

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH  
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF  
Puttin' Around Borrego  
PDS2021-STP-21-016; LOG NO. PDS2021-ER-21-05-002**

**May 4, 2023**

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

NO

NOT APPLICABLE/EXEMPT

The proposed project and any off-site improvements are not located within the boundaries of the Multiple Species Conservation Program. However, the project does not propose impacts to Coastal Sage Scrub. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** – Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

The proposed project and any off-site improvements related to the proposed project are not located within the boundaries of the Multiple Species Conservation Program.

**III. GROUNDWATER ORDINANCE** – Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

The Project will obtain its water supply from Borrego Water District (BWD). The BWD obtains its groundwater from the Borrego Springs Groundwater Subbasin No. 7-024.01 (Subbasin) which is critically over-drafted due to excessive groundwater pumping that exceeds natural replenishment. Groundwater in the Subbasin is subject to the Sustainable Groundwater Management Act (SGMA). As of April 8, 2021, groundwater in the Subbasin has been fully adjudicated through a court-approved stipulated judgment. The stipulated judgment includes a groundwater management plan developed to meet SGMA requirements. All future water use will be subject to the stipulated judgment. The stipulated judgment assigns “baseline pumping allocations” (BPAs) to specific parcels (including the BWD) which is the basis for annual groundwater pumping allowances to ensure sustainable groundwater management of

the Subbasin. As detailed in will serve letters regarding water and sewer service from the Borrego Water District dated June 8, 2022 and November 18, 2021, the Borrego Water District will require the Project to purchase baseline pumping allocations in the amount needed to ensure sustainable groundwater management as required by SGMA and in accordance with the Stipulated Judgment.

**IV. RESOURCE PROTECTION ORDINANCE** – Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

***Wetland and Wetland Buffers:***

The project site does not support wetlands or wetlands buffers. The project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The project contains a 100-year floodplain in the rear and northern portion of the property. The project has been designed to involve no construction within the limits of the 100-year floodplain. Construction associated with the project will not be located within a Floodway or Floodplain fringe. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). The project site does not contain steep slopes as defined by the RPO. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. Sensitive habitat lands were identified on the site. The project has been conditioned to fully mitigate for any impacts to sensitive habitats lands. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist/historian (or County of San Diego staff archaeologist/ historian) and it has been determined there is one (or more) archaeological/historical site(s) present. Testing and other investigation determined the archaeological/historical site does not meet the definition of a significant site and does not need to be preserved under the Resource Protection Ordinance. Therefore, the project complies with the RPO.

**V. STORMWATER ORDINANCE (WPO)** – Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES                      NO                      NOT APPLICABLE  
                                           

A Stormwater Quality Management Plan dated May 13, 2022 has been reviewed and are found to be complete in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES                      NO                      NOT APPLICABLE  
                                           

General Plan – Noise Element: Policy 4b addresses noise sensitive areas and requires projects to comply with a Community Noise Equivalent Level (CNEL) of 70 decibels (dBA). Projects which could produce noise in excess of 70 dB(A) are required to incorporate design measures or mitigation as necessary to comply with the Noise Element. Based on a review of the County’s noise contour maps, the project is not expected to expose existing or planned noise sensitive areas to noise in excess of 70 dB(A). The project is located within noise contours of approximately 60 CNEL as identified in the Noise Element of the General Plan. The project does not propose any noise sensitive land uses and would not expose any existing noise sensitive receptors to noise levels that exceeds the County’s noise standards.

Noise Ordinance – Section 36-404: Non-transportation noise generated by the project is not expected to exceed the standards of the Noise Ordinance at or beyond the project’s property line. The site is zoned commercial that has a one-hour average sound limit of 60 dBA daytime and 55 dBA nighttime. The adjacent properties are zoned Rural Residential and Visitor-Serving Commercial. The mean one-hour average sound limit at

the nearest residential property line is a sound limit of 55 dBA daytime and 50 dBA nighttime. The proposed project consists of a miniature golf course. The project currently does not involve amplified music or noise producing equipment that would exceed applicable noise levels at the adjoining property line. In the event that outdoor music is played at the property, the music would be subject to levels consistent with the noise ordinance. The project does not involve any noise producing equipment that would exceed applicable noise levels at the adjoining property line. Therefore, the project complies with Section 36.404 of the Noise Ordinance.

Noise Ordinance – Section 36-410: The project will not generate construction noise in excess of Noise Ordinance standards. Construction operations will occur only during permitted hours of operation. The project proposes minimal grading as current grading quantities are anticipated to be 178 cubic yards of cut/fill. It is not anticipated that the project will operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM.