

AGENDA
Borrego Water District Board of Directors
Special Meeting
April 19, 2016 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda
- E. Comments from Directors and Requests for Future Agenda Items
- F. Comments from the Public and Requests for Future Agenda Items (comments will be limited to 3 minutes)

II. CURRENT BUSINESS MATTERS

- A. Discussion of ordinance 16-01, Urgency Ordinance establishing water conservation requirements by limiting landscape watering. (2-6)
- B. Discussion of Prop 218 rate increase and possible postponement until the Fall. (7-10)
- C. Discussion and possible action on continuing Groundwater Sustainability Plan work (11-12)
- D. Review and possible acceptance of Harry Ehrlich proposal for General Manager recruitment (13-16)
- E. Discussion of potential agenda items for April 20th board meeting

III. INFORMATION

- A. Borrego Springs Water District Strategic Planning Committee statement about the Property Specific Requests (PSRs) General Plan Amendment (GPA) - presented by Lyle Brecht at Borrego Springs Community Sponsor Group meeting on Thursday, April 7, 2016, 4:30 PM, Borrego Springs High School Community Room (17- 46)
- B. UCI community reception invitation (47)

IV. CLOSED SESSION

- A. PUBLIC EMPLOYMENT
Title: General Manager,
California Government Code section 54957(b)(1)

V. CLOSING PROCEDURE

The next Regular Meeting of the Board of Directors is scheduled for April 27, 2016 at the Borrego Water District

Ordinance No. 16-01

AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING WATER CONSERVATION REQUIREMENTS BY LIMITING LANDSCAPE WATERING, TO TAKE EFFECT IMMEDIATELY

WHEREAS, the Board of Directors (the “Board”) of the Borrego Water District (the “District”) recognizes that there is a need to develop mandatory conservation measures during identified and declared emergency circumstances, including drought conditions; and

WHEREAS, the Board has previously adopted Resolution No. 2009-4-1, a “Resolution of the Board of Directors of the Borrego Water District, San Diego County, California, Adopting in Principle Tiered Water Rates Subject to Subsequent Compliance With Proposition 218 and Adopting the BWD First Conservation Management Plan,” (the “Resolution”), with the intent of encouraging water use efficiency and conservation by its customers in the form of conservation and end use efficiency incentive measures through various options; and

WHEREAS, on January 17, 2014, the Governor of the State of California issued a proclamation of a state of emergency under the California Emergency Services Act based on existing drought conditions, which state of emergency was continued by the Governor on April 25, 2014, and remains in effect; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Water Resources Control Board to impose restrictions on water suppliers in order to achieve a statewide reduction of potable water use by not less than 25 percent through February 2016, which directives were extended to October 31, 2016 by a second Executive Order on November 13, 2015, should the drought conditions continue through January 2016; and

WHEREAS, on February 2, 2016, the California State Resources Control Water Board (State Board) adopted Extended Emergency Water Conservation Regulations extending the state of emergency under the California Emergency Services Act through October 2016, and

WHEREAS, the State Board adopted regulations to impose restrictions on non-urban water suppliers, such as Borrego Water District, to either reduce its total potable water production by 25 percent relative to the amount produced in 2013 or limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two (2) days per week; and

WHEREAS, the voluntary conservation and end use efficiency incentive measures identified in the Resolution have not achieved the required 25 percent reduction, making it mandatory for the District to limit outdoor irrigation of ornamental landscapes or turf with potable water by the District’s customers to no more than twice each week or suffer fines from the State Board in the amount of \$500 per day for each violation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Borrego Water District, as follows:

Section 1. Declaration and Finding of Urgency.

A. On January 17, 2014, Governor Brown issued a proclamation of a state of emergency under the California Emergency Services Act (Government Code section 8550 et seq.), as a result of ongoing drought conditions throughout the State of California. Governor Brown issued a proclamation of a

continued state of drought emergency on April 25, 2014. On April 1, 2015, as a result of unabated drought conditions, Governor Brown issued Executive Order No. 8-29-15 directing the State Board, which includes restrictions imposed on water suppliers to achieve a 25% reduction in potable urban water usage through February 28, 2016, as compared to 2013.

B. In May 2015, the State Board implemented the 25% reduction mandated by the Executive Order requiring each distributor of public water supply (as defined in Water Code section 350), that is not an urban water supplier, to either (1) limit outdoor irrigation of ornamental landscapes or turf with potable water to not more than two (2) days per week; or (2) implement other mandatory conservation measures intended to achieve a 25% reduction in potable water consumption.

C. Immediate implementation of the proposed ordinance will serve to achieve the mandated emergency regulations, thereby helping to protect the public health and safety by conserving potable water supplies for human consumption and other more essential purposes. The Board finds that the Ordinance should be adopted on an urgent basis to ensure greater water conservation with this Ordinance effective immediately upon passage.

Section 2. Purpose.

A. The purpose of this Ordinance is to establish water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable methods of use of water within the Borrego Water District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times of emergencies.

B. This Ordinance establishes regulations to be implemented during times of declared water shortages, declared water shortage emergencies, or other emergencies affecting the ability of the District to maintain an adequate supply of potable water for its customers.

Section 3. Limitations on outdoor landscapes and turf irrigation.

Effective immediately, outdoor landscapes and turf irrigation restrictions are hereby imposed in order to preserve and protect the District's supply of potable water or to comply with regulations adopted by the State of California are as follows:

- A. Outdoor landscapes and turf irrigation are hereby restricted to a maximum of two (2) days per calendar week for each property.
- B. The days for permitted outdoor watering are designated as Mondays and Thursdays of the week for addresses ending in odd numbers, and Tuesdays and Fridays of the week for addresses ending in even numbers.
- C. No outdoor watering schedule shall exceed a total of 6 hours a day during which outdoor landscapes and turf may be irrigated so as not to result in runoff.
- D. Irrigation of landscape and turf is restricted to overnight hours except when weather conditions are unfavorable.
- E. No outdoor watering shall occur within 48 hours after measurable rainfall.

Section 4. Failure to comply with irrigation restrictions.

Any customer or responsible party found in violation of any order of the General Manager or the Board imposed by this Section may be subject to administrative fines or penalties as set forth in this Administrative Code, in Ordinance No. 15-01, or as otherwise established by the Board.

Section 5. This ordinance shall be effective following its passage and adoption by a four-fifths vote of the Board of Directors, and in accordance with Government Code section 36937(b).

ADOPTED, SIGNED AND APPROVED this 8th day of March, 2016.

Beth Hart, President of the Board of Directors of
Borrego Water District

ATTEST:

Joseph Tatusko, Secretary of the Board of Directors of
Borrego Water District

{Seal}

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Joseph Tatusko, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors of said District at a regular meeting held on the 8th day of March, 2016, and that it was so adopted by the following vote:

AYES: DIRECTORS: Hart, Tatusko, Delahay, Estep
NOES: DIRECTORS:
ABSENT: DIRECTORS: Brecht
ABSTAIN: DIRECTORS:

Joseph Tatusko, Secretary of the Board of Directors
of Borrego Water District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Joseph Tatusko, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 16-01, of said Board, and that the same has not been amended or repealed.

Dated: March 8, 2016

Joseph Tatusko, Secretary of the Board of Directors
of Borrego Water District



BORREGO WATER DISTRICT

April 13, 2016

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

The Borrego Water District is an isolated, small water purveyor located in the Anza-Borrego Desert. The community is entirely dependent on the Borrego Valley Groundwater Basin (BVGB) for its sole source of water. The BVGB is listed as a medium priority, critically overdrafted basin and steps are in place to create a Groundwater Sustainability Plan (GSP) by January 31, 2020.

Our community has worked diligently to conserve water and over the past five years, the District has reduced its overall municipal production by 20%. Unfortunately, the baseline period of 2013-2014 was a much wetter than normal period. For example, in 2013 between July and September (the normal wet months in Borrego), Borrego received 4.18 inches of rain, more than twice its historical average. In 2015, Borrego received 0.2 inches of rain between the same dates. Thus, for our desert environment, using the SWRCB's baseline for reductions, any short-term reductions have been difficult to achieve.

A great deal of work has been completed in preparation for the creation of the GSP. One major accomplishment was the creation of the Borrego Water Coalition, a stakeholder group representing approximately 80% of the annual water use in the BVGB. Of the water use sectors, agriculture is extracting 70%, recreation 20% and domestic 10% of the total annual withdrawals from the BVGB. As we move to create the GSP, reductions need to take place *across the board* to all sectors, not just the municipal users that are mandated by the Executive Order (EO). Another major accomplishment was a recently published report by the U.S. Geological Survey which suggests that the uppermost, and most prolific of three aquifers in the BVGB, has an estimated life of 50 years. This provides an ample amount of short-term storage to address the EO.

The EO has had marginal overall effectiveness for our unique situation, and in many ways, has only created conflict since it only addressed municipal production, comprising a modest 10% of the BVGB total annual water usage. Please allow us to continue our GSP path, which will provide for *permanent* reductions to achieve sustainability by exempting our desert community from provisions of the EO.

Sincerely,

Jerry Rolwing
General Manager

Cc: Beth Hart, President of the Board of Directors



Notice of Public Hearing - Water and Sewer Rates¹
May 25, 2016 at 9:00 a.m.

Borrego Water District
806 Palm Canyon Drive, Borrego Springs, CA 92004

Notice of Public Hearing on Proposed Water and Sewer Rates

In compliance with Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act, notice is hereby given that the Borrego Water District Board of Directors will conduct a public hearing on Wednesday, May 25, 2016 at 9:00 a.m. at the District Office, 806 Palm Canyon Drive, Borrego Springs, CA, 92004, to consider adopting proposed changes to water and sewer rates.

The rate adjustments being considered will become effective July 1, 2016. The District bills monthly for water and sewer service used in the month prior to the billing date.

¹ Para recibir una copia de este Aviso o informacion adicional en Espanol acerca de las propuestas tarifas de agua y alcantarilla, por favor llame al numero (760) 767-5806 o informes en el sitio Web del Distrito www.borregowd.org.

Purpose of Proposed Rate Increases

The purpose of the proposed rate increases is to allow the District to collect sufficient revenue to enable it to continue providing water and sewer service to its customers in the face of increasing operating costs; to enable the District to afford capital improvements that are essential for operating the water and sewer system in a safe and financially prudent manner; and to establish a revenue stream capable of meeting future obligations to repay debt incurred to finance necessary capital improvements. Without the proposed water rate increases, the District's water revenues could cover operating expenses, but not its necessary capital expenses to continue to meet customer expectations for dependable service and future drinking water quality standards. The sewer rates are inadequate to sufficiently recover both operating and capital expenses of the District beginning in FYE 2016.

Revenues derived from the District's water and sewer service charges are used solely for the actual and necessary expenses of providing water and sewer service to its customers. The District is prohibited by law from making a profit on water and sewer service.

The proposed rate increases are based on a rate study conducted by the California office of Raftelis Financial Consultants, Inc. (RFC), a well respected national water and wastewater financial consulting firm, which took into consideration all of the factors described above in conducting the study. The rate study and its methodology will be discussed in more detail at the public hearing. Copies of the rate study are available at the District's offices [and posted online on the District's website].

Sewer Rates

The District provides sewer service to Improvement Districts 1, 2 and 5. Changes are being proposed for all Districts. The District's monthly sewer charges are based on one equivalent dwelling unit (EDU) usage of 250 gallons per day, for a typical single family residence. Commercial projected EDU requirements are determined on a case-by-case basis. Sewer customers are charged a fixed monthly holder fee, and a monthly user fee based on number of EDU's.

