimated to contain 480 million tons of sand and 290 million tons of gravel. Only an estimated 2.1 million tons of MRZ-2 mineral resources are believed to be recoverable from the 98.8 acres impacted by the Warner Ranch project site. This equates to only 0.27% of the estimated

amount in Sector D alone. The County does not believe development of the Warner Ranch project site will substantially preclude the development of future mining facilities in other locations within Sector D, let alone the greater San Luis Rey River Valley.

#### Current Zoning and Land Uses on and around the Warner Ranch Project Site

The County Conservation and Open Space Policy COS-10.2 Protection of State-Classified or Designated Lands corresponds with the Zoning Ordinance's S82 Extractive Use Regulation. The S82 Extractive Use Regulations are intended to identify and create areas within the County where mining, quarrying, or oil extractive uses are permitted. They may be used to preserve areas with valuable mineral deposits until extraction can take place. The Warner Ranch project site is not currently zoned as S82. However, within a mile southwest of the Warner Ranch project site an area is zoned as S82, which further confirms that development of the Warner Ranch project site will not substantially preclude the development of future mining facilities in other locations within Sector D.

The Warner Ranch project site is currently zoned as A70 Limited Agriculture and A72 General Agriculture. Both of these Use Regulations allow the Mining and Processing Use Type as permitted by a Major Use Permit. However, there is no current Major Use Permit for a mining operation nor has one been proposed on the Warner Ranch project site. If the County were to not approve the Warner Ranch Specific Plan based solely on the desire to recover the mineral resources in the future, there would be no guarantee that a mining operation would ever be proposed on the project site. Additionally, there are many other areas within the greater San Luis Rey River Valley zoned as A70 Limited Agriculture or A72 General Agriculture which could be utilized for the extraction of mineral resources in addition to those areas already zoned as S82 Extractive.

Given that much of the Warner Ranch project site borders and/or is surrounded by the Pala Reservation, it is difficult to predict if a proposed mining operation would be permitted on the Warner Ranch project site. The eastern border of the Warner Ranch project site is within a quarter mile of both the Pala Casino and existing residences on the Pala Reservation. Given this close proximity, opposition to a proposed mining operation on the Warner Ranch project site would likely be high. The County has considered this factor during the review of the Warner Ranch Specific Plan, especially in regards to the fact that no mining operation is currently proposed.

#### County-wide Use of Crushed Stone as an alternative to Alluvial Sand and Gravel

*Map Sheet 52 Aggregate Sustainability in California* specifically states "Although more care is required in pouring and placing a wet mix containing crushed stone, PCC made with this aggregate is as satisfactory as that made with alluvial sand and gravel of comparable rock quality. Owing to environmental concerns and regulatory constraints in

many areas of the state, it is likely that extraction of sand and gravel resources from instream and floodplain areas will become less common in the future. If this trend continues, crushed stone may become increasingly important to the California market.” The *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements Mineral Resources state*, “Within the County, crushed rock is the primary source of locally mined PCC aggregate.” These guidelines additionally state, “Within the unincorporated portion of the County, potential deposits for crushed rock are extensive (hundreds of square miles)... PCC made with crushed rock aggregate can generally be satisfactory and can supplement the local supply of alluvial sand and gravel.”

Crushed stone is already the predominate supply of aggregate in San Diego County, where there are extensive potential recoverable deposits. These deposits are currently utilized and can be utilized in the future to supply not only the unincorporated portion of San Diego County that the County has land use jurisdiction over, but can also be utilized by all of the incorporated communities that may not have alluvial or crushed stone deposits, or may be unwilling to permit the extraction of their deposits.

#### County of San Diego General Plan Housing Element

Although several Conservation and Open Space Policies have been referenced in this statement, the County must also consider its commitment to the General Plan Housing Element. As stated in the Policy Framework “the County is allocated a share of the region’s housing needs that is equivalent to 22,412 units. The County must, through appropriate zoning and development standards, accommodate these units through a variety of housing types and various income groups.” Just as the County is expected to consider the importance of the MRZ-2 minerals to their market region as a whole and not just on the unincorporated portion of San Diego County, the County must consider its commitment to providing its regional fair share of housing opportunities for all San Diego County residents, and not just those that currently live in the unincorporated portions of San Diego County that the County has land use jurisdiction over. The Warner Ranch Specific Plan would provide 780 residential units which would help the County achieve its share of the region’s housing needs.

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