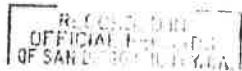


G 2



1983 JUN 17 PM 2:02

VERIFIED
COUNTY CLERK

WHEN RECORDED MAIL TO

Name
Street
Address
City
State
Zip

Clark A. Williams
2908 Adams Ave.
San Diego 92116

ORDER NO. 832555-5
ESCROW NO. 11456 F

RECORDERS USE ONLY

GRANT DEED (INDIVIDUAL)

Furnished by Terra Title Company

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 99.00

(X) Computed on full value of property conveyed, or

() Computed on full value less value of liens and encumbrances remaining at time of sale.

(X) Unincorporated area () City of

Tax Parcel No. 521-130-06

WILLIAM C. BARKER, JR., A MARRIED MAN

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

CLARK F. WILLIAMS, AN UNMARRIED MAN

the real property in the County of San Diego, State of California, described as:

The northwest quarter of the southeast quarter of Section 24, Township 16 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California.

DPLU-BUILDING DIVISION
DEC 07 2007
County of San Diego
Plan Check

Dated: 6/9/83

STATE OF CALIFORNIA
COUNTY OF San Diego

On June 15, 1983

before me, the undersigned, a Notary Public in and for said County and State, personally appeared

William C. Barker, Jr.

William C. Barker, Jr.

known to me to be the person whose name is
subscribed to the within instrument and acknowledged
that he executed the same.
WITNESS my hand and official seal.

Ineda M. Scherer
Notary Public in and for said County and State.

Notary Seal

AP 74-2

LAND CONSERVATION CONTRACT

Assessor's Parcel 521-130-06

(JAPATUL

Agricultural Preserve No. 36)

THIS CONTRACT, made and entered into this 8th day
of October, 19 74, by and between

William C. Barker and Florence D. Barker

hereinafter referred to as "Owner", and the County of San Diego, a
political subdivision of the State of California, hereinafter referred
to as "County":

W I T N E S S E T H:

WHEREAS, the Owner represents that he is the owner of certain
land located in the County of San Diego, State of California, which
land is presently devoted to agricultural uses, recreational uses,
open space, or combination thereof, as authorized in Exhibit "B"
attached hereto and lies within an agricultural preserve heretofore
established or to be established and designated the

JAPATUL

Agricultural Preserve No. 36

said land being more particularly described in Exhibit "A" attached
hereto and hereinafter referred to as the Premises; and

WHEREAS, the Owner has made application to the County of San Diego
to enter into a contract pursuant to the California Land Conservation
Act of 1965 (Section 51200 et seq., Government Code) with respect to
the Premises; and

WHEREAS, the Owner and the County desire to limit the use of
Premises to agricultural and compatible uses, recreational uses or
open space uses or some combination thereof; NOW THEREFORE

IT IS AGREED by and between the Owner and the County as follows:

Section 1. CONTRACT. This is a "Contract" made pursuant to the
California Land Conservation Act of 1965, as amended as of the date
first above written, including amendments enacted at the 1970 Regular
Session of the California Legislature, (hereinafter referred to as
the "Act") and is applicable to the Premises.

FEBRUARY 28, 19 75, and shall remain in effect for a period of ten years therefrom and during any renewals of this Contract.

Section 3. RENEWAL. NOTICE OF NONRENEWAL. This Contract shall be automatically renewed for a period of one year on the first day of the first January after the effective date, and on the first day of each January thereafter unless written notice of nonrenewal is served by the Owner on the County at least 90 days prior to said date or written notice of nonrenewal is served by the County on the Owner at least 60 days prior to said date. Under no circumstances shall a notice of renewal to either party be required to effectuate the automatic renewal of this Contract.

Upon receipt by Owner of a notice from County of nonrenewal, the Owner may make written protest of such nonrenewal. County may at any time prior to the renewal date withdraw the notice of nonrenewal. Upon request of Owner, the Board of Supervisors may authorize Owner to serve a notice of nonrenewal on a portion of the land which is the subject of this Contract. If either party serves notice of intent in any year not to renew this Contract, this Contract shall remain in effect for the balance of the period remaining on the term since the original execution or the last renewal of this Contract as the case may be.

Section 4. AUTHORIZED USES. During the term of this Contract and any and all renewals thereof, the Premises shall be devoted to agricultural uses and compatible uses and shall not be used for any purposes other than agricultural uses or compatible uses as specified in Exhibit "B" attached hereto.

Section 5. ADDITION OR ELIMINATION OF AUTHORIZED USES. The Board of Supervisors of the County, by resolution, may from time to time during the term of this Contract or any renewals thereof amend the resolution establishing said Agricultural Preserve to add to those authorized uses or eliminate a use listed in Exhibit "B" which authorized uses shall be uniform throughout said Agricultural Preserve; provided, however, no amendment of such resolution during the term of this Contract or any renewal thereof so as to eliminate any use shall be applicable to this Contract unless the Owner consents to such elimination.

Section 6. POLICE POWER. Nothing in this Contract shall be construed to limit the exercise by the Board of Supervisors of the police power or the adoption or readoption or amendment of any zoning

ordinance or land use ordinance, regulation or restriction pursuant to the Planning and Zoning Law (Sections 65000 et seq., Government Code) or otherwise.

Section 7. ZONING. This Contract shall not be construed to authorize the establishment or continuation of a use of real property contrary to any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series)), including any amendments thereto, heretofore or hereafter adopted.

Section 8. EMINENT DOMAIN. (a) Except as provided in subdivision (d) of this Section 8, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to this Contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the Federal government or any person, instrumentality or agency acting under authority or power of the Federal government, this Contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, this Contract shall be deemed never to have existed. Upon the termination of such proceeding, this Contract shall be null and void as to all land actually taken or acquired.

(b) Except as provided in subdivision (d) of this Section 8, when such an action to condemn or acquire less than all of a parcel of land subject to this Contract is commenced, this Contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to this Contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to this Contract.

(c) The land actually taken shall be removed from this Contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.

(d) The provisions of subdivisions (a) and (b) of this Section 8 shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency (including the County) or public utility or to the acquisition of any such easement by any public agency (including the County) or public utility, or (2) the filing of any action in eminent domain by any public agency (including the County) for the

condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by the San Diego County Board of Supervisors (including any amendments thereto adopted by said Board prior to the date of this Contract) or depicted on the plat attached to this Contract and marked Exhibit "C" or to the acquisition of any such fee title or lesser estate for such purposes by the State of California or any public agency (including the County); and the filing of any such action in eminent domain for the condemnation of or the acquisition of any such easement, fee title or lesser estate shall not terminate, nullify or void this Contract and in the event of the filing of any such action in eminent domain or acquisition this Contract shall be considered in the valuation process.

Section 9. NO PAYMENT BY COUNTY. The Owner shall not receive any payment from the County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived therefrom, and the advantage which will accrue to the Owner as a result of the effect on the assessed valuation of land described herein due to the imposition of the limitations on its use contained herein.

Section 10. CANCELLATION. (a) The Owner may petition the Board of Supervisors for cancellation of this Contract as to all or any portion of the land which is subject to this Contract but this Contract may not be canceled in whole or in part except by mutual agreement of the Owner and County pursuant to Section 51282 of the Act (Government Code). County may only consent to the cancellation of this Contract in whole or in part when, after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code), the Board finds (1) that the cancellation is not inconsistent with the purposes of the Act, (2) that the cancellation is in the public interest, and (3) that it is neither necessary nor desirable to continue the restrictions imposed by this Contract; provided, however, this Contract shall not be canceled until the hereinafter specified cancellation fee has been paid, unless such fee or some portion thereof is waived or deferred pursuant to subdivision (c) of Section 51283 of the Act (Government Code). As provided in said Section 51282, the existence of an opportunity for another use of the land involved (Premises) shall not be sufficient reason for cancellation and a potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the land (Premises) be put. The uneconomic character of an existing agricultural use shall likewise not be

sufficient reason for cancellation and the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land (Premises) may be put.

(b) Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of this Contract, the County Assessor shall determine the full cash value of the land as though it were free from the restrictions of this Contract. The Assessor shall multiply such value by the most recent County ratio announced pursuant to Section 401 of the Revenue and Taxation Code and shall certify the product to the Board of Supervisors as the cancellation valuation of the land for the purpose of determining the cancellation fee hereinafter specified.

(c) Prior to giving tentative approval to the cancellation of this Contract the Board of Supervisors shall determine and certify to the County Auditor the amount of the cancellation fee which the Owner must pay the County Treasurer as deferred taxes upon cancellation. Notwithstanding the provisions of subdivision (b) of Section 51283 of the Act (Government Code), if cancellation occurs within the first five-year period of the term of this Contract, the cancellation fee shall be 100% of the cancellation valuation of the land; if cancellation occurs after the expiration of the first five-year period of the term of this Contract the cancellation fee shall be an amount equal to 100% of the cancellation valuation of the land less 5% of said cancellation valuation for each year this Contract has remained in effect in excess of the aforementioned first five-year period; provided, however, in no event shall the cancellation fee be less than an amount equal to 50% of the cancellation valuation of the land. If after the date this Contract is initially entered into the publicly announced County ratio of assessed to full cash value is changed, the percentage payment specified in this paragraph shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in such ratio.

(d) The Board of Supervisors may waive or defer payment of the cancellation fee or any portion thereof in accordance with subdivision (c) of Section 51283 of the Act (Government Code).

(e) Upon approval by the Board of Supervisors of the above mentioned cancellation petition and payment of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the Contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors pursuant to Article 5 of the Act (Section 51281 et seq., Government

Code) and a legal description of the property. From the date of recording of such certificate, this Contract or such portion thereof as is appropriate shall be finally canceled.

(f) Upon tentative approval by the Board of Supervisors of the above mentioned cancellation petition and waiver or deferment in whole or in part of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors as being due pursuant to Article 5 of the Act (Section 51281 et seq., Government Code), the contingency of such waiver or deferment of payments, and a legal description of the property. From the date of recording of such certificate the Contract shall be finally canceled, and to the extent the cancellation fee has not yet been paid or waived, a lien shall be created and attached against the real property described therein and any other real property owned by the person named therein as the owner and located within this County. Such lien shall be in favor of the County, shall have the force, effect and priority of a judgment lien and shall remain in effect until the unwaived portion of the cancellation fee is paid in full. Upon the payment of the cancellation fee or any portion thereof, the Clerk of the Board of Supervisors shall record with the County Recorder a written certificate of the release in whole or in part of said lien.

Section 12. DIVISION OF LAND - MINIMUM SIZE PARCELS. The Owner shall not divide the Premises contrary to the restrictions on the division of Premises as set forth in Exhibit "B" attached hereto.

Section 13. CONTRACT BINDS SUCCESSORS. The term "Owner" as used in this Contract shall include the singular and plural and this Contract shall be binding upon and inure to the benefit of all successors in interest of the Owner including but not limited to heirs, executors, administrators and assignees. In the event the land under this Contract or any portion thereof is divided, the Owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the Owner in the original Contract including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land or any portion thereof subject to this Contract shall not be imputed to the owners of the remaining parcels and shall have no effect on this Contract as it applies to the remaining parcels of the divided land.

Section 14. REMOVAL OF LAND FROM PRESERVE. Removal of any land under this Contract from an agricultural preserve, either by change

of boundaries of the preserve or disestablishment of the preserve shall be the equivalent of a notice of nonrenewal by the County; provided, however, that the County shall; at least 60 days prior to the next renewal date following the removal, serve a notice of nonrenewal as provided in Section 51245 of the Act (Government Code). Such notice of nonrenewal shall be recorded as provided in Section 51248 of the Act (Government Code).

Section 15. CONVEYANCE CONTRARY TO CONTRACT. Any conveyance, contract or authorization (whether oral or written) by the Owner or his successors in interest which would permit the use of the Premises or create a division of the Premises contrary to the terms of this Contract, or any renewal thereof may be declared void by the Board of Supervisors of the County; such declaration or the provisions of this Contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining a breach thereof.

Section 16. OWNER TO PROVIDE INFORMATION. The Owner, upon request of the County, shall provide information relating to the Owner's obligations under this Contract.

Section 17. NOTICE. Any notice given pursuant to this Contract may, in addition to any other method authorized by law, be given by United States mail, postage prepaid. Notice to the County shall be addressed as follows:

Clerk of the Board of Supervisors
Room 306 County Administration Center
1600 Pacific Highway
San Diego, California 92101

Notice to the Owner shall be addressed as follows:

Mr. and Mrs. William C. Barker

4395 Hawk Street

San Diego, CA 92103

the day first above written.

William C. Barker
William C. Barker
Florence D. Barker
Florence D. Barker

APPROVED AS TO FORM
ROBERT G. DERREY
County Counsel

By John M. Eury
Deputy

Owner

COUNTY OF SAN DIEGO

Clerk of the Board of Supervisors

NOTE: All signatures of owners must be acknowledged before a notary public or public officer authorized to take acknowledgments.

TO 447 CA (4-73)
(Individual)



TITLE INSURANCE
AND TRUST

ATICOR COMPANY

STATE OF CALIFORNIA

COUNTY OF San Diego } SS.

On September 25, 1974 before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Barker

Florence D. Barker, known to me

to be the person S whose name S subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Margaret A. Ellison

Margaret A. Ellison

Name (Typed or Printed)

(This area for official notarial seal)

The Northwest Quarter of the Southeast Quarter of Section 24,
Township 16 South, Range 2 East, San Bernardino Meridian,
in the County of San Diego, State of California..

This is to certify that the foregoing contract is hereby
executed on behalf of the Board of Supervisors of said
County of San Diego pursuant to authority conferred by
Policy I-38 of said Board adopted on June 25, 1974 (minute
item 116) and the County consents to recordation thereof
by its duly authorized officer..

Oct 19, 1974
Date

By R. J. PFLIMLIN
R. J. PFLIMLIN, Acting Director
Department of Real Property

EXHIBIT B

JAPATUL

Agricultural Preserve No. 36

Section 1. In the above named Agricultural Preserve only the following uses are permitted:

A. The following agricultural uses:

1. Agricultural crops.
2. Fruit trees, nut trees, vines and horticultural stock for producing trees, vines and other horticultural stock.
3. Flowers and vegetables.
4. The keeping of the following poultry and animals:
 - (a) Poultry, rabbits, chinchillas, hamsters, and other small animals.
 - (b) Horses as a private stable.
 - (c) Bovine animals, sheep, goats and swine as follows:
 - (1) On any premises having a net area of less than one and one-half ($1\frac{1}{2}$) acres there may be kept a maximum of two (2) of any one or combination of said animals.
 - (2) On any premises having a net area of more than one and one-half ($1\frac{1}{2}$) acres but not more than four (4) acres, there may be kept a maximum of eight (8) of any one or combination of said animals provided that the number of such animals shall not exceed one animal per half ($\frac{1}{2}$) acre of area.
 - (3) On any premises having a net area of more than four (4) acres such animals may be kept without limitation as to the number of animals.
5. Buildings and structures necessary and incidental to the agricultural use of the land.

B. The following compatible uses:

1. One-family dwellings incidental to the agricultural use of the land for the residence of the owner and his family or the lessee of the owner and the lessee's family. Owner or lessee shall be construed to include:
 - (a) Stockholders in a family corporation.
 - (b) Beneficiaries of family trusts and estates.
 - (c) Owners of individual interests in the fee.
2. The following accessory buildings and structures: Private garages, swimming pools, children's playhouses, radio and television receiving antennas, shops, offices, and other required for the conduct of the compatible uses as permitted by this section.
3. Guest houses for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises. A guest house shall have no kitchen facility and shall not be rented or otherwise used as a separate dwelling.
4. Home occupations. Home occupation means an occupation customarily conducted entirely within a dwelling by the occupant of the dwelling as a secondary use in connection with which there is no display, no stock in trade or commodity sold upon the premises, and no person employed.
5. Processing for market of crops raised on premises, or on other property owned or leased by the processor.
6. One stand for the display and sale of only those products produced on the premises, or on other property owned or leased by the vendor; provided that it does not exceed an area of two-hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway.
7. Farm employee housing, exclusive of trailer coaches and mobilehomes.
8. Farm labor camps, exclusive of trailer coaches and mobilehomes, on premises having a net area of not less than 10 acres.