Sewer service charges are proposed to change as shown in the following table:

Sewer Rates		Current Rates	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
ID-1		\$ 33.56	\$ 38.78	\$ 40.33	\$ 41.94	\$ 43.62	\$ 45.37
ID-5		\$ 62.62	\$ 45.10	\$ 46.90	\$ 48.78	\$ 50.73	\$ 52.76
ID-2	User	\$ 29.42	\$ 45.10	\$ 46.90	\$ 48.78	\$ 50.73	\$ 52.76
ID-2	Holder	\$ 19.42	\$ 24.76	\$ 25.75	\$ 26.78	\$ 27.85	\$ 28.97
BSR		\$ 62.62	\$ 24.76	\$ 25.75	\$ 26.78	\$ 27.85	\$ 28.97
BSR	Usage	\$ 1.30	\$ 1.82	\$ 1.89	\$ 1.97	\$ 2.05	\$ 2.13

Water Rates

The District's water rates have two components: (1) a **Fixed Meter Charge** based on the customer's meter size, to recover a portion of the District's fixed costs of operating, maintaining and delivering water, and (2) a **Commodity Charge**, determined by the amount of water used. It is proposed that the fixed charges, applicable to all customers account for 33% of the District's ongoing expenses, and 67% of such expenses should be funded on a consumption basis. It is further proposed that both charges increase at the rate of 5% per year for five years, in order to meet future increases in expenses, provide reserves, and provide sufficient reserves to any meet future debt obligations, and to allow for additional annual increases to pass through inflation as described in the section titled "Pass Through Costs," below. The proposed rates would consider two tiers, calculated to address the costs incurred by the District to delivery water, the difference based on basic domestic (i.e., indoor) water usage, and outdoor irrigation.

Fixed Meter Charges are proposed to change as shown in the following table:

Water Rates for All ID's						
Fixed Charge Meter Size	Current Rates		Proposed Rates			
	\$/Mo.	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
3/4"	\$ 42.04	\$ 34.89	\$ 36.99	\$ 39.21	\$ 41.57	\$ 44.07
1"	\$ 61.45	\$ 45.27	\$ 47.99	\$ 50.87	\$ 53.93	\$ 57.17
1 1/2"	\$ 103.62	\$ 71.20	\$ 75.48	\$ 80.01	\$ 84.82	\$ 89.91
2"	\$ 156.85	\$ 102.32	\$ 108.46	\$ 114.97	\$ 121.87	\$ 129.19
3"	\$ 284.86	\$ 185.31	\$ 196.43	\$ 208.22	\$ 220.72	\$ 233.97
4"	\$ 454.12	\$ 278.68	\$ 295.41	\$ 313.14	\$ 331.93	\$ 351.85
6"	\$ 906.10	\$ 538.03	\$ 570.32	\$ 604.54	\$ 640.82	\$ 679.27

Commodity Rates are proposed to change as shown in the following table:

Residential	Current Rates (All ID's)			Proposed Rates (All ID's)		
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Tier 1 1 - 7	\$ 2.42	\$ 3.16	\$ 3.35	\$ 3.56	\$ 3.78	\$ 4.01
Tier 2 > 7		\$ 3.48	\$ 3.69	\$ 3.92	\$ 4.16	\$ 4.41
Non-Residential						
Tier 1	\$ 2.42	\$ 3.35	\$ 3.55	\$ 3.77	\$ 4.00	\$ 4.24

Other Rates and Fees

Any rates or fees associated with water or sewer service that are not addressed in this Notice shall remain in full force and effect as previously adopted by the Board of Directors.

Pass Through Costs

Pursuant to AB 3030, the District Board will also consider authorizing the pass-through of future increases in operations based on inflation, in excess of the approved 5-year schedule set forth above. The Board will hold a public hearing to review the proposed increases prior to enacting any such charges.

Protests

The District Board of Directors will hear and consider all written and oral comments regarding the proposed changes to the water and sewer rates at the public hearing. The Board of Directors will then consider, and may adopt the rates described in this notice. However, if written protests are received that represent a majority of the affected parcels, the proposed rate adjustments will not be approved.

Oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest. Only one written protest will be counted per identified parcel which receives water and/or sewer service. The Board of Directors will receive a final tabulation of all written protests received by the District at the hearing. Written protests must be received by the District prior to the close of the public hearing, which can be delivered to the District by U.S. Mail or in person at the hearing.

Written protests must contain a description of the property such as the address or assessor's parcel number, and include the name and original signature of the customer submitting the protest. Please send written protests to: Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA, 92004. **Protests sent by email or fax will not be accepted as a qualified written protest.**

If you have any questions about this Notice or the proposed water and sewer rates, please call the District office at (760) 767-5806, or visit the District's website at www.borregowd.org.

DUE DILIGENCE COMMITTEE REPORT

April 19, 2016

RE: Agenda Item II. C.: Discussion and possible action on continuing Groundwater Sustainability Plan work: the County's GSA, GSP-RFP, GSP development and approval process & the County's present upzoning land use requests for land within the District's boundaries

- 1) SGMA only applies to DWR-designated high or medium priority basins. These basins must comply with SGMA starting as of January 1, 2015;
- 2) the BVGB has been designated by DWR as a medium priority, critically overdrafted basin. Therefore, the BVGB is required to abide by SGMA and has so been since January 1, 2015 irrespective of whether DWR has blessed any public entity w/ GSA status;
- 3) Currently both Borrego Water District and San Diego County have decided to become GSAs in the Borrego Valley Basin (as well as Imperial County and Imperial Irrigation District), but because all have overlapping service areas that need to be resolved as GSAs, that decision has not yet taken effect – all are in Overlap status. Please see Water Code Section 10723.8(c) and the explanation on DWR's GSA website: http://water.ca.gov/groundwater/sgm/gsa_table.cfm. Also, a GSA does not get the powers and authorities of a GSA until they adopt and submit a GSP (or GSPs) to DWR for review. Please see Water Code Section 10725;
- 4) the timing of the County's GSA, GSP-RFP and GSP development and approval processes for the BVGB, is unlikely to mesh well w/ the District's fiduciary responsibilities to its ratepayers, its CIP plans necessitated by the overdraft, or potentially a fair cost sharing across all pumpers for costs associated with the overdraft. The District will most likely need to proceed with necessary projects w/o GSP development timing considerations or coordination with the County, which appears to have vastly different priorities;
- 5) W/re to the County's present upzoning requests (e.g. Rudyville, etc.): In 2011, the District's financial consultant indicated that there were 2,157 improved and 3,914 unimproved parcels in the District boundary. Under SGMA, it is unlikely that the basin has enough water to sustainably supply this many unbuilt lots even if the District was able to purchase all the available water rights from presently irrigated farmland. Upzoning to approve additional lots is probably not supportable under SGMA. To our knowledge, the County has never taken physical water limits into account in its land use decisions for the Valley. Under SGMA, this is a requirement, since January 1, 2015;
- 6) For example: if a platted lot = 1 EDU, and the average direct usage per EDU is ~0.55 AFY and the indirect usage/reserve is ~0.23 AFY (includes public space, commercial usage based on population + reserve from broken pipes, changes in consumption, etc.; essentially a safety amount), then the amount of physical water the District must be ready to provide at some time in the future is a reserve of # of unbuilt EDUs x 0.78 AFY. The District needs another ~1,000 production credits for its existing customers and the basin needs to be able to support another 3,052 production credits for future demand. There may not be that many available production credits available for future residential development under SGMA;

DUE DILIGENCE COMMITTEE REPORT

April 19, 2016

7) w/re to the present upzoning requests, the County is claiming that Borrego Springs is not subject to SGMA: see attached - page10, LU8.1 states SGMA "does not apply to Borrego Springs." According to DWR, this is not an accurate statement as the BVGB has been subject to SGMA since January 1, 2015. The County's policy for new subdivisions of 1:1 mitigation is likely not compliant with SGMA;

8) the present District water credits policy is problematic:

- the District may have spent almost \$200,000 to date in legal and related costs working on the water credits policy and in transactions involving water credits. It is likely, under the present water credits policy, that these costs will only increase;
- the District has been required to write off some of the value of its purchased water credits on its books each year. They appear to not be increasing in value. In fact, it is likely that they will only decrease in value over time under SGMA;
- the District has granted water credits of vastly different quality to individuals. Even as a water credit represents the reduction of 1 AFY, the basis for this reduction accounting varies, which places the District and County on a different accounting basis. Under SGMA, this difference is probably not supportable;
- the District may require a valuation of water credits for the water credits is has for sale, but this creates a problem from a tax valuation perspective and actually may hamper free market transactions by setting an artificial price for transactions. This is especially an issue with the present Dudek valuation analysis;
- the economic work that both DWR has paid for and the District has contracted for, which totals approximately \$120,000 to date has been largely unsatisfactory and unhelpful for developing policy;
- the water credits policy, as it stands, is expensive and inefficient, and the economic work on using water credits has been insufficient to date. The uncertainty regarding water credits policy will only create larger problems and expense going forward, not only for the District, but for developers and agricultural land holders unless addressed in the near future. We recommend that the Board:
 - consider whether the District should get out of the business of selling and valuing water credits;
 - consider whether the water credits program be phased out over the next five years;
 - consider engaging additional economic policy advice as to exactly how the District can satisfy the need for an additional 1,000 AFY of water rights under SGMA for its current customers, much less many additional AFY required by SGMA for potential customers on the unbuilt lots the County has already approved.

Harry Ehrlich, SDA
PO Box 2247
Borrego Springs, CA 92004
(760) 415.6148

April 14, 2016

Mr. Jerry Rowling
General Manager
Borrego Water District
806 Palm Canyon Drive
Borrego Springs, CA 92004

RE: Proposal to Provide Support Services for Assisting in Recruitment of General Manager

Dear Jerry:

I submit the attached letter of proposal in response to a request by Board President Beth Hart for consideration for services of assistance with the recently announced recruitment for the position of General Manager for the District. It is my understanding that this proposal will be discussed at the next Board Meeting on April 19, 2016. If there are any questions, please feel free to contact me by phone or email.

Sincerely,


Harry Ehrlich
Attachment - Proposal Letter and Biographical Sketch

Harry Ehrlich, SDA
PO Box 2247
Borrego Springs, CA 92004
(760) 415.6148

April 14, 2016

Ms. Beth Hart, President
Members of the Board of Directors
Borrego Water District
806 Palm Canyon Drive
Borrego Springs, CA 92004

RE: Proposal to Provide Support Services for Assisting in Recruitment of General Manager

Dear Ms. Hart and Board Members:

I submit this letter of proposal in response to your request for possible assistance with the recently announced recruitment for the position of General Manager for the District. The announcement of retirement was made on March 23, 2016 and is anticipated to be effective on July 15, 2016. It is my understanding that the District Board of Directors would like to conduct both an in-house and open recruitment simultaneously in order to identify qualified candidates and make an appointment by July 15, 2016.

My proposal to provide recruitment support services is based upon my ongoing dedication to local governance, over twenty five years of management experience with special districts in San Diego County as well as broad based experience in advancing responsive public administration for over forty years. I am a full-time resident of Borrego Springs and desire to provide my assistance to benefit the District and community. I also have provided a Biographical Sketch to outline my education, experience and skills.

It is my proposal to provide the District with up to seventy-two (72) hours of coordination services at no hourly cost over the next twelve weeks (average of 5 - 6 hours per week are expected). I will initiate and administer a recruitment, identify potential candidates, review and evaluate candidate application packets with the District Board of Directors, and provide input to facilitate a finalist interview process up to the potential selection of a preferred candidate. In the event that the recruitment process requires additional time and hours beyond the initial seventy-two hours, I propose that the District will have the option to extend my services for an additional period at an hourly rate of \$100 per hour for a mutually agreeable term until completion of the process to the satisfaction of the Board of Directors. In the event that the Board of Directors determines that my services are no longer required, the services may be terminated in writing with no advance notice.

Of importance in embarking on a search for a preferred and qualified candidate for the position of General Manager, I believe that there are two important factors to keep in mind: (1) the District is in an unique geographic location and climate which may limit the number of highly experienced candidates who reside

within a reasonable travel range of the District or who may consider relocation from other areas; and (2) that the known major challenges facing the District are (a) improving the financial status through prudent planning and fiscal management, (b) development of the groundwater sustainability plan and agency, and (c) planning for the rehabilitation of the water supply and distribution system over time. These and other challenges will require the skills of a seasoned manager while overseeing the ongoing efficient operations of the District.

