

**LORI L. STAEHLE PAUL & ROBERT L. STAEHLE
153 JAXINE DRIVE
ALTADENA, CALIFORNIA 91001**

Co-owners of San Diego County APN #198-320-14, #198-320-15 and #198-320-28

2016 February 4

County of San Diego
Planning and Development Services
Peter.Eichar@sdcounty.ca.gov
Kevin.Johnston@sdcounty.ca.gov
5510 Overland Avenue #310
San Diego, California 92123

Re: Public comment responding to the Notice of Preparation (NOP) for a Subsequent Environmental Impact Report (SEIR) to analyze impacts associated with the Property Specific Requests (PSRs) General Plan Amendment and Rezone (GPA 12-005; REZ 14-006).

Specifically concerning Property Specific Request (PSR) Desert Subregion 24 (DS-24):

APN# 198-320-01

APN#198-320-26

to change above parcels of undeveloped desert from Semi-Rural SR-10 to Semi-Rural SR-1 zoning under the current San Diego County General Plan

Dear Messrs. Eichar, Johnston, and Planning Staff,

As owners of record for three parcels near the subject APNs, ourselves and our property values would be negatively impacted by the proposed zoning and land use change to increase density of development on approximately 172 acres of natural desert encompassed by Property Specific Request DS-24. The requested zoning change from low density SR-10 to high density SR-1 is contrary to the County General Plan adopted for this area on August 3, 2011. Because the proponents had no active development application on record at the time the new General Plan was approved (and certainly no approval for any subdivision plan), we strongly object to the County giving any special treatment to the persons who propose to develop the subject parcels.

Further, whether or not they might have had an active request "in the system," we strongly object to the proposed County approval of development plans on the DS-24 site because of the negative impacts this would impart, including but not limited to:

1. Degradation of the semi-rural character of the zone surrounding Anza Borrego Desert State Park. It was precisely this semi-rural, open space character that the reduced density approved in the new General Plan was intended to preserve.

2. Dust, molds, and other fine particulate pollution will be added to the air in large quantities for many days of the year if the stable sand dune and a large ocotillo forest are removed from the DS-24 site, thereby degrading air quality and threatening public health. The developers plan to grade 170+ acres, scraping off native vegetation and biotic soil crust and using the existing old sand dune on the site as fill to create elevated vacant lots they hope to sell. This plan would dramatically increase the load of windborne dust, molds, and other fine particulates that will irritate our lungs and eyes and those of our co-owners, our guests, neighbors in the region, and tourists. The subject parcels are located in an area of known frequent high winds, often >50 mph.
3. Dark sky is one of the rare resources that brings many people to the Anza Borrego Desert. It is one of the significant reasons we value the desert. Unlike more populated parts of Southern California, the Milky Way galaxy in which our Solar System resides can be clearly seen on the usually-cloud-free nights. Increasing the residential density will increase background lighting in ways that degrade the dark night sky, especially when there is windblown dust in the air (see #2 above). The proposed increase in development density will counter efforts by Borrego Springs that have earned us an official Dark Sky designation (see <http://darksky.org/idsp/communities/borregosprings/>), as the second Dark Sky Community in the United States after Flagstaff, Arizona. Just as Flagstaff is located near Lowell Observatory (from which Pluto was discovered), Borrego Springs is located in the dark skies near the historical and still fully-utilized Palomar Observatory. The economy of Borrego Springs is enhanced by the astronomers and other visitors who specifically come here to see dark skies and clear, scenic desert views.
4. Traffic in close proximity to Anza-Borrego Desert State Park south of the Borrego Springs community proper would be dramatically increased if DS-24 is changed to SR-1 zoning, first during construction, and then as people occupy new residences. Traffic will increase noise, toxic exhaust, particulates thrown up by diesel engines and tires, and noise pollution. Traffic at night will further degrade Borrego Springs' dark sky resource and the attraction this holds for astronomical event tourism that helps support many local businesses.
5. Species diversity and biological resources will be greatly diminished and the natural environment degraded if the PSR for DS-24 is approved. Under the 10-acre minimum parcel size designation carried for the subject parcels in the new General Plan, there would be sufficient space between any eventual residences to retain natural vegetation and the wildlife that depends upon it. Higher lot density and the need to grade the stable sand dune to meet lot elevation requirements would ensure that most or all original native vegetation would be removed from the site, which in turn would virtually eliminate natural habitat for the numerous species of resident and migratory birds, amphibians in areas of periodic water, reptiles, mammals, abundant butterflies, and many species of annual and perennial wildflowers. After sufficient rain, the site can come alive with carpets of spectacular blooms.