9. The following signs:
- (a) One (1) unlighted sign not larger than twelve (12) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.
 - (b) One (1) sign not larger than twelve (12) square feet in area identifying and advertising products produced on the premises.
 - (c) One (1) sign not larger than four (4) square feet in area identifying the premises as being associated with a trade organization, or as producing products under a registered trade name.
 - (d) One (1) name plate not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.
10. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities, unless the Board of Supervisors makes a finding after notice and hearing that any or all such facilities are not a compatible use.
11. The following uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.
- (a) Packing or processing plants for farm crops.
 - (b) Aviaries.
 - (c) The following farm employee housing and farm labor camps:
 - (1) Farm employee housing containing one or more trailer coaches or mobilehomes.
 - (2) Farm labor camps containing one or more trailer coaches or mobilehomes.
 - (3) Farm labor camps on premises having a net area of 10 acres or less.
 - (d) Public stables.
 - (e) Kennels.

- (f) Chinchillas.
 - (g) Radio or television transmitter.
 - (h) Airport (landing strip).
 - (i) Livestock auction yard.
 - (j) Animal waste processing.
12. The establishment, widening, realignment or improvement of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan including any amendments thereto heretofore adopted by the Board of Supervisors.
13. The location and construction of any improvements specified in Section 51238 of the Government Code when located or constructed by a public agency or public utility, unless the Board of Supervisors makes a finding pursuant to said Section 51238 that such improvements are not compatible uses.
- C. The following recreational uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.
1. Use of land by the public, with or without charge, for any of the following:
- (a) Walking
 - (b) Hiking
 - (c) Picnicking
 - (d) Camping
 - (e) Swimming
 - (f) Boating
 - (g) Fishing
 - (h) Hunting
 - (i). Other outdoor games or sports for which facilities are provided for public participation.

Any fee charged for the recreational use of land as defined herein shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.

D. The use or maintenance of the land within said agricultural preserve in such a manner as to preserve its natural characteristics, beauty and openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife or for the solar evaporation of sea water in the course of salt production for commercial purposes is authorized and such use shall be defined as "Open Space Uses" if such land is within:

1. A scenic highway corridor, as defined in subdivision (i) of Section 51201, Government Code.
2. A wildlife habitat area, as defined in subdivision (j) of Section 51201, Government Code.
3. A saltpond, as defined in subdivision (k) of Section 51201, Government Code.
4. A managed wetland area, as defined in subdivision (l) of Section 51201, Government Code.
5. A submerged area, as defined in subdivision (m) of Section 51201, Government Code.

Section 2. Notwithstanding the provisions of Section 1, no dwelling, guest house, farm employee housing or farm labor camp shall be constructed, erected or maintained upon any premises containing an area of less than 600 acres; provided, however, one single family dwelling may be constructed and maintained on the premises subject to this Contract.

Section 3. Nothing herein shall be construed to authorize the establishment or continuation of a use of real property contrary in any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series) of the County of San Diego) including any amendments thereto, heretofore or hereafter adopted.

Section 4. The premises subject to this Contract shall not be divided so as to create a parcel of land having an area of less than 600 acres, provided that this restriction shall not be construed as prohibiting the owner of premises having an area of more than 600 acres (hereinafter referred to as the Grantor) from conveying to the owner of contiguous premises subject to a Contract of equal or longer unexpired term a parcel containing less than 600 acres for the purpose of enlarging such contiguous premises where the remainder of the Grantor's premises after such conveyance has an area of not less than 600 acres.

Section 5. "Area" means an area of land inclusive of that land within easements or rights of way for roads, streets and/or highways.

Section 6. Definitions. The definition of words set forth in The Zoning Ordinance of the County of San Diego shall apply to the words used herein unless otherwise specifically defined herein.

DATE ESTABLISHED APRIL 10, 1974 SIZE (acres) 4587 ±

- A.P. Boundary
- ZONING DISTRICT BDY
- ZONE BOUNDARY
- CLEVELAND NATL FOREST LANDS
- Major Road

Location. PORTION OF T16S,R2E AND T16S,R3E

SAN DIEGO COUNTY CALIFORNIA

1" = 4000'

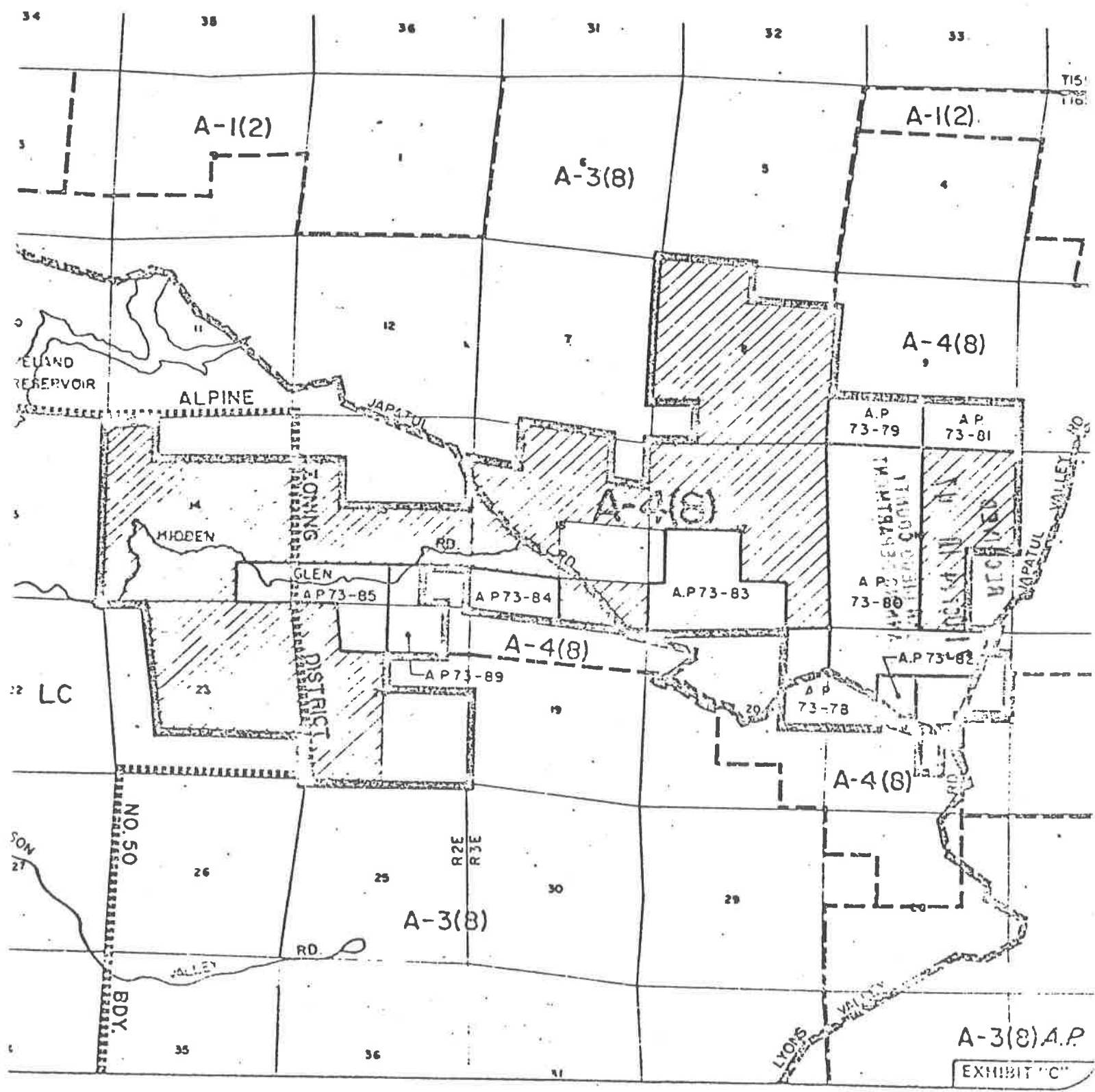
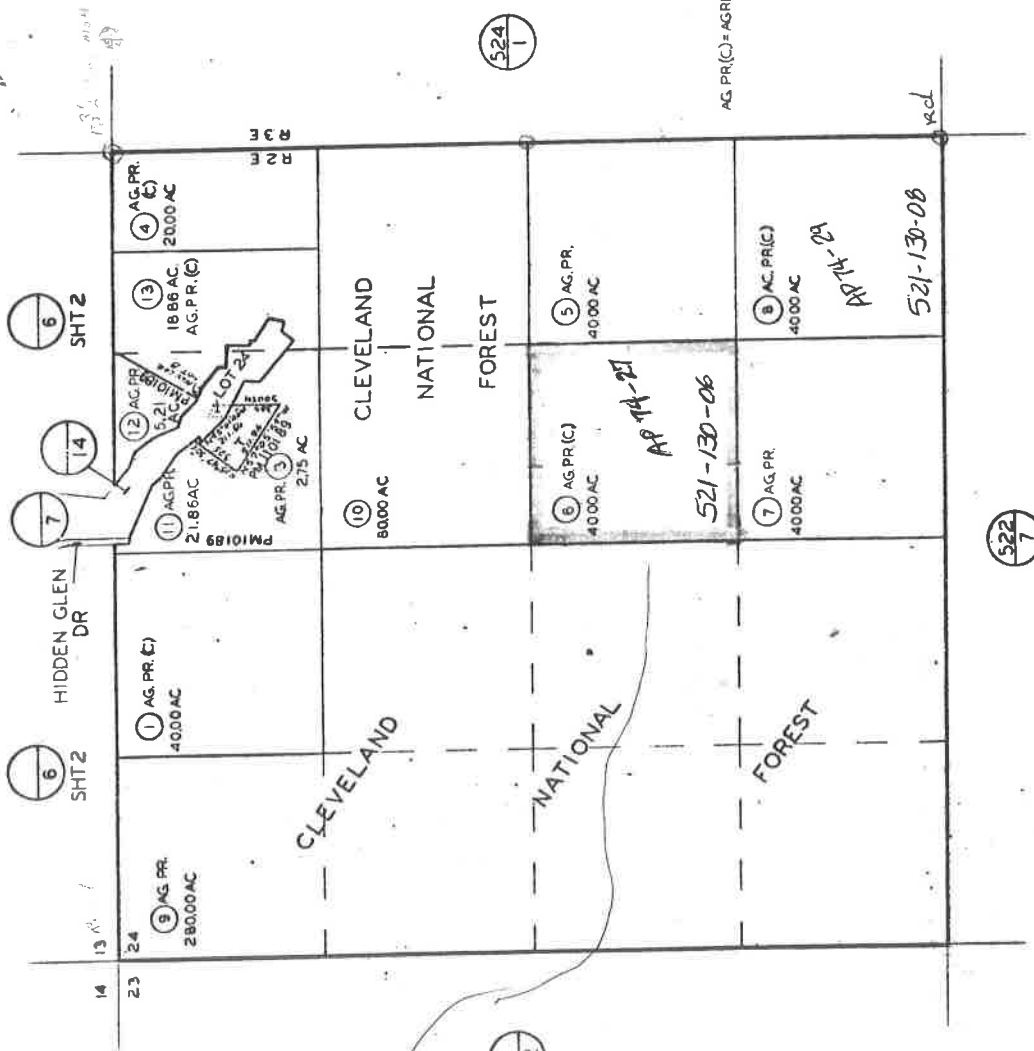


EXHIBIT "C"



2-16-82 RLS

CHANGES	
BLK OLD NEW/CUT	
9/10/75	11042 PA
2	11-13 7-33
13	AC 216 52 5796

While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon.

SEC 24-T16S-R2E-POR

RECORD OF SURVEY

OF THE NEAREST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24,
TOWNSHIP 16 SOUTH, RANGE 2 EAST, S.B.M., IN THE COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT
THEREOF.

LEGEND

- - INDICATES MONUMENT FOUND PER RECORD OF SURVEY 11006.
- - INDICATES SET 3/4" X 18" PIPE WITH PLASTIC PLUG STAMPED "LS 4785", UNLESS OTHERWISE NOTED.
- () - INDICATES RECORD DATA PER RECORD OF SURVEY 11006, UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 2 EAST, S.B.M. AS SHOWN ON RECORD OF SURVEY 11008; 18° N 00° 50' 08" E

"SAID BEARING AND THE BEARINGS SHOWN HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM 27 3000' 6. QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM."

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF JOHN WEST. IN NOVEMBER 1987.

Christel zum K.

ALAN R. DUBACK LS 4765
MY REGISTRATION EXPIRES MARCH 31, 1988

COUNTY ENGINEER'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION
1766 OF THE LAND SURVEYOR'S ACT THIS 3RD DAY OF DECEMBER
1947

BY: James R. Hall
COUNTY ENGINEER RCE 43884
LOUISIANA MAIL BOX 3493

RECORDED'S STATEMENT

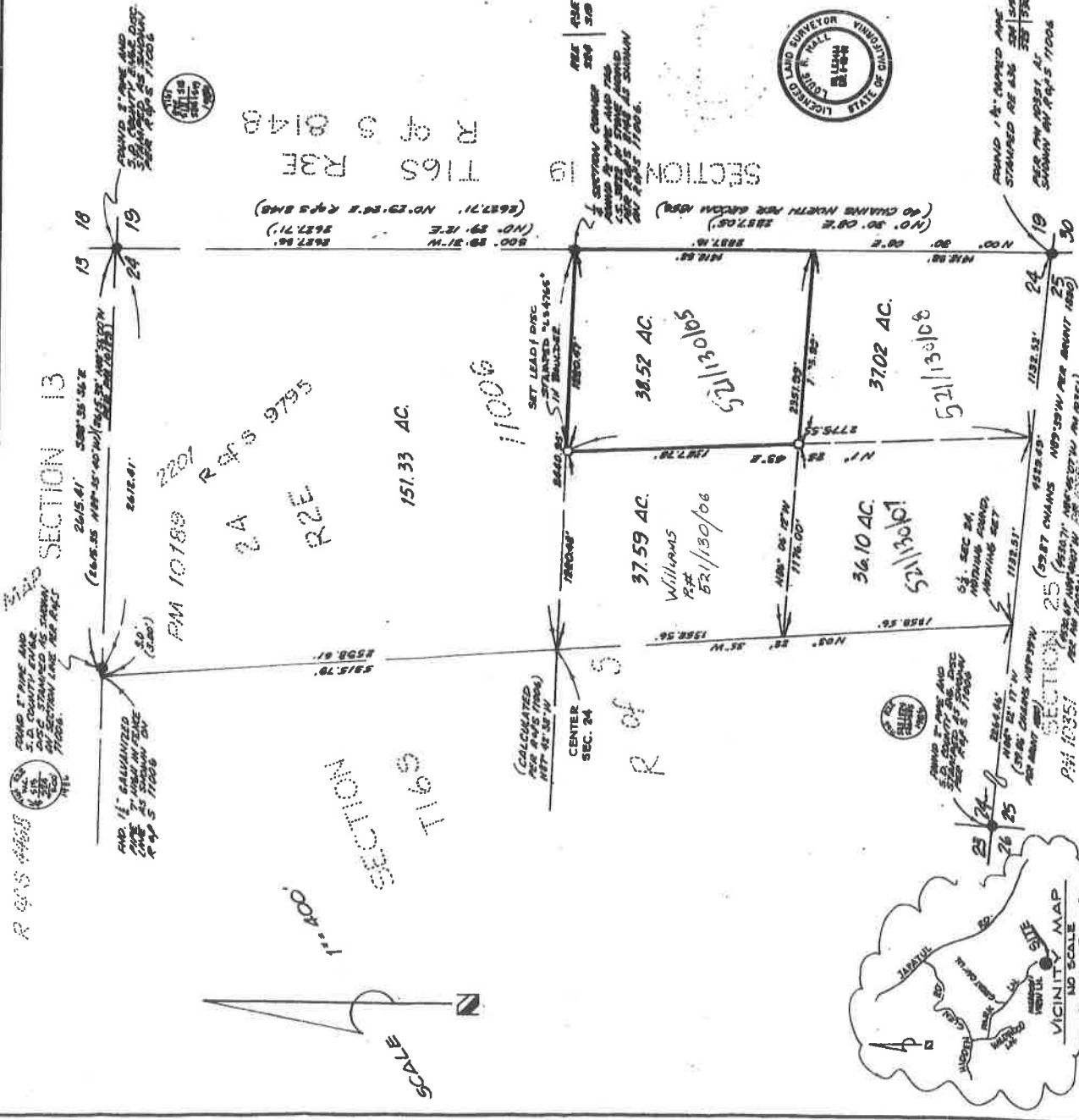
FILE NO. 87-1668424

FILED THIS 3 DAY OF DEC., 1987 AT 1:30 O'CLOCK P.M.
IN BOOK OF RECORD OF SURVEY MAPS AT PAGE 11338 AT
THE REQUEST OF ALAN B. OURBACK.