Anticipated Steps in the Recruitment Process:

- Upon a notice of engagement, development of a final recruitment schedule and task plan by April 22nd.
- Development of candidate qualification and rating criteria with the Ad-hoc Personnel Committee by April 29th.
- Preparation of a recruitment flyer for use for interested persons by April 26th.
- Submittal of advertisement for the local Borrego Sun, San Diego Union-Tribune and any other identified recruitment media by May 2nd.
- Submittal of advertisement for the ACWA Monthly Newsletter of May 20th by May 12th.
- Email notice of recruitment to San Diego County water agency contacts by May 2nd.
- Contact potential candidates based upon referrals from known water agency contacts – ongoing.
- Review application packets as they are received to monitor to see if qualified submittals are being received. If concerned of a minimal response, consider extending the recruitment process.
- Upon closing of the application period, estimated as June 8th, review application packets and submit them to the Ad-hoc Personnel Committee for review and rating of the most qualified candidates.
- Conduct the initial interview process and identify top 3-6 candidates for full Board interviews.
- Conduct finalist interviews and rank candidates for final consideration.
- Conduct background checks and finalize preferred candidate list for job offer by July 1, 2016.
- Negotiate contract agreement with selected finalist candidate and submit to Board for approval.

It is anticipated that to minimize contract hours and expenses, District staff will provide assistance in the preparation of recruitment documents, flyers, brochures and mailings. Any agreed upon advertisements in newspapers and ACWA would be paid for directly by the District. If any out of town travel is required on my part, subject to authorization by the Ad-hoc Personnel Committee, direct expense costs would be reimbursed at established IRS mileage rates.

I submit this proposal for the Board of Directors' review and consideration and am amenable to discuss and consider task details and schedule. This is one of the most important decisions that a Board of Directors makes and I welcome the opportunity to assist you in the process.

Respectfully submitted by


Harry Ehrlich
Attachment – Biographical Sketch

Biographical Sketch

Mr. Harry Ehrlich, SDA

Harry Ehrlich is an experienced Special Districts Administrator having served in local government agencies for 37 years. Mr. Ehrlich retired from the Olivenhain Municipal Water District in December 2006 after serving as Assistant General Manager and Operations Manager since 1992. He also served as Operations Officer, Assistant General Manager and Interim General Manager at the Ramona Municipal Water District from 1990 – 1992.

Administrative experience includes managing water, wastewater, parks and various public facilities including departments of up to 150 personnel; preparation of Capital Improvement Plans and financings; overseeing development of agency budgets and audits; training and development of personnel and volunteers. Legislative experience includes: member of the CALAFCO Legislative Committee since 2007; past member and Chairman of the CSDA State Legislative Committee; past member of the ACWA State Legislative Committee; member of the OPR Working Group on procedures for Municipal Service Reviews in 2002-03. Mr. Ehrlich has also been active in committees with the Association of California Water Agencies (ACWA).

Other related experience has been:

Accredited as a Special Districts Administrator by the Special Districts Leadership Foundation since 2004

Instructor for the Special Districts Leadership Foundation Programs for ten years

Past President of the California Special Districts Association (CSDA)

Past President of the San Diego Chapter of CSDA

Previously held positions at the Cities of Costa Mesa and Irvine in Public Safety, Public Works and Community Services

Volunteers at the Borrego Springs Senior Center and with the Community Emergency Response Team (CERT) in Borrego Springs and previously in the City of Escondido

Since 2007, Mr. Ehrlich has provided consulting for local governments and LAFCO's; conducting special organizational studies and Municipal Service Reviews; and performing training for over 90 government agencies including LAFCO's

Mr. Ehrlich currently resides in Borrego Springs with his wife Stacy, of 44 years

4/12/2016

STATEMENT REGARDING PROPERTY SPECIFIC REQUEST (PSR) DS-24
aka RUDYVILLE: BORREGO COUNTRY CLUB ESTATES
(A 170 acre parcel NW of the intersection of Borrego Springs Rd. and Country Club Rd.)
by the
STRATEGIC PLANNING COMMITTEE of the
BORREGO WATER DISTRICT BOARD OF DIRECTORS

On September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (Act). On January 1, 2015 the Act went into effect.

The Act seeks to provide sustainable management of groundwater basins, enhance local management of groundwater, establish minimum standards for sustainable groundwater management, and provide local groundwater agencies the authority and the technical and financial assistance necessary to sustainably manage groundwater.

Both the Borrego Water District (District) and the County of San Diego (County) have elected to become Groundwater Sustainability Agencies (GSAs) overlying portions of Borrego Valley Groundwater Basin (Borrego Basin), identified as Basin Number 7.24, a Bulletin 118 designated (medium-priority) basin.

As GSAs, both the County and the District are responsible for abiding by the obligations and mandates of the Act to bring the Borrego Basin into sustainability by creating a Groundwater Sustainability Plan (Plan) pursuant to the Act. Section 10720.7 of Act requires all critically over drafted basins be managed under a Plan by January 31, 2020. The California Department of Water Resources (DWR) has identified the Borrego Valley Groundwater Basin as critically over drafted.

For the above reasons, the District is particularly concerned that the County is presently considering the up-zoning of the above referenced property from 17 homes to 170 homes. It's present 1:1 Groundwater Mitigation water credits policy for the approval of new land use in the Borrego Valley is contrary to the objectives and requirements of the County as a GSA for the Borrego Basin under the Act. The Act requires that land-use patterns and new development must be consistent with long-term sustainability and requires any new approved development to mitigate for its effects.¹

Of further and direct concern to the ratepayers of the District is that such potential land use decisions by the County will increase the burden on the Borrego Basin, rendering it difficult, if not impossible, for the District to control its costs to ratepayers in this disadvantaged community.²

¹ See Dudek, "Analysis of Borrego Water District and County of San Diego Demand Offset Water Credit Policy (December 18, 2015) available at

http://www.borregowd.org/uploads/2016.02.16_BWD_Board_Package.pdf, pp. 37-50.

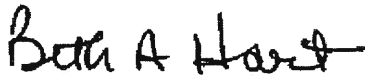
² Disadvantaged Communities (DACs) are defined in California Water Code Section 79505.5 as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. According to DWR's DAC Mapping Tool, much of the populated areas of Borrego Valley are classified as a DAC. The DAC Mapping Tool depicts data from the US Census

STATEMENT REGARDING PROPERTY SPECIFIC REQUEST (PSR) DS-24
aka RUDYVILLE: BORREGO COUNTRY CLUB ESTATES
(A 170 acre parcel NW of the intersection of Borrego Springs Rd. and Country Club Rd.)
by the
STRATEGIC PLANNING COMMITTEE of the
BORREGO WATER DISTRICT BOARD OF DIRECTORS

The current estimate to address near future water quality issues arising as a result of the continued overdraft is approximately \$6 million for mixing and storage infrastructure.³

A second potential tipping point may also be nearing if the Borrego Basin overdraft is not soon eliminated. If the Basin sustainability objectives derived from the Act are not implemented, it could require the District to spend many more tens of millions of dollars for advanced water treatment infrastructure to meet future federal and state drinking water standards for the potable water delivered to the District's customers.⁴

In advance of establishing a GSP plan and in recognition of these potential costs, the District has adopted a 4:1 ratio for all new development, a ratio that is consistent with a USGS study and other studies that have evaluated the amount of overdrafting currently occurring within the Basin. We urge the County to reevaluate and revise its land use and development mitigation policies in light of the Act before making any further decisions as to the appropriateness of new development within the Basin and in particular, before making any decisions to increase zoning density on any project before it.



Beth Hart, President, Borrego Water District Board of Directors



Lyle Brecht, Vice President, Borrego Water District Board of Directors

American Community Survey (ACS) 2009-2013 where 80 percent of the Statewide median household income (MHI) is \$48,875.

³ The overdraft was definitely established by the US Geological Survey (USGS) work conducted in 1982 for San Diego County. Since 1982, the overdraft has more than doubled. See http://www.borregowd.org/uploads/BWD_Report_USGS_1982.pdf.

⁴ Six million dollars is the current engineering cost estimate for mixing and storage capital infrastructure necessary for addressing temporal changes in water quality that may result in exceedances of drinking water maximum contaminant levels (MCLs) in District production wells due to the long-standing critical overdraft of the Borrego Basin.

PROPERTY SPECIFIC REQUESTS

INFORMATION ONLY

Noah Tom 4-7-16

DS8

Desert (Borrego Springs) DS8

Property Specific Request (PSR)

VR-2 to VR-4.3

Requested by: Ken Decenza (for Wright Family); ownership change since 2012

STAFF RECOMMENDATION: NOT DETERMINED

PSR Description

Property Owners:

Mark Dedes, Caldwell Trust, Borrego Springs LLC

Size:

PSR — 34 acres; 1 parcel

Study Area — 135 acres; 2 parcels

Location/Description:

Located within the Village area, less than a half mile from Christmas Circle; 8 miles north of SR-78; outside the County Water Authority boundary.

Estimated Total Potential Dwelling Unit Increase

(based on proposed map): 389

Fire Service Travel Time (GP Policy S-6.4):

0-5 minutes

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

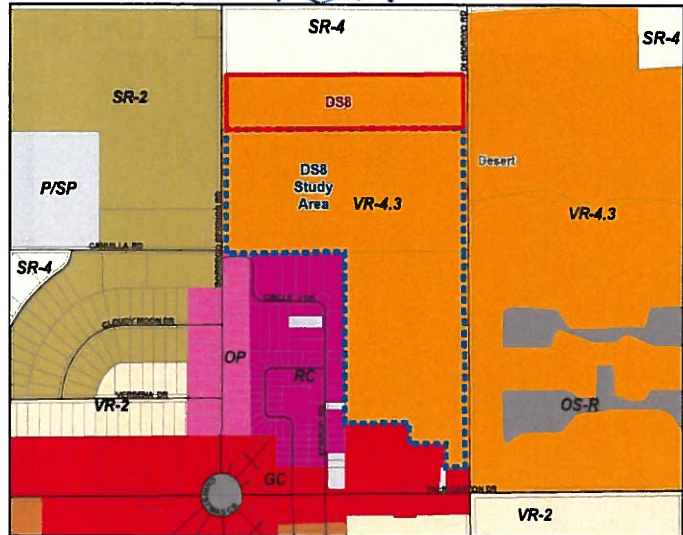
- Steep Slope (Greater than 25%)
- Floodplain
- Wetlands
- ◐ Sensitive Habitat
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Staff Recommendation and Summary Rationale

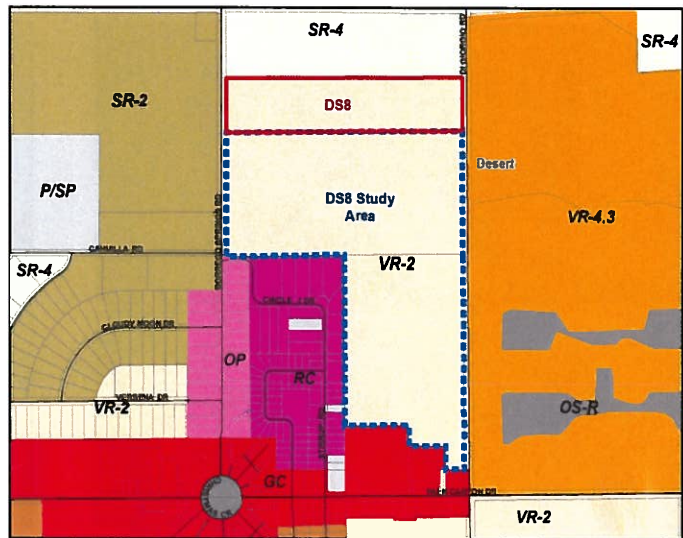
See General Plan Conformance Findings starting on page 5 for additional discussion of the rationale.

NOT DETERMINED

VR village residential
2 acre site
337 potential dwellings
726 "

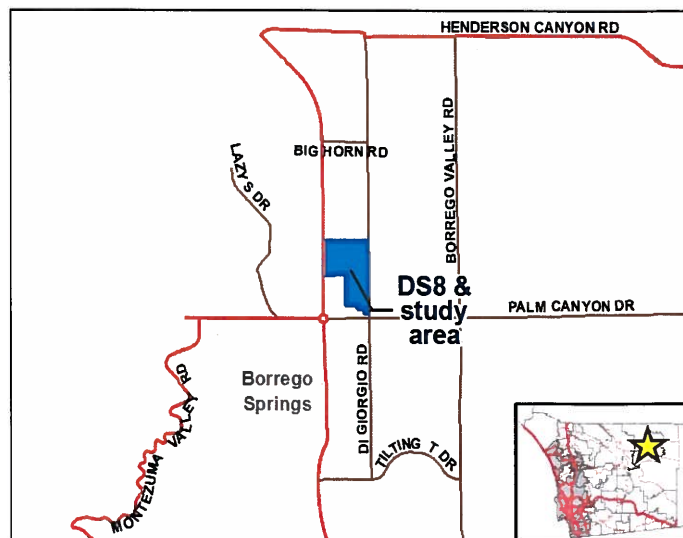


Proposed General Plan Designations



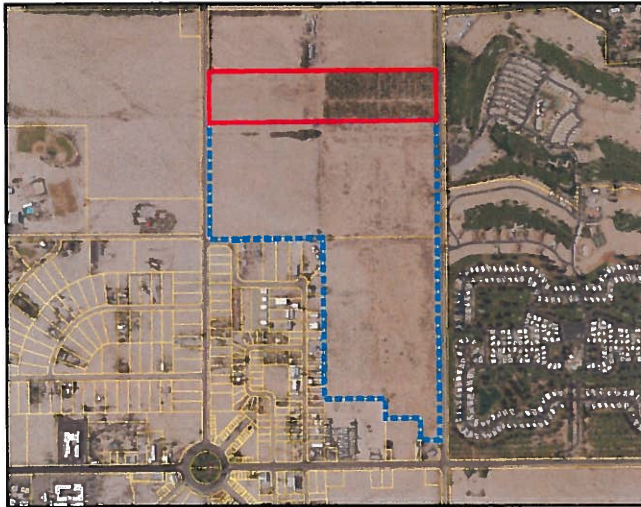
Existing General Plan Designations

2 of 5 couple + of interest Real Estate agents



Vicinity Map

Aerial and Site Photos



Aerial



Facing northeast from the southwest corner of middle parcel



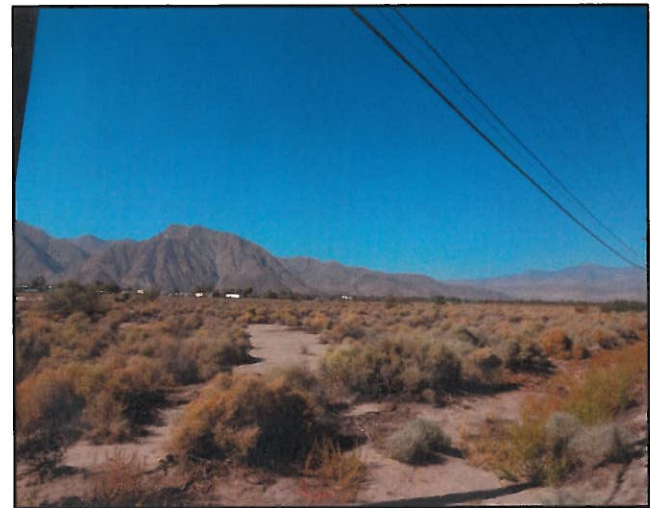
Facing east from Borrego Springs Rd – PSR parcel on the left, northern study area parcel on the right



Facing west at palm grove in eastern end of PSR parcel

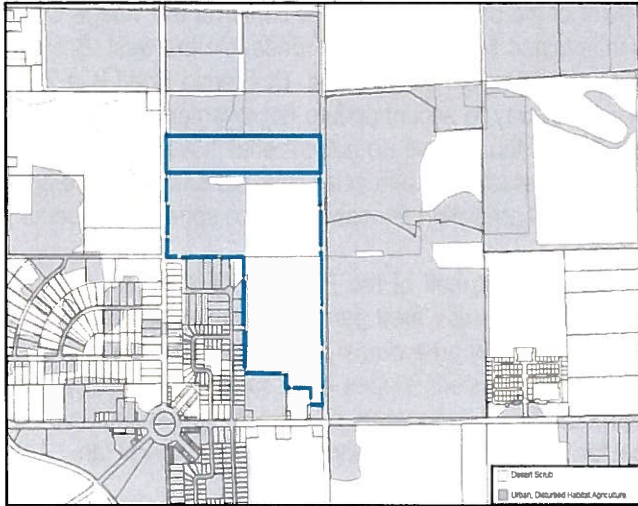


Facing north from property line separating study area parcels

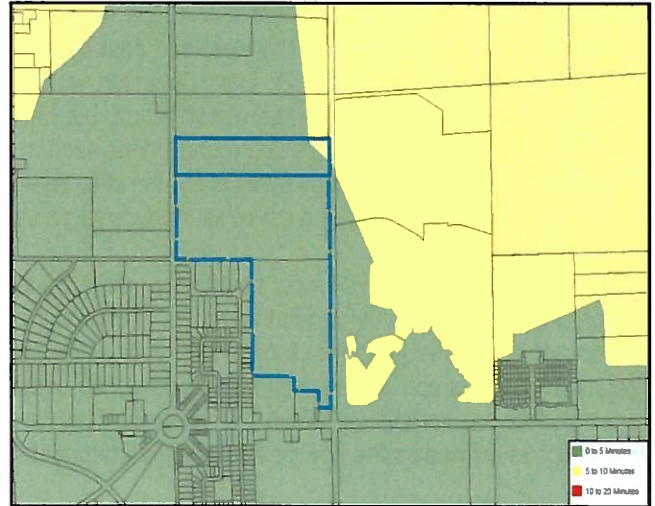


Facing northwest from the southeast corner of southern study area parcel

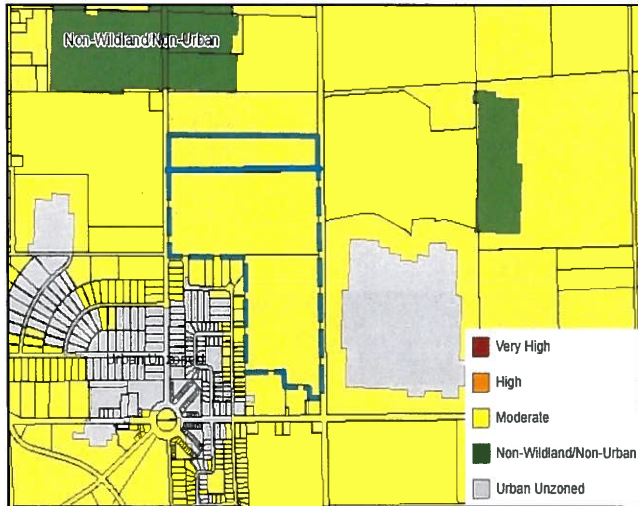
Constraints



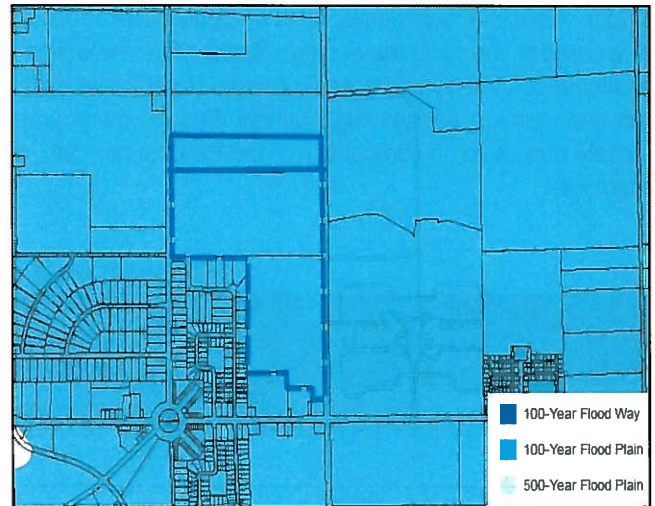
Vegetation



Emergency Response Travel Time

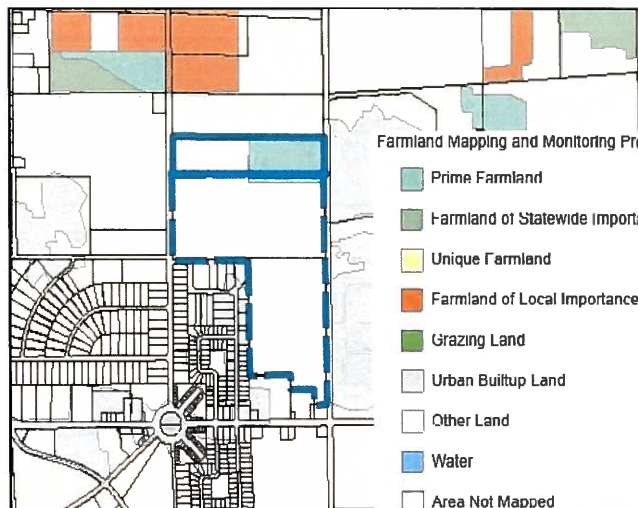


Fire Hazard Severity Zone

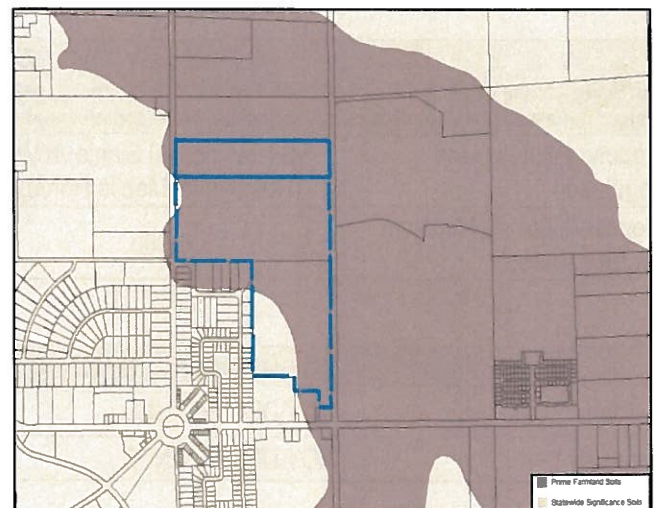


Floodplain

alluvial wash



Agricultural Resources



Prime Soils

Context

The DS8 Analysis Area includes one PSR request parcel of approximately 34 acres and two study area parcels totaling approximately 135 acres. The entire Analysis Area is within the Village Regional Category, and the southern end of the study area is less than a half mile from Christmas Circle, which is a focal point of the community and the center of the Village Core. The Analysis Area is bordered on the west and east by two County-maintained Mobility Element roads. On the west, Borrego Springs Road is classified as a 2.2E Light Collector, which is a 2-lane classification. On the east, Di Giorgio Road is a 2.2D Light Collector, which is also a 2-lane classification, but has a wider right-of-way to accommodate improvement options, such as turn lanes. Existing water lines are found under each of these roads, but the parcels do not currently have water service. There are no sewer lines currently available to the site, but the southernmost study area parcel is within the sewer service area for the Borrego Water District, and the other study area parcel and PSR parcel are within the sewer service sphere of influence.

The eastern half of the PSR parcel contains a palm grove/nursery. The western half of the PSR parcel is vacant, with no apparent land uses and little vegetative cover. The western half of the northern study area parcel has similar characteristics. The eastern half of the northern study area parcel and most of the southern study area parcel contain Desert saltbush scrub vegetation, which is considered a sensitive vegetation community. There are no steep slopes or wetlands on the properties. The properties are completely within the 100-year floodplain and most of the Analysis Area is within a fan terminus alluvial wash, which is defined as the flow path where the bottom of an alluvial fan intersects with the edge of another alluvial fan.

Reflecting the location within the Village Regional Category, a mix of uses can be found in close proximity to the site. Restaurants, retail, and small-scale grocery and convenience stores can be found along the nearby Palm Canyon Drive corridor. Additional commercial uses and public/semi-public uses are found in the area between the site and the Palm Canyon Drive corridor, including the Borrego Springs Fire Protection District (BSFPD) fire station. The Roadrunner Club golf resort and residential community is across Di Giorgio Road to the east. Across Borrego Springs Road to the west are the Boys and Girls Club and Borrego Springs High School. Beyond those properties to the west, the area north of Palm Canyon drive is more sparsely populated, in comparison to the Roadrunner club, with areas of VR-2, SR-2 and SR-4 designations that include many vacant lots.