In addition to habitat destruction, increased human activity in the higher-density setting would eliminate many significant species for which the site is home or forage or hunting range, including:

Burrowing Owls (*Athene cunicularia*, a California Species of Special Concern) who have active burrows on the site. Populations of these owls are in decline, largely from habitat loss to development as well as pesticide use, making the existence of this species on the DS-24 parcels an important consideration.

Flat-tailed Horned Lizard (*Phrynosoma mcallii*, a California Species of Special Concern) have been observed on the subject parcels. High density housing usually results in the introduction of foreign Argentine ants that kill native ant species and radiate out into the local environment. Horned lizards (including Flat-tailed, Desert, and Sand Diego Coast horned lizards) cannot eat Argentine ants, which results in extirpation of these native lizards around housing subdivisions. Such an occurrence so close to the State Park and wilderness areas is of serious concern.

Colorado Desert Fringe-toed Lizard (*Uma notata*, a California Species of Special Concern) has been seen on the DS-24 parcels in the sandy dune area adjacent to unpaved Country Club Road. The pristine desert habitat, including the old sand dune, large ocotillo forest, and desert stream bed on the subject parcels supports an incredible diversity of desert lizards, including the striking-looking Western Whiptail (*Aspidoscelis tigris*), Zebra-tailed Lizard (*Callisaurus draconoides*), and Long-nosed Leopard Lizard (*Gambelia wislizenii*), among many others. Snakes are also present in abundance, including the spectacular Red Diamondback Rattlesnake (*Crotalus ruber*), Northern Desert Nightsnake (*Hypsiglena chlorophaea / torquata deserticola*), and recognizable light and dark banded California Kingsnake (*Lampropeltis / getula californae*), etc.

Tubb Canyon Bajada and vicinity, including the natural habitat on the DS-24 site, receive occasional visitations by endangered **Peninsular Desert Bighorn Sheep** (*Ovis canadensis nelsonii / cremnobates*), which is a federally listed Endangered Species. Hoof prints of these Bighorn Sheep have been seen on an adjacent parcel as recently as December 2015. Endangered Bighorn Sheep may utilize the subject parcels for seasonal forage, especially during periods of drought. DS-24 parcels are located on the boundary of designated “critical recovery habitat” for the Peninsular Desert Bighorn Sheep. It is possible that future study data will result in extending critical habitat for this endangered species to include alluvial fans and desert riparian water sources that may provide the sheep with additional forage and drinking options during prolonged drought. Such adjustments to critical habitat boundaries have occurred in the past.

6. Noise will dramatically increase during grading and construction, and will remain a nuisance once new parcels are occupied, disturbing on adjacent parcels their owners’ quiet enjoyment and negatively impacting their property values as too many new residents move into the proposed development area so close to the recreational lands and habitat within the adjacent State Park and wilderness areas.
7. Recreational value and aesthetics of the area south of Borrego Springs, including the rugged Tubb Canyon outflow area, will be diminished by destruction of the ancient Ocotillo Forest (*Fouquieria splendens*) and associated rare natural ecosystem that presently occupies the subject

parcels. Every spring these parcels are part of one of the largest unbroken Ocotillo Forest blooms that is easily viewed and accessible from public roads. Most years, this bloom is so intense as to create for a few weeks an astonishing “haze” of brilliant red just above the ground that is part of the wildflower spectacle that thousands of tourists come from all over the world to see.