TERA L. LYLE
COUNTY RECORDER

BY Karen C. Lane
DEPUTY COUNTY RECORDER

FEE: \$5.00 \$1.00 M.G.



Н



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

January 18, 2008

To: J. Ramaiya, Environmental Planner III
Planning & Land Use

From: Blanca Pelowitz, Licensing Manager
License Division – Sheriff's Department

Subject: Case # P007-011 – High Glen Rd. Alpine

On October 29, 2007, the Sheriff's Department received a "Request for Agency Recommendation" for the proposed training facility located on parcel numbers 522-070-03, 521-130-06,07,08 known as the Covert Canyon Training Center.

This Department has been aware of the training facility since April of 2006 when the License Division received a copy of a range inspection, conducted by the Sheriff's Weapon Training Unit (WTU) on February 17, 2006. It is unclear why the WTU conducted the inspection since the License Division did not request it as part of an application for a license; the training facility in question did not have any pending or valid permits for the operation of a shooting range. Licensing Specialist, Jerry Quinlin contacted Marc Halcon on April 4, 2006 to investigate and advised Marc Halcon of the permit requirements with both the Department of Planning and Land for the MUP and Sheriff for the shooting range.

Throughout the last couple of years, this office has received several complaints on other existing shooting ranges; alleging direct impact to property or homes from rounds fired from these ranges. Follow-up inspections were found to be inconclusive and unable to determine if in-fact, these rounds are coming directly from the ranges. There are currently eight authorized shooting ranges licensed by the Sheriff and are operating in compliance with the zoning requirements and within permitted shooting areas regulated by the County Regulatory Shooting Regulation Ordinance §33.101 et al. The Sheriff is currently working with County Counsel to address several concerns with this particular ordinance and is under review. The current ordinance does not outline any specific regulations for shooting ranges nor does it define what a shooting range is in contrast to a military, law enforcement or other training facilities.

Other complaints include alleged armor piercing ammunition landing on private properties, ricocheting bullets as well as complaints from residents who have built their homes or chosen to live in areas where shooting is permitted knowing well there was a shooting range in the area.

Covert Canyon Project –Case #P007-011
January 18, 2008
Page 2

If DPLU is able to do so without resistance from NRA or gun enthusiasts, consideration and restrictions in the MUP should be given to the caliber of weapons used at these training facilities/shooting ranges. Gun enthusiasts no longer settle with the old traditional shotguns, rifles and handguns but prefer the 50 caliber high-powered assault rifles, machine guns or other modern weaponries. I would also like to point out that the current boundaries within the shooting regulation ordinance have been not been updated since 1990. Among other considerations, there are also concerns with encroachment protection issues as well as EPA, involving noise and lead management programs.

Our recommendation regarding the MUP for the proposed training facility is to require a mandatory and comprehensive impact study review. Have qualified engineers or inspectors provide professional input and expertise to ensure all the safety aspects of a training/shooting range are in place. If consideration is made to issue a MUP, we recommend Mr. Halcon be responsible in providing the County (Sheriff's Department and/or DPLU) with an "annual" inspection report from a qualified shooting range consultant/inspector to ensure the safety of the facility at his expense.

Thank you for your consideration.

Blanca Pelowitz

Blanca Pelowitz, Licensing Manager
Sheriff's License Division – Sheriff's Department

(858) 974-2822

H1

SIX BRUSH FIRES CAUSED BY SHOOTING FIREARMS IN EAST COUNTY; CAL FIRE ASKS BLM TO BAN SHOOTING DURING FIRE SEASON

[July 2012 Articles](#) | [Wildfire News](#) | [BLM](#) | [CAL FIRE](#) | [Dulzura](#) | [Otay](#) | [Otay fires](#) | [Otay Wilderness](#) | [Potrero](#) | [San Diego wildfires](#) | [shooting caused fires](#)

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By Miriam Raftery



Recent fire in Otay Wilderness area near East County homes

July 22, 2012 (San Diego's East County) – Revelations that six wildfires in the past six weeks have been caused by recreational shooting in East County has caused a firestorm of controversy.

Cal-Fire, joined by residents of Dulzura, Potrero and other areas bordering the Otay Wilderness area have asked the federal Bureau of Land Management to ban shooting on its properties within San Diego County for the duration of this year's expected severe fire season.

"We would like to institute prevention measures so that nobody's house burns down," Cal Fire Battalion Chief John Kremensky, who is assigned to the

Dulzura Battalion, told ECM. "We know that other federal agencies, like the U.S. Forest Service, have implemented temporary closure to shooting during this high wildfire danger time."

Chief Kremensky confirmed that six fires in or near the Otay Wilderness area, owned by the BLM, in the past six weeks or so have been caused by shooting of firearms. He said he could not recall any fires caused by shooting last year.

Kremensky sent a letter July 18 to the BLM. In his letter, Kremensky stated that he has

been contacted by local residents who claim they have contacted the BLM with their concerns, but received no responses. "I am asking BLM to impose a temporary no shooting ban within San Diego County during the remainder of the 2012 fire season as a means of prevention," Kremensky wrote, adding that a directive from Interior Department Secretary Ken Salazar makes clear such steps are "warranted to reduce the risks of new wildfires."

Clayton R. Howe at the BLM responded in a July 18 letter to Chief Kremensky. Howe said that since June 23, he has been implementing Fire Prevention Patrols to educating shooters on safety, educating 47 shooters over the July 4 weekend alone. In addition, he stated that he has proposed three possible prevention actions.

Those potential actions include closing BLM lands south of State Route 94 to shooting during fire season, putting up signs to inform people that the area is closed due to shooting abuses and fire danger, and locking additional gates to restrict access. (Some gates onto the BLM land have already been locked in recent years to keep vehicle traffic out of the Otay Wilderness area, though people on foot can circumvent the gates.)

The proposals have sparked passionate responses on both sides of the issue among community residents.

"The further closure of more and more public lands to the general public will do nothing to make a major dent in the fire problem," said Mitch Dashiell, a target shooter and retired Naval officer who owns a business selling sporting goods. "I greatly enjoyed the back country as a young adult and introduced my kids to it many year ago, on public lands. We never left anything but footprints. I want my grandkids to be able to enjoy it also without finding locked gates everywhere they go."

As an alternative to "heavy-handed" punishment of the public for the actions of a few individuals, he wants to see authorities punish those who violate the rules instead.

John Hyde, in a an online discussion post, suggested a middle ground. He wants to see a limit on "shooting non-metal jacketed bullets only, and no metal targets" or alternatively, "maybe just shotgun only, or maybe no guns without a hunting license" as well as a requirement for shooters to complete a fire arms safety course.

But resident Laura Cosby notes that there is a gun range at the end of nearby Marron Valley Road where target practice is safe. "Still these shooters feel a need to endanger lives and property to an already traumatized area....These shooters have no idea what it is like to go through two firestorms and to not know if your home is still standing for a week, or the long recovery process taken to get a neighborhood back on its feet both physically and emotionally."

Some residents have reported signs of target shooting at boards, possibly chemical packets with exploding ordnance. Cal Fire's Kremensky said he has received those reports, but is not certain if chemical packets caused the recent fires.

Robin Brailsford, a Dulzura artist and property owner, says she hears gunfire daily. "What does it cost to put out fires caused by people out there?" she asked, adding that she has found cigarette butts tossed on the ground—another fire hazard. She supports the proposed actions to limit shooting. "This is a very, very needed restriction."

She also wants to see all-terrain vehicles and motorized dirt bikes restricted during red flag alerts. "During the Harris Fire, there were people racing around to have fun before the fire got here." The BLM has limited ATVs to dirt roads, not dry brush, but Brailsford believes that is not enough to assure the safety of her community. She cited a critical need to protect homesteads, oak trees and the water supply.

Thus far, Cal Fire has managed to keep the shooting-caused fires to under 20 acres. But as the brush grows dryer and should firefighting resources be spread thin due to multiple fires, that could change.



Shells and signs of shooting amid blackened area on Marron Valley Road near to Brailsford's home

"Every time they put these fires out, it drains all the ponds. If we suck up all the water in July, there will be nothing left when we need it. We've been lucky six times this year," Brailsford concluded, asking how many times residents should be forced to rely on luck to protect their homes and lives.

"Twenty-five percent of my neighbors lost their homes to fire in 2007," she recalled. "We were evacuated for nine days and had no power for 30. The land was black from stem to stern, the community torn asunder. None of us will ever forget it. We are only now beginning to recover."

The fire survivor concluded, "Though disaster brings out the best of us all, let's be smart enough to not go there again, unless we have to."

Source URL (retrieved on 06/24/2014 - 23:55): <http://www.eastcountymagazine.org/six-brush-fires-caused-shooting-firearms-east-county-cal-fire-asks-blm-ban-shooting-during-fire-seas>



FIRE INVESTIGATION : DETERMINING HOW THE FIRE STARTED

Once it has been determined where the fire started, known as the Specific Point of Origin, utmost care is taken to ensure that this site is not disturbed until it has been comprehensively documented and photographed. Every single item – located both on the soil surface and below it – is recorded and eliminated as the possible cause of the fire.

There are approximately 18 recognised causes of wildfires, each of which is considered as the possible ignition source once the specific point of origin has been determined.

These are:

- Lightning: A common occurrence in specific areas
- Falling rocks: Some areas have rocks that cause sparks when struck against each other
- Self combustion
- Campfires (social / cooking / heating)
- Cigarettes
- Intended burning activities (prescribed operations)
- Incendiary (arson)
- Equipment use (chainsaws, vehicles overheating, etc.)
- Railroad (Steam trains, railway works)
- Children playing with matches
- Power lines (including trees falling against the power lines)
- Fireworks (mainly at specific times of the year, and in specific areas.)
- Cutting, welding and grinding: Normally alongside roads
- Firearms use: Usually at shooting ranges
- Blasting: Restricted to mining and development sites
- Structures (chimneys)
- Glass refraction/magnification
- Flare stack/pit fires (burning rubbish)

Working through the list, it is often easy to eliminate certain causes.

Some obvious examples include "Railroad" if there is no railroad in the vicinity, and "Glass refraction" if the fire started at 3 am.

Other causes are considered in conjunction with environmental conditions at the time of the ignition, such as temperature, relative humidity, and wind strength.

P.O. BOX 425
BERGVLIET
7864

TEL & FAX:
021 715 3915

CELL:
ROB ERASMUS
083 411 3378
PETRA KRANENBURG
082 7763 512

E-MAIL:
info@envirowildfire.co.za





CONTACT US

021 715 3915

083 411 3878

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shooting ranges and wildfire orig

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MacLean **shooting range** closed after **wildfire** | The Jamestown Sun ...
origin-www.jamestownsun.com/event/article/id/185101/

Apr 28, 2013 - BISMARCK, N.D. (AP) — A **wildfire** has closed the MacLean **shooting range** south of Bismarck.

Fire ignites at Basalt **Shooting Range** | PostIndependent.com

www.postindependent.com/article/20120805/VALLEYNEWS/120809953

Aug 5, 2012 - A **wildfire** broke out at the Basalt **Shooting Range** on Saturday and ... but discussions with witnesses and evidence at the **origin** ruled out the ...

Enviro **Wildfire** | FIRE INVESTIGATION : DETERMINING HOW THE ...

envirowildfire.co.za/fire-investigation-determining-how-the-fire-started/

There are approximately 18 recognised causes of **wildfires**, each of which is considered as the possible ignition source once the specific point of **origin** has been ... Firearms use: Usually at **shooting ranges**; Blasting: Restricted to mining and ...

Southern California brush fire in San Gabriel Canyon | **Wildfire Today**

wildfiretoday.com/.../southern-california-brush-fire-in-san-gabriel-canyon/

Sep 3, 2012 - The **origin** was between Camp Williams and the **shooting range** along East Fork Road in San Gabriel Canyon about 3.5 miles east of Highway ...

WCUT-RFC

www.wildcad.net/WCUT-RFC20137.htm

SNP 007, Aspen Springs, **Wildfire**, Point of **Origin** N 39,29,32.5 X 111,26,24.9 ...

Shooting Range, Wildfire, 3 miles South of Monroe, UTM: 4268942/397859 0.1 ...

San Diego **wildfires** | East County Magazine

www.eastcountymagazine.org/taxonomy/term/1367

6/21/14 22:46
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H 2

CHAPTER 1. SHOOTING REGULATIONS

EC. 33.101. NO SHOOTING NEAR HABITATION -- SHOOTING RANGES.

(a) Other than in defense of person it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives, at any place within the unincorporated territory of the County which is not a reasonably safe distance from all recreational areas, communities, roads or any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith.

(b) For purposes of this section, 150 yards or less is not a reasonably safe distance from any occupied dwelling house, residence or other building or any barn or other outbuilding used in connection therewith unless the person discharging the firearm or device is the owner, person in possession of the premises or a person having the express permission of the owner or person in possession of the premises.

Amended by Ord. No. 7826 (N.S.), effective 11-22-90; amended by Ord. No. 7834 (N.S.), effective 11-20-90; amended by Ord. No. 7942 (N.S.), effective 8-22-91; amended by Ord. No. 10122 (N.S.), effective 3-10-11; amended by Ord. No. 10197 (N.S.), effective 2-24-12; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

EC. 33.101.1. [RESERVED.]

Sec. 33.101.1 added by Ord. No. 7826 (N.S.), effective 11-22-90 and repealed by Ord. No. 7834 (N.S.), effective 11-20-90)

EC. 33.101.5. NO SHOOTING -- PERIODS OF HIGH FIRE HAZARD.

(a) Other than in defense of person, it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives during any period in which a "high fire hazard" has been declared by the California Department of Forestry. The prohibitions of this section shall commence upon the declaration of a "high fire hazard" by the California Department of Forestry and shall continue until noon of the day following the final day of the "high fire hazard" period as specified in said declaration. Information as to whether or not a "high fire hazard" has been declared shall be made available to the public from the Office of Disaster Preparedness.

(b) This section shall not be applicable to the following:

(1) Persons discharging firearms or devices on and pursuant to the safety regulations of a shooting range established and operated pursuant to a permit issued by the Sheriff.

(2) Persons discharging firearms or devices who are the owner, person in possession of the property upon which the firearms or devices are being discharged or a person having the express permission of the owner or person in possession of the property upon which the firearms or devices are being discharged provided that any areas in which any firearms or devices are being discharged or areas in which ammunition impacts occur are cleared in such a manner as to prevent igniting any brush or flammable materials.

(3) Persons involved in the legal pursuit of game.

(4) Persons discharging firearms or devices pursuant to a permit issued by the State of California pursuant to Fish and Game Code section 4181.

(5) Persons discharging firearms or devices in defense or for the protection of livestock, domesticated animals or property under circumstances in which Fish and Game Code section 4181 is not applicable.

Sec. 33.101.5 added by Ord. No. 7826 (N.S.), effective 11-22-90, and repealed by Ord. No. 7834 (N.S.), effective 11-20-90; added by Ord. No. 7942 (N.S.), effective 8-22-91)

State law reference(s)—Permits, Fish and Game Code, § 4181.

EC. 33.102. FIREARMS PROHIBITED ON TRAILS.

It is unlawful for any person to carry or possess or discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives on or from any portion of any riders' and hikers' trail within the County which is bounded on both sides by privately-owned real property. riders' and hikers' trail as used in this chapter refers to any trail established under Article 6 of

EC 32116 NO SHOOTING NEAR HABITATION -- SHOOTING RANGES

[illegible]

(b) For purposes of this section, 150 yards or less is not a reasonably safe distance from any occupied dwelling house, transient camp, or other building or any part or other outbuilding used in connection therewith unless the person declaring the firearm to be a threat to the person or persons in possession of the premises or a person having the express permission of the owner or person in possession of the premises to enter the premises is a person in possession of the premises.

24-42, amended by Ord. No. 10313 (N.S.), effective 3-5- (4)
M2 (N.S.), effective 8-22-91, amended by Ord. No. 10122 (N.S.), effective 1-30-91, amended by Ord. No. 10197 (N.S.), effective
/amended by Ord. No. 7835 (N.S.), effective 11-15-90, amended by Ord. No. 7834 (N.S.), effective 11-30-90, amended by Ord. No.

ALL RIGHTS RESERVED

09-05-11 submitted by (S) 1837 and 09-05-11 effective (S) 1837

ALL DAY LONG TO RECORD - SHOOTING ON 10/11/61

[illegible]

(b) This section shall not be applicable to the following:

(1) For any fixed $\epsilon > 0$, there exists a constant $C(\epsilon)$ such that for any $n \geq 1$ and any $\lambda \in \mathbb{R}$, we have

(3) Persons (including minors or deviants who are the owner, person in possession of the property upon which the hearing is being conducted or a person having the express permission of the owner or person in possession of the property upon which the hearing is being conducted) provided that any person or persons on whom the hearing is being conducted or with the hearing is being conducted are being disciplined or punished in a manner that is not in violation of the laws of the State of Illinois.