Comparison of Land Use Maps

Category	Existing General Plan (August 2011)	PSR - Proposed Project (June 2012)	Staff Recommendation
Estimated Potential Dwelling Units			
PSR Area	67 (VR-2)	145 (VR-4.3)	NOT DETERMINED
Study Area)	270 (VR-2)	581 (VR-4.3)	NOT DETERMINED

Zoning			
<i>(Note: the zoning under 'PSR – Proposed Project' details zoning that would be necessary for consistency with the PSR proposed Land Use designations and does not necessarily reflect the staff recommendation.)</i>			
Proposed Zoning Use Regulation	RS (Residential Single)/RMH (Residential Mobile Home)	RS/RMH	NOT DETERMINED
Proposed Zoning Minimum Lot Size (acres)	6,000	6,000	NOT DETERMINED

Community Input – PSR Proposed Land Use Map	
Support	NOT DETERMINED
Opposed	NOT DETERMINED

General Plan Conformance

Review of General Plan Policies Applicable to General Plan Amendments/Rezones without an associated development project.

	Policy	EIR Proposed Project: Policy Review
LU-1.1	<p>Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model (CDM) and boundaries established by the Regional Categories Map.</p>	<p>The proposal associated with the DS8 Analysis Area would involve a change from VR-2 to VR-4.3. As such, no change in the Village Regional Category is necessary; however, an increase in density necessitates consideration of the aspects of the CDM.</p> <p>The Borrego Springs CPA has some unique characteristics, in terms of application of Village designations and high densities. Considering groundwater limitations and the location of the Community Planning Area (CPA), far from job centers, the Land Use Map developed during the General Plan Update reflected pre-existing development patterns for the most part. The application of Village densities in areas without pre-existing density or parcelization was limited to a few areas around the Village Core, including the DS8 area. The VR-4.3 designation is applied to the Roadrunner Club property, which is adjacent to the DS8 Analysis Area, on the east. This designation generally reflects the existing residential density of condos and timeshares on that site. Adjacent to the DS8 area on the west is an area of SR-2 properties, including a group of roughly 1-acre lots near Palm Canyon Drive and an undeveloped area around the high school and Boys and Girls Club sites. Farther west, is an area of SR-4 that is parcelized with roughly 2-4 acre lots. To the north of the DS8 site is a large area of SR-4 properties, which include current and former agricultural lands.</p> <p>The CDM also considers the proximity to job centers, the transportation network, and available infrastructure and services. The closest job centers are in eastern and northern San Diego County, and in Riverside County, however some residents are employed in agriculture and other local businesses. The CPA also includes retirement communities and vacation homes. There is a good network of County-maintained roads in the area of DS8, which is bordered on the west and east by 2-lane Mobility Element roads. The southern portion of the Analysis Area is only approximately 200 feet from the Borrego Springs FPD station on Stirrup Road, and a response time of less than 5 minutes is likely achievable. The County Departments of General Services and Parks and Recreation are currently in the planning process for a new library and community park (estimated construction completion in 2018), both of which will be located a half mile away from the Analysis Area, just southeast of Christmas Circle behind 'The Mall' shopping center.</p> <p>Though the DS8 Analysis Area parcels do not currently have water service, Borrego Water District (BWD) lines are available under both adjacent roads. Sewer lines are not currently available to the Analysis Area parcels, but the southern study area parcel is within the BWD sewer service area and the other two parcels in the Analysis Area are in the BWD sewer service sphere of influence. The use of groundwater in the community will have an impact on review of potential water service in relation to proposed density increases. See analysis information for Policies LU-1.9 and LU-2.4 for further information.</p>

Policy		EIR Proposed Project: Policy Review
LU-1.2	<p>Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]</p>	<p>Not Applicable This policy is not applicable because the DS8 Analysis Area is already in a Village Regional Category, with a Village Land Use designation (VR-2).</p>
LU-1.3	<p>Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.</p>	<p>The General Plan Regional Village area includes commercial and residential designations that range from VR-24 to VR-2. The existing mapping pattern generally reflects existing parcelization. The area east of the DS8 analysis area and further removed from the village center is designated as VR-4.3.</p> <p>The VR-4.3 designation is applied to the Roadrunner Club property, which is adjacent to the DS8 Analysis Area, on the east. This designation generally reflects the existing residential density of condos and timeshares on that site. On the east side of the Roadrunner Club property, the VR-4.3 is extended another 30 acres to the east, to reflect existing parcelization. The other residential properties in this area are designated VR-2.</p>
LU-1.4	<p>Village Expansion. Permit new Village Regional Category designated land uses only where contiguous with an existing or planned Village and where all of the following criteria are met:</p> <ul style="list-style-type: none"> ▪ Potential Village development would be compatible with environmental conditions and constraints, such as topography and flooding ▪ Potential Village development would be accommodated by the General Plan road network ▪ Public facilities and services can support the expansion without a reduction of services to other County residents ▪ The expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area 	<p>Not Applicable This policy is not applicable because the DS8 Analysis Area is already in a Village Regional Category, with a Village Land Use designation (VR-2).</p>
LU-1.5	<p>Relationship of County Land Use Designations with Adjoining Jurisdictions. Prohibit the use of established or planned land use patterns in nearby or adjacent jurisdictions as the primary precedent or justification for adjusting land use designations of unincorporated County lands. Coordinate with adjacent cities to ensure that land use designations are consistent with existing and planned infrastructure capacities and capabilities.</p>	<p>There are no adjoining jurisdictions. The DS8 Analysis Area is approximately 16 miles from the border with Imperial County, 11 miles from the border with Riverside County, 7 miles from the Los Coyotes Reservation, and the Borrego CPA is mostly surrounded by state park lands.</p>
LU-1.9	<p>Achievement of Planned Densities. Recognizing that the General Plan was created with the concept</p>	<p>The greatest obstacle for increased residential development in the CPA is reliance on groundwater. Per the requirements of the</p>

	Policy	EIR Proposed Project: Policy Review
	<p>that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.</p>	<p>Sustainable Groundwater Management Act (SGMA), a Groundwater Sustainability Plan will soon be prepared for the Borrego Valley, in order to ensure long term groundwater sustainability. For additional information on how groundwater sustainability regulations impact GPA proposals for density increases, see the review of Policy LU-2.4 in this report.</p> <p>The ability to achieve the potential density of 726 dwelling units is further strained by the difficulties associated with meeting the requirements of the California Building Code for this floodplain area of alluvial flood hazards. New multi-family residential structures (with the exception of one and two family houses and townhomes) would require a comprehensive flood protection solution for the alluvial fan area, prior to grading and construction.</p> <p>The Analysis Area is mostly within a fan terminus alluvial wash. This is defined as the flow path where the bottom of an alluvial fan intersects with the edge of another alluvial fan. These areas can concentrate flows during flash floods. The County's Flood Damage Prevention Ordinance requires that projects in fan terminus alluvial washes be designed so that any obstruction to flow would not cause a cumulative increase in the base flood depth of more than 0.5 feet. A detailed hydraulic model will be required to acceptably demonstrate satisfaction of this requirement.</p> <p>Archaeological/cultural resource survey/study results could limit the area available for development.</p> <p>Sensitive vegetation coverage on the site is found in the eastern portion of the northern study area parcel and much of the southern study area parcel, consisting of Desert saltbush scrub.</p> <p>It is likely that sewer service would be required in order to reach the VR-4.3 density potential in the Analysis Area because the anticipated lot size would be between 6,000 to 10,000 square-feet. These lot areas would be too small to accommodate typical septic systems, and additional septic restrictions in the CPA are possible, with the development of the Groundwater Sustainability Plan. Though sewer lines are not currently available to the Analysis Area, the southern study area parcel is within the designated sewer service area for the BWD and the PSR parcel and northern study area parcel are within the sewer service sphere of influence. Therefore, the extension of sewer service to this area is possible.</p> <p>See the review of Policy LU-6.11 for information on fire protection services in relation to density feasibility.</p>
<p>LU-2.3</p>	<p>Development Densities and Lot Sizes. Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.</p>	<p>The Borrego Springs CPA has some unique characteristics, in terms of application of Village designations and high densities. Considering groundwater limitations and the location of the CPA, the Land Use Map developed during the General Plan Update reflected pre-existing development patterns for the most part.</p>

Policy		EIR Proposed Project: Policy Review
		The application of Village densities in areas without pre-existing density or parcelization was limited to a few areas around the Village Core, including the DS8 area. The DS8 proposal to go from VR-2 to VR-4.3 would allow up to 726 dwelling units within the Analysis Area, so consideration of surrounding development patterns and General Plan designations/densities is important. For additional information on the current mapping pattern in this area, see the review of Policy LU-1.1 in this report.
LU-2.4	Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or land use designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a community plan area, in addition to the General Plan Guiding Principles.	<p>A unique issue in the CPA is the use of groundwater. Preliminary data indicate that the CPA will have to reduce groundwater use as part of implementation of a Groundwater Sustainability Plan.</p> <p>Though related to the groundwater issue, existing vacant lots are also a unique issue. Based on analysis prepared for the General Plan Update Groundwater Study, estimates show that there were approximately 3,700 existing, private, unbuilt parcels in the Borrego Valley in 2007. Of those, it was estimated that approximately 3,200 had legal lot status. Issue LU-2.2 of the Community Plan calls for consideration of how existing vacant lots impact housing demand and investment in the community.</p> <p>Another issue in the community that affects development in the DS8 Analysis Area is that of current flood control regulations in this area of alluvial floodplains. See the review of Policies LU-1.9 and S-9.2 for further information.</p> <p>Policy LU-1.1.1 of the Community Plan calls for ensuring that remaining undisturbed desert native habitat lands throughout the CPA are conserved to the greatest extent possible. Goal LU-2.1 seeks to focus development on previously disturbed lands. Much of the southern and eastern ends of the study area contain Desert saltbush scrub. This is considered a sensitive vegetation community, which requires mitigation at a 2:1 ratio. However, a multi-family development within the Analysis Area could achieve the VR-4.3 density potential, while preserving much of the native vegetation through clustering. With the current floodplain restrictions associated with multi-family development, the more clustered approach would require a comprehensive alluvial fan-wide flood protection solution. See Policy LU-1.9 and S-9.2 reviews for additional information.</p>
LU-2.5	Greenbelts to Define Communities. Identify and maintain greenbelts between communities to reinforce the identity of individual communities.	The General Plan Glossary defines Greenbelts as a largely undeveloped area surrounding more urbanized areas, consisting of agricultural lands, open space, conservation areas, passive parks, or very low density rural residential lands. The DS8 Analysis Area is within a Village Regional Category and not within a low density buffer area.
LU-3.1	Diversity of Residential Designations and Building Types. Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles.	The DS8 proposal would not impact variations in building types and styles, as changes to the zoning use regulations or zoning building types are not proposed.
LU-5.1	Reduction of Vehicle Trips within Communities. Incorporate a mixture of uses within Villages and Rural Villages and plan residential densities at a	The DS8 proposal does not involve changes to the zoning use regulations, so it would not impact a mixture of uses within this Rural Village. Extensive development of vacant and

