

August 10, 2011



## County of San Diego

**ERIC GIBSON**  
DIRECTOR

### DEPARTMENT OF PLANNING AND LAND USE

6201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1868  
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# STIPULATED ADMINISTRATIVE ENFORCEMENT ORDER

**DATE OF ORDER:** August 3, 2011

**LOCATION OF VIOLATION:** 19150 High Glen Road, Alpine

**APN:** 521-130-08-00

**ZONE:** A72

**PROPERTY OWNER:** Covert Canyon, LLC  
5590 Ruffin Road  
San Diego, CA 92123

#### STIPULATED ADMINISTRATIVE FINDINGS

Covert Canyon, LLC ("Covert Canyon"), hereby stipulates to the issuance of an Administrative Enforcement Order for enforcement of the San Diego County Zoning Ordinance ("SDCZO") and the San Diego County Code of Regulatory Ordinances ("SDCCRO") at 19150 High Glen Road in Alpine ("Property"). On May 13, 2011, the County of San Diego, Department of Planning and Land Use ("DPLU"), served Covert Canyon with a Civil Penalty Notice and Order, which was amended on June 15, 2011. The Amended Civil Penalty Notice and Order charged the following violations of the SDCZO and SDCCRO:

<u>SECTION</u>	<u>DESCRIPTION</u>
1. SDCZO Section 2725(b) SDCZO Section 1350	Paramilitary type training facilities not permitted in an A72 zoned agricultural property without the issuance of a Major Use Permit.
2. SDCZO Section 2725(c) SDCZO Section 1505(b)	Outdoor shooting range not permitted in an A72 zoned agricultural property without the issuance of a Major Use Permit.
3. SDCCRO Section 21.101(a) SDCCRO Section 21.1 02(v)	Operation of a shooting range without first having obtained a license issued by the Sheriff's Department.

Covert Canyon denies these alleged violations and contends that it is legally discharging firearms on its Property as authorized under the applicable County codes and the Second Amendment to the U.S. Constitution.

Covert Canyon and DPLU stipulate to the following facts:

- A. Covert Canyon owns 152 acres of land located about eight miles southeast of Alpine. The Property is over a mile from the nearest paved road. Persons entering the property must do so through locked gates.
- B. Unrestricted firearms discharge is permitted on the Property subject to compliance with SDCCRO sections 33.101, et seq. SDCCRO regulations do not limit the number of people who may discharge firearms, the frequency with which a person may discharge a firearm, the purposes for which a person may do so, or the types of firearms that may be discharged on unincorporated territory where firearm discharge is permitted. Nor do the regulations prevent use of the Property for target practice.
- C. "Paramilitary-type training facilities" are not defined in the San Diego County Zoning Ordinances.
- D. On April 28, 2011, ten people discharged firearms on the Property. All were on the Property with the written permission of Covert Canyon.
- E. SDCCRO section 21.102(u) requires that all "shooting ranges" be licensed by the Sheriff. The Ordinance does not define what a shooting range is in contrast to a private target shooting area, military, law enforcement, or other training facilities.

- F. The Property is not open to the general public. The discharge of firearms on the Property is limited exclusively to those who are invited by Covert Canyon to do so. All such persons must have written permission from Covert Canyon.
- G. Covert Canyon has a pending Application for a Major Use Permit to conduct military and law enforcement training on the Property.

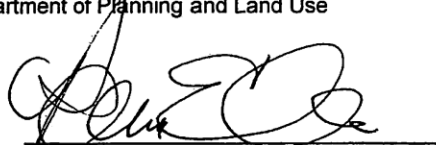
**STIPULATED ORDER**

1. Covert Canyon agrees that it will not allow private individuals, government affiliated officials or employees to formally qualify in firearms proficiency through testing performed at Covert Canyon without written permission from the County.
2. Covert Canyon may use the property for discharging firearms consistent with the SDCCRO and SDCZO. This includes recreational uses such as target practice by family and friends, and firearm practice conducted socially by invited guests, either individuals or as individuals collectively in groups, provided the activity is not offered for monetary gain or on a commercial basis by Covert Canyon, which may include the use of the present target areas on the Property. All firearm activity shall comply with SDCCRO section 33.101 with respect to discharging firearms at a reasonably safe distance from any occupied dwelling, house, residence, or other building. All firearm activity shall comply with SDCZO.
3. Covert Canyon, its corporate officers, agents, employees or assignees shall not operate a commercial or private membership only shooting range on the Property without obtaining a Major Use Permit.
4. Covert Canyon, its corporate officers, agents, employees or assignees shall not operate a commercial or private membership only shooting range on the Property without obtaining a license from the San Diego County Sheriff's Department.
5. This Stipulated Order shall not prevent Covert Canyon or anyone with written permission from Covert Canyon from engaging in free, non-commercial activities involving firearms discharge at any location on the Property, provided such activities comply with SDCCRO section 33.101 with respect to discharging a firearm at a reasonably safe distance from any occupied dwelling, house, residence, or other building and such activities must comply with SDCZO.
6. This Order resolves the alleged violations, which occurred on April 28, 2011. Covert Canyon shall pay the County \$500 to defray its administrative costs. The parties shall pay their own attorneys' fees and any other costs.

7. This Stipulated Order is intended to resolve disputed claims without the time and expense of legal proceedings and to avoid future disputes regarding the types of conduct which are permitted on the Property without a Major Use Permit. This Stipulated Order is not intended to be an admission by any party on the merits of any alleged violations, which are disputed by Covert Canyon.

Eric Gibson, Director  
Department of Planning and Land Use

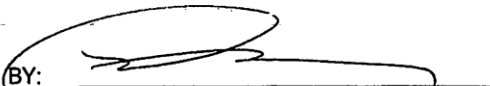
BY:



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

Covert Canyon, LLC

BY:



Marc Halcon, Manager