8. Property values of neighboring parcels will decline, including those in which we share ownership, as result of all the above deleterious effects of the proposed development. The new General Plan enforced the long-standing status quo of low density surroundings that made parcels near the State Park attractive. The proposed action, filed as an active project *after* adoption of the new General Plan, would take value away from us that was intended to be protected by the General Plan, in order to line the pockets of the developers and those politicians whose campaigns they fund.
9. Illegal taking of our property has long been planned by the owners and developers of DS-24 in order to construct extensive, unsightly, environmentally damaging, and costly flood control structures, including a concrete dam “built to federal standards,” additional diversion dikes and channels running east-west along Tubb Canyon Road, and additional debris basins at the mouths of Tubb and Dry Canyons. These flood structures would be built on our land and that of several neighbors. This flood control system has been designed to enable the development of the DS-24 site in a hazardous flood plain at the cost of other, preexisting landowners. It is the most insidious and ominous element of the proposed high-density subdivision of vacant lots located on what is currently pristine desert.

During past extensive discussions and briefings, including proposed tract maps, about the proposed “Borrego County Club Estates” subdivision on the DS-24 parcels over many years, notably at the Borrego Springs Sponsor Group and with neighbors, this massive flood control system of dikes, dam, and basins *was never mentioned by Rudy Monica or other owners of the site.* The flood control plan, and proposed “Geologic Hazard Special Assessment District” to fund its construction, was found buried in County records researched by Lori Paul and neighbor, Ann Irwin, and brought to light back in 2008. It shocked all affected landowners, the Sponsor Group, State Park staff, and raised even greater public opposition to the project that has become commonly known as “Rudyville.”

Refer to the following developer’s report for details along with past TM5487 “Borrego Country Club Estates” Flood Hazard Evaluation documents and plans:

“Flood Hazard Evaluation – Borrego Country Club Estates – Borrego California”

Prepared for Mr. David S. Davis, Carlsbad, California

by Walter F. Crampton, Principal Engineer

R.C.E. 23792, R.G.E. 245

Terra Costa Consulting Group, Inc., San Diego, California

August 27, 2007

The report repeatedly refers to “...*the County’s 2,700-foot-long-dike* [emphasis added] in the headwaters of Culp-Tubb Canyon.” The old, earthen diversion dike built on our property and that of other neighbors was not, as stated, constructed by San Diego County. The County does not own or maintain that dike, it is on private property and was constructed decades ago as a temporary dirt levee by the U. S. Army Corps of Engineers. Currently, the main dike and small sub-dikes to the northwest are naturalizing by erosion and revegetation. Furthermore, burrowing owls reside on the east side of the old dike berm. We have no intention of allowing any alternation in that dike which is returning to its natural state.

The massive concretized flood control system proposed by the owners of DS-24 includes: A concrete “5600’ +/- OFFSITE DIVERSION DIKE TO BE CONSTRUCTED” as featured in a map dated 05/18/07 [month slightly illegible on reduced paper copy], so may be different], titled “DRAINAGE EXHIBIT, REGIONAL DEVELOPED CONDITIONS, BORREGO COUNTRY CLUB ESTATES,” prepared by Stevens-Cresto Engineering, Inc., and submitted to San Diego County for “TRACT 6487-RPL1”. This map, copy attached in east and west halves, shows a “4000’ +/- DIVERSION DIKE TO BE RETRO-FIT” crossing our parcel APN #198-320-28, and the “Proposed Diversion Structure” downslope of that to be inside the Anza-Borrego State Park Boundary, and to run alongside our land, impinging on our parcel APN #198-320-15.

The map notes state that this structure is to render a portion of the proposed development “TO BE REMOVED FROM FLOOD ZONE ‘AO’ ”; AO being a zone determined by the Federal Emergency Management Agency (FEMA) to be subject to periodic significant flooding that threatens structures.

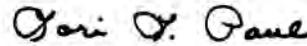
A preferred alternative involving the above flood control structures, includes excavation of catch basins at the base of Tubb Canyon and Dry Canyon, also on private property and possibly impinging on the State Park.

