



The County of San Diego

Planning Commission Hearing Report

Date:	September 22, 2023	Case/File No.:	Lindquist AD for Height PDS2022-AD-22-016; PDS2023- ER-23-08-003
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Project:	Appeal of Director's approval of an Administrative Permit for Over Height Golf Fence
Time:	9:00 a.m.	Location:	1230 San Julian Dr
Agenda Item:	#1	General Plan:	Village Residential (VR-7.3)
Appeal Status:	No further appeals available for the Administrative Permit; Notice of Exemption CEQA Environmental Determination appealable to Board of Supervisors	Zoning:	Single Family Residential (RS)
Applicant/Owner:	Robert and Lois Lindquist	Community:	North County Metropolitan Subregional Plan Area
Environmental:	CEQA Exemption	APN:	222-230-01-00

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider an appeal of the June 13, 2023 Director of Planning & Development Services (PDS) approval of an Administrative (AD) Permit for the golf ball net (fence) over the maximum height allowed (Project) in the North County Metropolitan Subregional Plan area. The AD Permit will allow for an increase in the height of an existing (as-built) golf ball net from six-feet as allowed by the zoning, to 16-feet within the interior side yard setback on an individual lot pursuant to Section 6708 of the Zoning Ordinance. The golf ball net was constructed without permits and a Code Compliance case was opened on the Project site in June 2022. The golf ball net will require approval of an AD permit and a Building permit to bring the Project site into compliance. The Building permit is required to allow the existing fence to exceed the maximum height of six-feet, pursuant to the current California Building Code as amended and adopted by the County of San Diego.

The Project was approved on June 13, 2023, which started the 10-day appeal period. The appeal application was submitted by Scott Latham on behalf of Mary Rohling.

The appeal application raises a total of six points of appeal. Responses to all points of appeal are included in Attachment C, with this report providing a focused response to primary concerns related to County Zoning Ordinance compliance and impacts of the Project. This report contains information associated with the Project including the following: the project description, project background, analysis and discussion of the project and points of appeal, community and public input, the CEQA analysis, and the PDS-recommended decision.

The Planning Commission can: (1) deny the appeal and uphold the Director's approval of the Project; (2) deny the appeal and uphold the Director's decision with modifications; or (3) grant the appeal and deny the Project.

Pursuant to County Zoning Ordinance Section 7205, the decision of the Planning Commission on the appeal of the AD Permit is final. Pursuant to County Zoning Ordinance Section 7206, the CEQA Exemption environmental determination of the Project is appealable to the Board of Supervisors if the Planning Commission denies the appeal and upholds the Director's decision as submitted or with modifications. An appeal would be required to be filed within 10 days of the Planning Commission decision.

B. REQUESTED ACTIONS

Staff recommends the Planning Commission take the following actions:

1. Deny the Appeal filed by Scott Latham on behalf of Mary Rohling.
2. Uphold the Director's adoption of the Environmental Findings included in Attachment D. These include a finding that the Project is exempt from CEQA, in accordance with CEQA Guidelines Section 15303(e).
3. Uphold the Director's approval of Administrative Permit Record ID: PDS2022-AD-22-016 (Attachment B).

C. DEVELOPMENT PROPOSAL

1. Project Description

The Project will allow for an increase in the height of an existing (as-built) golf ball net (fence) from six-feet as allowed by the zoning, to 16-feet within the interior side yard setback on an individual lot, in the San Marcos community, within unincorporated San Diego County. The fence was installed without permits. The AD permit will allow the fence to exceed the maximum height and to be located within the interior side yard setback. Additionally, the applicant will be required to obtain a Building permit for the existing fence in order to bring the property into compliance.

The fence is located on the property line within the west five-foot side yard setback and near the existing golf course, The Links at Lakehouse.

The dimensions of the fence are 60-feet long by 16-feet high and the material consists of loose mesh netting with six black metal poles to support the netting. The Project's purpose is to bring the property into compliance and to protect the Applicant's health, safety, and general welfare from incoming golf balls that fly into the front yard and back yard of the Project site.



Figure 1: Aerial Photograph Showing Project Site

The County Zoning Ordinance limits the height of the fence within the setback (five feet from the property line) to six feet in height. However, the County can allow the fence at a greater height through approval of an AD permit (Section 6708(b)). The AD permit requires findings that the fence is compatible with the community character of the neighborhood, and that it would not be detrimental to the health safety, or general welfare of the neighborhood and will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.

2. Project Background

An Administrative Permit application was submitted for the Project in November 2022. The golf ball net was constructed without permits. An Administrative Permit was submitted to allow the fence to exceed the maximum height and to be located within the interior side yard setback.

A notice of the application was sent to property owners within a radius of 300 feet of the Project site on November 29, 2022. Phone calls and email correspondence was received by the appellant opposing the Project. Phone calls and email correspondence were also received by another neighbor requesting further information on how to obtain a permit for the netting/fence for their property. One email was received from a neighbor who expressed their approval for the Project.

The Project was reviewed for conformance with County guidelines and regulations. A review of biological resources was conducted, and it was confirmed that the Project site was developed with a single family residence and does not contain sensitive biological resources. Review from the San

Marcos Fire Protection District confirmed there were no fire-related comments or concerns pertaining to the Project. A review of cultural resources was conducted and it was confirmed that no studies or monitoring were required in relation to the Project site for cultural resources review and paleontological resources review. Additionally, it was confirmed that the Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance (RPO) was not applicable to the Project. Finally, it was determined that the fence does not encroach into the public right-of-way (ROW) or obstruct sign distance in the public ROW.

County staff made the findings that the fence will be compatible with the community character and will not be detrimental to the health, safety, and general welfare of the surrounding properties or the neighborhood. County staff conducted site visits on January 20 and July 18 and identified similar fences constructed within the interior side yard setback on properties within the surrounding areas. All the single family residences in the community are abutting the golf course. It is assumed that the similar fences were constructed to protect the residents. The fences are similar in height and materials, with materials varying from mesh tarp to chain link. The similar fences were either constructed as-built or by-right. This Project is the first discretionary permit for an over height fence in the surrounding area.

Additionally, the golf ball net would protect the property owner from golf balls that fly onto the property in the front yard and the rear yard. During both site visits, County staff did not witness golf balls hit the Project site or adjacent property or the fence. It was determined that there was insufficient evidence demonstrating that the golf ball net has resulted in impacts to the health, safety, and general welfare of the surrounding area. For these reasons, County staff made the findings that the structure is compatible with the community character and does not have a harmful effect upon the neighborhood.

County staff made the findings that the fence will not interfere with traffic circulation, nor create a safety hazard or obstruct future road widening. The golf ball net is located approximately 60-feet from the existing centerline of San Julian Drive and outside the existing ROW. The fence does not encroach into any planned or existing roadways, does not obstruct any future road widening projects, and has been reviewed by the San Marcos County Fire Protection District. Therefore, the fence neither creates a safety hazard or obstructs future road widening, nor interferes with traffic circulation.

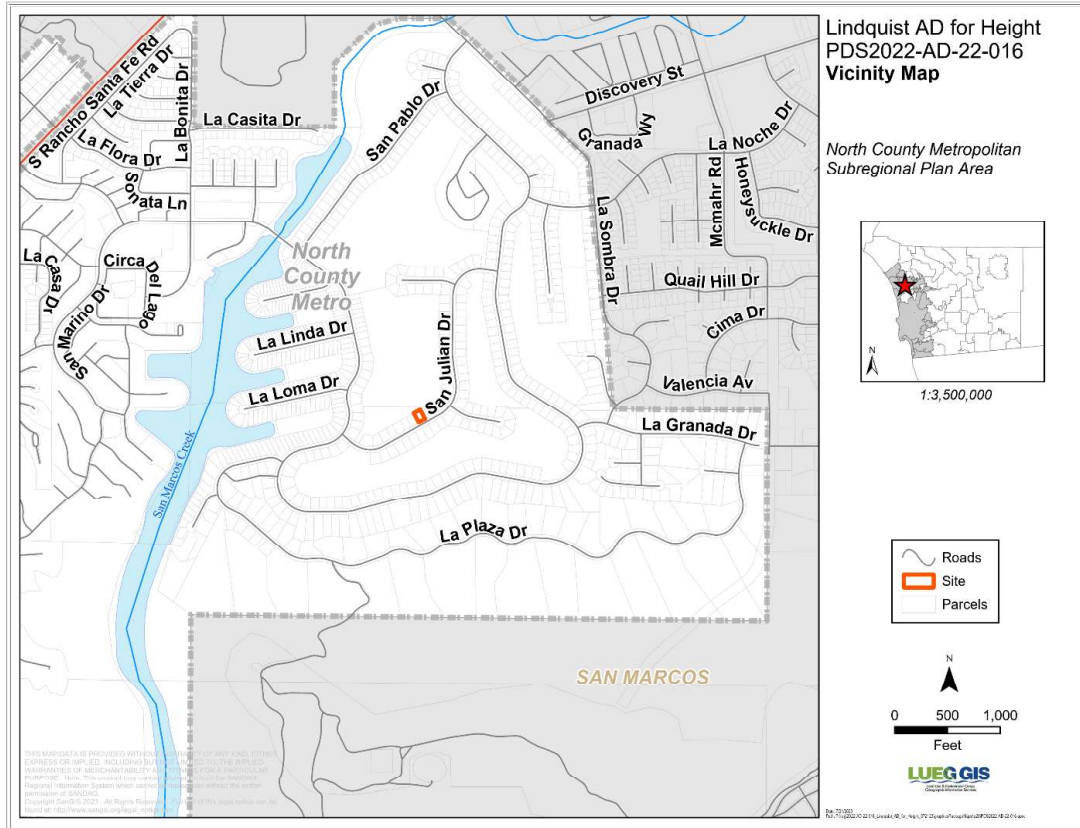


Figure 2: Vicinity Map

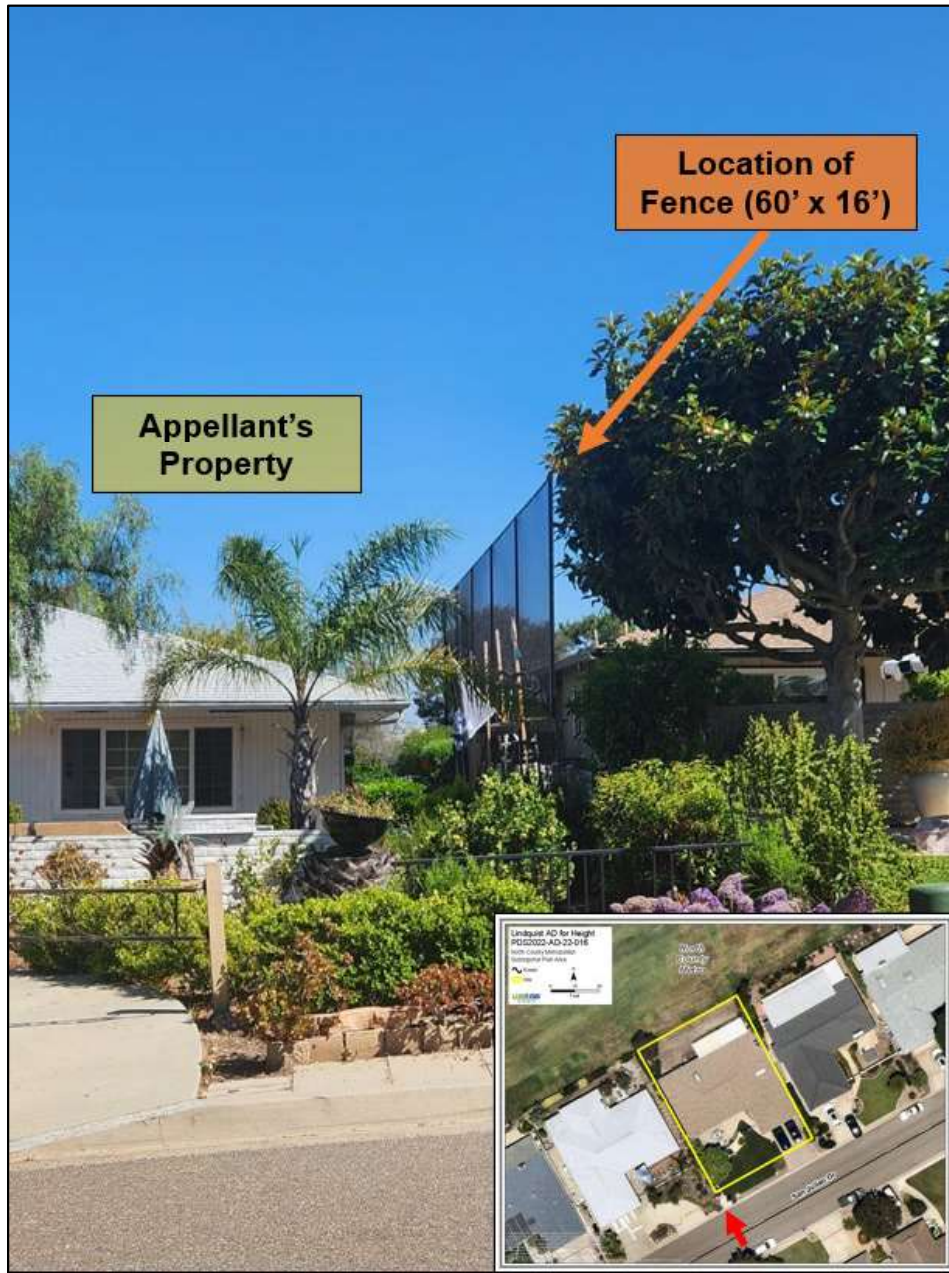


Figure 3: View from San Julian Dr (North)



Figure 4: View from Golf Course (South)



Figure 5: View between Project Site and Adjacent Property

3. Subject Property and Surrounding Land Uses

The Project is located at 1230 San Julian Drive, within the San Marcos community, in unincorporated San Diego County. San Julian Drive is located within a residential community with single family residences and is located approximately two miles southwest of California State Route 78 (CA-78), within the North County Metropolitan Subregional Plan Area.

Lands surrounding the Project site primarily includes single family residences and the golf course abutting a majority of the properties. Single family residences are located in all directions of the Project site. Additional land uses surrounding the Project site include low density residential structures, commercial structures, and the City of San Marcos. Lake San Marcos is located approximately 0.25 mile west of the Project site, and Lakehouse Resort, a commercial site, is located approximately 0.5 mile northwest of the Project site. Lakehouse Resort owns The Links, the golf course abutting a majority of the properties.

The General Plan Regional Category for the site is Village, and the General Plan Land Use Designation is Village Residential (VR-7.3), allowing for compact, higher density development located within walking distance of commercial services, employment centers, civic uses, and transit when feasible. Zoning for the site is Single Family Residential, which allows for family residential uses and some civic and agricultural use types.

Please refer to Attachment A – Planning Documentation, for maps of surrounding land uses and zoning designations. Figure 6 below also shows a map of surrounding zoning and land uses.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Open Space (Recreation) Village Residential (VR-7.3) Village Residential (VR-24) Village Residential (VR-10.9) General Commercial	Single Family Residential (RS), Residential/Commercial (RC), Urban Residential (RU), General Commercial (C36), General Commercial/Residential (C34), City of San Marcos	N/A	Open Space, Residential, Residential/Commercial, Commercial, City of San Marcos
East	Village Residential (VR-7.3) Open Space (Recreation) Semi-Rural Residential (SR-1)	Single Family Residential (RS), City of San Marcos, Rural Residential (RR)	N/A	Residential, Open Space, City of San Marcos

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Location	General Plan	Zoning	Adjacent Streets	Description
South	Village Residential (VR-7.3) Open Space (Recreation) Semi-Rural Residential (SR-1) Semi-Rural Residential (SR-2)	Single Family Residential (RS), Rural Residential (RR), Limited Agricultural (A70), City of San Marcos	San Julian Dr	Residential, Open Space, Agricultural, City of San Marcos
West	Open Space (Recreation) Village Residential (VR-24) Semi-Rural Residential (SR-10) Village Residential (VR-7.3)	Single Family Residential (RS), Variable Family Residential (RV), General Commercial (C36), General Commercial/Residential (C34)	N/A	Residential, Commercial, Residential/Commercial

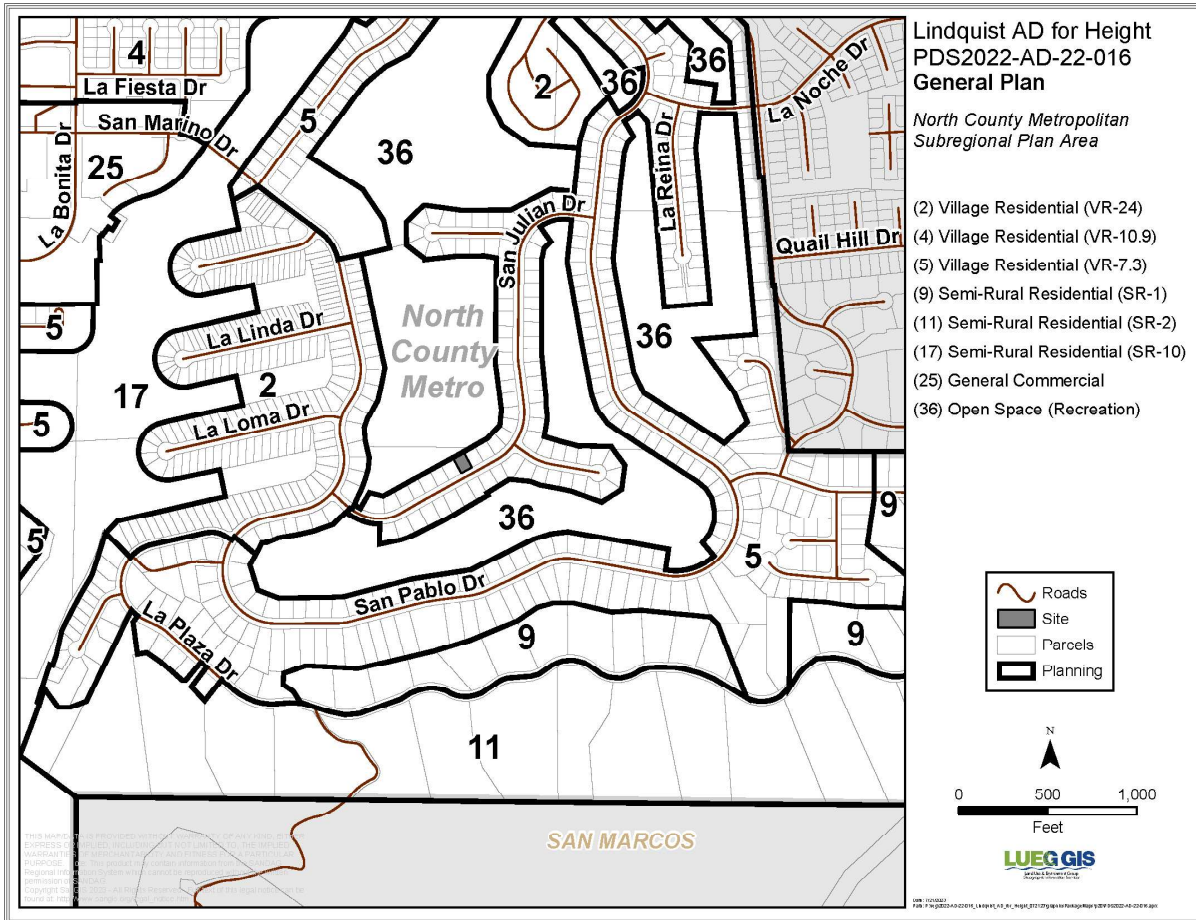


Figure 6: Surrounding land uses and designations

D. ANALYSIS AND DISCUSSION

The Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the County Zoning Ordinance, and CEQA Guidelines.

PDS staff reviewed and analyzed the points of appeal detailed in the appeal application from Scott Latham on behalf of Mary Rohling (Attachment C). Responses to all points of appeal are included in Attachment C, with this Hearing Report providing a focused response to the six primary concerns as follows:

1. The fence in this case created a well-defined safety hazard which is indisputable. Damages were reported and documented in the side yard of the house on the far end of the property. This type of damage can only come from a ricochet golf ball - not an incoming ball. There is no angle at which such damage can be sustained except as a ricochet off the fence. The damage is to the “far side-yard” - not the incoming side yard. The golf balls come in at one direction - not two. The County’s logic concerning this point is surprisingly deeply flawed.

2. The County inspectors have insisted that they were not able to establish that the golf balls found in the yard (1238 San Julian Drive) were ricochets off the fence as alleged. However, the burden of proof is on the neighbor who installed the fence and applied for the exception under section

6708(h)(1)(i)(ii)- not the 88-year-old neighbor who endures the damages. This is especially true when the angle does not support the County's conclusion. Please note the damage occurred after the fence was installed/erected – which supports the complaint in this case.

3. The County of San Diego has placed itself into a zero-sum outcome - which in itself is a surprise when considering that this approval was completed under the exception rule – 6708(h)(1)(i)(ii). Under a zero-sum outcome, the county approved a permit where the fence produces benefits for one neighbor at the expense of another. How this is compatible with the community character or serves the general welfare of the surrounding properties remains a mystery to this day.

4. It appears the County of San Diego ignored the criteria under the exception rule [6708(h)(1)(i)(ii)]. Recent documentation concerning the permit revealed that the discretionary permit was approved under “health” reasons – which are not correctly referenced in the “exception rule.” The Health, Safety, and General Welfare criteria applies to the surrounding properties – not the party applying for the permit under the “Exception Rule” [6708(h)(1)(i)(ii)]. The applying party recently acquired the property in 2021 – which implies they accepted the risk of golf balls at that time – as does any property owner who purchases a home on a golf course. The applying party in this case is general contractor – who knowingly erected the fence without any permit.

5. The exception rule under section 6708(h)(1)(i)(ii) clearly was not intended to approve permits when there are concerns with respect to the general welfare of the surrounding properties (See below) which should be readily apparent in this case. It also appears that the benefits of this fence are smaller than the costs. Ms. Rohling – at the age of 88 – no longer has access to her side yard - this is the creation of a safety hazard that was not there before. Please note that Ms. Rohling was recently in the hospital for 3 weeks and uses a walker to get around.