	Policy	EIR Proposed Project: Policy Review
	level that support multi-modal transportation, including walking, bicycling, and the use of public transit, when appropriate.	underdeveloped parcels would be necessary within the Village, in order to realize a Village population density conducive to a more vibrant pedestrian and bicycling atmosphere, but development of the Analysis Area at the proposed density would support multi-modal transportation.
LU-6.2	Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.	<p>While the PSR parcel contains a palm grove/nursery in the eastern half and almost no vegetative cover in the western half, much of the study area contains native vegetation. The eastern portion of the northern study area parcel and most of the southern study area parcel contain Desert saltbush scrub. This vegetation community is scattered in the northern study area parcel and gets thicker in the southern study area parcel. Desert saltbush scrub is considered a sensitive vegetation community.</p> <p>Policy LU-1.1.1 of the Community Plan seeks to ensure that desert native habitat lands within the CPA are preserved to the greatest extent possible. Policy LU-2.1.1 has a similar purpose (discourages development on native desert habitat lands), but it notes the policy applies outside the Village Core.</p>
LU-6.11	Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high hazard fire areas or other unmitigable hazardous areas.	<p>The DS8 Analysis Area is within a 'moderate' fire hazard severity zone, which would not preclude the proposed VR-4.3 designation. Per the Borrego Springs FPD, any development on the site would require participation in the newly formed Community Facilities District, which covers all of Borrego Springs for improved fire protection facilities and services. The study area parcels are only approximately 200 feet from the Borrego Springs FPD fire station on Stirrup Road, so a subdivision project here could likely meet the 5-minute fire response travel time required for all projects under the Village Land Use designations.</p> <p>As mentioned previously, the site is bordered on the west and east by County-maintained Mobility Element roads (Borrego Springs Road and Di Giorgio Road). Due to the lack of steep slope, rock outcroppings, or other prohibitive landscape features, it's possible that emergency access could be provided in compliance with the maximum dead end road length standard of 800 feet, for the proposed designation.</p> <p>Archaeological/cultural and biological resource study/survey results could potentially limit the area available for development, depending on whether on-site open space easements are required for these resources.</p>
LU-7.1	Agricultural Land Development. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.	<p>Most of the Analysis Area contains prime agricultural soils and the eastern portion of the PSR parcel contains an existing palm grove/nursery. The area of the palm grove/nursery is classified as prime farmland per the State of California's Farmland Mapping and Monitoring Program (FMMP). Based on a review of aerial photos, there is no evidence of agricultural operations for the last 20 years in the Analysis Area, beyond the palm grove area. However, it is possible that additional agricultural uses have occurred.</p> <p>The existing VR-2 designation does not support agricultural operations. In discussing Village Land Use designations for</p>

	Policy	EIR Proposed Project: Policy Review
		<p>agricultural areas, the General Plan FEIR notes, "Although agriculture has become increasingly more viable on smaller lot sizes within the unincorporated County, there becomes a point when an individual lot size is considered to be too small for a viable agricultural operation to persist. For the purposes of this analysis, and as a conservative estimate, areas allowing one dwelling unit per acre (du/acre) would be considered too small to support a viable agricultural operation. Therefore, any parcels smaller than one du/acre have been calculated to result in a 100 percent conversion of agricultural resources to non-agricultural uses for the purpose of this analysis." The County's Guidelines for Determining Significance – Agricultural Resources discusses the prevalence of residential uses coinciding with small agricultural operations in a number of unincorporated communities where the lots are typically 2 acres or larger. The Guidelines go on to note, "Occupants of higher density residential uses are more likely to be disturbed by noise, dust, pesticides or other nuisances..."</p> <p>The proposal to change the designation to VR-4.3 would not constitute a change that would be attributable to negatively impacting the protection of agricultural operations, as both the existing and proposed designations would facilitate lot sizes considered too small and densities too high, for continued agricultural operations.</p> <p>Issue LU-2.4 of the Community Plan recognizes that agricultural uses severely constrain future growth due to the overdraft problem, and the corresponding Goal (LU-2.4) calls for some conversion of agricultural uses to less consumptive uses.</p>
LU-8.1	<p>Density Relationship to Groundwater Sustainability. Require land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies, except in the Borrego Valley.</p>	<p>Not Applicable Though sustainable groundwater use and implications of the SGMA are noted in other policy reviews as important issues facing the community, the current language of this policy makes it not applicable to Borrego Springs.</p>
LU-9.2	<p>Density Relationship to Environmental Setting. Assign Village land use designations in a manner consistent with community character, and environmental constraints. In general, areas that contain more steep slopes or other environmental constraints should receive lower density designations. <i>[See applicable community plan for possible relevant policies.]</i></p>	<p>This policy requires careful consideration of proposed changes from a non-Village Land Use designation to a Village Land Use designation. The Analysis Area is already within the Village Regional Category, with a Village Land Use designation of VR-2. See the review of Policies LU-2.3 and LU-2.4 for potential community character issues and Community Plan references, associated with the proposed change from VR-2 to VR-4.3.</p>
LU-9.5	<p>Village Uses. Encourage development of distinct areas within communities offering residents places to live, work, and shop, and neighborhoods that integrate a mix of uses and housing types.</p>	<p>The DS8 proposal would not impact allowed uses or variations in building types and styles, as changes to the zoning use regulations or zoning building types are not proposed.</p>
LU-9.6	<p>Town Center Uses. Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Villages or Rural Villages at transportation nodes. Exceptions to this pattern may be allowed for established industrial districts and secondary commercial districts or corridors.</p>	<p>As noted in the General Plan, a transportation node is intended to be the intersection of two high volume Mobility Element roadways, along with a transit stop. Transit service is very limited in Borrego Springs due to its remote location and lack of sufficient demand. There is a bus stop at nearby Christmas Circle and Palm Canyon drive, but routes between Borrego Springs and El Cajon only run on Thursdays and Fridays.</p>

Policy		EIR Proposed Project: Policy Review
		The southern portion of the Analysis Area is within a half mile of the Christmas Circle and Palm Canyon Drive area, which serves as the Town Center of the Village. This area includes most of the commercial, office, civic and higher-density land uses.
LU-9.9	Residential Development Pattern. Plan and support an efficient residential development pattern that enhances established neighborhoods or creates new neighborhoods in identified growth areas.	An increase in density within the DS8 analysis area would result in higher density residential development within the Village Regional Category of the General Plan. Estimates show that there are approximately 3,700 vacant undeveloped private lots in the CPA. Many of these vacant lots can be found in the vicinity of the DS8 Analysis Area. Just west of the Analysis Area, between the high school and the Palm Canyon Drive commercial corridor, there is a large area of existing parcelization (approximately ¾-acre to 4-acre lots) with a large number of the lots currently vacant. For the most part, the VR-2, SR-2 and SR-4 designations in this area are reflective of existing parcelization. There is a similar situation just south of the Analysis Area, in the VR-2, SR-1, and SR-2 areas just south of the Town Center. These areas have an existing system of County-maintained roads for fire access and water line infrastructure that would support the build-out of these vacant lots. New water and sewer infrastructure improvements, in addition to fire access roads would be required to reach the proposed VR-4.3 density potential in the Analysis Area.
LU-10.3	Village Boundaries. Use Semi-Rural and Rural land use designations to define the boundaries of Villages and Rural Land Use designations to serve as buffers between communities.	The DS8 proposal would not require changing the existing Village Regional Category. The Analysis Area is on the northern edge of the Village Regional Category in the CPA.
LU-10.4	Commercial and Industrial Development. Limit the establishment of commercial and industrial uses in Semi-Rural and Rural areas that are outside of Villages (including Rural Villages) to minimize vehicle trips and environmental impacts.	Not Applicable This policy is not applicable because the DS8 proposal would not involve changes to the zoning use regulations and the Analysis Area is within the Village.
LU-11.1	Location and Connectivity. Locate commercial, office, and industrial development in Village areas with high connectivity and accessibility from surrounding residential neighborhoods, whenever feasible.	Not Applicable This policy is not applicable because the DS8 proposal would not involve changes to the zoning use regulations and the Analysis Area is within the Village.
LU-11.10	Integrity of Medium and High Impact Industrial Uses. Protect designated Medium and High Impact Industrial areas from encroachment of incompatible land uses, such as residences, schools, or other uses that are sensitive to industrial impacts. The intent of this policy is to retain the ability to utilize industrially designated locations by reducing future development conflicts.	Not Applicable This policy is not applicable because there are no properties designated for Medium or High Impact Industrial use within 1.5 miles of the Analysis Area.
COS-10.2	Protection of State-Classified or Designated Lands. Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral	The DS8 Analysis Area does not contain any MRZ-2 or MRZ-3 areas.

Policy		EIR Proposed Project: Policy Review
	lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.	
COS-12.1	Hillside and Ridgeline Development Density. Protect undeveloped ridgelines and steep hillsides by maintaining semi-rural or rural designations on these areas.	The DS8 Analysis Area does not contain any ridgelines or steep hillsides.
COS-14.1	Land Use Development Form. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.	<p>Considering the DS8 Analysis Area is less than a half mile from the Town Center and the variety of commercial and civic services available along (and in the vicinity of) the Palm Canyon Drive corridor, development of the site at the proposed VR-4.3 density could be considered in line with a relatively compact community-level development pattern.</p> <p>As discussed in detail in the review of Policies LU-2.3, LU-2.4 and LU-9.9, there are many vacant lots within the same proximity to the Village Core/Town Center. These include the areas of VR-2, SR-1, SR-2 and SR-4 designations just north and south of the Palm Canyon Drive corridor, which already have the public road network and network of water lines to support the build out of those areas.</p>
S-1.1	Minimize Exposure to Hazards. Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site-specific constraints and hazards.	<p>As noted in the analysis for Policy LU-6.11 (Protection from Wildfires and Unmitigable Hazards), the DS8 Analysis Area is within a 'moderate' fire hazard severity zone. Village designations are appropriate in this zone, particularly in Rural Villages. The study area parcels are only approximately 200 feet from the Borrego Springs FPD fire station on Stirrup Road, so a subdivision project here could likely meet the 5-minute fire response travel time required for all projects under the Village Land Use designations.</p> <p>Current California Building Code requirements will impact future development at the site. New multi-family residential structures (with the exception of one and two family houses and townhomes) would require a comprehensive flood protection solution for the whole alluvial fan area, prior to grading and construction. See the review of Policies LU-1.9 and S-9.2 for further information on flood hazards and regulations.</p>
S-6.4	Fire Protection Services for Development. Require that development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards).	The Analysis Area would likely be able to meet the 5-minute emergency response travel time required for development at the VR-4.3 density. The southern portion of the study area is only approximately 200 feet from the Borrego Springs FPD fire station on Stirrup Road

Policy		EIR Proposed Project: Policy Review
S-9.2	Development in Floodplains. Limit development in designated floodplains to decrease the potential for property damage and loss of life from flooding and to avoid the need for engineered channels, channel improvements, and other flood control facilities. Require development to conform to federal flood proofing standards and siting criteria to prevent flow obstruction.	<p>The entire Analysis Area is within the 100-year floodplain, which is the case for much of the Village and the northern portion of the CPA. The large floodplain with no associated floodway is the result of the alluvial fan pattern of drainage from the nearby mountains. New multi-family residential structures (with the exception of one and two family houses and townhomes) would require a comprehensive flood protection solution for the whole alluvial fan area, prior to grading and construction.</p> <p>The Analysis Area is mostly within a fan terminus alluvial wash. This is defined as the flow path where the bottom of an alluvial fan intersects with the edge of another alluvial fan. These areas can concentrate flows and become particularly hazardous during flash floods. The County's Flood Damage Prevention Ordinance requires that projects in fan terminus alluvial washes be designed so that any obstruction to flow would not cause a cumulative increase in the base flood depth of more than 0.5 feet. A detailed hydraulic model would be required to acceptably demonstrate satisfaction of this requirement.</p>
S-9.4	Development in Villages within the Floodplain Fringe. Allow new uses and development within the floodplain fringe (land within the floodplain outside of the floodway) only when environmental impacts and hazards are mitigated. This policy does not apply to floodplains with unmapped floodways. Require land available outside the floodplain to be fully utilized before locating development within a floodplain. Development within a floodplain may be denied if it will cause significant adverse environmental impacts or is prohibited in the community plan. Channelization of floodplains is allowed within villages only when specifically addressed in community plans.	<p>Not Applicable This policy is not applicable because, as it notes, the policy does not apply to floodplains with unmapped floodways (which is the case on this site).</p>
S-9.5	Development in Semi-Rural and Rural Lands within the Floodplain Fringe. Prohibit development in the floodplain fringe when located on Semi-Rural and Rural Lands to maintain the capacity of the floodplain, unless specifically allowed in a community plan. For parcels located entirely within a floodplain or without sufficient space for a building pad outside the floodplain, development is limited to a single family home on an existing lot or those uses that do not compromise the environmental attributes of the floodplain or require further channelization.	<p>Not Applicable This policy is not applicable because, as it notes, the policy only applies to Semi-Rural and Rural Lands areas (Regional Categories). The DS8 Analysis Area is entirely within the Village Regional Category, and that is not proposed to change.</p>
S-9.6	Development in Dam Inundation Areas. Prohibit development in dam inundation areas that may interfere with the County's emergency response and evacuation plans.	<p>Not Applicable This policy is not applicable because the DS8 Analysis Area is not within a dam inundation area.</p>
S-10.1	Land Uses within Floodways. Limit new or expanded uses in floodways to agricultural, recreational, and other such low-intensity uses and those that do not result in any increase in flood	<p>Not Applicable This policy is not applicable because the DS8 Analysis Area is not within a floodway.</p>

	Policy	EIR Proposed Project: Policy Review
	levels during the occurrence of the base flood discharge, do not include habitable structures, and do not substantially harm, and fully offset, the environmental values of the floodway area. This policy does not apply to minor renovation projects, improvements required to remedy an existing flooding problem, legal sand or gravel mining activities, or public infrastructure.	