(3) Persons affected in the local course of events

(3) *Historical distinguishing features or devices pertinent to the State of California* pursuant to said and (1) and (2) above.

(2) Persons displaying firearms or weapons in violation of the provisions of the law, shall be considered as persons displaying firearms or weapons in violation of the law.

EXHIBIT 13

EXHIBIT 13

ALL RIGHTS RESERVED

It is unlawful for any person to cause, or possess or discharge any firearm, revolver, pistol, rifle or any other firearm or device, or to use or attempt to use any firearm or device, or to use or attempt to use any explosive or incendiary or poison gas, in any crime, and others, that within the County which is prohibited in both laws.

EC. 33.103. NO SHOOTING NEAR STOCK WATERING HOLES.

It shall be unlawful for any person in the unincorporated territory of the County to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives within a radius of 1,500 feet of any established stock watering hole or place, whether unenclosed, or enclosed by fence belonging to, or occupied by, another, where signs forbidding trespass are displayed approximately 2,400 feet apart at a distance of approximately 1,500 feet from the watering hole or place, without having first obtained written permission from the owner of such land or the person in lawful possession of such land where said stock watering hole or place is located.

EC. 33.104. DISCHARGE OF FIREARMS PROHIBITED.

Other than in the defense of person or property, it shall be unlawful for any person to shoot, fire or discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged by explosives, or air gun or air rifle in any portion of the unincorporated territory of the County within that portion of the County of San Diego described as follows: (All references to sections, townships and ranges are based on the San Bernardino Base and Meridian):

ARCEL N-1--FALLBROOK, OCEANSIDE, VISTA AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San Diego described as follows:

That portion of said County of San Diego lying easterly of the easterly boundary line of Camp Joseph H. Pendleton Marine Corps Reservation, and lying southerly, westerly and northerly of the following described line: Beginning at a point on the easterly boundary of said Marine Corps Reservation, said point being 600 feet northerly of the intersection of the westerly prolongation of the center line of Dougherty Street in Fallbrook, with said easterly boundary of the Marine Corps Reservation, thence easterly in a straight line parallel with and 600 feet northerly of the center line of Dougherty Street and its easterly extension of the center line of Dougherty Street its easterly extension to a point 600 feet northerly of the intersection of Santa Margarita Drive and Mission Road (County Road S-13); thence easterly along a line that is 600 feet northerly and parallel with Mission Road (County Road S-13); to a point that is 600 feet easterly of the northerly prolongation of the center line of Gird Road, said last described point being designated herein as "Point A"; thence southerly along a line that is 600 feet easterly and parallel with the center line of Gird Road to a point 600 feet southerly of the intersection of Gird Road and Reche Road; thence northwesterly along a line that is 600 feet southerly and parallel with the center line of Reche Road to a point that is 600 feet southeasterly of the intersection of Reche Road and Green Canyon Road; thence southerly along a line that is 600 feet easterly, northerly and southerly parallel with Green Canyon Road, Green Briar Circle and Green Canyon Road to an intersection with a line that is 600 feet southeasterly of and parallel to Green Canyon Road and Mission Road (County Road S-13); thence southerly along a line that is 600 feet easterly and parallel with Mission Road (County Road S-13) to a point that is 600 feet easterly of the intersection of Mission Road (County Road S-13) and California State Highway 76; thence southerly along a line that is 600 feet easterly and parallel with said State Highway 76 to a point that is 600 feet northerly of the intersection of said State Highway and North River Road; thence east in a straight line to a point that is 600 feet (measured along the center line of Old River Road) northerly of the intersection of Old River Road and Gopher Canyon Road; thence easterly and southerly along a line that is 600 feet northerly and parallel with the center of Gopher Canyon Road to a point 600 feet easterly of the intersection of Gopher Canyon Road and Ormsby Street; thence southwesterly along a line that is 600 feet southeasterly and parallel with the centerline of Ormsby Street to a point that is 600 feet southeasterly of the intersection of Ormsby Street and East Vista Way (County Road S-13); thence southerly along a line that is 600 feet easterly and parallel with the center line of East Vista Way (County Road S-13); to an intersection with the easterly boundary of the City of Vista (as said city boundary existed on June 1, 1967); thence southerly and westerly along said city boundary to a point that is 600 feet north of the intersection of said city boundary and Foothill Drive and designated herein as "Point B"; thence southwesterly in a straight line to the intersection of the southeasterly line of the aforementioned Marine Corps Base and the Pacific Ocean.

TOGETHER WITH:

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San Diego described as follows:

Beginning at the intersection of the North-South center line of Section 4, Township 11 South, Range 3 West, S.B.M. with a point 600 feet southerly of the centerline of Gopher Canyon Road; thence Southerly along said North-South centerline and along the North-South center line of Section 9 of said Township and Range to the Center of said Section 9; thence Westerly along the East-West center line of said Section 9 and along the East-West center line of Section 8 of said Township and Range to the intersection of said East-West

northeasterly on a line 600 feet southeasterly of and parallel to said centerline of Ormsby Street to a point 600 feet Southwesterly of the center line of Gopher Canyon Road; thence along a line 600 feet southerly of and parallel with said center line of Gopher Canyon Road to the POINT OF BEGINNING.

ARCEL N-2--VISTA, SAN MARCOS AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San Diego described as follows:

That portion of said County of San Diego lying southerly and easterly of the boundary of the City of Vista (as said city boundary existed on June 1, 1967) and lying southerly, westerly and northeasterly of the following described line: Beginning at a point on the westerly boundary of the City of Vista, said point being 600 feet north of the intersection of said boundary and the center line of Foothill Drive being also designated as "Point B" in Parcel N-1; thence easterly and southerly along a line that is 600 feet northerly and westerly of and parallel with the center line of Foothill Drive to a point that is 600 feet northerly of the intersection of Foothill Drive and Monte Vista Drive; thence easterly and southeasterly along a line that is 600 feet northerly and easterly of and parallel with the center line of Monte Vista Drive to a point that is 600 feet southeasterly of the intersection of Monte Vista Drive and Buena Creek Road; thence southwesterly and southerly along a line that is 600 feet southeasterly and easterly of and parallel with the center line of Buena Creek Road to a point that is 600 feet easterly of the intersection of Buena Creek Road and South Santa Fe Avenue; thence southerly along a line that is 600 feet easterly of a parallel with the center line of South Santa Fe Avenue to the westerly boundary of the City of San Marcos (as said city boundary existed on June 1, 1967); thence southwesterly along said city boundary to a point that is 600 feet southwesterly of the southwesterly right-of-way line of the State Highway Route 78; thence from said point northwesterly along a line that is 600 feet southwesterly of and parallel with the southwesterly right-of-way line of said State Highway Route 78 to the southerly boundary of the City of Vista (as said city boundary existed on June 1, 1967).

TOGETHER WITH:

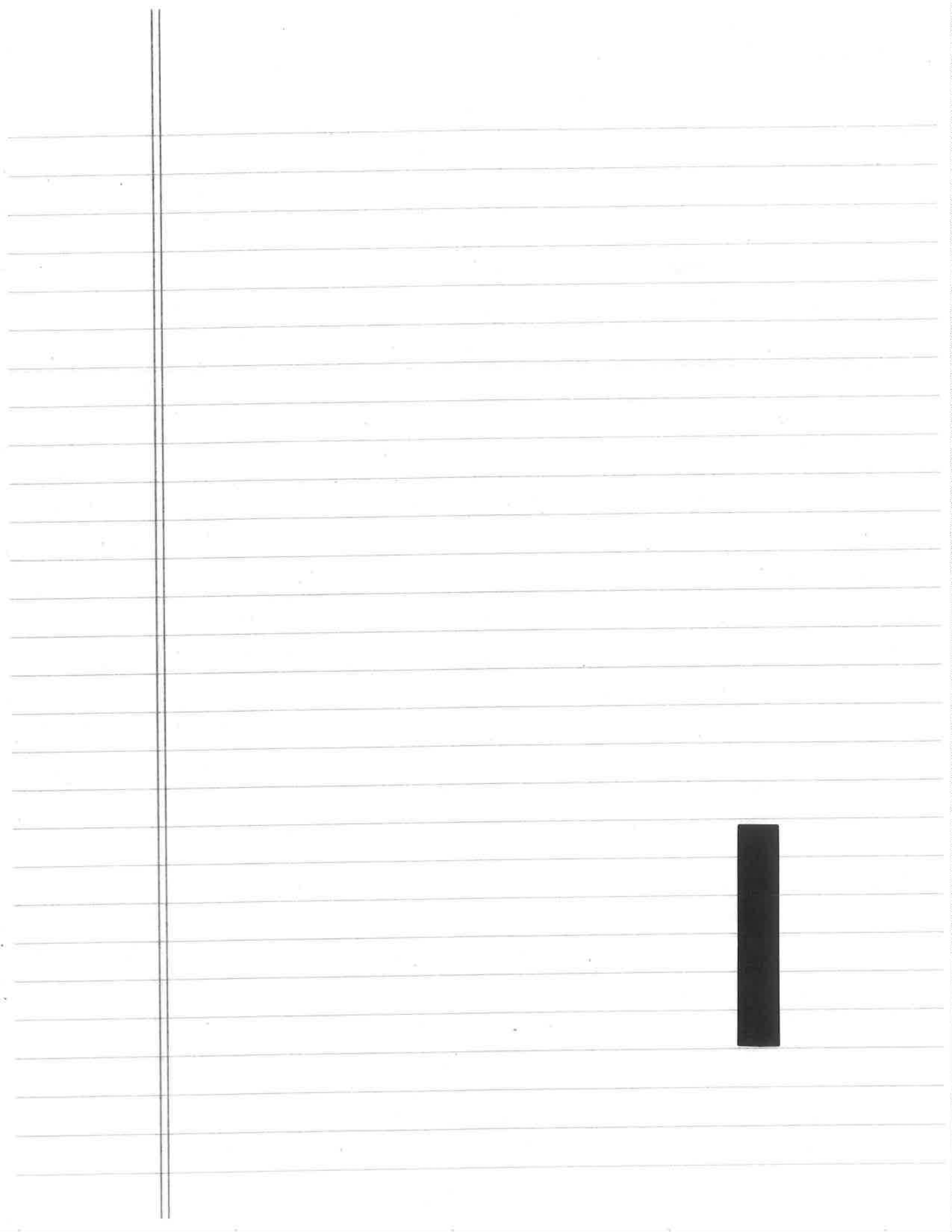
All that unincorporated territory within the County of San Diego, State of California, lying within that portion of said County of San Diego described as follows:

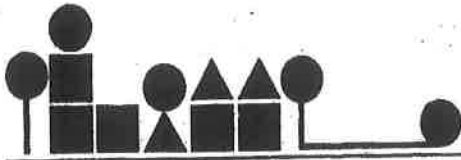
Beginning at the intersection of the centerline of South Santa Fe Avenue and the Westerly Boundary of the City of San Marcos; thence northeasterly; easterly, northeasterly along the westerly and northerly lines of the City of San Marcos to the intersection of the center line of Twin Oaks Valley Road and the northerly boundary of the City of San Marcos; thence northwesterly in a straight line to the intersection of the center line of Grandview Road and easterly boundary of the City of Vista; thence southerly along the easterly boundary lines of the City of Vista to a point being 600 feet North of the intersection of the Easterly Boundary of the City of Vista and the centerline of Foothill Drive; thence easterly and southerly along a line that is 600 feet northerly and easterly of and parallel with the center line of Foothill Drive to a point that is 600 feet Northerly of the intersection of Foothill Drive and Monte Vista Drive; thence westerly and Southeasterly along a line that is 600 feet Northerly and Easterly of and parallel with the center line of Monte Vista Drive to a point that is 600 feet Southeasterly of the intersection of Monte Vista Drive and Buena Creek Road; thence southwesterly and southerly along a line that is 600 feet southeasterly and easterly of and parallel with the centerline of Buena Creek Road to a point is 600 feet Easterly of the intersection of Buena Creek Road and South Santa Fe Avenue; thence Southerly along a line that is 600 feet westerly of a parallel with the center line of South Santa Fe Avenue to the westerly boundary of the City of San Marcos (as said city boundary existed on June 1, 1967); the TRUE POINT OF BEGINNING.

ARCEL N-3--CARLSBAD, ENCINITAS, RANCHO SANTA FE AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San Diego described as follows:

That portion of said County of San Diego lying southerly and easterly of the boundary of the City of Carlsbad (as said city boundary existed on June 1, 1967) and lying westerly, southerly and northerly of the following described line: Beginning at a point that lies 600 feet northeasterly of the intersection of said city boundary and El Camino Real (County Road S-11); thence from said point southerly along a line that is parallel with and 600 feet easterly of the center line of said El Camino Real (County Road S-11) to a point 600 feet northerly of Encinitas Blvd. (County Road S-9); thence from said point easterly and southerly along a line that is parallel with and 600 feet northerly and easterly of the center line of Encinitas Blvd. (County Road S-9) to a point 600 feet northwesterly of Rancho Santa Fe Road (County Road S-10); thence northerly along a line that is parallel with and 600 feet westerly of the center line of said Rancho Santa Fe Road (County Road S-10) to a point 600 feet northerly of El Camino Del Norte; thence easterly along a line that is parallel with and 600 feet northerly of the center line of El Camino Del Norte to a point 600 feet easterly of its intersection with Paseo Delicias; thence southerly along a line that is parallel with and 600 feet easterly of the center line of Paseo Delicias to a point 600 feet northerly of the intersection of Paseo Delicias and Del Dios Highway (County Road S-6); thence easterly along a line that is parallel





COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

DATE: May 28, 2010

TO: Planning Commission

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

SUMMARY:

Overview

The applicant requests a Major Use Permit and Williamson Act Agricultural Contract Cancellation to establish and operate a weapons training facility for law enforcement and military groups that includes live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group, within unincorporated San Diego County. The Department of Planning and Land Use recommends that the project be denied because necessary infrastructure and fire protection services are not available to serve the property. Thus, the proposal does not comply with the Public Facility Element of the County General Plan, the Alpine Community Plan, State and County Fire Codes, and Board of Supervisors Policy I-84.

Recommendation

DEPARTMENT OF PLANNING AND LAND USE
Deny MUP 07-011 for the reasons explained in Attachments B.

Fiscal Impact

NA

Business Impact Statement

NA

Advisory Board Statement

NA

Involved Parties

Marc Halcon Covert Canyon LLC;
See Ownership Disclosure in Attachment D

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011,
ALPINE COMMUNITY PLANNING AREA [District 2]

BACKGROUND:

Project Description: The project is a request for a Major Use Permit and Agricultural Contract Cancellation to operate a weapons training facility for law enforcement and military groups that includes live fire training activities for local and national security purposes. The project would consist of the following: The relocation of two existing small arms ranges (Small Caliber Automatic Weapons, Pistols, and Shotguns), one 10 to 600 yard variable long rifle range, a 1600 sq/ft urban warfare training house, a 960 sq/ft simulated ship training structure, seven 8'X40' storage units (2,240 sq/ft), a nighttime training and special operations area, an 800 sq/ft repelling and training tower 45 feet in height, a trailer coach for a caretaker's residence, an 800 sq/ft office/training room including bathroom and shower, and a 2320 sq/ft maintenance shop/garage.

The site contains an existing single-family residence, an unpermitted guest living quarters, out buildings, garage, and a storage unit that would be retained. The project would be served by on-site septic systems and groundwater. The earthwork will consist of approximately 5,000 cubic yards of cut and fill on and offsite. The site is subject to the General Plan Regional Category 1.4 RDA (Rural Development Area) and 1.6 ECA (Environmental Constrained Areas), Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks). Zoning for the site is A72 (General Agricultural). The property is zoned A72 which permits the proposed project as a Major Impact Service and Utility through issuance of a Major Use Permit pursuant to Zoning Ordinance Section 2725.b.

Agricultural Preserve: The proposed project involves a request to cancel the Agricultural (Williamson Act) Contract for parcel 531-130-08 (AP74-29). The applicant is required to apply for a Williamson Act Contract Cancellation to ensure that the proposed use would be consistent with the existing Agriculture Preserve #36 and terms of the contract. The proposed Major Use Permit could not be approved on if the Williamsons Act Contract cancellation is not approved by the Board of Supervisors. Only the Board of Supervisors is authorized to approve a cancellation of the Williamson Act Contract. That component of the proposed project is not under the purview of the Planning Commission. The applicant also filed a notice of nonrenewal of the Williamson Act Contract per Gov. Code section 51245. Under the nonrenewal process, the contract would remain in effect for the balance of the period remaining since the last automatic renewal of the contract (nine years).

Portions of the project site (APN#s 531-130-05, -07, and -08) are within Agricultural Preserve #36 and has a Special Area Regulation Designator "A" denoting the overlay of the Agricultural Preserve. The County has required the applicant to apply for an alteration to the Boundaries of an Agricultural Preserve to remove the parcels subject to the MUP Application from the Agricultural Preserve #36, and a Rezone application to remove the associated "A" Special Area Regulation Designator. The rezone and boundary alteration is required because the proposed use would be incompatible with the existing Agricultural Preserve #36. The County would not require the applicant to continue with the Agricultural Preserve alteration and rezone if the MUP application were denied by the Planning Commission because the existing residential use is compatible with the terms of the Williamson Act Contract and Agricultural Preserve.

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General Road and Site conditions: The project site is accessed via an unimproved, private dirt road, High Glen Road, which varies between 12 and 14 feet in width with portions that exceed 20 percent grade. High Glen Road connects to Japatul Road, which is located approximately 10,560 feet (2 miles) south of the subject property. The first mile of High Glen Road is a private access road that serves both the project site and other residences. After the first mile, High Glen Road becomes a national forest road. A special use permit has been granted by the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. Two gates are located along High Glen Road, and they delineate the boundaries of the Cleveland National Forest. There is no secondary point of access to the project site. Furthermore, the site has a high susceptibility to fire because it is surrounded by National Forest that has not burnt since 1970 (See Fire Attachment A Fire History Map). According to the applicant's Fire Protection Plan, the high fuel load combined with the potential to have flame length of up to 96 feet, make the site subject to a high level of fire hazard.

PROJECT ISSUES:

1. Inconsistent with State and County Fire Regulations:

The project site is located within the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) for Wildland fire protection, and the San Diego Rural Fire Protection District (SDRFPD) for structural fire protection. Therefore, the project was initially subject to both the State Responsibility Area Fire Safe Regulations, 14 CCR 1270 et. seq., and the County of San Diego Consolidated Fire Code. On March 4, 2010, the State Board of Forestry and Fire Protection certified the County Consolidated Fire Code that was approved on November 13, 2009. The certification of the Consolidated Code means that it supersedes the SRA Fire Safe Regulations because the County Consolidated Code is equal to or more stringent than the SRA Fire Safe Regulations. Consequently, the project is now subject only to the Consolidated Fire Code. The SRA Fire Safe Regulations no longer apply.

However, before the State certified the Consolidated Fire Code, the project was reviewed for compliance with both the County Consolidated Fire Code and the State Responsibility Area Fire Safe Regulations. The project fails to meet several of the fire code regulations pertaining to the access road as explained below.

Road Dimensions: §96.1.503.2.1 and 14 CCR 1273.01

The primary access to the site is provided by High Glen Road, which is a 12-14 foot wide unimproved private road that does not comply with the SRA Fire Safe Regulations requirement for an 18-foot wide road or the Consolidated Fire Code requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the road to fire code standards or to provide necessary fuel modification zones along the roadway.

The substandard road width would not allow simultaneous firefighter ingress and civilian evacuation. The primary access is also restricted by two gates, which are secured by padlocks and can only be manually opened by key. There is no assurance that all users of

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011,
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the proposed facility would possess keys to open the gates. The gates would need to comply with §96.1.506 of the County Consolidated Code, which requires that the gates have the capability to automatically open when emergency apparatus approaches.

Dead End Road Lengths: §96.1.503.1.2 and 14 CCR 1273.09

The State Responsibility Area (SRA) Fire Safe Regulations in California Code of Regulations, Title 14, section 1270 et seq. and the County Consolidated Fire Code both establish maximum dead-end road lengths based upon the zoning of properties served by the road. The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations and the Consolidated Fire Code limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres to 2,640 feet. The subject property, and all properties which the access road crosses, are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard.

Road Gradient: §96.1.503.2.7 and 14 CCR 1273.03

The primary access road to the project site High Glen Road exceeds 20 percent grade in many locations. The County Consolidated Code does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forrest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forrest Service to make the necessary improvements to reduce the road gradient to below 20%. Therefore, the proposed access road does not comply with the roadway gradient requirements in the County Consolidated Code and the SRA Fire Safe Regulations.

Road Surface: §96.1.503.2.3 and 14 CCR 1273.02

The County Consolidated Code requires that the 10,560 foot (2 miles) primary access road be designed to support fire apparatus of not less than 50,000 pounds and must have an approved paved surface for all weather driving capabilities. The applicant objects to the substantial cost of paving a 2-mile, 24-foot wide road. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

Modification and Exception to Standards: §96.1.APP.104.8 and 14 CCR 1270.07

The applicant requested an exception from the standards in the SRA Fire Safe Regulations. The exception was requested because the project exceeds maximum dead-end length standards as indicated above (2,640 feet).

14 CCR 1270.07: An "exception" from the SRA Fire Safe Regulations, requires a determination that measures to be provided will accomplish the "same overall practical effect" of complying with the regulations toward providing defensible space.

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The County Fire Marshal could not approve the exception because the proposed mitigation (shelter-in-place) is not an alternative for a primary access road that fails to meet Fire Code standards in more ways than just maximum dead-end length. Thus, the County Fire Marshal could not make the finding of "Same Overall Practical Effect." The applicant appealed this determination to the Regional Fire Appeals Board. The Appeals Board could not find that the proposed mitigation would provide an overall "Same Practical Effect" as a secondary access and a primary access that meets the Fire Code standards.

When the applicant requested the exception, the project was subject to both the State Responsibility Area Fire Safe Regulations, 14 CCR 1270 et. seq., and the County of San Diego Consolidated Fire Code, which became effective on November 13, 2009. On March 4, 2010, the State Board of Forestry and Fire Protection certified the County Consolidated Fire Code, which was after the Fire Appeals Board Hearing. The certification of the Consolidated Code is important because the SRA Fire Safe Regulations are superseded by the new County Consolidated Code.

The Consolidated Fire Code allows for modifications to the code requirements if certain findings can be made. The modification provision is as follows:

Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reasons make the strict letter of this code impracticable and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements.

Here, the Fire Code Official would be the Fire Chief of San Diego Rural Fire Protection District. To date, the project applicant has not requested a modification from the Fire Protection District. However, as noted above, the Department of Planning and Land Use and the Regional Fire Appeals Board found that the applicant's request for an exception to the SRA standards could not be supported because the primary access road is substantially inconsistent with the standards for road width, dead-end road length, gradient, and surface treatment.

2. **General Plan Public Facilities Element (Travel Time):** The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met.

Policy 1.2: The County will ensure the availability of adequate fire and emergency service facilities in the review of discretionary land development applications, and require appropriate fire prevention and protection measures.

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***Implementation Measure 1.2.2:** Require, as a basis of approval, a finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects. The finding of sufficient fire protection and emergency service facilities will be based on the provisions of Objective One (1) and the requirements and information from the responsible fire agency.*

In applying the provisions of Objective One (1), the proposed land uses and the smallest proposed residential lot will be used to determine the appropriate emergency travel time for each project proposal. If the appropriate emergency travel time cannot be met for a proposed project, the discretionary project will be denied unless sufficient mitigation measures are included as a basis of approval based on the recommendations of the Director and the responsible agency providing fire protection.

The finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects, cannot be made. The responsible fire agency, the San Diego Rural Fire Protection District, does not support the project due to the inadequate primary access. The District has indicated that Fire Service is not available. Additionally, under Implementation Measure 1.2.2 stated above, the applicable maximum travel time is 20 minutes. The project does not meet this standard. The nearest fire station is located off Dehesa Road approximately 22.52 minutes from the project site (See Attachment D for Fire Service Documentation).

3. **Board of Supervisors Policy I-84:** The applicant is unable to obtain or provide the required Fire Service Availability form from the San Diego Rural Fire Protection District because of the inability to provide adequate primary access to the proposed project site. The failure to obtain Fire Service Availability and the required conditions and mitigations measures does not comply with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services).
4. **Alpine Community Plan:** The proposed project does not comply with the Alpine Community Plan (Part XI) because the proposed project cannot obtain an acceptable level of fire protection, because the primary vehicular access for fire protection services does not meet the required road standards as stated in the following policies:

Policy 8.3: Direct the appropriate County agency to require an acceptable level of fire protection for all approved development through appropriate discretionary permit process.

Policy 8.9: The County will encourage the commitment of new development to road standards, which allow clear visibility and adequate vehicular access.

The applicant is unable to obtain or provide the required Fire Service Availability from the San Diego Rural Fire Protection District because of the lack of adequate primary access to the proposed project site. The applicant has not demonstrated compliance with

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011,
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the required road width, length or gradient standards in the County Consolidated Fire Code and the State Fire Code (See Project Issue one above). For these reasons listed, the project does not comply with the Alpine Community Plan (Part XI) Safety Plan Policies.

WAIVERS AND EXCEPTIONS:

NA

ENVIRONMENTAL STATUS:

The environmental review for the proposed project has not been completed. The denial of a project is exempt from the California Environmental Quality Act (CEQA) based upon Section 15270(a), projects which are disapproved. Should the Planning Commission decide not to deny the application, the project must be returned to staff for further processing in accordance with CEQA.

PREVIOUS ACTIONS:

On February 17, 2010, the Regional Fire Appeals Board conducted a public hearing on the requirements of the Consolidated Fire Code, and the SRA Fire Safe Regulations, relating to Major Use Permit 07-011. The Board denied the appeal (0-5-0-0) for the following reasons: deficient primary access, four times dead-end road limit, shelter-in-place not an alternative for compliant primary access, and same practical effect cannot be found (See Attachment C for Minutes).

ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:

The following three types of activities have been undertaken on the project site without the appropriate permits:

1. *Illegal Use of the Land:* The property owner was issued a Notice to Cease Illegal Activity by County Code Enforcement for operating a training facility for military, law enforcement, security, and intelligence personal. This notice included ceasing all activities relating to combat related training and shooting of all types except that allowed by right pursuant to the County Shooting Regulations §33.101 et. seq.
2. *Unpermitted Grading and Clearing:* Three areas of illegal grading have occurred. The previous owner illegally extended the existing landing strip about 190 feet into US Forrest Service Land of the Cleveland National Forrest. The current property owner stockpiled and graded a fire range backstop within the previously graded Forrest Service area and two pistol ranges within his property. Only one corrective action has been pursued to correct two of the three violations. Revegetation plan LRP 09-001 was approved to authorize the revegetation of the impacted Forest Service areas once the soil is relocated back onto the applicant's land. The unpermitted grading for the pistol ranges still needs to be resolved.
3. *Unpermitted Structures:* An unpermitted 800 sq/ft guest living quarters and a trailer coach that is currently being used as a caretaker's residence.

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SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011,
ALPINE COMMUNITY PLANNING AREA [District 2]

PUBLIC INPUT:

The Alpine Community Planning Group has not taken any action on this Major Use Permit Application.

DEPARTMENT REASONS FOR RECOMMENDATION:

1. The project would not be consistent with the General Plan Public Facilities Element Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met. The project does not meet the required 20 minute emergency response travel time. The responsible fire agency, the San Diego Rural Fire Protection District, cannot support the project based upon the inadequate primary access.
2. The project would not be consistent with the County of San Diego Consolidated Fire Code and the SRA Fire Safe Regulations because the primary access exceeds the road standards for dead-end road length, apparatus road width, gradient, and surface treatment. For these reasons, the State, County and Local Fire authorities cannot consider any proposed mitigation measures that would provide an equivalent measure of safety.
3. The project would not be consistent with the Alpine Community Plan Policies 8.3 and 8.9 because the proposed project does not provide an acceptable level of fire protection, and the primary vehicular access for fire protection services does not meet the required road standards.
4. The project would not be consistent with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services) because the applicant is unable to provide the required Fire Service Availability from the San Diego Rural Fire Protection District. The district cannot provide the adequate fire protection service because of the project does not meet the emergency response travel time and the deficient primary access to the proposed project site.
5. The applicant has unreasonably delayed and refused to make payment on the Department Deposit account #07-0086991, which was in deficit \$14, 960 prior to commencement of proceedings to the Planning Commission. Pursuant to County Administrative Code section 362, the County may discontinue processing the requested permit and/or recommend denial of the project based on the applicant's refusal to pay the estimated deposit and all actual processing costs that may not have been included in the original cost estimate.

cc:

Marc Halcon, Covert Canyon LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Jeff Barfield. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124

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Marco A. Gonzalez, Coast Law Group LLP, 169 Saxony Road Suite #204 Encinitas, CA 92024.
Robin Williams, 19090 High Glenn Road, Alpine, CA 91901
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145
Alpine Community Planning Group
Descanso Ranger District, US Forest Service, 3348 Alpine Blvd, 91901
Save our Forests and Ranchlands, PO BOX #475, 91916
Endangered Habitats League, Michael Fitts, 8424 Santa Monica Blvd., Suite A 592, Los
Angeles, CA 90069
George Kvaas, Ramona Assoc LLC, 8812 La Mesa Blvd, La Mesa, CA 91941-5107
Charlene Ayers, 10801 Dewitt Ct., El Cajon, CA 92020

email cc:

Donna Beddow, Planning Manager, Department of Planning and Land Use
Brian Baca, Chief, Department of Planning and Land Use
Ed Sinsay, DPW Team Leader, Department of Public Works
Mark Mead, Senior Deputy County Counsel, Office of County Counsel, MS A12
Ralph Steinhoff, Fire Services Coordinator, Dept. of Planning and Land Use
Paul Dawson, Fire Services Coordinator, Dept. of Planning and Land Use
Pam Elias, Code Enforcement Manager, Dept. of Planning and Land Use
Adam Wilson, District Two, County of San Diego Board of Supervisors

ATTACHMENTS:

Attachment A – Planning Documentation
Attachment B – Form of Decision Denying MUP 07-011
Attachment C – Regional Fire Board Meeting Minutes
Attachment D – Ownership Disclosure
Attachment E – Land Use Analysis

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SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011,
ALPINE COMMUNITY PLANNING AREA [District 2]

CONTACT PERSON:

Patrick Brown

Name

858-694-3011

Phone

858-69433-73

Fax

0650

Mail Station

Patrick.Brown@sdcountry.ca.gov.

E-mail

AUTHORIZED REPRESENTATIVE:

Brian R. Baez, Chief
For ERIC GIBSON, DIRECTOR

Attachment E

Land Use Analysis

**LAND USE ANALYSIS
ATTACHMENT ~~E~~ F**

I. Planning/Design Issues**A. General Plan:**

1. **Public Facilities Element** A goal of the PFE is to minimize the loss of life and property from fires and medical emergencies. The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met
2. **Community Plan:** The Alpine Community Plan Safety Goals are established to promote the establishment of emergency procedures and preventative measures to minimize damage from fire. Because of the unique topography of Alpine and the distance to urban centers, there are a number of aspects of safety, which are significant and of particular concern to the community. The proposed project does not comply with the Alpine Community Plan because the proposed project does not provide an acceptable level of fire protection and the primary vehicular access for fire protection services, which does not meet the required road standards. (See Staff Report Project Issue #7)

B. Zoning

1. The findings required of Zoning Ordinance Section 7358.a.2 for the granting of a Major Use Permit cannot be made because of the lack of adequate fire protection service. The project is inconsistent with the Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks) designation of the General Plan Land Use Element because the proposed use requires the finding be made for the Major Use Permit to comply with the General Plan.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

- A. **CEQA:** The action to deny a project is exempt from the California Environmental Quality Act (CEQA) based upon Section 15270(a), projects which are disapproved. Should the Planning Commission decide not to deny the application, the project must be returned to staff for further processing in accordance with CEQA.
- B. **RPO:** The project is a denial of the Major Use Permit. It is not subject to making the required RPO Findings.

III. Other Issues

- A. See the Project issues in the staff report

Attachment B
Form of Decision
Denying P07-011



ERIC GIBSON
Secretary

County of San Diego

DECISION OF THE PLANNING COMMISSION

6201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 594-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

COMMISSIONERS

Michael Beck (Chairman)
Leon Brooks
Adam Day
Peder Norby
David Pallinger
John Rless
Bryan Woods (Vice
Chairman)

May 28, 2010

DENIAL MAJOR USE PERMIT

PERMITEE: MARC HALCON COVERT CANYON LLC
MAJOR USE PERMIT: 3300-07-011
E.R. NUMBER: 07-15-002
PROPERTY: 19150/19191 HIGH GLEN ROAD ALPINE, CALIFORNIA 91901
APN(s): 521-130-(05, 07, 08)-00 AND 522-070-03-00

The San Diego County Planning Commission, having conducted a public hearing as required by law and having considered the report from the Department of Planning and Land Use (DPLU), all testimony presented at the hearing, and the maps, exhibits, attachments, and letters on file, hereby makes the following findings and adopts the following decision on the proposed weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes:

FINDINGS: The Planning Commission finds as follows:

- A. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, findings must be made prior to granting a use permit. The following required finding cannot be made:

Zoning Ordinance Section 7358(b) That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

The required finding of consistency with the County of San Diego General Plan cannot be made because Objective 1, Policy 1.2, Implementation Measures 1.2.2 of the Public Facility Element, Section 11, Fire Protection and Emergency Services requires that:

Policy 1.2: The County will ensure the availability of adequate fire and emergency service facilities in the review of discretionary land

development applications, and require appropriate fire prevention and protection measures.

Implementation Measure 1.2.2: Require, as a basis of approval, a finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects. The finding of sufficient fire protection and emergency service facilities will be based on the provisions of Objective One (1) and the requirements and information from the responsible fire agency. In applying the provisions of Objective One (1), the proposed land uses and the smallest proposed residential lot will be used to determine the appropriate emergency travel time for each project proposal. If the appropriate emergency travel time cannot be met for a proposed project, the discretionary project will be denied unless sufficient mitigation measures are included as a basis of approval based on the recommendations of the Director and the responsible agency providing fire protection.

The Planning Commission finds that:

The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2. The project does not meet the required emergency response travel time as stated in Implementation Measure 1.2.2. The applicable travel time for the project is 20 minutes. The nearest fire station is located off Dehesa Road approximately 10.93 miles from the project site with a calculated travel time of 22.52 minutes. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Public Facility Element of the General Plan.

- B. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, findings must be made prior to granting a use permit. The following required finding cannot be made:

Zoning Ordinance Section 7358(b) That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

The Alpine Community Plan (Part XI) Safety Goals promote the establishment of emergency procedures and preventative measures to minimize damage from fire. Because of the unique topography of Alpine and the distance to urban centers, a number of aspects of safety are significant and of particular concern to the community. The proposed project does not comply with the Alpine Community Plan (Part XI) because the proposed project does not provide an acceptable level of fire protection, and the primary vehicular access for fire protection services does not meet the required road standards as stated in the following policies:

Policy 8.3: Direct the appropriate County agency to require an acceptable level of fire protection for all approved development through appropriate discretionary permit process.

Policy 8.9: The County will encourage the commitment of new development to road standards, which allow clear visibility and adequate vehicular access.

The Planning Commission finds that:

The applicant has been unable to obtain or provide the required Fire Service Availability from the San Diego Rural Fire Protection District. The Alpine Community Plan requires an acceptable level of fire protection and roads built to standards that allow clear visibility and adequate vehicular access. The project does not have an adequate primary access that complies with the required road dimensions, dead-end-road length, road gradient, and surface treatment, therefore, the District cannot provide fire service for the following reasons:

- **Road Dimensions:** The primary access to the site is provided by High Glen Road, an approximately 12-14 foot private road. The primary access does not comply with the SRA Fire Safe Regulations 14 CCR 1273.01 requirement for an 18-foot wide road or the Consolidated Fire Code §96.1.503.2.1 requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the portion of the road located in the Cleveland National Forest to fire code standards or to provide necessary fuel modification zones along the roadway.
- **Dead End Road Lengths:** The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations, 14 CCR 1273.09, and the County Consolidated Fire Code §96.1.503.1.2 limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres, to 2,640 feet. The subject property and all properties which the access road crosses are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard. The applicant provided mitigation for an exception to the SRA Fire Safe Regulations and a modification of the County Consolidated Fire Code. The proposed mitigation could not be considered and the exception and modification was denied because of the inadequate primary access road.
- **Road Gradient:** The primary access road to the project site, High Glen Road, exceeds 20 percent grade in many locations. The County Consolidated Code §96.1.503.2.7 does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations 14 CCR

1273.03). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forest Service to make the necessary improvements to reduce the road gradient to meet the fire regulations.

Road Surface:

The County Consolidated Code §96.1.503.2.3 requires the 10,560 foot (2 miles) primary access road to be designed to support the imposed loads of fire apparatus (not less than 50,000 pounds) and must have an approved paved surface so as to provide all weather driving capabilities. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

The Alpine Community Plan requires that the San Diego Rural Fire Protection District require an acceptable level of fire protection to serve the project. This includes having access roads that meet the standards, which allow clear visibility and adequate vehicular access. The project does not comply with the required road standards in the County Consolidated Fire Code, and the Fire District cannot provide an adequate level of service. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Alpine Community Plan (Part XI) because of the nonconformance with the Safety Goals quoted above.

- C. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, findings must be made prior to granting a use permit. The following required finding cannot be made:

(a.2) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to the availability of public facilities, services, and utilities:*

Fire Services are not available to serve the site. The applicant is required to submit a Fire Service Availability form and conditions to comply with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services). This policy states, It is the policy of the Board of Supervisors that:

For approval for all discretionary applications, sufficient fire protection and emergency service facilities must be available concurrent with need and response times must be adequate, as detailed in the Public Facility Element of the General Plan. This information will be requested from the fire protection agency. If the required emergency travel time cannot be

met for a proposed project, then the discretionary application will be denied unless sufficient mitigation measures are included in the conditions of approval of the application. Sufficient mitigation measures will be recommended by the affected fire protection agency subject to the concurrence by the Director of the Department of Planning and Land Use.

The Planning Commission finds that:

The applicant has been unable to obtain the required Fire Service Availability form from the San Diego Rural Fire Protection District, because the project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2, and the *district cannot approve sufficient mitigation measures to be included in the conditions of approval of the application. The Fire Service Availability cannot be provided because reasons explained below:*

- **Travel Time:** The project does not meet the required emergency response travel time as stated in the General Plan Public Facilities Element, Implementation Measure 1.2.2. The applicable travel time for the project is 20 minutes. The nearest fire station is located off Dehesa Road approximately 10.93 miles from the project site with a calculated travel time of 22.52 minutes. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Public Facility Element of the General Plan.
- **Road Dimensions:** The primary access to the site is provided by High Glen Road, an approximately 12-14 foot private road. The primary access does not comply with the SRA Fire Safe Regulations 14 CCR 1273.01 requirement for an 18-foot wide road or the Consolidated Fire Code §96.1.503.2.1 requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the road to fire code standards or to provide necessary fuel modification zones along the roadway.
- **Dead End Road Lengths:** The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations 14 CCR 1273.09 and the County Consolidated Fire Code §96.1.503.1.2 limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres to 2,640 feet. The subject property, and all properties which the access road crosses, are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard. The applicant provided mitigation for an exception to the SRA Fire Safe Regulations and a modification of the County Consolidated Fire Code. The proposed mitigation could not be considered and the

3300-07-011
Covert Canyon LLC

exception and modification was denied because of the inadequate primary access road.

- **Road Gradient:** The primary access road to the project site, High Glen Road, exceeds 20 percent grade in many locations. The County Consolidated Code §96.1.503.2.7 does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations 14 CCR 1273.03). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forrest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forrest Service to make the necessary improvements to reduce the road gradient to meet fire regulations.

Road Surface:

The County Consolidated Code §96.1.503.2.3 requires that the 10,560 foot (2 miles) primary access road be designed to support the imposed loads of fire apparatus (not less than 50,000 pounds) and must have an approved paved surface so as to provide all weather driving capabilities. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

The Rural Fire Protection District cannot provide adequate fire service to meet the needs of the project as stated above; therefore, the failure to obtain Fire Service Availability form makes the project inconsistent with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services). The Planning Commission finds that the Major Use Permit is not consistent with Board Policy I-84.

.....
DECISION: Based upon the above findings, the Planning Commission denies Major Use Permit 3300-07-011, for proposed weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes pursuant to Zoning Ordinance Section 7358.
.....

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed with the Director of Planning and Land Use or by mail 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, DPLU 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

May 28, 2010

3300-07-011
Covert Canyon LLC

open for business. Filing of an appeal will stay the decision of the Planning Commission until a hearing on your application is held and action is taken by the Board of Supervisors.

COUNTY OF SAN DIEGO PLANNING COMMISSION
ERIC GIBSON, SECRETARY

BY:

Brian Baca, Chief
Project Planning Division
Department of Planning and Land Use

cc:

Marc Halcon, Covert Canyon LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Jeff Barfield. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
Marco A. Gonzalez, Coast Law Group LLP, 169 Saxony Road Suite #204 Encinitas, CA 92024.
Robin Williams, 19090 High Glenn Road, Alpine, CA 91901
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145 Alpine Community Planning Group
Descanso Ranger District, US Forest Service, 3348 Alpine Blvd, 91901
Save our Forests and Ranchlands, PO BOX #475, 91916
Endangered Habitats League, Michael Fitts, 8424 Santa Monica Blvd., Suite A 592, Los Angeles, CA 90069
George Kvaas, Ramona Assoc LLC, 8812 La Mesa Blvd, La Mesa, CA 91941-5107
Charlene Ayers, 10801 Dewitt Ct., El Cajon, CA 92020

email cc:

Donna Beddow, Planning Manager, Department of Planning and Land Use
Brian Baca, Chief, Department of Planning and Land Use
Ed Sinsay, DPW Team Leader, Department of Public Works
Mark Mead, Senior Deputy County Counsel, Office of County Counsel, MS A12
Ralph Steinhoff, Fire Services Coordinator, Dept. of Planning and Land Use
Paul Dawson, Fire Services Coordinator, Dept. of Planning and Land Use
Pam Elias, Code Enforcement Manager, Dept. of Planning and Land Use
Adam Wilson, District Two, County of San Diego Board of Supervisors

Attachment C

Regional Fire Board Minutes

**MINUTES
REGIONAL FIRE BOARD OF APPEALS
Wednesday, February 17, 2010, 9:00 AM
DPLU Hearing Room
5201 Ruffin Road, Suite B, San Diego, California**

A. Board Members Present:

Item #1- Bill Pascal, Cliff Hunter, Greg Griswold, John Kremensky, Greg Schreiner

Item #2- Mike Lowry, Cliff Hunter, Greg Griswold, John Kremensky, Sid Morel

Presenters Present: Richard Grunow, Ralph Steinhoff, James Pine,

B. Statement of Appeals Board Procedures

C. Public Communication: Opportunity for members of the public to speak to the Regional Fire Board of Appeals on any subject matter within the Board's jurisdiction but not an item on today's Agenda.

None

Agenda Items

1. Covert Canyon, Project/Case Number: MUP 07-011

PROJECT DESCRIPTION: The project is a weapons training facility for local law enforcement and military groups that includes live fire training activities for local and national security purposes. The project site is located within the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area for Wildland protection. Structural fire protection would be provided by the San Diego Rural Fire Protection District (SDRFPD). The project is subject to the county Consolidated Fire Code which establishes maximum standards for dead-end road lengths. In accordance with the County Consolidated Fire Code (Sec. 503.1.2), access to the site may not exceed 1,320 feet and any proposed modifications to this standard shall not lessen health, life and fire safety requirements. The property is located approximately 10,560 feet (2 miles) from Japatal Road, which offers the first opportunity for two-way access. The Department of Planning and Land Use has reviewed the applicant's proposal and has determined that the project significantly exceeds dead-end road length standards and that the applicant's mitigation proposal does not provide for equivalent measures of safety. The applicant is appealing this determination.

Proponents: 0; Opponents: 5

Report: The main issue with the project is its substandard primary access. High Glen Road, is a substandard, 12-14 foot dirt road which travels through densely vegetated areas. The road does not comply with State nor County fire code requirements for width or surface, and fuel modification along the roadway is insufficient. Portions of the road travel through US Forestry lands and are restricted by easement. The second issue with the project is its inconsistency with State and County Fire Codes pertaining to dead-end road limits. The project is subject to a 2,640 foot dead-end road limit according to both Title 14 and the County Consolidated Fire Code. The project would be located approximately 10,560 feet from the first opportunity to travel in two remote directions, which is more than 4 times the maximum allowable dead-end road limit. The SRA Fire Safe Regulations apply to all major use permits and the code does not exempt non-residential uses from limits on dead-end road lengths. The applicant has proposed a shelter-in-place program, but the County has determined that this program is not viable for the project because it's not a substitute for code compliant primary access, nor would additional water supplies near the site help mitigate access deficiencies.

Discussion: Board member Griswold questioned Mr. Barfield the applicant's representative if he "had made efforts on behalf of the project to secure width that would meet fire code requirements from United States Forest Service?" He replied, "At this point we have not." They believed the codes did not apply to them due to their special project and shelter-in-place, which would substitute for adequate primary access. Board member Hunter disagreed with the terms and definition of shelter-in-place as used and applied in this project. Shelter-in-place has multiple entrances and exits in and out of the facility, hence primary and secondary accesses imperative.

Action: Hunter-Griswold

Board members support County staff and their recommendation to deny the appeal for the following reasons: deficient primary access, four times dead-end road limit, shelter-in-place not an alternative for compliant primary access, and same practical effect cannot be found.

Ayes:	0-	None
Noes:	5-	Hunter, Griswold, Paskle, Kremensky, Schreiner
Abstain:	0-	None
Absent:	0-	None

The advisory motion failed resulting in an opposition resolution recommended by the board.

Attachment D

Fire Service Documentation



SAN DIEGO RURAL FIRE PROTECTION DISTRICT

May 5, 2010

Patrick Brown, planner
Department of Planning and Land Use
5201 Ruffin Rd. Ste B
San Diego, CA 92123

Re: Covert Canyon
PO7-011

Please accept the following comments concerning fire protection for the Covert Canyon project.

Travel Time:

The San Diego Rural FPD, fire station at 5425 Dehesa Rd. staffed with stipend volunteers (within the San Diego County Fire Authority program) is the closest Rural Fire Station to this proposed Covert Canyon facility. The project site is more than 10 miles from the fire station, and the travel time from the fire station to the project site exceeds 20 minutes due to terrain and road conditions.

Access:

Dead-end

The project is within the Rural FPD. As such it is regulated by the County Consolidated Fire Code. The proposed facility is located at the end of a 10,560-foot substandard dead-end road. The maximum dead-end roads lengths are based upon the zoning of properties served by the road. Therefore, the maximum dead-end road length for this project is 2,640 feet.

Surface and width

The access road must have an approved paved surface of not less than 24 feet in width.

Grade

The maximum grade of access roads cannot exceed 16 percent without mitigation. With the mitigation of fire sprinklers and paved access, the maximum grade may be increased to 20 percent. Current grades of the substandard access exceed 20 percent. Grades over 20 percent are not approved.

It appears that travel times, dead-end road maximum, surface and width standards, and maximum road grade can not be attained. Therefore, this agency can not support this project in its current form due to fire safety concerns. At some point in the future if these standards can be met, this agency would be willing to reconsider its position.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Nissen', with a horizontal line extending to the right.

Dave Nissen



County of San Diego

ERIC GIBSON
DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE FIRE SERVICES SECTION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

April 20, 2010

To: Patrick Brown, Project Manager
From: Paul Dawson, County Fire Marshal 

RE: 3300-07-011 (P) Emergency Travel Time

You asked for the calculated travel time from fire stations serving the subject project. Based on DPLU-GIS mapping and nationally recognized standards for estimating emergency travel time, the total calculated emergency travel time is **22.52 minutes**

Calculations below are per National Fire Protection Association standard NFPA 1142 C.11 – a formula for calculating a safe constant (average) speed “where apparatus is equipped with an adequate engine, chassis, baffling and brakes”... and includes a factor of 0.65 minute representing an acceleration/deceleration constant developed by the Rand Corporation for heavy fire apparatus.