6. The County has not improved the neighborhood with the approval of this administrative discretionary permit – this permit did not create or claim to create synergy between the two neighbors nor the “surrounding properties. All it has done is transfer the problem of one neighbor to their next-door neighbor – who clearly is being overwhelmed by this development. This is commonly known as a “zero-sum outcome” which government officials are supposedly instructed to avoid. This equates to elderly abuse – suggesting the County is now deciding whose health is more important. [Benefit-Costs analysis does not support this permit].

As explained in detail below, the Project complies with all applicable requirements. PDS staff recommends that the Planning Commission uphold the Director's decision.

1. **Appeal Point 1: Health, Safety, and General Welfare**

Points of Appeal

One of the points made in the appeal is that the golf ball net (fence) has created a well-defined safety hazard. The appeal states that damages have been reported and documented in the interior side yard of the house on the far end of the property and not the incoming side yard. The appeal also states that the golf balls come in at one direction and the damage is sustained by golf balls ricocheting off the fence.

Analysis and Response

No evidence of damage to the appellant's property was provided during the AD permit process or in the appeal. However, the Project applicant provided evidence of damage to his property during the AD permit process, and it was observed by County staff in the field.

It is difficult to distinguish if incoming golf balls or ricocheting golf balls cause damage given the proximity of the properties to the golf course. The golf balls from the golf course appear to be an issue for the entire community.

County staff visited the site on January 20 and July 18 and did not witness golf balls fly onto the Project site, the adjacent site, or the fence, and determined that there was insufficient evidence demonstrating that the netting is resulting in health and safety impacts to the surrounding area or adjacent property.

During the July 18 site visit, County staff identified a golf ball fence within the interior side yard of the westward property line of the adjacent property to the appellant. The fence was less than 16-feet in maximum height but greater than six-feet. The material of the fence was chain link. The golf ball fence on the westward property line of the appellant's property may provide protection to the appellant's property from incoming golf balls but it cannot be confirmed without further research. In addition, a similar netting fence was identified in the interior side yard on the property east of the Project site. The material of the fence was loose mesh netting and it was similar in height.

The golf ball netting fence is designed with loose mesh netting to minimize the ricocheting effect to the adjacent property.

The mesh netting is not affixed to the bottom of the fence, allowing the mesh netting to move when struck by a golf ball to minimize a ricocheting effect.

County staff have spoken with the neighbor and have walked through the process to add their own golf ball net fence but to date, have not submitted a permit.

2. Appeal Point 2: Health, Safety, and General Welfare

Points of Appeal

The appeal states that County staff determined they were unable to establish that the golf balls found on the adjacent site were golf balls that ricocheted off the fence. The appeal notes that damage occurred after the fence was installed and that the neighbor endures the damages.

Analysis and Response

As previously stated, no evidence of damage to the appellant's property was provided during the process or in the appeal. However, the Project applicant provided evidence of damage to his property during the AD permit process, and it was observed by County staff in the field. The intent of the fence is to protect the safety of the applicant and their property.

Damage to the applicant's property, as observed by County staff, was found along the northwest side and west side of the house. Given the location of the reported damage, a fence along the back of the property on the north lot line would not be as effective at protecting the house and residents from incoming golf balls. The fence could not be installed outside of the setback of the interior side yard due to the lot configuration and location of the house.

County staff visited the site on January 20 and July 18 and did not witness golf balls fly onto the Project site, the adjacent site, or the fence, and determined that there was insufficient evidence demonstrating that the netting has resulted in health and safety impacts to the surrounding area.

3. Appeal Point 3: Health, Safety, and General Welfare and Compatibility with Community Character

Points of Appeal

The appeal states that the approval of the Administrative Permit has resulted in a zero-sum outcome. The appeal contends that the County has approved a permit where the fence produces benefits for the applicant at the expense of the neighbor and disagrees with the findings, stating the findings are not compatible with the community character or serves the general welfare of the surrounding properties.

Analysis and Response

Similar golf ball nets have been identified throughout the neighborhood. Fences in equal and greater height have been identified in the setbacks of surrounding properties, with various styles and materials of mesh netting and chain link.

The nearest property is located approximately 100 feet to the east of the Project site. The property has a similar over height fence with the setback of the interior side yard, along the western lot line. The golf course abuts the northern lot line. The material of the fence is black mesh netting with silver poles.

Another property is located approximately 0.15 miles to the northeast of the Project site. The property has a similar over height fence within the setback of the interior side yard, along the northern lot line. The golf course abuts the eastern property line. The material of the fence is white mesh netting with silver poles.

County staff also identified a property located approximately 0.17 miles to the northeast of the Project site. The property has a fence similar in height, style, and material to the applicant's fence. The fence is located along the western corner of the lot within the setbacks of the interior side yard and the back yard. The golf course abuts the back yard and the interior side yard. The material of the fence is black mesh netting with black poles.

In addition, a property located approximately 0.39 miles to the northeast of the Project site has a fence similar in height, style, and material to the applicant's fence. The fence is located within the setback of the interior side yard, along the southern lot line. The golf course abuts the western property line. The material of the fence is black mesh netting with black poles. An additional four fences similar in height, material, and style were identified in the neighborhood.

County staff have spoken with the neighbor and have walked them through the process to add their own golf ball net fence but they have not pursued that option.

4. Appeal Point 4: Health, Safety, and General Welfare

Points of Appeal

The appeal states that the exception criteria applied to the permit findings under Zoning Code Section 6708(h)(1)(i)(ii) were not correctly referenced. The appeal states that the Health, Safety, and General Welfare criteria apply to the surrounding properties and not the Project site.

Analysis and Response

Based on staff's analysis, the Project will reduce the risk of golf balls flying onto the property and directly hitting the property or a person. County staff visited the Project site on January 20 and July 18 and did not witness golf balls fly onto the Project site, the adjacent site, or the fence, and determined that there was insufficient evidence demonstrating that the fence is resulting in health and safety impacts to the surrounding area. It's possible that golf balls could hit the fence and bounce off, but the fence is designed with loose mesh netting to minimize the ricocheting effect to the adjacent property. The purpose of the fence is to reduce the possibility of someone being hit directly by a golf ball.

5. Appeal Point 5: Health, Safety, and General Welfare

Points of Appeal

The appeal states that approval of the Administrative Permit did not consider concerns with the general welfare of the surrounding properties. The appeal contends that the neighbor no longer has access to their side yard.

Analysis and Response

The fence is fully within the Applicant's property and does not encroach into the neighbor's property. In addition, the fence is designed with loose mesh netting to reduce the speed of incoming golf balls which could cause more damage if they ricochet off the existing house. County staff have spoken with the neighbor and have walked through the process to add their own golf ball net fence but they have not pursued that option.

6. Appeal Point 6: Health, Safety, and General Welfare

Points of Appeal

The appeal states that approval of the Administrative Permit has transferred the issue of the applicant to the neighbor and that the neighbor is overwhelmed by the fence. The appeal contends that approval of the permit has created a zero-sum outcome. The appeal also states that the approval of the permit equates to elderly abuse and benefit-cost analysis does not support the permit.

Analysis and Response

Based on staff's analysis, the Project would reduce safety risks for the property owner and neighboring property. The purpose of the fence is to reduce the possibility of a person or property being directly hit by an incoming golf ball. Staff made the required findings that the fence would not be detrimental to the health and safety of the neighborhood. As previously stated, County staff visited the Project site on January 20 and July 18 and did not witness golf balls fly onto the Project site, the adjacent site, or the fence, and determined that there was insufficient evidence demonstrating that the fence is resulting in health and safety impacts to the surrounding area. The fence is constructed with loose mesh netting to minimize the ricocheting effect of incoming golf balls hitting the fence. The fence reduces the speed of incoming golf balls flying onto the property, which could cause more damage if they ricochet off the existing house.

Given the location of the fence, it's possible that the fence can reduce the occurrence of incoming golf balls flying from the east of the golf course into the adjacent neighbor's property and hitting the house.

County staff have spoken with the neighbor and have walked through the process to add their own golf ball net fence but they have not pursued that option.

7. Key Requirements for Requested Actions

- a. Is the Project consistent with the vision, goals, and policies of the General Plan?
- b. Is the Project consistent with the County’s Zoning Ordinance?
- c. Is the Project consistent with other applicable County Regulations?
- d. Does the Project comply with CEQA?

8. General Plan Consistency

The site is subject to the General Plan Regional Category Village Residential and Land Use Designation Village Residential 7.3 (VR-7.3). The Project is consistent with the General Plan goals and policies.

Table D-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
<p>LU-6.10 Protection from Hazards. Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.</p>	<p>The Project is located within the west side yard and near the existing golf course. The property owner provided evidence of damage to the northwest and west side of the house during the AD permit process, as observed by County staff in the field. The fence is located along the western property line to reduce the risk of golf balls flying onto the property and directly hitting the property or a person. The fence is constructed with loose mesh netting to minimize the ricocheting effect of incoming golf balls hitting the fence. The fence reduces the speed of incoming golf balls flying onto the property, which could cause more damage if they ricochet off the existing house. The designed height of the fence reduces the speed of incoming golf balls that fly above the roof line of the house and onto the property and reduces the risk of incoming golf balls directly hitting the property or a person.</p>

9. Community Plan Consistency

The Project was reviewed for compliance with the North County Metropolitan Subregional Plan and was found not to conflict with any policies in the plan.

10. Zoning Ordinance Consistency

The Project complies with all applicable zoning requirements of the Single Family Residential (RS) zone with the incorporation of conditions of approval as described in Table D-3 and Table D-4.

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	RS	Yes, upon approval of an Administrative Permit
Animal Regulation:	Q	N/A
Density:	-	N/A
Lot Size:	6000	Yes
Building Type:	C	Yes
Max. Floor Area	-	N/A
Floor Area Ratio	-	N/A
Height:	G	Yes
Lot Coverage:	-	N/A
Setback:	J	Yes
Open Space:	-	N/A
Special Area Regulations:	C	Yes

Table D-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Section 2102 of the Zoning Ordinance allows for Family Residential use type in the Single Family Residential (RS) zone.	The Project site is developed with a single family dwelling.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 6708(b)(3) of the Zoning Ordinance states that open fences and walls are permitted at the follow locations provided they conform to the material specifications and height limitations shown below. An exception to the material specifications or the height limitations may be granted in accordance with Section 6708(h). An exception to the height limitations may also be granted in accordance with Section 6708(i). *Rear or Interior Side Yards. Permitted up to a maximum height of 72 inches.	The Project authorizes an increase in height of the existing (as-built) golf ball net from required 6-feet to 16-feet within the interior side yard setback pursuant to Section 6708(h) of the Zoning Ordinance.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Development Standard	Proposed/Provided	Complies?
<p>Section 6708.h.1. of the Zoning Ordinance states that the Director may approve an administrative permit granting an exception to the applicable criteria specified in the Section for fences on individual lots:</p> <p>i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and</p> <p>ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.</p>	<p>The Project site is located within a residential neighborhood that contains similar fences constructed in the interior side yard with various netting materials including mesh and chain link. Due to the residential nature of the project, the structure would be compatible with the community character.</p> <p>The fence is located approximately sixty (60) feet from the existing centerline of San Julian Drive and outside the existing right-of-way (ROW). The fence does not encroach into any planned or existing roadways, does not obstruct any future road widening projects, and has been reviewed by the San Diego County Fire Protection District. Therefore, the fence neither creates a safety hazard nor interferes with traffic circulation.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Section 6708.h.1. of the Zoning Ordinance requires that notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property.</p>	<p>A notice of the application was sent to property owners within a radius of 300 feet on November 29, 2022. Phone calls and email correspondences were received from the appellant opposing the project. A neighbor requested further information on how to obtain a permit for the netting/fence for their property. One email was received from a neighbor who expressed their approval for the project.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

Development Standard	Proposed/Provided	Complies?
Section 5250 of the Zoning Ordinance requires that the Project meet the “C” Special Area Designator for Airport Land Use Compatibility Plan Area.	The Project is located approximately 3.6 miles away from the McClellan-Palomar Airport. The existing 16-foot high fence is consistent with the McClellan-Palomar Airport Land Use Compatibility Plan.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

11. California Environmental Quality Act (CEQA) Compliance

The proposed Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and a Notice of Exemption was prepared. The Project qualifies for an exemption from CEQA pursuant to Section 15303(e) (“New Construction or Conversion of Small Structures”) because state law allows for the construction and location of limited numbers of new, small facilities or structures. Accessory (appurtenant) structures including fences are allowed pursuant to Section 15303(e). The Project qualifies for the exemption because it consists of an as-built fence structure on an individual legal parcel. Review of the Project indicates that the project will not impact environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted by governmental agencies. The Project is exempt from CEQA because it does not contribute to a cumulative environmental impact, does not damage scenic resources of a designated state scenic highway, and it is not on the list of Hazardous Waste and Substances Sites pursuant to Section 65962.5 of the Government Code, and does not cause adverse change in the significance of a historic resource. The Project is exempt from CEQA because there is no possibility that the activity in question may have a significant effect on the environment pursuant to Section 15061(b)(3). The Notice of Exemption can be found in Attachment D of this report.

12. Applicable County Regulations

Table D-5: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. County Consolidated Fire Code	The Project has been reviewed by the County Fire Protection District and has been found to comply with the County Consolidated Fire Code.
b. Noise Ordinance	The Project demonstrates compliance with the County Noise Ordinance and will not expose potential sensitive receptors to noise limits beyond the thresholds outlined within the County Noise Ordinance.
c. Light Pollution Code	The Project will implement outdoor lighting and glare controls to ensure compliance with the Light Pollution Code.
d. Watershed Protection Ordinance	A Standard Stormwater Quality Management Plan (SWQMP) Form would not be required because only the footings of the fence would be an impervious surface but it is insignificant per the Department of Public Works (DPW).

e. Resource Protection Ordinance (RPO)	The Project has been found to comply with the RPO because it will not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands.
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E. COMMUNITY PLANNING GROUP (CPG)

The Project site is located within the boundary of the North County Metropolitan Community which does not have an associated Community Planning or Sponsor Group.

F. PUBLIC INPUT

The Project was noticed to surrounding property owners upon application submittal from November 29, 2022 within a radius of 300 feet of the Project site.

On September 11, 2023 a notice was sent to all property owners within 500 feet of the Project site informing them of the public hearing to be held on September 22, 2023.

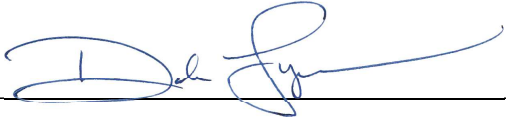
G. STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Deny the Appeal filed by Scott Latham on behalf of Mary Rohling.
2. Uphold the Director’s adoption of the Environmental Findings included in Attachment D. These include a finding that the Project is exempt from CEQA, in accordance with Guidelines Section 15303(e).
3. Uphold the Director’s approval of Administrative Permit Record ID: PDS2022-AD-22-016 (Attachment B).

Report Prepared By:
 Jennifer Crump, Project Manager
 619-323-8589
JenniferE.Crump@sdcounty.ca.gov

Report Approved By:
 Dahvia Lynch, Director
 858-694-2962
Dahvia.Lynch@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: 

DAHVIA LYNCH, DIRECTOR

ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Form of Decision Approving PDS2022-AD-22-016

Attachment C – Appeal Application and Responses





Attachment D – Environmental Documentation

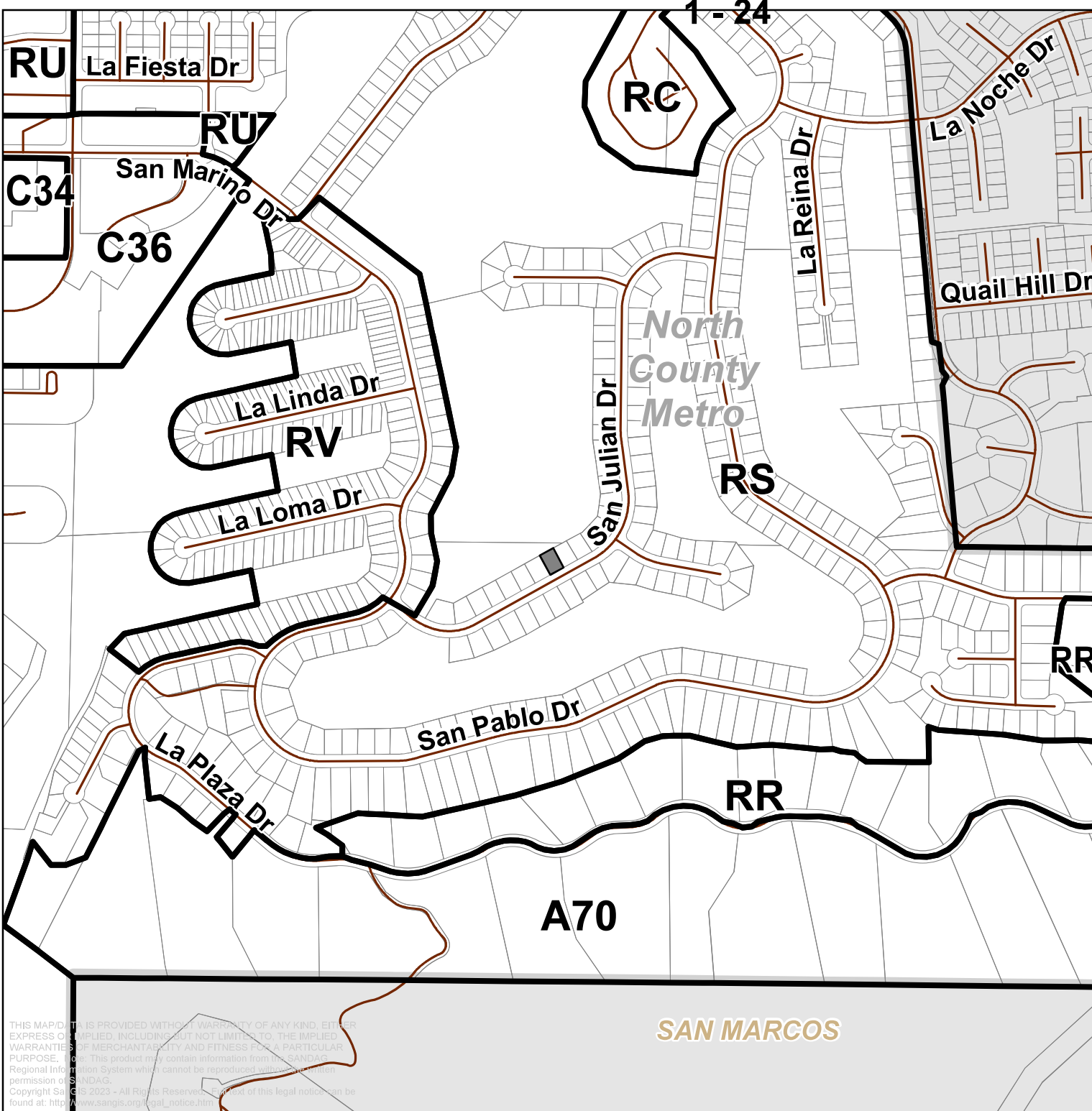
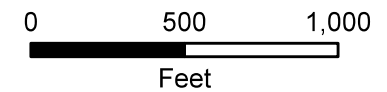
Attachment A – Planning Documentation

**Lindquist AD for Height
PDS2022-AD-22-016
Zoning**

*North County Metropolitan
Subregional Plan Area*

- A70 - Limited Agricultural
- C34 - General Commercial/
Residential
- C36 - General Commercial
- RC - Residential/Commercial
- RR - Rural Residential
- RS - Single Family Residential
- RU - Urban Residential
- RV - Variable Family Residential

	Roads
	Site
	Parcels
	Zoning



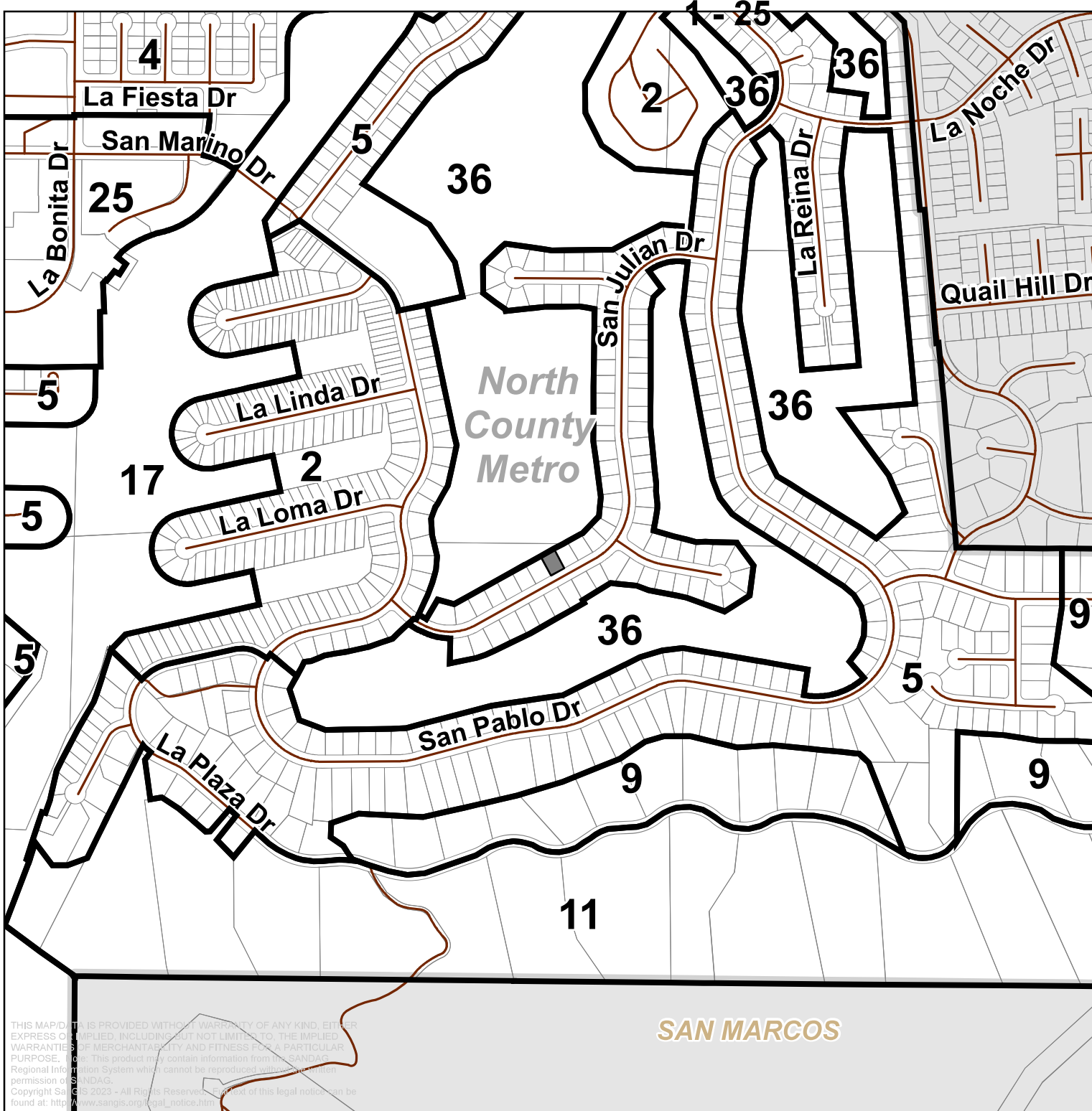
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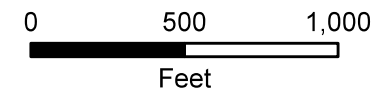
Lindquist AD for Height
PDS2022-AD-22-016
General Plan