PROPERTY SPECIFIC REQUESTS

INFORMATION ONLY
JAT 4-7-16

DS24

Desert (Borrego Springs) DS24

Property Specific Request (PSR)

SR-10 to SR-1

Requested by: Chris Brown

STAFF RECOMMENDATION: NOT DETERMINED

PSR Description

Property Owner:

Borrego Country Club Estates LLC

Size:

169 acres; 2 parcels

Location/Description:

Approximately 2 miles south of Palm Canyon Drive, at the intersection of Borrego Springs Road and Country Club Road; outside the County Water Authority boundary

Estimated total increase in potential dwelling

units (based on proposed map): 153

Fire Service Travel Time (GP Policy S-6.4):

5 to 10 minutes

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Step Slope (Greater than 25%) *almost none*
- Floodplain
- Wetlands
- Sensitive Habitat
- Agricultural Lands
- ◐ Fire Hazard Severity Zones

Staff Recommendation and Summary Rationale

See General Plan Conformance Findings starting on page 5 for additional discussion of the rationale.

NOT DETERMINED

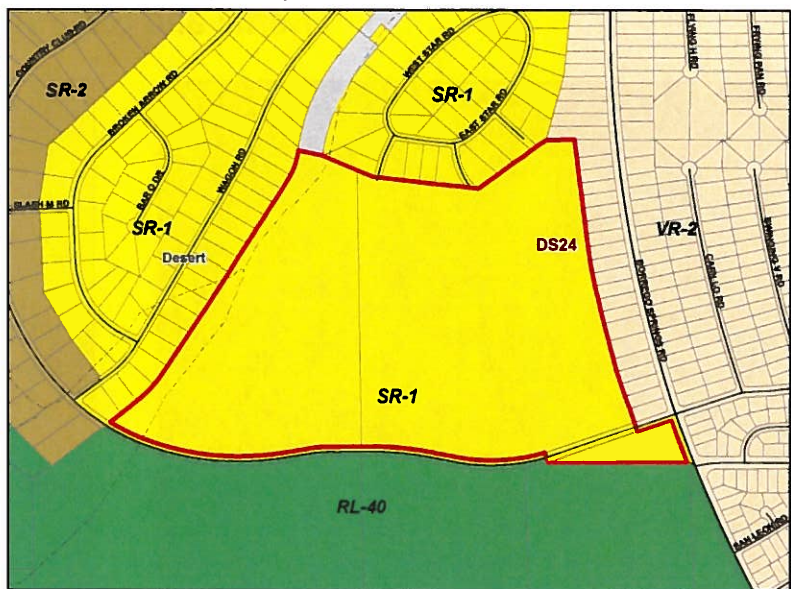
Evan Johnson

PSR < property specific request

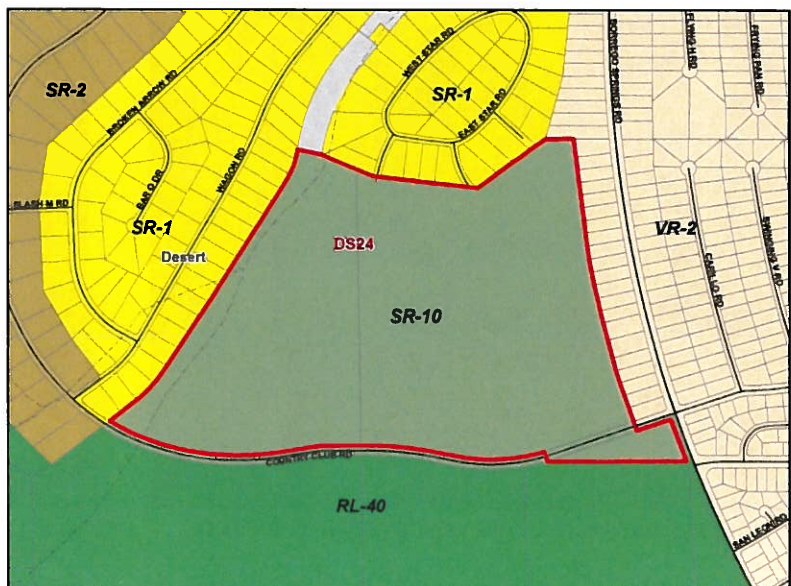
2012 - 47 separate PSR's

1st public outreach meeting looking at alternatives completed in 2017 (late)

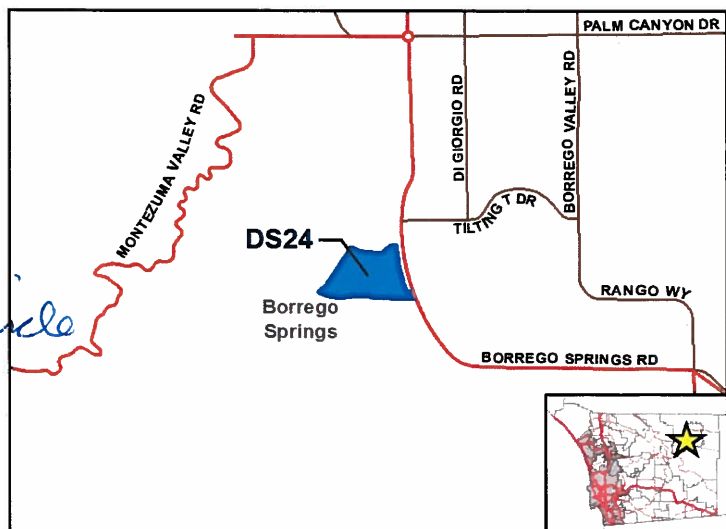
DS 8 - 1/2 mile from Christmas circle
DS 24 - Rudyville



Proposed General Plan Designations



Existing General Plan Designations



Vicinity Map

Aerial and Site Photos



Aerial



Facing south from the central portion of the property



Facing northwest from the central portion of property



Facing northeast at site, from Montezuma Valley Road (southern border of DS24 is the curving dirt road in the upper right corner of the picture)

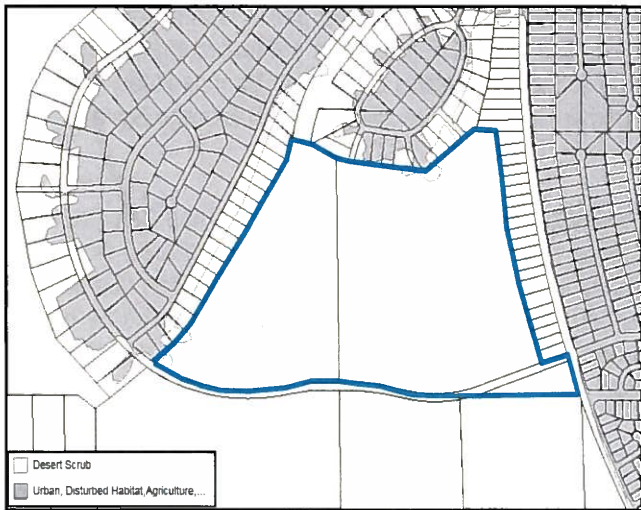


From the northwestern portion of the property, facing north along drainage that runs along the western portion

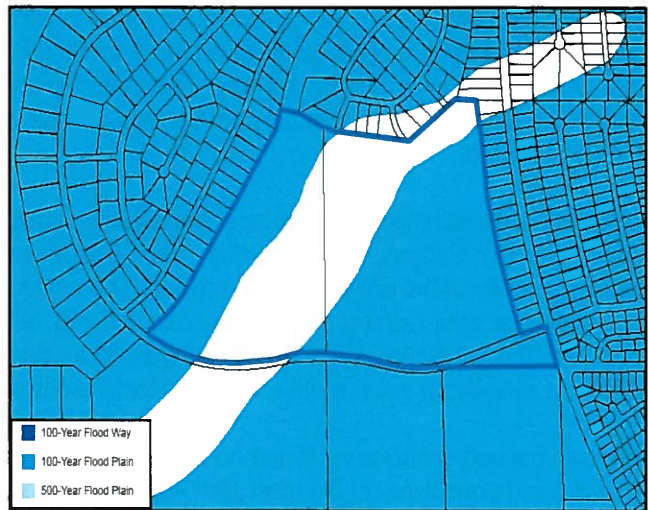


From the northern portion of the property, facing south

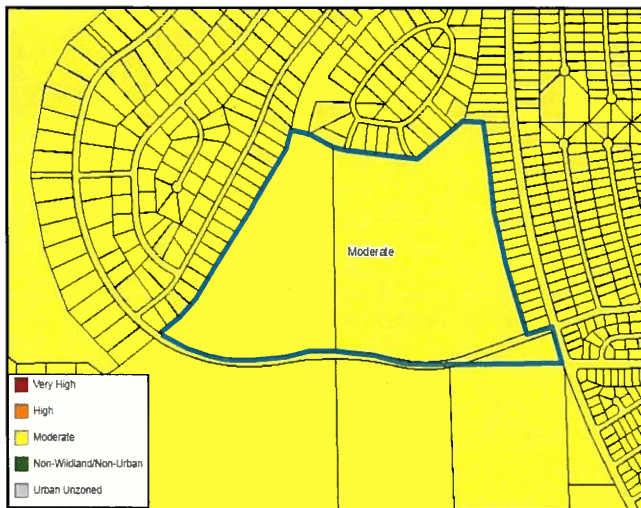
Constraints



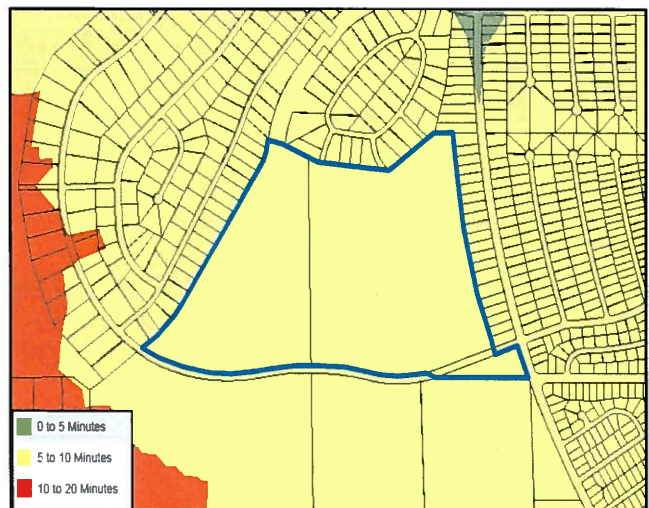
Vegetation (Sonoran Creosote bush scrub; including extensive Ocotillos)



