

RM₁

General Plan (Adopted Aug 2011)	RL80	
Property Specific Request:	SR4	
Requested by: Leonard Teyssier		
Community Recommendation	RL40 ¹	
Opposition Expected ²	Yes	
Spot Designation/Zone	Yes	
Impacts to FCI Timeline	Major	
Change to GPU Principles Needed	Yes	
Level of Change (March 2011)	Major	

Notes

- 1- Ramona Planning Group letter dated January 20, 2011
- 2- Based on Staff experience

Property Description

Property Owner: Leonard Teyssier

Size:

89.31 acres

1 parcel

Location/Description:

Northeastern edge of community planning area off of Ladrido Lane, which is accessed by Black Mountain Road:

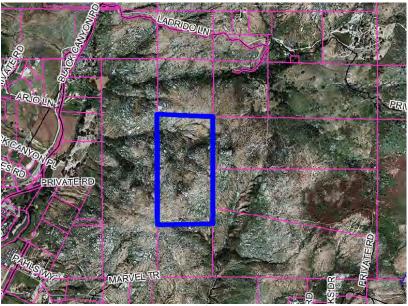
Outside the County Water Authority boundary.

Prevalence of Constraints (See following page):

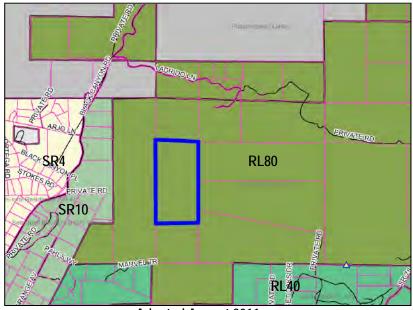
- \bullet high; \bullet partially; \bigcirc none
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/40 ac	
GP (Adopted Aug 2011)	RL80	
Referral	RL40	
Hybrid		
Draft Land Use	RL80	
Environmentally Superior		
Zoning		
Former — A72, 40-acre minimum lot size		
Adopted Aug 2011 — A72		

8-acre minimum lot size



Aerial

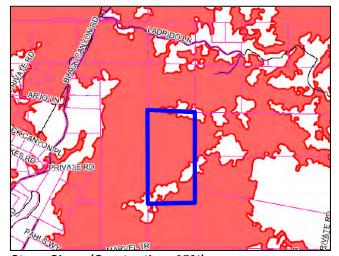


Adopted August 2011

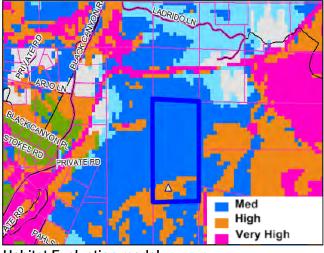
Discussion

This property was addressed during the 2004 Residential Referrals as part of a sweeping change where the Board of Supervisors directed staff not to apply the RL80 density or lower within the Ramona Community Planning Area on the Referral Map. The property is located outside of the County Water Authority and is within an Agricultural Preserve. The request for SR4 would be an increase over and above the density of the former General Plan, and due to its location in Rural Lands would not be supported by the Community Development Model or consistent with adjacent properties. The property is nearly entirely constrained by steep slopes and is within the Very High Fire Hazard Severity Zone.

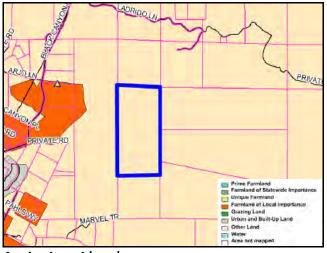
RM1 (cont.)



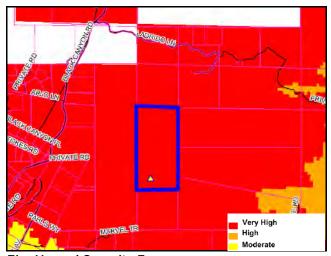
Steep Slope (Greater than 25%)



Habitat Evaluation model



Agricultural Lands



Fire Hazard Severity Zones

RM1 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 4	Rural Lands 80	Major

Note: Requested density is ten times the density allowed by the former General Plan.

Rationale for Major Category Classification

- The General Plan Community Development Model does not support increased development away from existing villages.
- Parcel is accessed by a dead-end road that exceeds the 1,320-foot maximum length required to accommodate the requested designation. This lack of adequate access is exacerbated by the property being entirely located within the Very High Fire Hazard Severity Zone.
- The General Plan principles and policies do not support increased development in areas with significant physical constraints, such as this parcel that is almost entirely constrained by slopes greater than 25 percent.

Guiding Principles/General Plan Changes Necessary to Support the Request

- To ensure the SR4 designation is consistently mapped, an additional 140 acres west of the property would need to be designated SR2 (see Figure 1).
- The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.
- The fundamental approach to designating Semi-rural and Rural Lands would require reconsideration.
- Depending on the revisions to the principles, policies, and concepts, other lands with Semi-Rural and Rural Lands designations would require reconsideration.
- Revisions may also be necessary to Guiding Principles and policies that relate to reducing densities in areas with significant physical constraints and within fire hazard zones.
- Densities would no longer be assigned to the General Plan land use map with the intention of reflecting the number of units that could realistically be achieved through subdivision.

Impact to Forest Conservation Initiative Remapping Timeline

Major – As the majority of the Forest Conservation Initiative area will be proposed for Rural Lands, any revised principles, policies, and concepts that generally affect application of the Rural Lands designations will substantially affect the Forest Conservation Initiative area remapping.

Relevant General Plan Principles, Goals, and Policies

A sampling is included below:

Principle 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

Goal LU-1 Primacy of the Land Use Element. A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

Policy LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

Policy LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

Policy LU-1.9 Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

Goal LU-2 Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

Policy LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

Principle 5. Ensure that development accounts for physical constraints and the natural hazards of the land.

Goal LU-6 Development—Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.

Policy LU-6.11 Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.

RM₅

General Plan (Adopted Aug 2011)	RL80	
Property Specific Request:	RL40	
Requested by: William Schwartz		
Community Recommendation	RL40 ¹	
Opposition Expected ²	Yes	
Spot Designation/Zone	No	
Impacts to FCI Timeline	Major	
Change to GPU Principles Needed	Yes	
Level of Change (March 2011)	Major	
NI-1		

Notes:

- 1- Ramona Planning Group letter dated January 20, 2011
- 2- Based on Staff experience

Property Description

Property Owner:

E.A. Ranches

Size:

896.0 acres

16 parcels

Location/Description:

Northeastern edge of community planning area, with a small portion of property within the Central Mountain Subregional Plan area;

Outside County Water Authority boundary.

Prevalence of Constraints (See following page):

- → high; → partially; - none
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

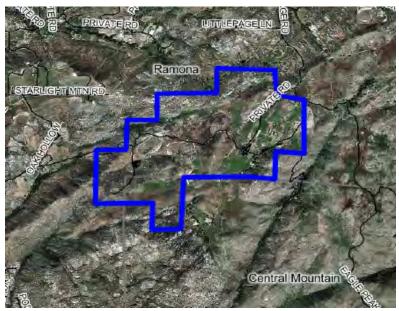
Land Use		
General Plan	1	
Scenario	Designation	
Former GP	1 du/40 ac	
GP (Adopted Aug 2011)	RL80	
Referral	RL40	
Hybrid		
Draft Land Use	RL80	
Environmentally Superior		
Z- who w		

Zoning

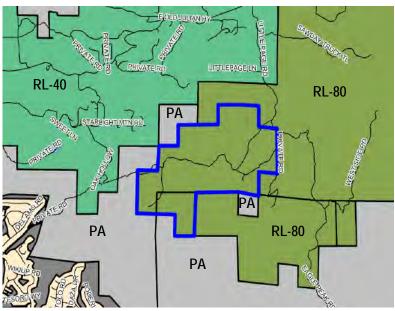
Former — A72, 40-acre minimum lot size (small portion of 20-acre minimum lot size)

Adopted Aug 2011 — A72,

8 / 20-acre minimum lot size



Aerial

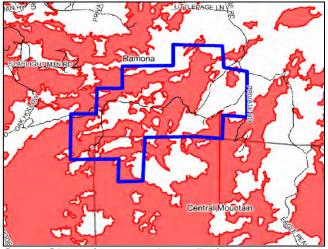


Adopted August 2011

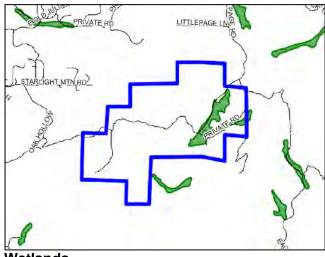
Discussion

The property is located outside of the County Water Authority boundary and within an Agricultural Preserve. It is remote, has very high biological value, steep slopes, and is within the Very High Fire Hazard Severity Zone. While the adopted General Plan designation reduced the density for the large holding, it also relaxes minimum lot sizes from 40 to 8 acres, which would allow a clustered subdivision to occur for the remaining development potential. In 2004, the Board of Supervisors directed staff not to assign densities lower than RL40 on the Referral Map for the community of Ramona.

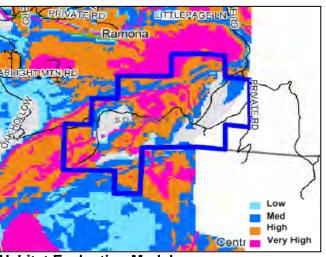
RM5 (cont.)



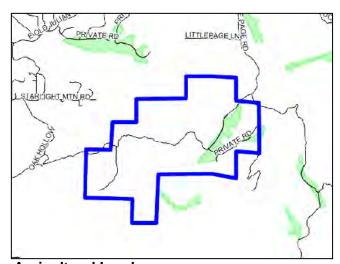




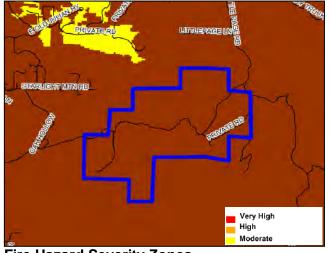
Wetlands



Habitat Evaluation Model



Agricultural Lands



Fire Hazard Severity Zones

RM5 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Rural Lands 40	Rural Lands 80	Major

Rationale for Major Category Classification

- The General Plan Community Development Model does not support increased development in remote locations lacking adequate access.
- The General Plan principles and policies do not support increased development in areas with sensitive environmental resources, and significant physical constraints (steep slope).

Guiding Principles/General Plan Changes Necessary to Support the Request

- The fundamental approach to designating Rural Lands would require reconsideration. The General Plan land use map would need to be revised substantially in the method used to assign RL40 and RL80 densities, which considered existing parcelization and the potential for future subdivision.
- The General Plan Guiding Principles and policies would require revisions to deemphasize reduced development potential in remote locations.
- Revisions may also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive
 environmental resources and fire hazard zones.
- Depending on the revisions to the principles, policies, and concepts, other lands with Rural Lands designations would require reconsideration.

Impact to Forest Conservation Initiative Remapping Timeline

Major – As the majority of the Forest Conservation Initiative area will be proposed for Rural Lands, any revised principles, policies, and concepts that generally affect application of the Rural Lands designations will substantially affect the Forest Conservation Initiative area remapping.

Relevant General Plan Principles, Goals, and Policies

A sampling is included below:

Principle 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

Goal LU-1 Primacy of the Land Use Element. A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

Policy LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

Policy LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

Policy LU-1.9 Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

Goal LU-2 Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

Policy LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

Principle 4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.

Principle 5. Ensure that development accounts for physical constraints and the natural hazards of the land.

Goal LU-6 Development-Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.

Policy LU-6.2 Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.

Policy LU-6.11 Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.

RM7

General Plan (Adopted Aug 2011)	RL40
Property Specific Request:	SR10
Requested by: Elizabeth Edwards	
Community Recommendation	RL40 ¹
Opposition Expected ² No	
Spot Designation/Zone	Yes
Impacts to FCI Timeline	Major
Change to GPU Principles Needed Yes	
Level of Change (March 2011) Major	
NI - 4	

Notes

1- Ramona Planning Group letter dated January 20, 2011

2- Based on Staff experience

Property Description Property Owner: Elizabeth Edwards

Size:

64.7 acres

2 parcels

Location/Description:

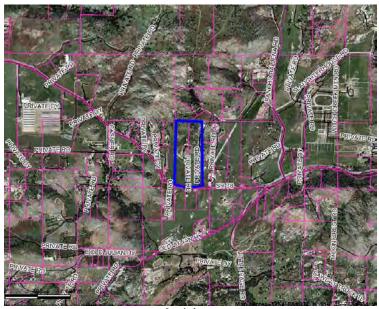
Northeastern edge of community planning area adjacent to SR-78;

Outside of the County Water Authority boundary.

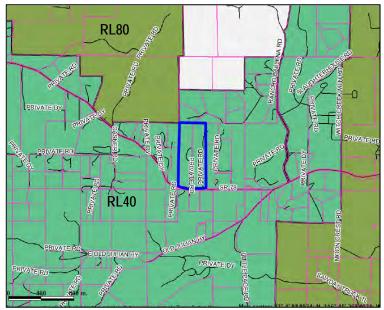
Prevalence of Constraints (See following page):

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/40 ac	
GP (Adopted Aug 2011)	RL40	
Referral	RL40	
Hybrid	KL40	
Draft Land Use	RL80	
Environmentally Superior	KLOU	
Zoning		
Former — A72, 40-acre minimum lot size		
Adopted Aug 2011 — A72,		
8-acre minimum lot size		



Aerial

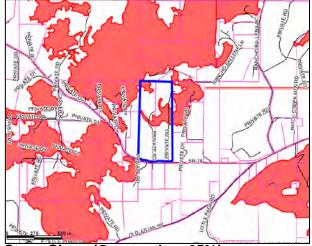


Adopted August 2011

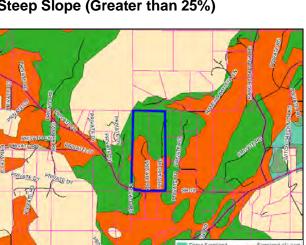
Discussion

The property is located outside of the County Water Authority boundary and within an Agricultural Preserve. The request for a Semi-Rural 10 designation a higher density then any of the land use alternatives analyzed by the EIR, including the former General Plan. The site is remote and is surrounded by other parcels with Rural Lands designations; therefore, a Semi-Rural 10 designation would result in a spot designation and not support the Community Development Model.

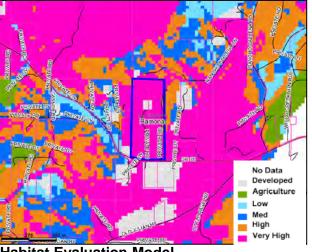
RM7 (cont.)



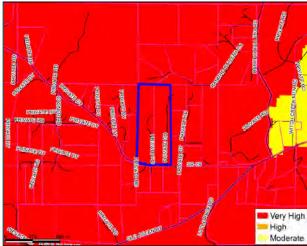
Steep Slope (Greater than 25%)



Agricultural Lands



Habitat Evaluation Model



Fire Hazard Severity Zones

JANUARY 9, 2012 RAMONA

RM7 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 10	Rural Lands 40	Major

^{*}Note - Request is not in response to a "downzone" from the former General Plan, rather reflects a fourfold increase in density over the former General Plan

Rationale for Major Category Classification

• The General Plan Community Development Model does not support Semi-Rural densities over seven miles from the village boundary, unless the density reflects existing parcelization.

Guiding Principles/General Plan Changes Necessary to Support the Request

- The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.
- The fundamental approach to designating Semi-Rural and Rural Lands would require reconsideration.
- Depending on the revisions to the principles, policies, and concepts, other lands with Semi-Rural and Rural Lands designations would require reconsideration.
- In areas where the presence of agricultural lands strongly influenced the General Plan designation, the designation should be reconsidered. This would likely mainly occur in agricultural north county communities such as Bonsall, Fallbrook, Twin Oaks, Valley Center, and Pala/Pauma.

Impact to Forest Conservation Initiative Remapping Timeline

Major – As the majority of the Forest Conservation Initiative area will be proposed for Rural Lands, any revised principles, policies, and concepts that generally affect application of the Rural Lands designations will substantially affect the Forest Conservation Initiative area remapping.

Relevant General Plan Principles, Goals, and Policies

A sampling is included below:

Principle 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

Goal LU-1 Primacy of the Land Use Element. A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

Policy LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

Policy LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

Policy LU-1.9 Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

Goal LU-2 Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

Policy LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

Policy LU-6.11 Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.

Principle 8. Preserve agriculture as an integral component of the region's economy, character, and open space network.

Goal LU-7 Agricultural Conservation. A land use plan that retains and protects farming and agriculture as beneficial resources that contribute to the County's rural character.

Policy LU-7.1 Agricultural Land Development. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.

RM15 [2004 Referral #135]

General Plan (Adopted Aug 2011)	RL40
Property Specific Request:	SR4
Requested by: Leonard & Carl Teyssier	
Community Recommendation	SR4 ¹
Opposition Expected ²	No
Spot Designation/Zone	No
Impacts to FCI Timeline	None
Change to GPU Principles Needed	No
Level of Change (March 2011)	Minor

Notes

- 1 Based on Ramona Planning Group recommending approval of subdivision with 8 acre lots (TM 5194) and Ramona Planning Group letter dated January 20, 2011
- 2 Based on staff's experience

Property Description

Property Owner:

Leonard & Carl Teyssier

Size:

257.2 acres

9 parcels

Location/Description:

Northern edge of community planning area south of SR-78. The site is outside of the County Water Authority.

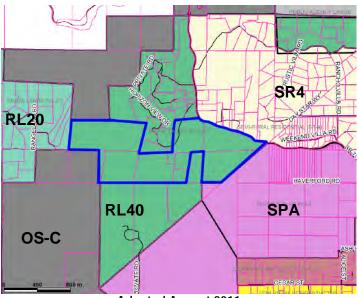
Prevalence of Constraints (See following page):

- − high; − partially; − none
- Steep slope (greater than 25%)
- O Floodplain
- Wetlands
- O Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/4, 8, 20 ac	
GP (Adopted Aug 2011)	RL40	
Referral		
Hybrid	RI 40	
Draft Land Use	NLTO	
Environmentally Superior		
Zoning		
Former — A70 & S88, 8-acre minimum lot size		
Adopted Aug 2011 — A70 & S88,		
8-acre minimum lot size		



Aerial

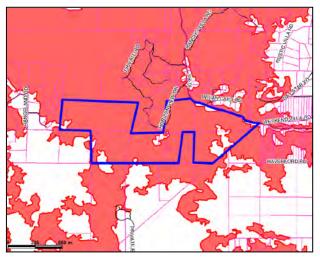


Adopted August 2011

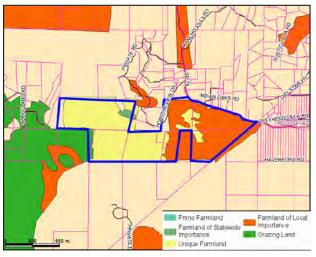
Discussion

This property was part of a 2004 Residential Referral; however, the Board of Supervisors did not provide any specific direction for staff for the Referral Map. The property is located outside of the County Water Authority, adjacent to the recently approved Montecito Ranch Specific Plan Development. The project has an approved Tentative Map 5194, Horizon View Estates. The Final Map is not yet completed, and if the TM expires the yield of 36 lots will not be able to be achieved under map adopted on August 3, 2011. An SR4 designation is required to accommodate the TM. This change alone would not be a spot designation because of the SR4 proposed across SR-78, however, it could also be added to the single triangular parcel to the west and some parcels to the north, which would not have additional subdivision potential with the change.

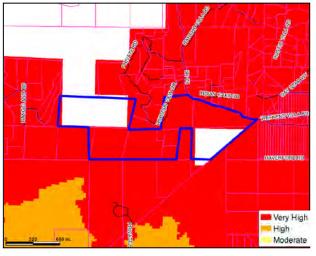
RM15 (cont.)



Steep Slope (Greater than 25%)



Agricultural Lands



Fire Hazard Severity Zones

RM15 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 4	Rural Lands 40	Minor

Rationale for Minor Category Classification

The SR4 designation (one dwelling unit per four acres) would be more intense than the RL40 designation analyzed in the Environmental Impact Report. However, the property has an approved Tentative Map (TM 5194) that is similar to buildout under the SR4 designation. The site is also adjacent to SR4 and SPA designated areas.

Guiding Principles/General Plan Changes Necessary to Support the Request

The SR4 designation would not be a spot designation because of the area across State Route 78 is already designated SR4. However, SR4 could also be added to 27 acres to the north, which would not have additional subdivision potential with the change.

Impact to Forest Conservation Initiative Remapping Timeline

None

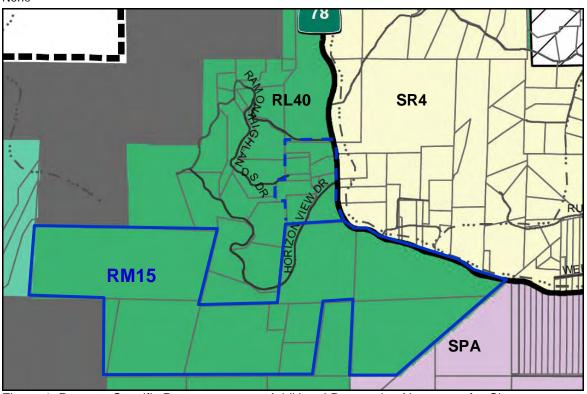


Figure 1: Property Specific Request Additional Remapping Necessary for Change

Cynthia L. Eldred

2481 Congress Street San Diego, California 92110 Telephone: 619.233.7366 Facsimile: 619.233.7390

VIA HAND DELIVERY

September 22, 2011

Chairperson Bill Horn
Vice-Chairperson Ron Roberts
Supervisor Dianne Jacob
Supervisor Greg Cox
Supervisor Pam Slater-Price
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: General Plan Amendment for Horizon View Farms (Project Specific Request RM15) November 9, 2011 Board of Supervisors Hearing

Dear Board Chairperson, Board Vice Chairperson, and Supervisors:

We represent Atomic Investments, Inc., the Leonard and Monica Teyssier Family Trust, and Group 8, a California family limited partnership (collectively, the "Teyssiers") regarding their ownership of an avocado, fruit crop, and flower ranch in Ramona, commonly known as Horizon View Farms (the "Property").

On behalf of the Teyssiers and this office, we thank you individually and collectively for your consideration of previous requests for action submitted with respect to the Property. Your courtesy and attention to the Teyssiers' project was and is appreciated.

This letter supplements our previous letters to you and the multiple letters submitted to you by the Teyssiers regarding the Property. A summary of the legal foundation for approval of a General Plan Amendment ("GPA") to the San Diego County General Plan approved on August 3, 2011 ("General Plan") is set forth below. This letter also includes a summary of legal support for an addendum to the General Plan's program Environmental Impact Report, Environmental Log No. 02-ZA-001 ("EIR") with respect to the designation of the Property as SR4.

REQUEST

We respectfully request that the Board of Supervisors direct Staff to initiate an amendment to the General Plan changing the land use designation for the Property from RL40 to SR4 (also sometimes referred to as Property Specific Request RM15), to prepare an addendum to the EIR to support the amendment, and to bring the amendment and addendum forward to the Board for consideration.

County Board of Supervisors September 22, 2011 Page 2

BACKGROUND

The Property is comprised of approximately 295 acres and is referenced as assessor's parcel numbers 279-030-06-00, 279-010-09-00, 279-010-20-00, 279-030-09-00, 279-010-16-00, 279-030-08-00, 279-030-07-00, 279-030-02-00, 279-030-10-00, and 279-030-11-00. The errata sheet package attached to our July 19, 2011 letter contains all of the changes to the General Plan that are necessary to designate the Property as SR4. A copy of our July 19, 2011 letter is enclosed for your ease of reference.

ENVIRONMENTAL REVIEW

The General Plan can be amended for the purpose of designating the Property SR4 with the support of an addendum to the EIR. An addendum is an analysis under California Environmental Quality Act ("CEQA") Guidelines §15162 that is provided to the decision-maker but that is not in the County's practice circulated in advance for public review and comment. Our letter dated August 2, 2011 was hand-delivered to your offices describing the EIR's analysis of the Teyssiers' project and will not be repeated here. A copy of our August 2, 2011 letter is enclosed for your ease of reference. In summary, all of the potential impacts relative to designation of the Property as SR4 were analyzed in the EIR.

Under CEQA, changes or additions to the General Plan can be legally supported by an addendum if those changes do not meet the criteria for the preparation of a subsequent EIR. A subsequent EIR is required under certain specific circumstances based on substantial evidence in light of the whole project (GPU) record. A subsequent EIR must be prepared if: (1) substantial changes are proposed to the project which will require major revisions to the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur regarding the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects; or, (3) new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified show that new significant effects or substantially more significant effects would occur, or that mitigation measures or alternatives not adopted in the EIR are feasible and would substantially reduce a significant effect of the project but the project proponent declines to adopt them. See, CEQA Guidelines §15162.

As you recall, the EIR was modeled in part on development of the Property at a density provided for in the SR4 designation. Therefore, designation of the Property at RL40 was a change in the project analyzed in the EIR that the Board certified on August 3, 2011. Changing the designation of the Property from RL40 to SR4 is not a change in the project analyzed in the EIR and will not trigger a subsequent EIR under the first criteria provided above.

Furthermore, there have been no substantial changes regarding the circumstances under which the General Plan was undertaken and approved on August 3, 2011. As a result, changing the designation of the Property from RL40 to SR4 does not trigger a subsequent EIR under the second criteria provided above.

County Board of Supervisors September 22, 2011 Page 3

Finally, there is no new information of substantial importance since the EIR was certified on August 3, 2011. As a result, changing the designation of the Property from RL40 to SR4 does not trigger a subsequent EIR under the third criteria provided above.

CEQA Public Resources Code §21166 prohibits a lead agency from requiring subsequent or supplemental environmental impact reports unless one of the criteria described in CEQA Guidelines §15162 is met. As a California Appellate Court has stated, "a subsequent or supplemental EIR is prepared under Section 21166 only where it is necessary to explore the environmental ramifications of a substantial change not considered in the original EIR. (Cal. Code Regs., tit. 14, § 15162, subds. (a)(1) & (2)". Fund for Environmental Defense v. County of Orange, 204 Cal. App. 3d 1538 (Cal.App.Dist.4 October 11, 1988).

SUMMARY AND CONCLUSION

The Board of Supervisors may approve an amendment to the GP designating the Property SR4 on the ground that it was adequately analyzed in the EIR. An addendum would be in compliance with CEQA and is the appropriate environmental document to be prepared with respect to the requested amendment. We respectfully request that the Board of Supervisors direct Staff to initiate an amendment to the General Plan changing the land use designation for the Property from RL40 to SR4 (also sometimes referred to as Property Specific Request RM15), to prepare an addendum to the EIR to support the amendment, and to bring the amendment and addendum forward to the Board for consideration. Thank you for your time and consideration of this request.

Very truly yours,

CEldud

Cynthia L. Eldred, Esq.
THE LAW OFFICE OF CYNTHIA L. ELDRED
Enclosures

cc: Clerk of the Board of Supervisors w/o enclosures (via hand delivery) w/o enclosures (via electronic mail only):
The Teyssiers

Sarah Aghassi, Deputy Chief Administrative Officer
Eric Gibson, Director, Dept. of Planning & Land Use
Devon Muto, Land Use/Environmental Planner III
Claudia Anzures, Esq., Chief Deputy County Counsel
Adam Wilson, Policy Advisor, Supervisor Jacob
Dustin Steiner, Policy Advisor, Supervisor Horn
Tim McClain, Policy Advisor, Supervisor Roberts
Michael DeLaRosa, Policy Advisor, Supervisor Cox
Sachiko Kohatsu, Policy Advisor, Supervisor Slater-Price
gpupdate@sdcounty.ca.gov

Cynthia L. Eldred

2481 Congress Street San Diego, California 92110 Telephone: 619.233.7366 Facsimile: 619.233.7390

VIA HAND DELIVERY

August 2, 2011

Supervisor Dianne Jacob County of San Diego Room 355 1600 Pacific Highway San Diego, CA 92101

Re: General Plan Update; Property Specific Request RM15 Horizon View Farms Agenda Item 1; August 3, 2011 Board of Supervisors Hearing

Dear Supervisor Jacob:

We represent Atomic Investments, Inc., the Leonard and Monica Teyssier Family Trust, and Group 8, a California family limited partnership (collectively, the "Teyssiers") regarding their ownership of an avocado, fruit crop, and flower ranch in Ramona, commonly known as Horizon View Farms (the "Property").

This letter supplements our letter to you dated July 19, 2011 and multiple letters submitted to you by the Teyssiers themselves. This letter provides a summary of the legal foundation for certification of the General Plan Update ("GPU") Environmental Impact Report ("EIR") for a project that includes designation of the Property as SR4.

REQUEST

We respectfully request that the Board of Supervisors direct that the proposed land use designation for the Property be changed from RL40 to SR4 in the GPU (also sometimes referred to as Property Specific Request RM15).

BACKGROUND

The Property is comprised of approximately 295 acres and is referenced as assessor's parcel numbers 279-030-06-00, 279-010-09-00, 279-010-20-00, 279-030-09-00, 279-010-16-00, 279-030-08, 279-030-07-00, 279-020-02-00, 279-030-10-00, and 279-030-11-00. The errata sheet package attached to our July 19, 2011 letter contains all of the changes to the GPU that are necessary to designate the Property as SR4 in the GPU.

Supervisor Dianne Jacob August 2, 2011 Page 2

ENVIRONMENTAL REVIEW

For all of the reasons stated in Attachment G-4 to Staff's Report to the Board of Supervisors (the "Board") for its August 3, 2011 meeting, the Property may be designated SR4 in the GPU without further environmental analysis. Attachment G-4 is comprised of Volume IV of the DEIR, "Amendment to the EIR, Description and Analysis of the Recommended Project".

G-4 Statement 1: "The project that has evolved from the iterative CEQA process (the Recommended Project) is within the range of alternatives considered and analyzed in the EIR."

The EIR analyzes the Property as developed with 36 residential lots, consistent with the SR4 land use designation. On March 24, 2006, the Planning Commission voted unanimously to approve Tentative Subdivision Map 5194 ("TM 5194") for the Property. TM 5194 allows the Property to be subdivided into 36 residential lots. The EIR for the GPU analyzed the potential impacts of the GPU based in part on development of the Property consistent with TM 5194.

The designation of the Property as RL40 in the Recommended Project does not remove analysis of the Property as developed with 36 residential lots from the EIR. That analysis remains in the EIR. As Staff reported to the Board on April 13, 2011 and previously, the EIR is adequate to support the Board's approval of Property Specific Request RM15, designating the Property as SR4.

<u>G-4 Statement 2</u>: "Inclusion [of the Recommended Project] in the Final EIR does not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."

Designation of the Property as SR4 has been analyzed in the EIR. Therefore, the public has had a meaningful opportunity to comment upon any substantial adverse environmental effect of the project that includes designation of the Property as SR4, as well as feasible ways to mitigate or avoid such an effect.

In addition, on March 24, 2006, the Planning Commission voted unanimously to certify a mitigated negative declaration ("MND") for development of the Property with 36 residential lots, as allowed under the SR4 designation. The MND is incorporated in this letter by reference. Pursuant to circulation of the MND for public review, the public had an additional opportunity to comment upon development of the Property with 36 residential lots. The County received only four comment letters to the MND. The Ramona Community Planning Group voted unanimously to recommend certification of the MND.

<u>G-4 Statement 3</u>: "When considering project approval, the lead agency is not required to grant a 'blanket approval' of the project proposed in the EIR. Instead, decision-makers have the flexibility to implement that portion of the project that satisfies their environmental concerns."

In this instance, the project proposed in the EIR included development of the Property with 36 residential lots, consistent with the SR4 designation. The flexibility provided to the decision-

Supervisor Dianne Jacob August 2, 2011 Page 3

maker is not lost when the decision-maker considers approval of an alternative to the proposed project. The Board may approve the project proposed in the EIR as modified by the Recommended Alternative, but decline to include in the Recommended Alternative a decrease in allowed density of development of the Property, keeping the Property at the density analyzed in the EIR that went out for public review.

G-4 Description of Differences between the Proposed Project and the Recommended Project.

Designation of the Property at SR4 would <u>not</u> impact any of Staff's description of the General Plan Elements, the Road Network, the Ramona Community Plan or any other Community Plans, the Implementation Plan, the Conservation Subdivision Program, the Zoning Ordinance, the Resource Protection Ordinance, or the Subdivision Ordinance.

The description of differences between the Proposed Project and the Recommended Project would merely reverse the changes that Staff has made to the land use map regarding the Property and Staff's discussions regarding those changes. The Property would be restored to a development density of 36 residential lots consistent with the SR4 land use designation. The data provided in the text at page 2 of G-4 discussing acreage shown on Land Use Table 1 and Table 1 itself would be changed to reflect the minor changes to the numbers: the total number of Rural Land acreage would be changed from 488,078 to 487,783 and Ramona's Semi-Rural acreage would change from 20,192 acres to 20,487 acres.

G-4 Comparison of the Effects of the Recommended Project to the Proposed Project.

Development of the Property with 36 residential lots as allowed under the SR4 land use designation would not alter the analyses and conclusions presented in the EIR for the GPU Proposed Project or Recommended Alternative. Inclusion of the Property in the SR4 land use designation in the Recommended Project would not alter the comparison between the effects of the Recommended Project and the effects of the Proposed Project.

The MND certified for TM 5194 concluded that development of the Property with 36 residential lots, consistent with SR4, has no potential to effect aesthetics, agricultural resources, air quality, geology, soils, hazards, hazardous materials, hydrology, water quality, land use, land planning, mineral resources, noise, population, housing, public services, recreation, utilities, or service systems. With no potential to impact any of these areas of potential environmental concern, designation of the Property as SR4 cannot be seen to contribute even cumulatively to the environmental impacts of the original Proposed Project or the Recommended Alternative.

The MND certified for TM 5194 identified only three areas of potentially significant impact: biological resources, cultural resources, and transportation facilities impacts. With the implementation of the designed mitigation measures, all of these potentially significant impacts are mitigated below a level of significance.

Supervisor Dianne Jacob August 2, 2011 Page 4

Impacts to biological resources off-site were determined to be potentially significant unless the subdivider dedicated identified open space easements to buffer those resources. With imposition of this mitigation measure, impacts were determined to be less than significant. The EIR for the GPU includes a mitigation measure requiring that open space easements be dedicated to protect biological resources. The TM 5194 biological resource mitigation measures are subsumed within those already provided for in the EIR for the GPU.

Similarly, impacts to cultural resources were determined to be potentially significant in both the MND for TM 5194 and the EIR for the GPU unless landowners dedicate open space easements to protect those resources and monitor ground disturbance for potential impacts to human remains and other cultural resources. With imposition of these mitigation measure (and others in the case of the EIR for the GPU), impacts have been determined to be less than significant. Again, the TM 5194 cultural resource mitigation measures are subsumed within those already provided for in the EIR for the GPU.

Finally, impacts to transportation facilities were determined to be potentially significant in both the MND for TM 5194 and the EIR for the GPU. In the case of the MND for TM 5194, the only potentially significant impact is a cumulative impact adequately mitigated by payment of the Transportation Impact Fee ("TIF"). Payment of the TIF is also required by County ordinance and is an identified mitigation measure in the EIR for the GPU.

The Property cannot be developed with 36 residential lots unless it is subdivided. It cannot be subdivided by perfection of TM 5194 or any other tentative subdivision map unless all potentially significant impacts are mitigated to below a level of significance, or mitigated to the extent feasible with a finding of overriding considerations. The mitigation measures identified for TM 5194 were determined by the MND to be feasible. As a result, these mitigation measures would be imposed in development of the Property with 36 residential lots under TM 5194 or any other tentative subdivision map.

SUMMARY AND CONCLUSION

The Board of Supervisors may designate the Property SR4 in approving the GPU on August 3, 2011 as adequately analyzed in the EIR for the GPU and its amendment in compliance with the California Environmental Quality Act. We respectfully request that the Board of Supervisors do so.

Thank you for your time and consideration of this request.

Very truly yours,

Cynthia L. Eldred, Esq.

CEldred

THE LAW OFFICE OF CYNTHIA L. ELDRED

Supervisor Dianne Jacob August 2, 2011 Page 5

cc: Board Chairperson Supervisor Bill Horn (via hand delivery)

Board Vice Chairperson Supervisor Ron Roberts (via hand delivery)

Supervisor Greg Cox (via hand delivery)

Supervisor Pam Slater-Price (via hand delivery)

Clerk of the Board of Supervisors (via hand delivery)

The Teyssiers (via electronic mail only)

Sarah Aghassi, Deputy Chief Administrative Officer (via electronic mail only)

Eric Gibson, Director, Department of Planning and Land Use (via electronic mail only)

Devon Muto, Land Use/Environmental Planner III (via electronic mail only)

Claudia Anzures, Esq., Chief Deputy County Counsel (via electronic mail only)

RM17

General Plan (Adopted Aug 2011)	VR2	
Property Specific Request:	VR15	
Requested by: Melita Blaha		
Community Recommendation	VR2 ¹	
Opposition Expected ²	Yes	
Spot Designation/Zone	No	
Impacts to FCI Timeline	None	
Change to GPU Principles Needed	No	
Level of Change (March 2011)	Minor	
·		

Notes

- 1– Ramona Planning Group letter dated January 20, 2011
- 2- Based on Staff experience

Property Description Property Owner:

Melita Blaha

Size:

2 acres

1 parcel

<u>Location/Description</u>:

Central portion of community planning area off of Main Street (Hwy 67);

Inside County Water Authority boundary

Prevalence of Constraints (See following page):

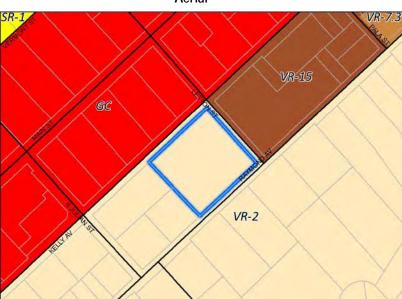
- − high;

 − partially;

 − none
- O Steep slope (greater than 25%)
- Floodplain
- Wetlands
- O Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	2 du/ac	
GP (Adopted Aug 2011)	VR2	
Referral		
Hybrid	VR15	
Draft Land Use	VICIO	
Environmentally Superior		
Zoning		
Former — RR2, 0.5-acre minimum lot sizes		
Adopted Aug 2011 — RR, 6,000 square foot minimum lot size		





Adopted August 2011

Discussion

This property was designated Village Residential 15 on all of the General Plan Update alternatives, along with a larger strip of property along Raymond Avenue.. During the Zoning Ordinance Consistency Review this area was looked at by the Planning Commission, who recommended staff change recommendations on this property and notify the property owners who may not be aware of the change. Ms. Blaha voiced opposition at the time to the reduction. While the site does not have a FEMA mapped 100-year Floodplain on it, there are known flooding concerns nearby, and in the Draft Ramona Drainage Facilities Master Plan there are two projects that are listed for improvements.

The site is located adjacent to Commercial property along Main Street, with Village Residential proposed to the northeast and half-acre lots to the south and southwest.

RM17 (cont.)



RM17 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Village Residential 15	Village Residential 2	Minor

Rationale for Minor Category Classification

The VR15 designation (15 dwelling units per acre) was applied to this property on all of the General Plan Update alternatives and was analyzed in the Environmental Impact Report. The site's density was reduced to VR2 in the Planning Commission recommendation due to concerns raised regarding flooding. The VR15 designation would still be consistent with General Plan principles.

Guiding Principles/General Plan Changes Necessary to Support the Request

None

Impact to Forest Conservation Initiative Remapping Timeline

None

RM20

General Plan (Adopted Aug 2011)	SR10	
Property Specific Request:	SR4	
Requested by: Ramona Community Planning Group, Bunny King Lane Area		
Community Recommendation	SR4 ¹	
Opposition Expected ²	No	
Spot Designation/Zone	No	
Impacts to FCI Timeline	None	
Change to GPU Principles Needed	No	
Level of Change (March 2011)	Moderate	

Notes

- 1– Ramona Planning Group letter dated January 20, 2011
- 2- Based on Staff experience

Property Description

Property Owner:

Various Property Owners

Size:

175.33 acres

14 parcels

Location/Description:

Central portion of community planning area off of Ashley Road, north of San Vicente Road; Inside County Water Authority boundary

Prevalence of Constraints (See following page):

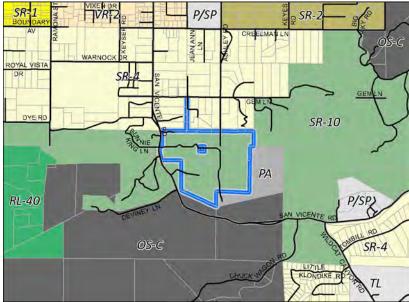
→ high; → partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/4, 8, 20 ac	
GP (Adopted Aug 2011)	SR10	
Referral		
Hybrid	SR10	
Draft Land Use		
Environmentally Superior	RL20	
Zoning		
Former — A70 & S88, 4-acre minimum lot size		
Adopted Aug 2011 — A70 & S88,		
4-acre minimum lot size		



Aerial

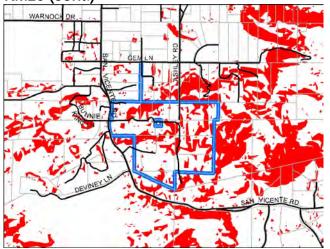


Adopted August 2011

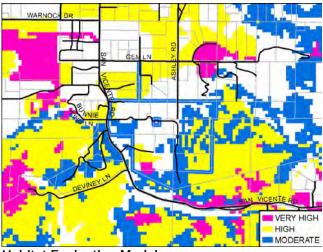
Discussion

This area is located north of the Barnett Ranch Wildlife Corridor and along San Vicente Road. The area is designated Semi-Rural 10 on the General Plan Update Alternatives, and has been designated so since 2002. However, it is documented that the Ramona Community Planning Group both in 2002 and in recent motions supports the designation of Semi-Rural 4 on the property.

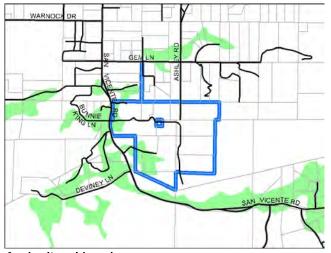
RM20 (cont.)



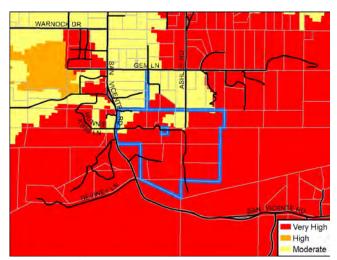
Steep Slope (Greater than 25%)



Habitat Evaluation Model



Agricultural Lands



Fire Hazard Severity Zones

RM20 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 4	Semi-Rural 10	Moderate

Rationale for Moderate Category Classification

The request for SR4 density (one dwelling unit per four acres) was not directed by the Board to be evaluated as part of the General Plan Update. The highest density for this area considered as part of the General Plan Update was one dwelling unit per ten acres. Therefore, additional environmental analysis would be necessary in order to comply with State law.

Guiding Principles/General Plan Changes Necessary to Support the Request

None

Impact to Forest Conservation Initiative Remapping Timeline

None

RM21

General Plan (Adopted Aug 2011)	SR10	
Property Specific Request:	SR4	
Requested by: Eban and Debra Hogervorst		
Community Recommendation	Unknown	
Opposition Expected ¹	No	
Spot Designation/Zone	Yes	
Impacts to FCI Timeline	No	
Change to GPU Principles Needed	No	
Level of Change (March 2011)	Moderate	

Note:

Property Description Property Owner:

Eban and Debra Hogervorst

Size:

32.2 acres

1 parcel

Location/Description:

270 feet to the west of San Vincente Road via Bunnie King Lane

Inside County Water Authority boundary

Prevalence of Constraints (See following page):

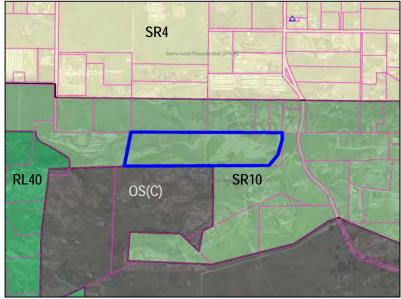
− high; − partially; − none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/ 10 ac	
GP (Adopted Aug 2011)	SR10	
Referral		
Hybrid	SR10	
Draft Land Use		
Environmentally Superior	RL20	
Zoning		
Former — A72, 10-acre minimum lot size		
Adopted Aug 2011 — Same as existing		



Aerial



Adopted August 2011

Discussion

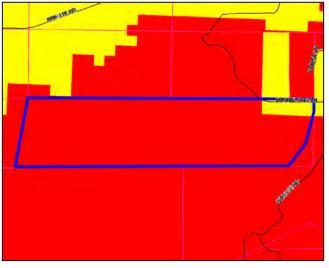
This request is for an increase in density over the former General Plan from one dwelling unit per ten to one dwelling unit per four acres. The property is located north of the Barnett Ranch Wildlife Corridor and to the east of San Vicente Road. The request to designate the property as SR4 would be a spot designation that is more intensive than any of the alternatives of the General Plan Update EIR. The resulting redesignation of other properties to address the spot designation would likely result in additional development that would need to be analyzed in the EIR. The request is close, but not adjacent to referral RM20, which covers properties on the eastern side of San Vicente Road.

¹⁻ Based on staff's experience

RM21 (cont.)



Steep Slope (Greater than 25%)



Fire Hazard Severity Zones

RM21 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 4	Semi-Rural 10	Moderate

Rationale for Moderate Category Classification

The request for SR4 (a density of one dwelling unit per four acres) was not directed by the Board to be evaluated as part of the General Plan Update. The highest density for the site considered as part of the General Plan Update was one dwelling units per ten acres. The request could potentially result in eight dwelling units compared to three dwelling units allowed under the adopted General Plan. Therefore, additional environmental documentation would be necessary in order to comply with State law.

Guiding Principles/General Plan Changes Necessary to Support the Request

To ensure the SR4 designation is consistently applied, at a minimum an additional 62 acres will need to be changed from SR10 to SR4 (see Figure 1). However, this request would also likely be also applied to RM20, which is located directly to the east of this request.

Impact to Forest Conservation Initiative Remapping Timeline

None

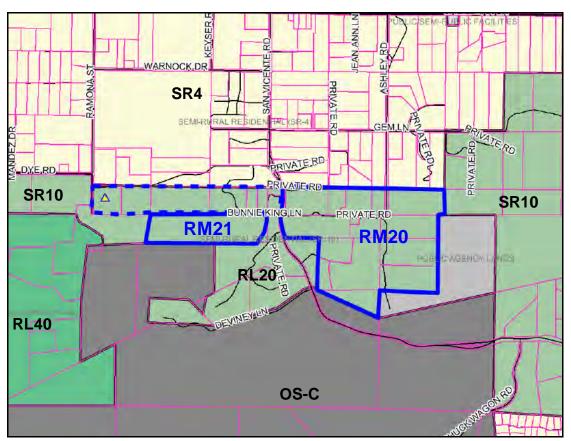


Figure 1: Property Specific Requests Additional Remapping Necessary for Change

RM22

General Plan (Adopted Aug 2011)	RL80	
Property Specific Request:	RL40	
Requested by: Jeanine Hawkins		
Community Recommendation	Unknown	
Opposition Expected ¹	No	
Spot Designation/Zone	No	
Impacts to FCI Timeline	Major	
Change to GPU Principles Needed	Yes	
Level of Change (March 2011)	Major	

Note:

Property Description Property Owner: Jeanine Hawkins

Size:

200.0 acres

3 parcels

Location/Description:

One mile south of Old Julian Highway via Little Page Road;

Outside County Water Authority boundary

Prevalence of Constraints (See following page):

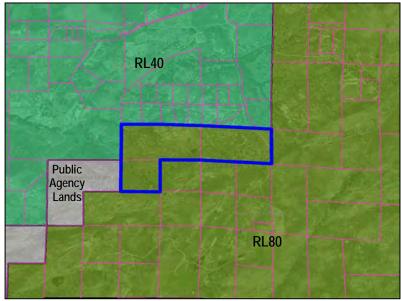
→ high; → partially; ○ - none

- O Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use		
General Plan		
Scenario	Designation	
Former GP	1 du/ 40 ac	
GP (Adopted Aug 2011)	RL80	
Referral	RL40	
Hybrid		
Draft Land Use	RL80	
Environmentally Superior		
Zoning		
Former — A72, 40-acre minimum lot size		
Adopted Aug 2011 — A72,		
8-acre minimum lot size		



Aerial



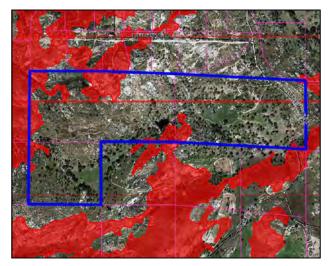
Adopted August 2011

Discussion

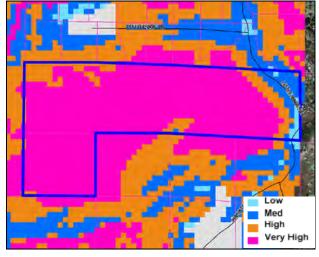
Property request consists of three parcels in a holding of 200 acres on the eastern side of the Ramona Planning Area. It is adjacent to the RM5 referral, which is also a request to change the land use designation to Rural Lands 40. Like RM5, it is remote, has very high biological value and is within the Very High Fire Hazard Severity Zone. The additional development in this remote, constrained area would not support the Community Development Model or Guiding Principle #9.

¹⁻ Based on staff's experience

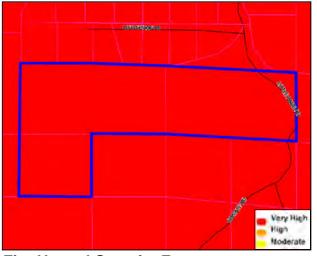
RM22 (cont.)



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

RM22 SUPPLEMENT - IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Rural Lands 40	Rural Lands 80	Major

Rationale for Major Category Classification

- The General Plan Community Development Model does not support increased development in remote locations lacking adequate access.
- The General Plan principles and policies do not support increased development in areas with sensitive environmental resources.

Guiding Principles/General Plan Changes Necessary to Support the Request

- The fundamental approach to designating Rural Lands would require reconsideration. The General Plan land use map would need to be revised substantially in the method used to assign RL40 and RL80 densities, which considered existing parcelization and the potential for future subdivision.
- The General Plan Guiding Principles and policies would require revisions to deemphasize reduced development potential in remote locations.
- Revisions may also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive
 environmental resources and fire hazard zones.
- Depending on the revisions to the principles, policies, and concepts, other lands with Rural Lands designations would require reconsideration.

Impact to Forest Conservation Initiative Remapping Timeline

Major – As the majority of the Forest Conservation Initiative area will be proposed for Rural Lands, any revised principles, policies, and concepts that generally affect application of the Rural Lands designations will substantially affect the Forest Conservation Initiative area remapping.

Relevant General Plan Principles, Goals, and Policies

A sampling is included below:

Principle 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

Goal LU-1 Primacy of the Land Use Element. A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

Policy LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

Policy LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

Policy LU-1.9 Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

Goal LU-2 Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

Policy LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

Principle 4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.

Principle 5. Ensure that development accounts for physical constraints and the natural hazards of the land.

Goal LU-6 Development-Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.

Policy LU-6.2 Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.

Policy LU-6.11 Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.

Principle 9. Minimize public costs of infrastructure and services and correlate their timing with new development.