North County Metropolitan
Subregional Plan Area

- (2) Village Residential (VR-24)
- (4) Village Residential (VR-10.9)
- (5) Village Residential (VR-7.3)
- (9) Semi-Rural Residential (SR-1)
- (11) Semi-Rural Residential (SR-2)
- (17) Semi-Rural Residential (SR-10)
- (25) General Commercial
- (36) Open Space (Recreation)



	Roads
	Site
	Parcels
	Planning



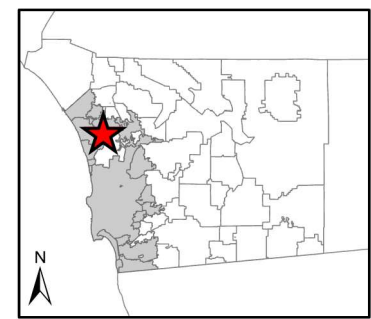
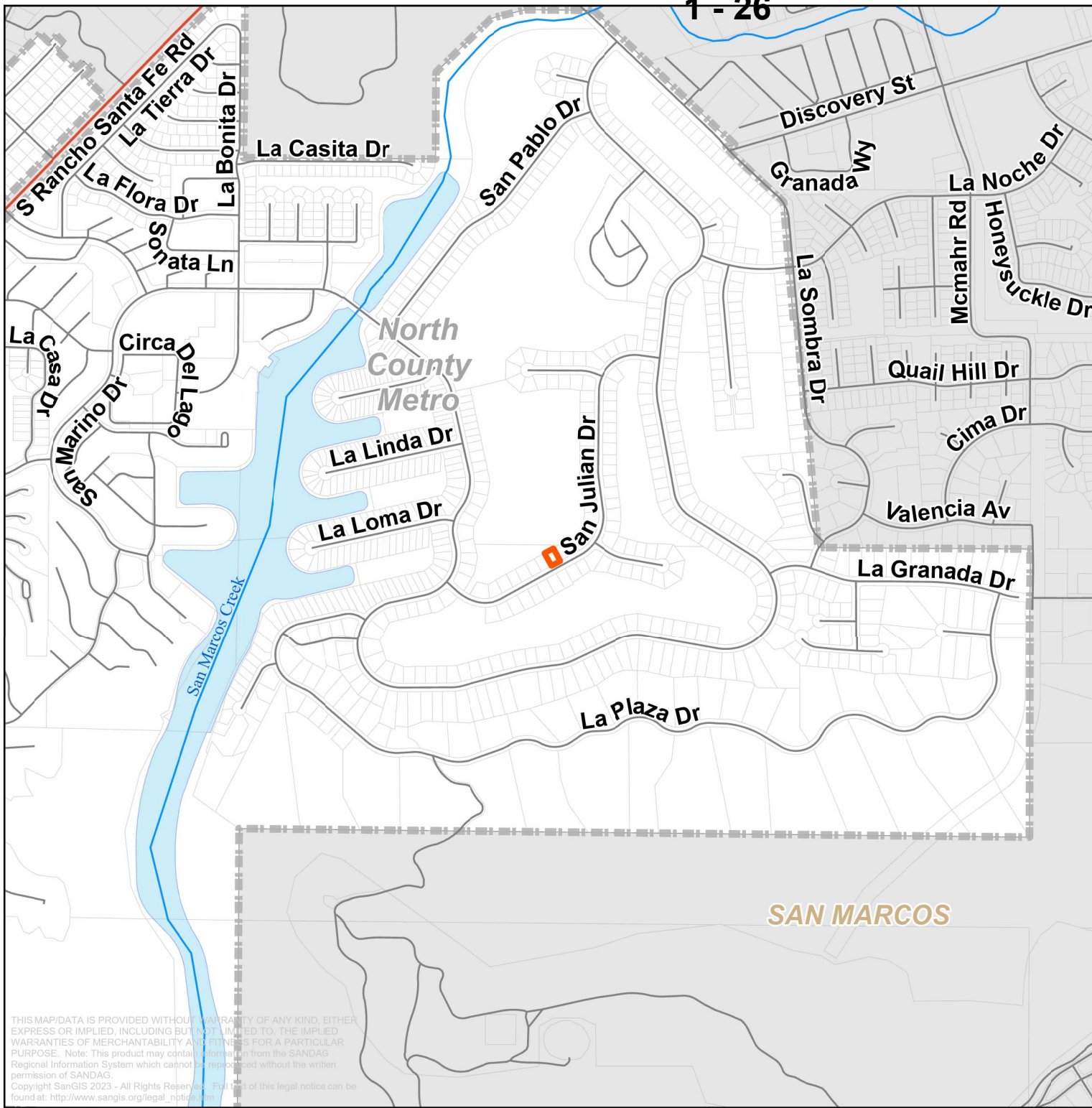
SAN MARCOS

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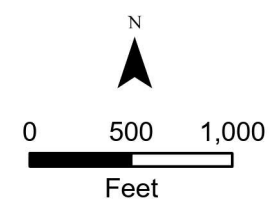


Lindquist AD for Height PDS2022-AD-22-016 Vicinity Map

North County Metropolitan
Subregional Plan Area





1:3,500,000




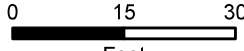
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Lindquist AD for Height
PDS2022-AD-22-016

North County Metropolitan
Subregional Plan Area

 Roads
 Site

 N

 0 15 30
Feet

 **LUEGGIS**
Land Use & Environmental Group
Geographic Information Services

*North
County
Metro*





San Julian Dr


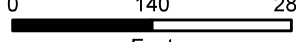
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Lindquist AD for Height
PDS2022-AD-22-016
 North County Metropolitan
 Subregional Plan Area

 Roads
 Site

 N
 0 140 280
 Feet

LUEGGIS
Land Use & Environmental Group
 Geographic Information Services



North County Metro

La Loma Dr

San Julian Dr

San Julian Pl

San Pablo Dr

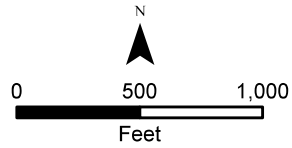
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Lindquist AD for Height
PDS2022-AD-22-016

North County Metropolitan
Subregional Plan Area

Roads

Site



LUEGGIS
Land Use & Environmental Group
Geographic Information Services

La Casita Dr

Fiesta Dr

La Fiesta Wy

San Pablo Dr

SAN MARCOS LAKE

North County Metro

Knoll Vista Dr

Discovery St

Granada Wy

La Noche Dr

Crestview Ct

Honeysuckle Dr

Blue Jay Ln

La Reina Dr

Wren Wy

La Sombra Dr

Quail Hill Dr

Robin Ct

McMahur Rd
Pippin Ct

Via Vera Cruz

La Casa Dr

San Marino Dr

Circa Del Lago

La Bonita Dr

La Habra Dr

La Linda Dr

San Julian Dr

La Reina Dr

Baja Wy

Cima Dr

Jugador Ct

Valencia Av

La Granada Dr

La Loma Dr

San Julian Pl

Via Brisa Del Lago

Via Caminar

Camto Aguar
Via Risa

Via Inspirar

Via Ocioso

Panorama Av

Azul Vista

El Chico Ln
Via La Plaza
La Plaza Dr

SAN MARCOS

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Date: 7/21/2022 Path: P:\proj\2022-AD-22-016_Lindquist_AD_for_Height_07212022\MapDocs\MapDocs_PDS_22-AD-22-016

Maxar

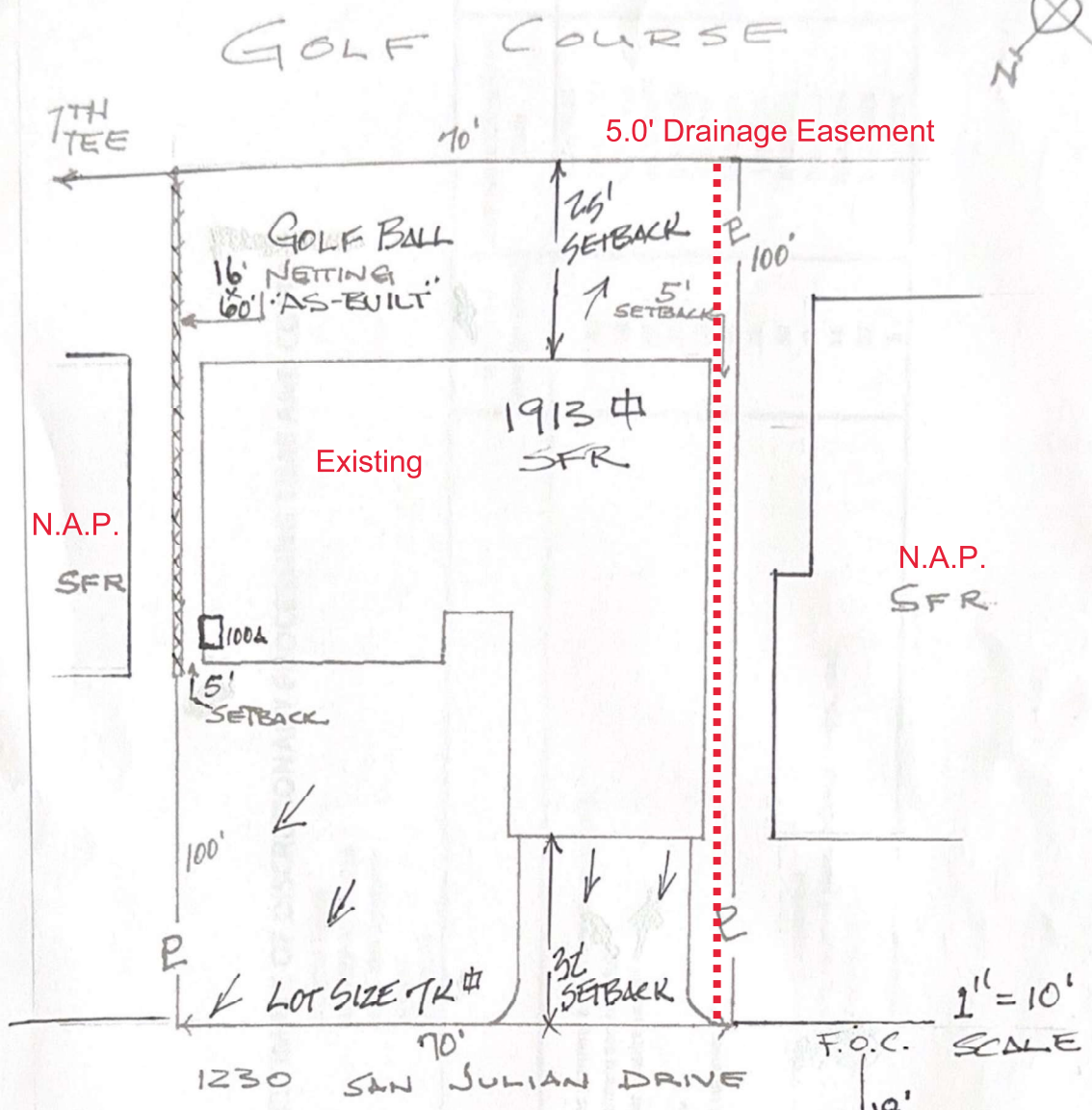
Project Summary: Administrative permit to allow the as-built netting for golf ball screening to remain in its current location.

As-Built: 60' x 16' Golf Ball Netting
Existing: 1913 sq. ft. SFR

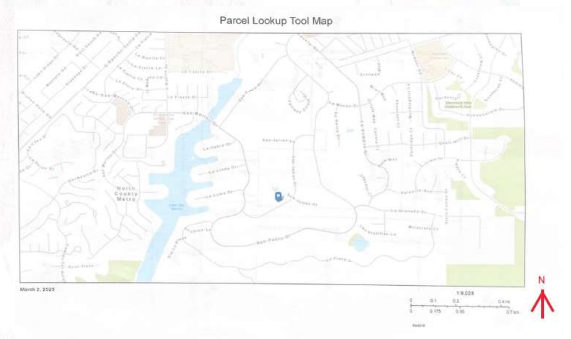
Project # PDS2022-AD-22-016 incl. 1 sheets
 was approved on 06/13/2023 by

- The Director of Planning & Development Services
- The Zoning Administrator
- The San Diego County Planning Commission
- The San Diego County Board of Supervisors

By [Signature] Planning Manager
 Name Title

Plot Plan
 FOR
 Ass. # 222-230-01-00
 ROBERT & LOIS LINDQUIST
 1230 SAN JULIAN DRIVE
 SAN MARCOS, CA 92079



**Attachment B – Form of Decision Approving
PDS2022-AD-22-016**

DOC# 2023-0169963



Recording requested by and for the benefit)
of the County of San Diego, Planning &)
Development Services)
))
Return to: County of San Diego)
Planning & Development Services)
Mail Station O650)
5510 Overland Avenue, Suite 110)
San Diego, CA 92123)
Attention: Jennifer Crump)
)

Jun 29, 2023 09:40 AM
OFFICIAL RECORDS
JORDAN Z. MARKS,
SAN DIEGO COUNTY RECORDER
FEES: \$0.00 (SB2 Atkins: \$0.00)

PAGES: 7

(No Transfer Tax Due)

(Above Space For Recorder's Use)

Administrative Permit PDS2022-AD-22-016
ISSUED BY COUNTY OF SAN DIEGO

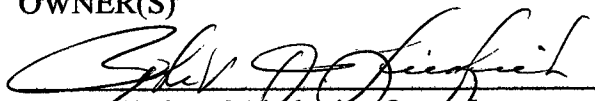
The Director of Planning and Development Services of the County of San Diego on June 13, 2023 hereby grants Administrative Permit PDS2022-AD-22-016 subject to the terms and conditions listed below, relating to that real property located in the County of San Diego, California, more particularly described as follows:

MAP# 005561 1LOT 12

The Zoning Ordinance of the County of San Diego requires that this Administrative Permit be recorded with the San Diego County Recorder, and provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this Administrative Permit. (Zon. Ord. § 7019.)

The undersigned Owners of the property subject to this Administrative Permit hereby agree, for themselves and their successors, to perform and at all times comply with all terms and conditions specified herein.

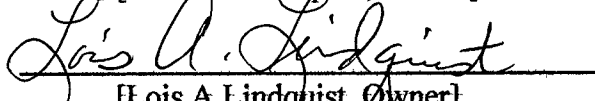
OWNER(S)



[Robert J Lindquist, Owner]

6.23.23

Date:



[Lois A Lindquist, Owner]

6.23.23

Date:

(Attach California All Purpose Acknowledgements)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On June 23, 2023 before me, Patricia Rosales NOTARY PUBLIC

Date

Here Insert Name and Title of the Officer

personally appeared Robert J. Lindquist and Lois

Name(s) of Signer(s)

A. Lindquist

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Patricia Rosales
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Administrative Permit DDS2023-AD-22-16

Title or Type of Document: Issued by County of San Diego

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____



County of San Diego

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcounty.ca.gov/pds

DAHVIA LYNCH
DIRECTOR

June 13, 2023

PERMITEE: ROBERT & LOIS A. LINDQUIST
ADMINISTRATIVE PERMIT: PDS2022-AD-22-016
E.R. NUMBER: PDS2023-ER-23-08-003
PROPERTY: 1230 SAN JULIAN DRIVE, SAN MARCOS, CA
APN(s): 222-230-01-00

DECISION OF THE DIRECTOR

This Administrative Permit for a fence/netting height exception consists of 1 sheet including revised plot plan dated November 29, 2022. This permit authorizes an increase in height of the golf ball netting fence from required 6-feet to 16-feet within the interior side yard setback pursuant to Section 6708(h) and 6708(i) of the Zoning Ordinance.

AD PERMIT EXPIRATION: This Administrative Permit shall expire on June 13, 2025 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7070 and 7062 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Administrative Permit has commenced prior to said expiration date:.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Site Plan. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

1. GEN#1COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2-RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. GEN#3-FILING OF NOE:

INTENT: In order to comply with CEQA and State law, the permit NOE shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOE and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOE form. **TIMING:** Within the first five (5) days of the appeal period, the applicant/owner shall take the original NOE form and required filing fees to the San Diego County Recorder's Office and file the document. **MONITORING:** The PDS Zoning Counter shall verify that the NOE was filed and that a copy of the document is on file at PDS.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

4. PLN#1-SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, trails, parks and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

.....

ADMINISTRATIVE PERMIT FINDINGS:

The following findings and standards are made in support of the granting of this Administrative Permit:

1. Solid fences or walls exceeding the height otherwise allowed by The Zoning Ordinance Section 6708(b), may be permitted an exception in accordance with The Zoning Ordinance Section 6708(h)(1).

The Administrative Permit is a request to allow the as-built over-height netting fence for the property at 1230 San Julian Drive located within the San Marcos Community Planning area. The as-built netting fence is located along the interior side yard setback and is approximately 16-foot tall. The existing surrounding uses consist primarily of single-family dwelling units and a golf course abutting majority of the properties. There is a similar netting fence identified on the property east of the project site. The as-built netting fence was constructed by the applicant to protect his family's health and safety from the random golf balls that erratically fly into his yard. The stray balls coming from the golf course appear to be an issue for the entire community. Pursuant to Section 6708, fence, wall or entry structure may be constructed at greater height than the allowable height specified in section 6708(b) in order to mitigate against potential adverse effects.

2. Notice of the application is required to be distributed to property owners within a radius of 300 feet of the applicant's property.

A notice of the application was sent to property owners within a radius of 300 feet on November 29, 2022. Phone calls and email correspondences were received by one neighbor opposing the project and another requesting for further information on how to also obtain a permit for the netting/fence for their property. One email correspondence was received from a neighbor who expressed their approval for the project.

3. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood.

There are other similar fences constructed along the interior side yard setback within the surrounding areas. The existing fences on neighboring residences demonstrate that the as-built 16-foot-high fence would be consistent with the community character. The fence is constructed with loose netting and earth-tone surface with no sharp edges and has no trenches or troughs associated with it. Additionally, the netting/fence would protect the property owner from the golf balls that erratically fly into the property. Although, there were opposition received from a neighbor regarding the impacts the as-built netting have on the health and safety of that individual. However, it is difficult to distinguish if the balls are from the netting or from the golf course, considering the proximity of the properties to the golf course. The balls from the golf course appears to be an issue for the entire community. In addition, upon receipt of the project, there were also email correspondences from a neighbor supporting the project and another asking for more information on how to also put up a fence/netting on their property. Staff did a site visit on January 20, 2023 and determined that there were insufficient evidences demonstrating that the netting is resulting in the health and safety impacts to the surrounding area.

During the site visit, there were no golf balls that were hit to the properties and fence. In addition, the as-built netting fence is designed with loose netting to minimize the ricocheting effect to the adjacent property.

For these reasons, the structure is compatible with community character and does not have a harmful effect upon the neighborhood.

- 4. The structure will not interfere with traffic circulation, nor create a safety hazard or obstruct future road widening.

The as-built netting fence is located approximately sixty (60) feet from the existing centerline of San Julian Drive and outside the existing right-of-way (ROW). Also, the fence does not encroach into any planned or existing roadways, does not obstruct any future road widening projects, and has been reviewed by the San Diego County Fire Protection District. Therefore, the fence neither creates a safety hazard nor interferes with traffic circulation.

.....
ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOTICE: To comply with State law, the applicant/owner must file the Notice of Determination (NOD)/Notice of Exemption (NOE) signed by the lead agency and remit required fees to the County Clerk's Office within five (5) working days of the date of project approval. Payment or sufficient proof of prior payment to the County Clerk is required at the time of filing. The filing of a NOD or NOE reduces the period of time the CEQA document can be challenged to **35 days**. However, if the NOD/NOE is not filed, this period is extended to **180 days**. The CDFW adjusts fees annually based on inflation. You must pay the amount effective January 1 of the year of the project decision.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU

Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMDS
			HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with Section 7166 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

PLANNING & DEVELOPMENT SERVICES
DAHVIA LYNCH, DIRECTOR

BY: 
Angelica Truong, Planning Manager
Project Planning Division

DL:AT:jc

email cc:
Robert Lindquist, Property Owner, (johnlindquist092@gmail.com)
Tracy Odgon, Code Compliance Officer, PDS
Vanessa Pash, Code Compliance Planning Manager, PDS
Jennifer Crump, Project Manager, PDS

Attachment C – Appeal Application and Responses

Appeal – Justification

The fence in this case created a well-defined safety hazard which is indisputable. Damages were reported and documented in the side-yard of the house on the far end of the property. This type of damage can only come from a ricochet golf ball - not an incoming ball. There is no angle at which such damage can be sustained except as a ricochet off the fence. The damage is to the “far side-yard” - not the incoming side yard. The golf balls come in at one direction - not two. The County’s logic concerning this point is surprisingly deeply flawed.