NATIONAL FOREST ROAD SEGMENT

Calculated at safe average speed for fire apparatus on the National Forest road (given width, grade, lack of paving) of **20 MPH**– from NF gate to most remote activity area: **1.53 miles = 5.24 minutes**

Note: 20 MPH may be too high a speed for safe operation on dirt roads through terrain that shows on topo maps as exceeding 25%

HIGH GLEN ROAD TO NATIONAL FOREST ROAD SEGMENT

Calculated at safe speed of **35 MPH** from NF gate to Japatul Rd (High Glen Rd): **1 mile = 2.35 minutes.**

Note: although generally flat, about one fifth of the one mile distance shown in GIS as exceeding 25% grade – 35 MPH average may be too high for safe travel

DEHESA FIRE STATION TO HIGH GLEN ROAD SEGMENT

Calculated safe average speed of **35 MPH** from Japatul Rd at High Glen Rd to SDRFPD Dehesa Fire Station (5425 Dehesa Rd)
8.4 miles = 14.93 minutes

Total calculated emergency travel time is 22.52 minutes

FIRE AGENCY ESTIMATE

PFAF (DPLU 399F) dated 10/8/07 states **10 minute** emergency travel time from Dehesa station 25 – divided into 10.93 miles travel distance, equates to relatively fast average speed

ADDITIONAL INFORMATION

- GIS mapping shows SDRFPD Dehesa Station as "part-time", but Rural Fire states on 4/20/2010 that it is staffed fulltime by volunteers on stipend (SD County Fire Authority program)

- FPP identifies closest fire station as CAL FIRE Lyons Valley Station (11759 Skyline Truck Trail at Wisecarver Truck Trail) – 11.7 miles to (20.54 minutes) to Japatul at High Glen, plus High Glen and NF road = **28.13 minutes**

- At time of FPP preparation, Rural Dehesa station was not full time. Through the County Fire Authority program, it is staffed today with two firefighters, 24/7

- USFS Station at 21697 Lyons Valley Rd is labeled "seasonal" in GIS – approx 4.6 miles from Japatul at High Glen (8.47 + 7.59 minutes = 16.06 minutes) - seasonal status disqualifies

Planner's distance analysis:

A. From Project Site to the intersection of Japatul Rd and High Glen.

1. 3245' Onsite Unimproved Dirt Road
2. 4819' From Site (most remote use area) to Lower Gate; poor dirt road conditions greater than 23% in some places.
3. 5333' From Lower Gate to Japatul Rd. intersection Relatively Flat Dirt Road graded

13,397' = 2.54 miles

B. Station 25 SDRFPD Dehesa Station - Dehesa Road to intersection Japatul Road and High Glen Road Intersection:

44,325' = 8.4 Miles

(Planner's measurements confirmed by fire marshal on DPLU-GIS mapping)

PED 4/20/2010

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov
(916) 653-8007



March 4, 2010

Mr. Ralph Steinhoff
Fire Services Coordinator
San Diego County Fire Authority
Dept. of Planning and Land Use
Fire Services Section
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. Steinhoff:

The State Board of Fire of Forestry and Fire Protection (Board) approved the County of San Diego request for certification of County of San Diego 2009 Consolidated Fire Codes (CFC), dated November 13, 2009. The Board approved the certification at its March 3, 2010 meeting. The certified ordinances pertain to the 16 unincorporated county fire protection districts. The certification was granted pursuant to 14 CCR 1270.03. The ordinances were certified as equal to or more stringent than the minimum fire safe regulations in 14 CCR 1270 et seq that establish minimum fire protection standards in conjunction with building, construction and development in state responsibility area. The ordinances, as certified on March 3, 2010, can be used by the County and Fire Protection Districts in place of the state minimum standards in 14 CCR 1270 et seq. The certification was conducted by the Board in consultation with CAL FIRE MVU Unit Chief Howard Windsor.

The Board would appreciate continued discussions with the County as the Board embarks on a review of the State minimum standards in 14 CCR 1270 et seq. In 2010. Thank you for helping ensure fire safety for the wildlands of California.

Sincerely,

A handwritten signature in cursive script, reading 'George D. Gentry'.

George D. Gentry
Executive Officer

cc. Resource Protection Committee



FILE COPY

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

December 17, 2009

RBF Consulting
Jeff Barfield
9755 Clairemont Mesa Blvd.
Suite 100
San Diego, CA 92124

COVERT CANYON PROJECT, P07-011

Dear Mr. Barfield:

This letter is in response to your December 4, 2009 letter regarding design measures and operational limitations for the proposed Covert Canyon Project intended to address fire safety issues.

The San Diego Rural Fire Protection District and the San Diego County Fire Authority have reviewed the proposals included in your letter and find that they do not constitute adequate mitigation for the inconsistency of the project with County and State fire codes. No readily available method to meet fire code requirements has been identified.

Because of the inconsistency of the proposed access road with applicable fire regulations, the Department of Planning and Land Use (DPLU) is unable to recommend approval of the proposed Major Use Permit. As stated in the DPLU letter dated September 15, 2009, it is the intent of the DPLU to bring this project to the County decision-makers with a recommendation of denial. You may request review of this project by the Fire Board of Appeals. This Board would provide an advisory recommendation to the County decision-makers. The applicant may also wish to consider withdrawal of this application to avoid the expense of a public hearing.

Should the project go before the Planning Commission with a staff recommendation of denial without the completion of case processing (i.e. without a CEQA document), the Commission could either deny the project or refer it back to staff for the completion of processing. The Commission could not take an action to approve the project or any aspect of it.

Please contact Project Manager Patrick Brown at (858) 694-3011 or Patrick.Brown@sdcounty.ca.gov to inform our department of how the applicant wishes to proceed.

Sincerely,



Brian R. Baca, Chief
Project Planning Division

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145

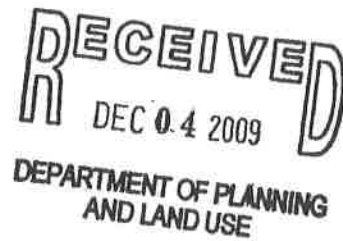
email cc:

Ralph Steinhoff, Fire Services Coordinator, Department of Planning and Land Use M.S.O650
Paul Dawson, Fire Services Section, Department of Planning and Land Use M.S. 0650
Ed Sinsay, Team Leader, Department of Public Works
Pam Elias, Code Enforcement Manager, Department of Planning and Land Use, M.S. 0650
Donna Beddow, Planning Manager, Department of Planning and Land Use M.S.O650
Patrick Brown, Project Manager, Department of Planning and Land Use M.S.O650.
Adam Wilson, District Two, County of San Diego Board of Supervisors, M.S. A500.



December 4, 2009

Brian Baca, Chief
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123



**Subject: Covert Canyon Project, P07-011;
Fire Safety/ Emergency Access Design Features to Achieve Same Practical Effect**

Dear Mr. Baca:

This letter is provided in follow-up to our meeting of November 18, to discuss the Department's letter dated September 15 to me expressing concerns over the Project's lack of secondary access and its intent to forward a recommendation of denial. Once again, thank you for meeting with us to discuss this initial conclusion and providing us this opportunity to summarize the project description and design features we would provide to ensure a fire-safe facility, meeting the requirement for a "same practical effect" (SPE) to secondary access, as provided for under Title 14, Section 1270.07.

Please note that we believe the context of SPE should more accurately be weighed against an access that is only 25% over a maximum 5,280 feet based upon a 40-acre minimum lot size currently in effect under F.C. I., rather than the doubling of the allowed distance required under an 8-acre lot size. It also should consider the unique character of the project that is not the usual residential or commercial/industrial development that adds residents/occupants, flammable structures, and permanent uses that would be exposed to fire potential 24 hours a day, seven days a week. To the contrary, the Covert Canyon Project is limited in potential exposure to a fire emergency.

The relatively remote nature of the property, together with its location within an area approved for shooting had much to do with its selection as the site for the proposed facility. The applicant preferred a site removed from residential uses or other development, yet close enough in travel time for potential users to access it in a relatively short drive time. The location and safety issues were taken into consideration when the facility was approved by the Department of the Navy in 2006.

Some additional facts about the site's accessibility need be considered. During the Horse Thief Canyon fire of 2006, Cal Fire utilized the Covert Canyon site as a staging area for fire operations. Fire trucks from Cal Fire accessed the property. Fire trucks associated with SDG&E maintenance operations regularly access the site. Finally, Loveland Reservoir, located less than four miles from the site, provides a limitless supply of water for water drops by helicopters.

With the above facts in mind, the Covert Canyon project proposes that a combination of many or all of the following project features would adequately address the secondary access issue. These features would be

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incorporated into the project description and conditions of approval and thoroughly discussed in a revised Fire Management Plan (FMP). The major use permit, if required, would incorporate these measures into the facility's operation and documentation can be provided that the measures have been implemented. All of the proposed measures can be substantiated.

1. Provide and maintain a fire safety staging and protect in place facility.

A fire staging area and protect in place facility will be provided, surrounded by the appropriately-sized fuel management zone (200 feet). The facility shall provide fire-safe refuge for up to 24 people for a 4 to 6-hour period. The concept for the structure is similar to commercially-available "FireArc" Chamber, which provide internal ventilation. The structure will be constructed of fireproof steel cladding, fire rated CMU, or equivalent. In addition, commercially available personal fire shelters will be stored in the fire staging area. As an alternative approach, the existing 1,600 square foot residence on-site, which is sprinklered and would maintain an-approved 200-foot fuel management zone, should be considered.

2. Helicopter Evacuation

As part of the existing Mishap Plan, Covert Canyon has registered with Lifeflight of San Diego. Lifeflight has the coordinates of the site. Emergency landing by Lifeflight is provided for by an FAA-approved landing strip that already exists on-site and can be used for emergency evacuations.

3. Maintenance of primary access road.

The primary access road will be maintained to the maximum allowable width and in the safest possible condition as allowed by the Cleveland National Forest Special Use Permit, already in possession by the Owner/Applicant. The schedule of maintenance will be provided to the County. In addition, permission will be sought from CNF to provide turn-outs or turn-arounds at appropriate intervals. Signs that indicate turn-out locations will be installed, contingent upon CNF approval.

4. No flammable structures proposed.

The Project will propose no new flammable structures. Any new structures will be made of non-flammable steel (fire rated) or concrete (CMU or equivalent). Cargo boxes have previously been identified for storage and activity buildings for the project. These containers are not permanent in nature, can be made fire resistant, and can be removed from the site upon termination of the use as a range training facility.

5. Provide additional water tank.

An additional 5,000 gallon water supply tank would be installed to supplement the existing 10,000 gallon tank, along with a piping system to provide additional fire suppression capability. The existing 500-gallon portable water tank will be maintained and available for use at all times.

6. Onsite ponds provide additional water source.

Three separate seasonal ponds exist on site. During the dry season (summer and fall months), one pond will be maintained full from onsite well sources. Note that as recently as the Horse Thief Canyon fire of July 23, 2006, these ponds were used by Cal Fire helicopters in fire suppression activities.

7. Fire Training Regimen for Covert Canyon Staff and Users

An approved training regimen and Mishap Plan (already in effect) will be prepared and incorporated into all training programs that specifically addresses actions to be taken in the event of a fire or other emergency requiring evacuation. Following the regimen will be mandatory for all users. County may review and offer suggestions for the procedures developed as part of the training regimen.

8. Special Training for Covert Canyon Staff

All Covert Canyon staff will undergo fire safety training through Cal Fire or other County-approved training program.

9. Restricted to military and law enforcement users.

The facility is not available to the general public and civilian clubs will be prohibited. This will insure that only properly trained and supervised individuals are using the facility. Interest in Covert Canyon by these organizations is substantiated by the letters enclosed.

10. Limitation on the number of vehicles allowed.

A limit of 12 vehicles at any one time will be allowed on the site that are associated with training activities to limit the potential for congestion during a required evacuation.

11. Incendiary/ Flammable Ammunition will not be used.

The use of incendiary or flammable ammunition will be prohibited. In addition, bullet impact areas on the range berms will be maintained free of flammable vegetation at all times, in accordance with standard firing range specifications.

12. Monitoring of Fire Conditions

During all training activities, monitoring of fire conditions will be required. A fire notification alert system has already been developed and is employed with Cal Fire for Covert Canyon.

13. Immediate shut down when a fire is present.

With notification of a fire within 5 miles through the monitoring system above, all Covert Canyon activities will cease and safe evacuation will occur as directed in the training regimen or Mishap Plan. If safe evacuation is not possible, shelter in place procedures will occur. As noted in Measure # 2, an FAA-approved landing strip exists on the property and can be used for emergency evacuations.

Page 4, Mr. Baca
December 4, 2009

These items, individually, would provide significant safety improvements over existing conditions without the Covert Canyon project. Collectively, with Covert Canyon operating, these measures would address the most serious emergency/fire access condition. The conditions are plausible and they can be verifiably implemented.

Military and Law Enforcement Interest and Approvals

Lastly, in our November 18 meeting, we discussed the interest shown from military and law enforcement agencies. We have enclosed a sample of interest letters and letters approving the Covert Canyon facility from military and law enforcement agencies, which include:

- Department of the Navy
- U. S. Marine Corps
- U.S. Immigration and Customs Enforcement
- U.S. Coast Guard

We request that you consider the foregoing facts, evaluate these potential measures, and reconsider your initial conclusion concerning access to the Covert Canyon site. Our suggestion is that we focus our next efforts on the preparation and review of a revised FMP. Following that, a better, more conclusive decision on the future processing of the major use permit application would be expected. Please call me if you have any questions.

Sincerely,



Jeff Barfield, AICP
Vice President, Planning

Enclosures

CC: Marc Halcon, Covert Canyon LLC
Robert Wright, Esq.

H:\PDATA\25102677\Admin\correspndnc\Fire safety design Baca rev.doc

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ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 15, 2009

RBF Consulting
Jeff Barfield
9755 Clairemont Mesa Blvd.
Suite 100
San Diego, CA 92124

COVERT CANYON PROJECT, P07-011

Dear Mr. Barfield:

The proposed Covert Canyon Project has been reviewed by the San Diego Rural Fire Protection District and the San Diego County Fire Authority for compliance with applicable fire regulations. As described in the attached letter, these two agencies have determined that the primary access road for this proposed facility does not meet County and State fire codes. Furthermore, no readily available method to meet fire code requirements has been identified.

Because of the inconsistency of the proposed access road with applicable fire regulations, the Department of Planning and Land Use (DPLU) is unable to recommend approval of the proposed Major Use Permit. It is the intent of the DPLU to bring this project to the County decision-makers with a recommendation of denial. You may wish to consider withdrawal of this application to avoid the expense of a public hearing.

Should you wish to discuss the above determination with DPLU management, please contact Project Manager Patrick Brown at (858) 694-3011 or by email at Patrick.Brown@sdcounty.ca.gov to arrange a meeting.

Sincerely,

A handwritten signature in cursive script that reads "Brian R. Baca".

Brian R. Baca, Chief
Project Planning Division

Attachment: September 10, 2009 letter by DPLU Fire Services Coordinator, Ralph Steinhoff.

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145

email cc:

Ralph Steinhoff, Fire Services Coordinator, Department of Planning and Land Use M.S.O650
Paul Dawson, Fire Services Section, Department of Planning and Land Use M.S. 0650
Ed Sinsay, Team Leader, Department of Public Works
Pam Elias, Code Enforcement Manager, Department of Planning and Land Use, M.S. O650
Donna Beddow, Planning Manager, Department of Planning and Land Use M.S.O650
Patrick Brown, Project Manager, Department of Planning and Land Use M.S.O650.
Adam Wilson, District Two, County of San Diego Board of Supervisors, M.S. A500.



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE FIRE SERVICES SECTION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

September 9, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attn: Patrick Brown, Project Planner

RE: P07-011 – Covert Canyon Training Facility
San Diego Rural Fire Protection District

Please review the following comments regarding fire protection for the above project:

The proposed project is accessed from Japatul Rd. by a dead-end road that is approximately 2 miles long, half of which is a 14' easement through the Cleveland National Forest provided through special use permit. Current fire codes require a road to be improved to 24' wide (paved in areas exceeding 10% grade) and 30' of fuel modification be provided on both sides of the road. Therefore, an additional 60' of access easement must be granted to the applicant by the U.S. Department of Agriculture (USDA). This is extremely unlikely.

Moreover, California Code of Regulations Title 14 "Fire Safe Regulations" requires that projects located in areas zoned of this density to be accessed by roads with a maximum dead-end length of 2,640'. This project greatly exceeds this length; therefore a secondary access road would need to be provided. Being that proposed project is completely surrounded by the Cleveland National Forest, an additional easement would need to be procured from USDA by the applicant to construct an additional access road. This is extremely unlikely.

In correspondence with Dave Nissen, Fire Chief of the San Diego Rural Fire Protection District in February, 2009, he expressed his concerns about the safety of the project, and that he cannot support this project. It is doubtful that the proposed project can be

designed in such a way that could be supported by the fire official. We have evaluated this project and see no solution to Title 14 and fire code concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph Steinhoff".