The land for these highly intrusive flood control structures is not owned by either the developers or the County, nor are there recorded easements that could be utilized for such structures. Thus, the required property would need to be seized from us, our co-owners, and our neighbors by eminent domain. Elsewhere there is a description for how the developers intend to secure support from elected officials to create a new special assessment district that would tax us, our co-owners, neighbors and others, in effect so that these developers could profit from illegally taking our lands for a project that should never be built in the first place.

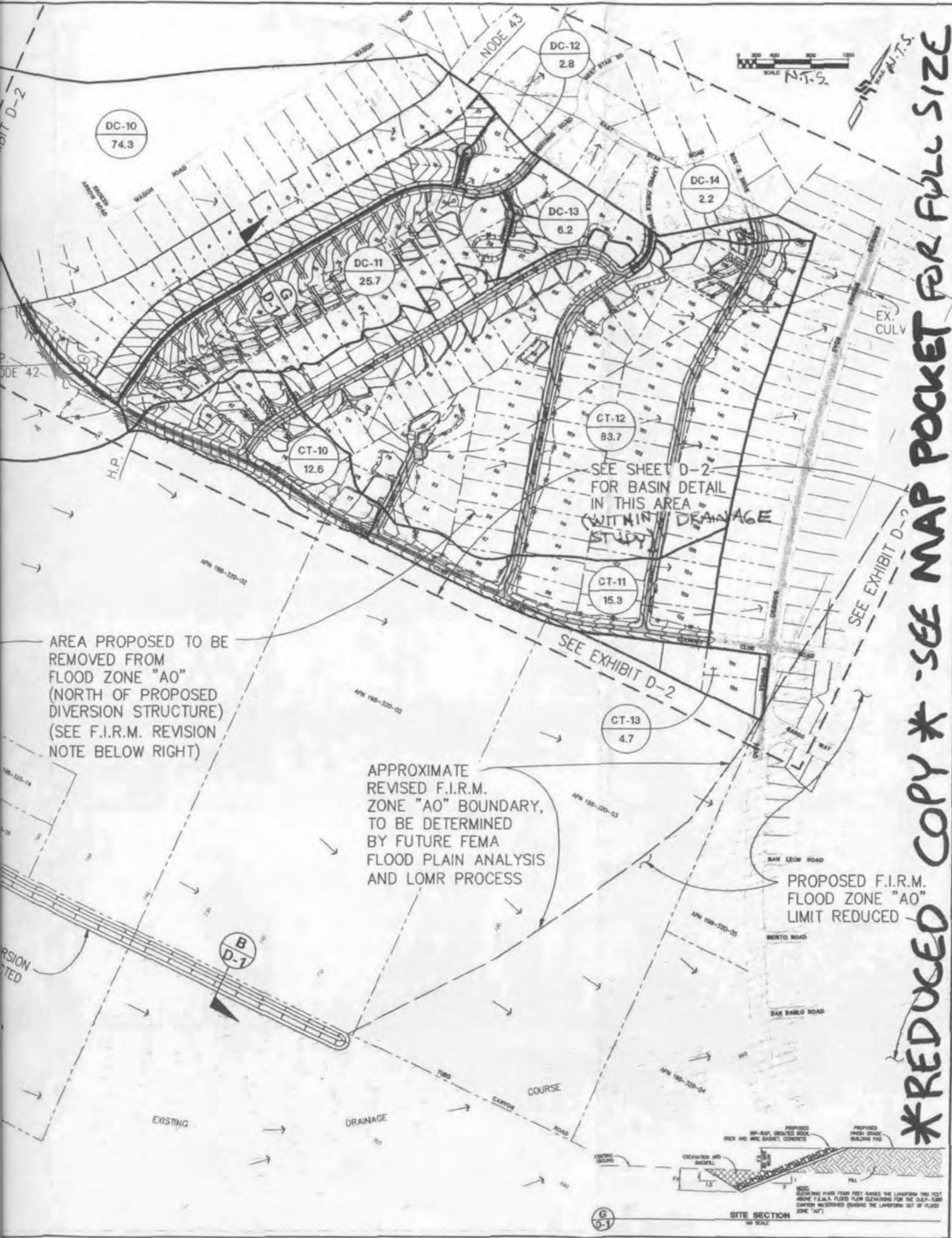
This travesty is, fortunately, prohibited by the new General Plan; therefore, on this basis, in addition to other germane concerns, no Project Specific Request should be approved for DS-24 (aka “Borrego Country Club Estates,” known locally as “Rudyville”).

For all these reasons, we oppose the proposed project for the DS-24 site. We therefore request that San Diego County suspend any and all actions taken in support of increasing the permitted housing density, or any other proposed use change with the exception of reduced density or conservation protection, from the present undeveloped land on APN #198-320-01 and #198-320-26.

Thank you,



Attachments: East and West halves of map dated 05/18/07, titled "DRAINAGE EXHIBIT, REGIONAL DEVELOPED CONDITIONS, BORREGO COUNTRY CLUB ESTATES," prepared by Stevens-Cresto Engineering, Inc., and submitted to San Diego County for "TRACT 6487-RPL1".



AREA PROPOSED TO BE REMOVED FROM FLOOD ZONE "AO" (NORTH OF PROPOSED DIVERSION STRUCTURE) (SEE F.I.R.M. REVISION NOTE BELOW RIGHT)

APPROXIMATE REVISED F.I.R.M. ZONE "AO" BOUNDARY, TO BE DETERMINED BY FUTURE FEMA FLOOD PLAIN ANALYSIS AND LOMR PROCESS

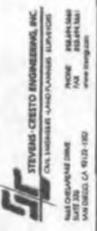
PROPOSED F.I.R.M. FLOOD ZONE "AO" LIMIT REDUCED

SEE SHEET D-2 FOR BASIN DETAIL IN THIS AREA (WITHIN DRAINAGE STUDY)

SEE EXHIBIT D-2

SEE EXHIBIT D-2

*REDUCED COPY * - SEE MAP POCKET FOR FULL SIZE



COUNTY OF SAN DIEGO TRACT 5487-RPL1
SAN DIEGO, CALIFORNIA

DRAINAGE EXHIBIT
REGIONAL DEVELOPED CONDITIONS
BORRERO COUNTRY CLUB ESTATES

DATE: 05/16/97
SHEET NO: 0000017
SHEET
D-1
1 OF 3 SHEETS

D.C.-1
63.4

D.C.-2
259.7

SEE EXHIBIT D-2

L.P.
NODE 42

LEGEND

PROPOSED GROUND CONTOURS
300 ——— INTERMEDIATE
300 ——— INTERMEDIATE
EXISTING GROUND CONTOURS
300 ——— EXISTING
300 ——— INTERMEDIATE

DRAINAGE BASIN DESIGNATOR

A
0.57
— BASIN DESIGNATION (ALPHA CHARACTERS DESIGNATE REGIONAL RUNOFF AREAS)

ON-SITE BASIN AREA (Acres)

DRAINAGE BASIN BOUNDARY

PROPERTY LINE

PLUNGET/CHANNEL FLOW DIRECTION

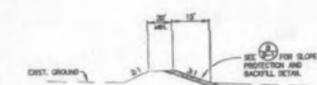
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FOUR 100-YEAR FLOOD ZONE

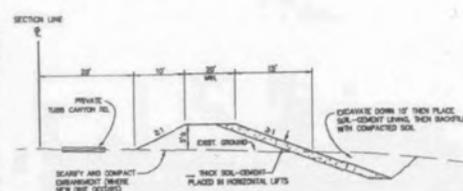
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TO PATH FOR EFFECTIVE SCOPE

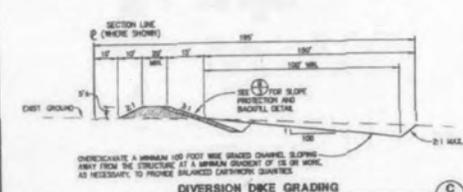
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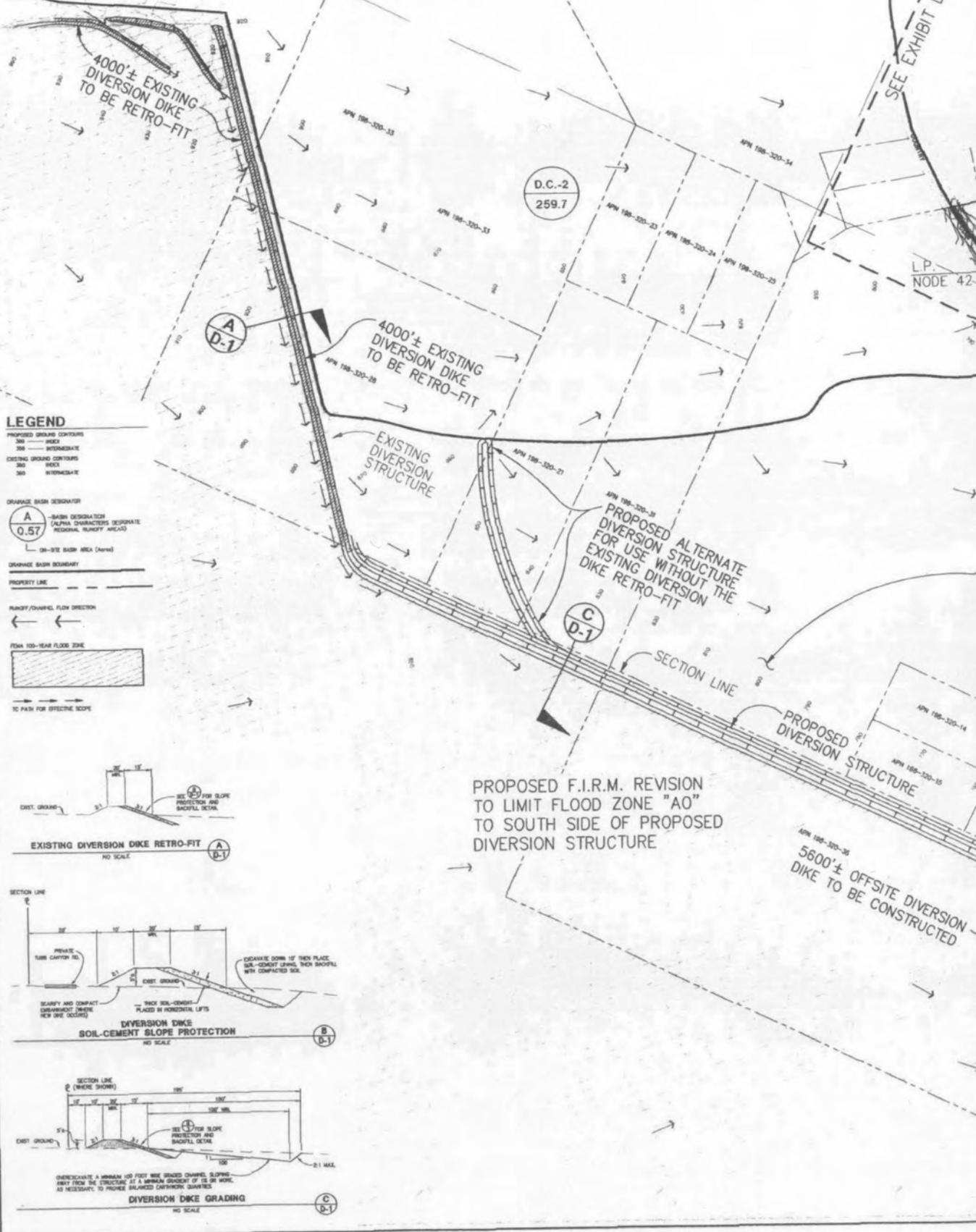
EXISTING DIVERSION DIKE RETRO-FIT
NO SCALE (A)
D-1



DIVERSION DIKE SOIL-CEMENT SLOPE PROTECTION
NO SCALE (B)
D-1



DIVERSION DIKE GRADING
NO SCALE (C)
D-1



PROPOSED F.I.R.M. REVISION
TO LIMIT FLOOD ZONE "A0"
TO SOUTH SIDE OF PROPOSED
DIVERSION STRUCTURE

5600'± OFFSITE DIVERSION
DIKE TO BE CONSTRUCTED