The county inspectors have insisted that they were not able to establish that the golf balls found in the yard (1238 San Julian Drive) were ricochets off the fence as alleged. However, the burden proof is on the neighbor who installed the fence and applied for the exception under section 6708(h)(1)(i)(ii)- not the 88-year-old neighbor who endures the damages. This is especially true when the angle does not support the county’s conclusion. Please note the damage occurred after the fence was installed/erected – which supports the complaint in this case.

The County of San Diego has placed itself into a zero-sum outcome - which in itself is a surprise when considering that this approval was completed under the exception rule – 6708(h)(1)(i)(ii). Under a zero-sum outcome, the county approved a permit where the fence produces benefits for one neighbor at the expense of another. How this is compatible with the community character or serves the general welfare of the surrounding properties remains a mystery to this day.

It appears the County of San Diego ignored the criteria under the exception rule [6708(h)(1)(i)(ii)]. Recent documentation concerning the permit revealed that the discretionary permit was approved under “health” reasons – which are not correctly referenced in the “exception rule.” The Health, Safety, and General Welfare criteria applies to the surrounding properties – not the party applying for the permit under the “Exception Rule” [6708(h)(1)(i)(ii)]. The applying party recently acquired the property in 2021 – which implies they accepted the risk of golf balls at that time – as does any property owner who purchases a home on a golf course. The applying party in this case is general contractor – who knowingly erected the fence without any permit.

The exception rule under section 6708(h)(1)(i)(ii) clearly was not intended to approve permits when there are concerns with respect to the general welfare of the surrounding properties (See below) which should be readily apparent in this case. It also appears that the benefits of this fence are smaller than the costs. Ms. Rohling – at the age of 88 – no longer has access to her side yard - this is the creation of a safety hazard that was not there before. Please note that Ms. Rohling was recently in the hospital for 3 weeks and uses a walker to get around.

The County has not improved the neighborhood with the approval of this administrative discretionary permit – this permit did not create or claim to create synergy between the two neighbors nor the “surrounding properties. All it has done is transfer the problem of one neighbor to their next-door neighbor – who clearly is being overwhelmed by this development. This is commonly known as a “zero-sum outcome” which government officials are supposedly instructed to avoid. This equates to elderly abuse – suggesting the County is now deciding whose health is more important. [Benefit-Costs analysis does not support this permit].

Appeal – Justification

Section 6708

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including animal enclosures or tennis court fences), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:

i. The structure will be **compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and**

ii. **The structure will not** interfere with traffic circulation, **create a safety hazard** or obstruct future road widening



County of San Diego, Planning & Development Services
**APPLICATION DEPOSIT
ACKNOWLEDGEMENT AND AGREEMENT**
SUPPORT SERVICES DIVISION

Do you already have an existing active Trust Account with PDS/DPW for the same site/application/project: Yes No

This can be through a Use Permit, Site Plan, TM, GP, or other Discretionary approval. Grading permits associated with a site that has a Discretionary permit in place should be tied to that trust account.

Are we linking this site/application/project to the existing Trust Account: Yes No

If the existing Discretionary permit has been approved it should still be tied to the work being done through this action for tracking purposes.

If linking, please provide existing Trust Account number:

No additional information is necessary. The rest of this form does not need to be completed.

If you do not know the trust account number but know the record associated with the Use Permit, Site Plan, TM, or GP, please indicate the discretionary permit number here:

INTRODUCTION

It is the policy of the County of San Diego to recover from applicants for land development approvals the full cost of processing such applications, including all time spent by County staff to review, comment, coordinate and communicate with applicants and the public on the processing of a proposed application. (See Board of Supervisors' Policy B-29: <http://www.sdcounty.ca.gov/cob/docs/policy/B-29.pdf>). For application types where processing costs vary substantially between individual applications, the County establishes a Trust Account to assure cost recovery. In such cases, an initial deposit is required, in an amount as set by ordinance to cover the estimated costs of the initial review (Scoping) of a project following intake of the application. In the event the estimated deposit is not sufficient to cover actual costs of the initial scoping, an additional deposit will be required. At the conclusion of scoping of the project (approximately 30 days after application), a refined project-specific estimate of total costs to process your application to completion, based upon a number of assumptions, will be provided with a complete listing of project specific issues, revisions, and studies required as deemed necessary for compliance with State and County codes and ordinances.

The cost associated with processing a discretionary permit with Planning & Development Services (PDS) varies widely depending on the type of entitlement being applied for and the complexity of the project. Estimates of processing costs for a variety of permit types have been identified based on historic data for recently completed projects. These summaries are available on the PDS website at <http://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-369.pdf>. Actual cost may vary substantially from the ranges listed online due to project location, environmental issues, planning constraints, appeals or code/ordinance compliance. The applicant is required to pay all costs associated with application processing, regardless of the original estimate provided or historic costs. When the application and case closure process is complete, any remaining funds in the Trust Account will be refunded.

----- OFFICIAL USE ONLY -----

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123

For any questions, please contact us at:
Land Development: (858) 694-2055 • Zoning: (858) 694-8985 or PDSZoningPermitCounter@sdcounty.ca.gov
<http://www.sdcounty.ca.gov/pds>





County of San Diego, PDS, Support Services Division
APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT

Continued

AGREEMENT

The person named below as "Depositor" is herewith depositing, or has previously deposited with the County of San Diego the sum of \$ _____ for the initial review (Scoping) of the following application being filed with the County:

Said deposit and any subsequent deposits are made on behalf of the person, corporation or partnership named below as the "Financially Responsible Party". With reference to said application and deposits, Depositor and Financially Responsible Party hereby acknowledge and agree as follows:

1. Said initial deposit and any subsequent deposits shall be held by the County in an account under the name of Financially Responsible Party, and Financially Responsible Party shall be considered the owner of all funds in said account, and Depositor (if different from Financially Responsible Party) releases any interest in said funds. Except as provided below, any funds remaining in said account at the completion of work shall be refunded to the Financially Responsible Party at the address below. In the case that the Financially Responsible Party transfers ownership of the subject property and wishes to transfer responsibility of the Trust Account to the new owner, a Change of Financial Responsibility form must be completed to authorize transfer of ownership of funds in said account. The Financially Responsible Party may contact the Trust Account Customer Service Unit at: PDSDevDep@sdcounty.ca.gov or by calling (858) 694-2320 to request the form
2. All costs incurred by the County in processing said application, including overhead, whether within or over the amount of project-specific estimate provided at the conclusion of the initial Scoping of the project (typically 30 days), shall be paid by the Financially Responsible Party. This is the Financially Responsible Party's personal obligation and shall not be affected by sale or transfer of the property subject to the application, changes in Financially Responsible Party's business organization, or any other reason. As work proceeds on an application, actual County costs, as established by County Ordinance, will be recorded and invoiced against the deposit account. County is authorized to deduct such costs from said deposits at such times and in such amounts as County determines. The County may allow incremental deposit submittals by the Financially Responsible Party over the course of the project processing such as prior to each submittal, public review, and hearing(s), as applicable to the permit. "Costs incurred by the County" as identified in this paragraph may include costs for the services of an outside contractor. Where the County determines it is necessary to engage the services of an outside contractor or other County Departmental staff to assist with application processing, costs for such services are to be paid by the Financially Responsible Party in the same manner identified above. If the Financially Responsible Party withdraws an application not involving a violation of a County ordinance, County will cease processing of the application within one day and will proceed with the case closure process. The Financially Responsible Party is responsible for all case closure costs. Case closure costs will be minimized to the maximum extent practicable.
3. If it is determined that the estimated cost provided in the original cost estimate will not be adequate to cover all costs associated with application processing, the estimate will be refined, and additional monies may be required. County may make a written demand for additional deposit(s) and the Financially Responsible Party shall deposit with County such additional sums demanded within 14 days of the date of County's request. If Financially Responsible Party fails to deposit such additional sums within said period, County staff will cease work on said application until such funds have been deposited. If no deposit is received within 30 days, the County may forward said application to the appropriate decision-maker with a recommendation for denial. The application will not be finalized for hearing or decision until required deposits are paid in full. If at any point in the processing of the project, the deposit account becomes depleted, County staff shall stop work on the project until sufficient funds are restored. When the processing of the application is completed, any unused amount in deposit account will be refunded.
4. If the amount of costs incurred by County exceeds the amount of funds on deposit, and the Financially Responsible Party has failed to pay County sufficient funds to cover said deficit after demand, County may, in addition to ceasing work on said application, take any or all of the following actions:
 - a) cease work and refer the account to the County's collection agency;
 - b) commence suit or pursue any other legal or equitable remedies available to it.
5. If County commences suit to recover any deficit in processing costs, the party prevailing in such suit shall be entitled to recover as costs from the other party its costs of litigation, including reasonable attorneys' fees.

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County of San Diego, PDS, Support Services Division APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT

Continued

FINANCIALLY RESPONSIBLE PARTY

The information of the Financially Responsible Party provided below must be 100% accurate. All Developer Deposit customer statements and refund checks, if any, will be mailed to the name and address stated below.

If the information stated on this form is inconsistent with our system, then the Financially Responsible Party must clarify and correct before the application can be accepted.

If the Financially Responsible Party is a **COMPANY** or **ORGANIZATION**, please complete below (additional information may be required if an agent signed this form):

Company/Business/Trust Name: _____

If Attention/Care of/ Doing Business as: _____

Billing Address: _____

City: _____ State: _____ Zip Code: _____

Preferred Phone: _____ Alt. Phone: _____

Email: _____

If the Financially Responsible Party is an **INDIVIDUAL**, please complete below:

First Name: Mary MI: _____ Last Name: Mary Rohling

Billing Address: 1238 San Julian Drive

City: Marcos State: CA Zip Code: 92078

Preferred Phone: (760) 744-7601 Alt. Phone: _____

Email: _____

I have read this form and understand all funds deposited into the Trust Account are owned by and any refund will be sent to the Financially Responsible Party (FINRESP) listed above. I understand and agree that the Financially Responsible Party is responsible for payment of all fees associated with this project including: _____ other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Financially Responsible Party Name (Print): Mary Rohling

Financially Responsible Party's Signature: Mary A Rohling Date: 07/07/2023

Did you know you can request access to your Trust Account online—which allows you to review charges, make deposits, and see your account balances—in real time? Please go to <http://www.sandiegocounty.gov/content/sdc/pds/AccelaUpdates.html> for additional instruction.