Ralph Steinhoff
Fire Services Coordinator
San Diego County Fire Authority

Cc: Brian Baca, Chief of Land Use, DPLU
Dave Nissen, Fire Chief, San Diego Rural Fire Protection District

Attachment A

Planning Documentation

ADDITIONAL INFORMATION CASE SHEET

APPLICATION

Meeting Date: May 14, 2010

Type: Major Use Permit	Case No. 3300-07-011
Owner/Applicant: Marc Halcon Covert Canyon LLC	ENVIRONMENTAL STATUS: Exempt 15270.a
Agent: Jeff Barfield RBF Consulting	
Project Manager: Patrick Brown	Environmental Coordinator: NA
Account No. 07-086991	Environmental Log No.: NA

SITE/PROJECT DESCRIPTION

Community Plan: Alpine	Location: 19150 High Glen Rd	Thomas Bros.: 1274 G-1
<p>Project: The applicant's request is for a Major Use Permit and Agricultural Contract Cancellation to establish and operate a weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group, within unincorporated San Diego County.</p> <p>Site: The site is relatively flat, but it is located on top of mountain valley named Kearchoffer Flat. The project is located partially on an existing FAA approved airstrip.</p>		
SURROUNDING LAND USES & ZONING: North: US Forrest Service Cleveland National Forest No Zoning	South: US Forrest Service Cleveland National Forest No Zoning	East: US Forrest Service Cleveland National Forest No Zoning
		West: Agricultural Land with one Residential; Dwelling Unit A-72 General Agriculture

PROJECT STATISTICS

Total Area: 143.63	Proposed Density: None
Lot Size: 8 ac and 40 Acre Minimum	Number of Lots/Units: None
DISTRICT	NEAREST FACILITY SERVICE LETTER AVAILABILITY
Sanitation: Septic	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Water: Well Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Fire: San Diego Rural Fire Protection District	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Elementary School: NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
High School: NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other: NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sphere of Influence:	

SUMMARY OF PROPOSED LEGISLATIVE ACTIONS

Are any Legislative actions proposed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
GENERAL PLAN		
<u>Regional Category</u>	<u>Land Use Category</u>	<u>Description of Change</u>
1.4 RDA, 1.6 ECA	20 General Agriculture 23 National Forest/State Parks	No Change
ZONING		
<u>Existing</u>	<u>Proposed</u>	<u>Description of Change</u>
A-72 General Agriculture	NA	NA

Covert Canyon P07-011 Vicinity Map

Alpine
Community Planning Area



1:3,500,000

Legend

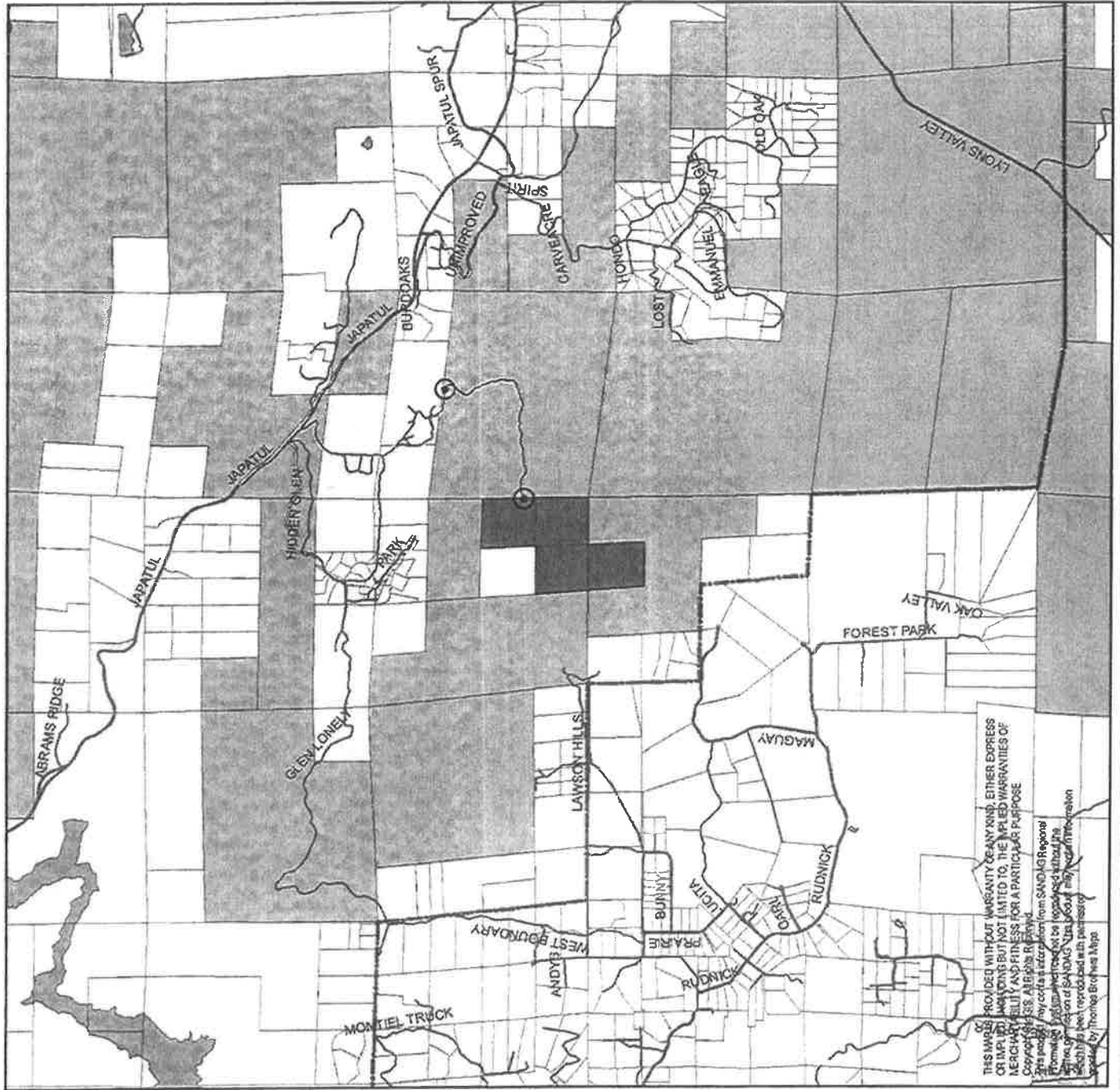
- ⊙ Gates
- Roads
- Access Road
- Parcels
- Site
- ▨ US Forest Service Ownership



0 0.25 0.5 Miles



Date: 2/8/2010
File: K:\Regulatory\P07-011\vicinity.mxd









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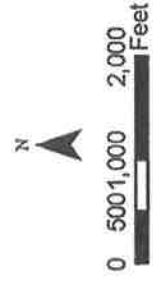
Covert Canyon P07-011 Fire Access Map

Alpine
Community Planning Area

Legend

-  Site Location
-  Access Road*
-  Gates
-  Roads
-  Parcels
-  US Forest Service Ownership

* Road length approximately
10,265 ft (2 miles)



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ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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INFORMATION (858) 694-2860
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

March 9, 2012

Marc Halcon, Manager
Covert Canyon, LLC
5590 Ruffin Road
San Diego, CA 92123

COPY

NON-CONFORMING USE AT COVERT CANYON (MEDIC CLASSES)

Dear Mr. Halcon,

I am writing regarding "First Responder Medic Classes" conducted at Covert Canyon. As you are aware, the Department of Planning and Land Use authorized you to conduct the medic training classes in a letter dated September 11, 2009. The medic class use was allowed at a time when the use was not described in County Code. Subsequent to the September 11, 2009 letter, the Field Medical Training Use was added to Section 1350 of the San Diego County Zoning Ordinance, Major Impact Services and Utilities; which was adopted into County Code on December 3, 2010. Today the medic class use would require the approval and issuance of a Major Use Permit on your property which is zoned A72.

The "First Responder Medic Classes" described in the September 11, 2009 letter is limited as outlined in the letter to the following:

- Course Summary: 2 day course – prepares first responders to evaluate and treat serious trauma. Proper use of bandages, tourniquets and hemostatic agents are topics.
- Firearm Use: NONE
- Average # of Students: 12 maximum
- Traffic Impact: Students transported by staff in 2-3 SUV's
- Must comply with the County of San Diego County Code and Zoning Ordinance

The medic class use is allowed to continue at Covert Canyon as described above as a non-conforming use. Included in this correspondence is a copy of Sections 6850 – 6876 of the San Diego County Zoning Ordinance; also known as the Nonconformity Regulations.

Marc Halcon
March 9, 2012
Page 2

Should you have further questions or concerns, please feel free to contact me directly at (858) 495-5020 or pam.elias@sdcountry.ca.gov

Sincerely,

A handwritten signature in cursive script, appearing to read 'Pam Elias', written in dark ink.

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

cc: Case File

Attachments

COPY

NONCONFORMITY REGULATIONS**6850 TITLE AND PURPOSE.**

The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section 4200.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6950)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6851 NONCONFORMITY ATTRIBUTABLE TO LACK OF USE PERMIT.

Any nonconformity attributable only to the absence of a major or minor use permit may be removed by the securing of such permit, the application for which is allowed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6951)

6852 RIGHT TO CONTINUE A NONCONFORMITY.

A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6952)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6854 NUISANCES.

None of the provisions of the Nonconformity Regulations restrict any authority to require modification or termination of any nonconformity which has been declared to be a nuisance by the Board of Supervisors.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6953)

6856 REMOVAL OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.

Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner-occupied independent mobilehome to the contrary, any owner-occupied independent mobilehome legally established pursuant to the former provisions of Ordinance 1402 may continue for an indefinite period from the date of original granting of a use permit therefore and may be altered or enlarged, or replaced with another mobilehome. Any mobilehome that replaces any such existing, legal nonconforming mobilehome shall bear insignia of approval issued by the appropriate state or federal agencies indicating compliance with applicable regulations. Any discontinuance of the use of a mobilehome subject to this section for a continuous period of 12 months shall be deemed to constitute an abandonment of any right to continue or maintain the use and any future use shall conform to the provisions of this ordinance.

6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.

Notwithstanding other provisions of the nonconformity regulations, no wind turbine system-large, which is nonconforming due to the lack of permit shall be allowed to add additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6862 ABANDONED WIND TURBINES.

- a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions - Wind Turbine, Non-Operational).
- b. A nonconforming wind turbine, or a series of wind turbines, which has been abandoned shall be removed. The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6863 EXISTING CUSTOM MANUFACTURING OPERATIONS

Any existing custom manufacturing operation located in the A70, A72, S87, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)

6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS

Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)

NONCONFORMING USES

6865 NONCONFORMING USE - DISCONTINUANCE.

- a. Use Nonconforming Because It Is Not a Permitted Use. Whenever a use which is nonconforming, wholly or partly because it is not itself a permitted use where it is located, discontinues active operation for a continuous period of 12 months, such nonconforming use shall not be resumed. Intent to abandon such use shall not be necessary to constitute such discontinuance. Related structures, if any are used, may be utilized thereafter only for a permitted use.
- b. Use Nonconforming for Other Reasons. A nonconforming use which is itself a permitted use where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to use and not structures, may be resumed regardless of the period during which it may have discontinued active operation.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6960)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

- a. If the structures containing any nonconforming use are damaged or destroyed to the extent that the cost of reconstruction, repairing or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the nonconforming use shall not be resumed on the same lot. Notwithstanding the provisions of this section, if a structure in a Special Parking District, as defined in Section 5761, is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed even if the cost of reconstruction, repairing or rebuilding of the structure exceeds 75 percent of said replacement valuation if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 5761(c)3.
- b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.

Fw: Fwd: FW: KFMB News 8

From: Robin Williams <oaktrees@earthlink.net>
To: "steve.schmidt@utsandiego.com"
Cc: robin williams <oaktrees@earthlink.net>
Subject: Fw: Fwd: FW: KFMB News 8
Date: Feb 21, 2012 3:34 PM
Attachments: Williamson Act Land Conservation Contract pdf 1868_001.pdf 1869_001.pdf 1870_001.pdf 1871_001.pdf 1872_001.pdf

quick reference materials... to start.

Robin

----- Forwarded Message -----

From: David Gottfredson
Sent: Feb 16, 2012 9:59 AM
To: Robin Williams, Shalin Gala
Subject: Fwd: FW: KFMB News 8

----- Forwarded message -----

From: Workman, Michael E <Michael.Workman@sdcounty.ca.gov>
Date: Thu, Feb 16, 2012 at 9:46 AM
Subject: FW: KFMB News 8
To: David Gottfredson <dgottfredson@kfmb.com>

Here are some answers

Michael Workman
 Director
 County Communications Office
 (619) 531-5450

1. I would like to request under the CPRA any records related to Live Tissue Training using livestock at the **Covert Canyon facility**, including any permits **related** to Live Tissue Training requested or obtained by the **property** owner **Marc Halcon**, or his **companies** American Training Center and Covert Canyon LLC.

a. On **Aug. 18, 2009**, **Mr. Halcon** sent a **letter** to DPLU asking for authorization to conduct various **activities** on his **property** without having to apply for and receive a discretionary use permit.

b. On Sept. 11, 2009, DPLU **responded** by letter, **denying** Mr. Halcon's request to conduct these various activities --- with **one exception**, a request to conduct "First Responder Medic Classes" on his property.

It was a two-day course to prepare first responders to evaluate and **treat serious trauma patients injured on the battlefield** and **included** the proper use of **bandages, tourniquets and hemostatic agents**. His request did not propose using firearms. It anticipated 12 students that **would be transported in two-to-three SUVs**.

At that time, the County's Zoning Ordinance did not clearly identify this as a recognized

regulated use under the code. Because of that, it was determined that we could not require a use permit to operate First Responder Medic Classes.

c. In December 2010, the County amended its Zoning Ordinance to address the deficiency of not recognizing medical training uses by adding them to the "Major Impact Utility" provisions of the ordinance. (It should be noted that gun and rifle ranges are classified as "Participant Sports and Recreation" uses, which also require approval of a MUP and have since the 1980s) The change to Section 1350 of the Zoning Ordinance, Major Impact Services and Utilities, was adopted on December 3, 2010.

d. If Mr. Halcon applied today to provide the "First Responder Medic classes" he would need to apply for and receive a Major Use Permit. However, he is being allowed to continue them without seeking a permit because they are considered a "continuing non-conforming use" because he started them before the County changed its ordinance. We have provided copies of Mr. Halcon's Aug. 18, 2009 letter, the Department's September 11, 2009 response and a copy of Section 1350 of the San Diego County Zoning Ordinance as attached .pdfs.

e. Regarding the questions on the Cease and Desist Order, the Stipulated Enforcement Order does not invalidate the Cease and Desist Order. It simply clarifies what is and is not allowed by the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances on Mr. Halcon's property. Copies of the Cease and Desist Order dated May 24, 2007 and Stipulated Administrative Enforcement Order dated Aug. 3, 2011 are attached as a .pdf.

2. Could you also please update me on the status of his MUP application?

3.

a. **Timeline:**

- **Oct. 2007:** Mr. Halcon submitted an application for a Major Use Permit (MUP) to operate a live weapon training facility (3 firing ranges) for law enforcement and military groups on his property located at 19150 High Glen Road.
- **January 2010:** DPLU, after working with the applicant and his consultants, took Mr. Halcon's MUP application before the Planning Commission with a recommendation of denial due to significant and unresolved fire safety and access issues. These issues were not the only issues that needed to be addressed, but they were the most significant and a major project issue. The Planning Commission, following public testimony at the hearing, directed Mr. Halcon to continue to work with the San Diego Rural Fire Protection District, the County Fire Authority and the U.S. Forest Service to resolve these issues.
- **Present:** Mr. Halcon is continuing to work with these agencies; however, to date, fire safety issues remain unresolved and Mr. Halcon has not made any progress on his MUP application.

From: David Gotfredson [<mailto:dgotfredson@kfmb.com>]

Sent: Wednesday, February 08, 2012 2:26 PM

To: Elias, Pam

Cc: Workman, Michael E

Subject: KFMB News 8

Hello Pam,

I would like to request under the CPRA any records related to Live Tissue Training using livestock at the Covert Canyon facility, including any permits related to Live Tissue Training requested or obtained by the property owner Marc Halcon, or his companies American Training Center and Covert Canyon LLC.

Could you also please update me on the status of his MUP application?

Thank you for your assistance.

Regards,

--

David Gotfredson
KFMB News 8 Producer
7677 Engineer Rd.
San Diego, CA 92111
Email: dgotfredson@kfmb.com
Cell: (858) 472-3569
Fax: (858) 495-7557

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David Gotfredson
KFMB News 8 Producer
7677 Engineer Rd.
San Diego, CA 92111
Email: dgotfredson@kfmb.com
Cell: (858) 472-3569
Fax: (858) 495-7557