----- OFFICIAL USE ONLY -----				
Trust Account No.		-	-	
Associated Records:				
Associated Records:				



**County of San Diego, PDS, Support Services Division
APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT**

Continued

---OFFICIAL USE ONLY---

Trust Account #

	-		-	
--	---	--	---	--

Reference Contact ID

Trust Account Type

Unique Identifier

The Trust Account shown above has been linked to the following Records ID(s):

Counter Staff: _____

Trust Account Types

A	PDS	Cash Guarantees for Resource Management Plans		N	ALL	Future Use - Dept Trust Account Type
B	PDS	Cash Guarantees for Model Homes		O	DEH	Hazardous Materials Division (HMD)
C	PWS	Construction & Demolition Recycling		P	DPW	Cash guarantee for Prior-to-Occupancy
D	ALL	DEH, PKS, PDS, PDS LD, PWR, PWW -- Trust Accounts		Q	DEH	Cash guarantee for Land & Water Quality Well Bond (LWQD Well Bond)
E	DEH	Land & Water Quality (LWQD PP)		R	DPW	Cash guarantee for Right-Of-Way
F	DPW	Cash guarantee for Future Improvements		S	DPW	Cash guarantee for SWMP Maintenance Agreement
G	DPW	Cash guarantee for Grading		T	PDS	Cash guarantee for Misc. PDS Guarantees
H	PDS	Cash guarantee for Health Care Trailers		U	DPW	Cash guarantee for Improvements Labor & Maintenance and Faithful Performance
I	PDS	Cash Guarantees for Defense and Indemnity Agreement		V	DPW	Cash guarantee for Misc. DPW Guarantees
J	DEH	Land & Water Quality Site Assessment Mitigation (LWQD SAM)		W	PDS	Cash guarantee for Lien Contract
K	DEH	Community Health Division (CHD)		X	PDS	Cash guarantee for Restoration
L	PDS	Cash Guarantees for Landscape / Re-Vegetation Plans		Y	ALL	Future Use - Dept Trust Account Type
M	PDS	Cash Guarantees for Surface Mining and Inspection		Z	ALL	Future Use - Dept Trust Account Type

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County of San Diego, Planning & Development Services
APPEAL APPLICATION
 ZONING DIVISION

RECEIVED
 JUN 23 2023

APPEAL TO:

- Board of Supervisors
- Planning Commission
- Administrative Appeal
 (Requires Deposit & PDS-346)

112803		Code	PDS 2022-AD22-016
Thomas Guide Map	Fee	Record ID	
North County Metro			
Community Plan Area			
UR 7.3		RS	
General Plan Designation		Zone	

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

1238	San Julian Drive	San Marcos	92078	222-220-11-00
Site Address	<i>Number</i>	<i>Street</i>	<i>City</i>	<i>Zip</i>
Rohling Mary				Assessor's Parcel Number
Appellant's Name	<i>Last</i>	<i>First</i>	<i>Middle</i>	Rohling Mary
1238 San Julian Drive				Owner's Name
Mailing Address	<i>Number</i>	<i>Street</i>	<i>City</i>	<i>Zip</i>
San Marcos 92078				1238 San Julin Drive
(760) 744-1052				Mailing Address
Telephone				San Marcos 92078
(760) 744-1052				Telephone

REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request. We are appealing the County's approval of the administrative discretionary permit - under San Diego Zoning ordinance 6708(h)(1)(i)(ii) - to grant 1230 San Julian Drive permission to erect a 25ft fence in the side yard that separates the property lines (side yard) with 1238 San Julian Drive. The permit was issued after the fact, and without satisfying the requirements under 6708(h)(1)(i)(ii).

JUSTIFICATION: Attach additional sheets if necessary. See Attached PDF File "Appeal - Justification"

Mary Rohling
 Signature of Appellant

 If Company Officer – indicate Company Name and function
 (Please print)

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SDC PDS RCVD 06-23-23
AD22-016



Appeal – Justification

The fence created a well-defined safety hazard which is indisputable. Damages were reported and documented in the side-yard of the house on the far end of the property. This type of damage can only come from a ricochet golf ball - not an incoming ball. There is no angle at which such damage can be sustained except as a ricochet off the fence. The damage is to the far side-yard - not the incoming side yard. The golf balls come in at one direction - not two. The County's logic concerning this point is surprisingly deeply flawed.

The county inspectors have insisted that they were not able to establish that the golf balls found in the yard (1238 San Julian Drive) were ricochets off the fence as alleged. However, the burden proof is on the neighbor who installed the fence and applying for the exception - not the neighbor who endure the damages. This is especially true when the angle does not support the county's conclusion. Please note the damage occurred after the fence was installed/erected.

The county has placed itself into a zero-sum outcome - which in itself is a surprise when considering that this approval was completed under the exception rule – 6708(h)(1)(i)(ii). Under a zero-sum outcome, the county approved a permit where the fence produces benefits for one neighbor at the expense of another. How this is compatible with the community character or serves the general welfare of the surrounding properties remains a mystery to this day.

The exception rule under section 6708(h)(1)(i)(ii) clearly was not intended to approve permits when there are concerns with respect to the the general welfare of the surrounding properties (See below) which is readily apparent in this case. It also appears that the benefits of this fence are smaller than the costs. Ms. Rohling at the age of 88, no longer has access to her side yard - this is the creation of a safety hazard that was not there before.

Section 6708

h. Exceptions.

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ii. The structure will not interfere with traffic circulation, **create a safety hazard** or obstruct future road widening

APN	Full Name	Property Address	City	Zipcode
2213301300	PATTERSON TRUST I 02-13-92 C/O FREDERICK PATTERSON	1164 SAN JULIAN DR	SAN MARCOS CA	92078
2213302500	PATTESON RICHARD B&STEPHANIE S	1161 SAN JULIAN DR	SAN MARCOS CA	92078
2213301000	RIZZO WARREN&QUINN JULIE	1261 SAN JULIAN PL	SAN MARCOS CA	92078
2222200600	VANDENBERG LOUIS J III	3046 BELVEDERE DR	RIVERSIDE CA	92507
2222200800	WILLIAMSON FAMILY TRUST 02-02-16	1659 CALLIANDRA RD	CARLSBAD CA	92011
2222301900	STRATHAIRN 2003 FAMILY TRUST 06-25-03	1221 SAN JULIAN DR	SAN MARCOS CA	92078
2222302100	YAMADA JODIENNE K LIVING TRUST 10-23-20	1214 SAN JULIAN DR	SAN MARCOS CA	92078
2222201200	LOMUTO ANN N REVOCABLE TRUST 08-20-09	976 CAMINO DEL ARROYO DR	SAN MARCOS CA	92078
2222300200	LAZUKA PATRICK C&ASHLEY J	1222 SAN JULIAN DR	SAN MARCOS CA	92078
2213301200	DEBOER HARLAND&VIRGINIA REVOCABLE TRUST 04-28-05	1172 SAN JULIAN DR	SAN MARCOS CA	92078
2213301600	SWENSON ROBERT P&KELLYN L	1144 SAN JULIAN DR	SAN MARCOS CA	92078
2223000300	L S M GOLF COURSE PARTNERS L L C	18029 CALLE AMBIENTE #500	RCHO SANTA FE CA	92091
2222201300	FARLEY MEAGHAN K	1245 SAN JULIAN DR	SAN MARCOS CA	92078
2222200700	LADINIG MICHAEL	1312 SAN JULIAN DR	SAN MARCOS CA	92078
2222201000	MCDONALD FAMILY TRUST 12-16-08	1246 SAN JULIAN DR	SAN MARCOS CA	92078
2213301400	SEXTON NANCY L	1158 SAN JULIAN DR	SAN MARCOS CA	92078
2213303000	GOLOJUCH MATTHEW&DESIREE	1206 SAN JULIAN DR	SAN MARCOS CA	92078
2222301800	KING RICHARD D&SARAH L	1215 SAN JULIAN DR	SAN MARCOS CA	92078
2222301600	HILDEBRANDT FAMILY TRUST	1247 SAN JULIAN PL	SAN MARCOS CA	92078
2213302400	DONALD&NANCY FAMILY TRUST 05-05-03	1169 SAN JULIAN DR	SAN MARCOS CA	92078
2222201600	HIGA FAMILY TRUST 03-06-22	1311 SAN JULIAN DR	SAN MARCOS CA	92078
2222300100	LINDQUIST ROBERT J&LOIS A	1230 SAN JULIAN DR	SAN MARCOS CA	92078
2222300400	JONES DENNIS P&JANET L REVOCABLE LIVING TRUST 06-2	1248 SAN JULIAN PL	SAN MARCOS CA	92078
2222201100	ROHLING MARY A	1238 SAN JULIAN DR	SAN MARCOS CA	92078
2222201400	OLSON-ASHFORD TRUST 11-24-12	1253 SAN JULIAN DR	SAN MARCOS CA	92078
2222201700	LI JIANGHONG	2138 COAST AVE	SAN MARCOS CA	92078
2222200900	ASM HOLDINGS LLC	1501 S 6TH ST	LAS VEGAS NV	89104
2222302000	SNAVELY NANCY G TRUST 03-06-13	1229 SAN JULIAN DR	SAN MARCOS CA	92078
2213300700	CHUBBUCK FAMILY SURVIVORS TRUST 01-28-92	1157 SAN JULIAN DR	SAN MARCOS CA	92078
2222301700	CORPUS MANUEL V&HELEN C	1255 SAN JULIAN PL	SAN MARCOS CA	92078
2213301500	HOLZHAUER HANS H&HOLZHAUER-KRAUPP BIRGIT	1150 SAN JULIAN DR	SAN MARCOS CA	92078
2222201500	ALGEO FAMILY TRUST 10-09-14	1303 SAN JULIAN DR	SAN MARCOS CA	92078

Attachment D – Environmental Documentation

1 - 50 NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: PDS2022-AD-22-016; Lindquist AD

Project Location: 1230 San Julian Drive in San Marcos; APN 222-230-01-00

Project Applicant: Robert J. Lindquist Address: 1230 San Julian Drive in San Marcos
Telephone Number: (760) 304-4268

Project Description: Administrative Permit to allow the as-built netting for golf ball screening to remain in its current location. The project consists of an as-built 16-foot-tall screen netting.

Agency Approving Project: County of San Diego

County Contact Person: Jennifer Crump Telephone Number: 619-323-8589

Date Form Completed: June 13, 2023

This is to advise that the County of San Diego Director of Planning & Development Services has approved the above described project on June 13, 2023 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
 - Declared Emergency [C 21080(b)(3); G 15269(a)]
 - Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - Statutory Exemption. C Section:
 - Categorical Exemption. G Section: 15303 (e)
 - G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - G 15182 – Residential Projects Pursuant to a Specific Plan
 - G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
 - Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures were were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan was was not adopted for this project.

Statement of reasons why project is exempt: The project qualifies for a CEQA Categorical Exemption under Section 15303e, the project proposes the construction of accessory structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project consists of an as built 16-foot-tall screen netting. Review of the project indicates that the project will not impact environmental resources of hazardous or critical concern that are designated, precisely mapped and officially adopted by governmental agencies; does not contribute to a cumulative environmental impact, does not damage scenic resources of a designated state scenic highway; is not on the list of Hazardous Waste and Substances Sites pursuant to Section 65962.5 of the Government Code; and does not cause adverse change in the significance of a historic resource.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature:  Telephone: (619) 323-8589

Name (Print): Jennifer Crump Title: Land Use Aide

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: 37-06/23/2023-0456
STATE CLEARING HOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES	LEAD AGENCY EMAIL	DATE 06/23/2023
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2023-0456	

PROJECT TITLE
PDS2022-AD-22-016; LINDQUIST AD

PROJECT APPLICANT NAME ROBERT J. LINDQUIST	PROJECT APPLICANT EMAIL	PHONE NUMBER 760-304-4268
PROJECT APPLICANT ADDRESS 1230 SAN JULIAN DRIVE	CITY SAN MARCOS	STATE CA
		ZIP CODE 92078

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00

- Exempt from fee
- Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X <i>D Butler</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, DANIEL BUTLER, Deputy
--------------------------------	--

Payment Reference #: CHECK# 104