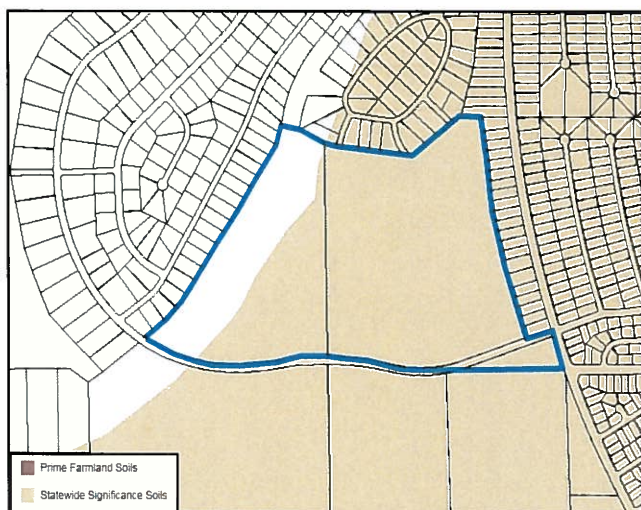
Floodplain



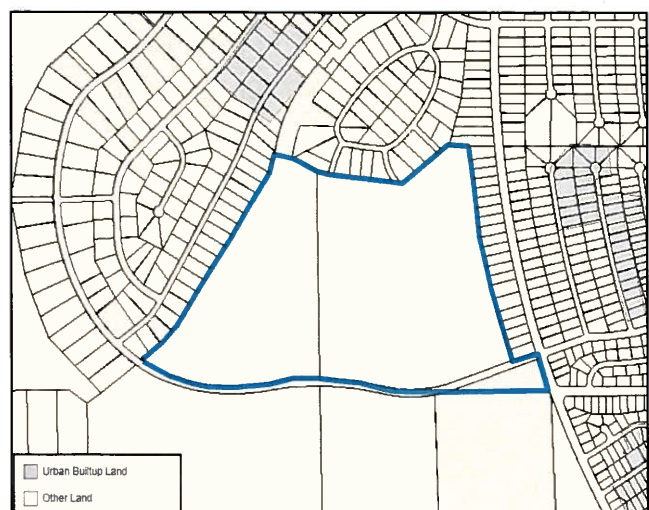
Fire Hazard Severity Zones



Emergency Response Travel Time



Prime Agricultural Soils



Farmland Mapping and Monitoring Program

Context

The subject site includes two parcels totaling approximately 169 acres, located in the western portion of the Borrego Springs Community Planning Area (CPA). The western parcel is approximately 65 acres and the eastern parcel is approximately 104 acres. The subject site is approximately two miles south of Palm Canyon Drive and 1.5 miles east of Montezuma Valley Road (S22), which is a County Scenic Highway. The eastern parcel extends to the intersection of Borrego Springs Road (S3) and Country Club Road. The site is visible from Borrego Springs Road, a primary route into the village core of Borrego Springs from SR-78 to the south.

The subject site is situated on the edge of alluvial fans, formed from the drainages of nearby Loki Canyon, Tubb Canyon, Culp Canyon, and Dry Canyon, all to the west. The Culp Canyon ephemeral drainage is found in the low lying area along the western perimeter of the site (picture on page 2). The entire site is within the FEMA floodplain, with the exception of a slightly higher elevation area running diagonally across the site, which has been categorized as a sand dune, stabilized by native vegetation. The vegetation of the site is categorized as Sonoran Creosote bush scrub. This classification includes Ocotillos (*Fouquieria splendens*) and the site contains concentrations of Ocotillos.

There are mapped subdivisions to the north, east and west of the subject site. The subdivisions include lot sizes that range from half acre to one acre, for the most part. Approximately 80% of the adjacent subdivided lots to the north, east and west are vacant. Areas to the south are mostly undeveloped and located in the General Plan Rural Lands Regional Category.

Comparison of Land Use Maps

Category	Existing General Plan (August 2011)	PSR - Proposed Project (June 2012)	Staff Recommendation
Estimated Potential Dwelling Units			
PSR Area	16 (SR-10)	169 (SR-1)	NOT DETERMINED

Zoning			
<i>(Note: the zoning under 'PSR – Proposed Project' details zoning that would be necessary for consistency with the PSR proposed Land Use designations and does not necessarily reflect the staff recommendation.)</i>			
Proposed Zoning Use Regulation	S92	RS	NOT DETERMINED
Proposed Zoning Minimum Lot Size (acres)	1	1	NOT DETERMINED

Community Input – PSR Proposed Land Use Map	
Support	NOT DETERMINED
Opposed	NOT DETERMINED

General Plan Conformance

Review of General Plan Policies Applicable to General Plan Amendments/Rezoning without an associated development project.

	Policy	EIR Proposed Project: Policy Review
LU-1.1	<p>Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model (CDM) and boundaries established by the Regional Categories Map.</p>	<p>The CDM as referenced in the General Plan uses the model of a central core (referred to as a 'Village' or 'Rural Village') surrounded a Semi-Rural area of lower density residential, small-scale agriculture, and other lower intensity uses. The outer mapping layer is the Rural Lands; typically comprised of very low density residential, open space, agriculture, and other uses associated with rural areas. A key component of the CDM is to focus growth near existing and planned infrastructure, services and jobs.</p> <p>There are areas of SR-1 (1 unit per acre, slope dependent), SR-2 (1 unit per 2 acres, slope dependent), and VR-2 (2 units per acre) to the north, east and west, extending from the DS24 site north to the village core. The designations of these areas coincide with the typical parcel sizes, with many (roughly) half acre lots in the VR-2 area, 1-acre lots in the SR-1 area and 2-acre lots in the SR-2 area. While these designations are reflective of parcelization, many of the existing lots remain vacant. A larger area to the south and west is designated RL-40, with mostly large lots and preserved desert habitat. This RL-40 area serves as a low density/greenbelt buffer between the Semi-Rural residential area and the undeveloped areas of Anza Borrego Desert State Park (ABDSP) to the south and west of this area.</p> <p>Changing the Semi-Rural Regional Category would not be required for the proposed Land Use designation change to SR-10.</p> <p>Available services and infrastructure are also considered in the CDM. The infrastructure currently available to the DS24 site is fairly typical of the lower densities in the Semi-Rural category, outside of the County Water Authority. The properties do not currently have water or sewer service, nor do they have access to water or sewer lines. The site is not within the sewer service area for the Borrego Water District, though it is within their sewer service sphere of influence. The closest sewer line is approximately three miles east of the site, along Yaqui Pass Road. The Borrego Water District has noted that connection to sewer will likely be necessary for a subdivision at the site.</p> <p>The southeastern portion of the site is adjacent to Borrego Springs Road, which is a General Plan Mobility Element road with a 2.2D Light Collector classification. Based on Average Daily Trip (ADT) estimates prepared for the General Plan Update, the proposed density increase would not be anticipated to push this road into a failing level of service upon build out.</p> <p>While it would be feasible to provide the necessary fire access, the Borrego Springs Fire Protection District (in comments on this GPA) anticipates that a new fire station could be required in order for a subdivision in the PSR area to meet the emergency</p>

Policy		EIR Proposed Project: Policy Review
		response travel time required for the SR-1 designation (see Policy S-6.4 review). However, based on the previous review of the Tentative Map 5487 application (now in 'idle' status) on the project site, it's possible that the provision of wider access roads could lead to a conclusion of an approximate 5-minute travel time, which would be required for development at the SR-1 density. See additional discussion of fire protection considerations in the review of applicable policies LU-6.11, S-1.1, and S-6.4.
LU-1.2	Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]	Not Applicable This policy is not applicable because there are no Village designations proposed with DS24.
LU-1.3	Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.	The proposed SR-1 designation could be viewed as an extension of the current land use mapping pattern based on the adjacent SR-1 properties to the west and the VR-2 properties to the east; however, the DS24 site is not currently parcelized like these areas of mostly ½ acre to 2 acre lots, and there is a prevalence of vacant lots in these adjacent areas. Issue LU-2.2 of the Community Plan calls for GPAs to consider the number of existing vacant lots in the community. Goal LU-2.3 and Policy LU-2.3.1 seek to preserve uses and densities in older residential neighborhoods by prohibiting (unless required for health and safety) alteration of uses or increases in densities existing at the time of the General Plan Update adoption in a number of neighborhoods, including the area of DS24, referred to as Country Club Estates. The areas of SR-2, SR-1, and VR-2 that are near the DS24 site (between the site and the village core) are not close to reaching the build out density, based on the current Land Use Map. As such, it could be determined that increasing density at the site will not enhance the community.
LU-1.4	Village Expansion. Permit new Village Regional Category designated land uses only where contiguous with an existing or planned Village and where all of the following criteria are met: <ul style="list-style-type: none"> ▪ Potential Village development would be compatible with environmental conditions and constraints, such as topography and flooding ▪ Potential Village development would be accommodated by the General Plan road network ▪ Public facilities and services can support the expansion without a reduction of services to 	Not Applicable This policy is not applicable because there are no Village designations proposed with DS24.

	Policy	EIR Proposed Project: Policy Review
	<p>other County residents</p> <ul style="list-style-type: none"> ▪ The expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area 	
<p>LU-1.5</p>	<p>Relationship of County Land Use Designations with Adjoining Jurisdictions. Prohibit the use of established or planned land use patterns in nearby or adjacent jurisdictions as the primary precedent or justification for adjusting land use designations of unincorporated County lands. Coordinate with adjacent cities to ensure that land use designations are consistent with existing and planned infrastructure capacities and capabilities.</p>	<p>There are no adjoining jurisdictions. The DS24 area is approximately 16 miles from the border with Imperial County, 14 miles from the border with Riverside County, 7 miles from the Los Coyotes Reservation, and the Borrego CPA is mostly surrounded by state park lands.</p>
<p>LU-1.9</p>	<p>Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.</p>	<p>The specific site characteristics that would have the greatest impact on the achievement of the proposed Land Use Map density at this site are the floodplain, California Species of Special Concern and groundwater.</p> <p>The site is mostly within the 100-year floodplain and the potential for particularly hazardous flooding is apparent, due to the confluence of west to east drainage flows associated with the alluvial fans of Dry Canyon, Tubb Canyon, Culp Canyon, and Loki Canyon. The Hydrology/Drainage Study for the Tentative Map 5487 application on the site called for improvements to an existing off-site diversion dike and additional diversion structures (to deal with the confluence of drainages from Tubb, Culp, and Loki Canyons), with these existing and proposed features located on private property with no existing flood control easements. The project proposed the formation of a 'Geological Hazard Abatement District' in order to construct regional flood control facilities. County staff noted that such a district must be formed prior to the approval of a Tentative Map.</p> <p>The project plans noted a boundary adjustment was required in order to obtain necessary land from the nearby property to the south (APN 198-320-35) for the connection of Country Club Road and other improvements.</p> <p>Focused surveys were to be completed for two California Species of Special Concern, the Burrowing owl and the Flat-tailed horned lizard. If surveys were to detect evidence of the presence of these species, additional requirements would be placed on the project that could limit the available area that would be required to reach the density potential.</p> <p>The greatest obstacle for increased residential development in the CPA is the reliance on groundwater. Per the requirements of the Sustainable Groundwater Management Act (SGMA), a Groundwater Sustainability Plan will soon be prepared for the Borrego Valley, in order to ensure long term groundwater sustainability. For additional information on how groundwater sustainability regulations impact GPA proposals for density increases, see the review of Policy LU-2.4 in this report.</p>

	Policy	EIR Proposed Project: Policy Review
LU-2.3	<p>Development Densities and Lot Sizes. Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community.</p>	<p>The densities surrounding the DS24 site were developed with consideration of existing parcelization. There are only a few parcels in the VR-2, SR-1, and SR-2 areas near the DS24 site that have any additional subdivision potential. Issue LU-2.2 of the Community Plan calls for GPAs to consider the number of existing vacant lots in the community. The areas of SR-2, SR-1, and VR-2 that are near the DS24 site (between the site and the village core) include a large number of vacant lots.</p> <p>The Borrego Springs Community Plan also includes issue and policy references to the community character impacts of increased development on undisturbed desert vegetation, as opposed to fallowed agricultural lands and other previously cleared parcels. Page 8 of the Community Plan under <i>d. Existing Land Uses and Community Character</i> notes, "There is significant development pressure for housing and commercial development projects that are not consistent with our community character. Of special concern are those proposed plans that do not take the fragile ecosystem into account, or are sited on botanically-rich, native desert vegetation and which would significantly impact dark skies, scenic and vegetative elements of the community character." For additional Community Plan references related to this issue, see the review of Policies LU-2.4 and LU-6.2 in this report.</p>
LU-2.4	<p>Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.</p>	<p>An issue facing the CPA is the use of groundwater and new regulations based on the SGMA. Preliminary estimates indicate that the CPA may have to function within a groundwater use limit of roughly 5,600 acre-feet per year. The current use of groundwater is estimated to be approximately 19,000 acre feet per year within the CPA.</p> <p>Preservation of undisturbed desert habitat (like the subject site) in the CPA is a top priority of the Community Plan. Policy LU-1.1.1 calls for ensuring that remaining undisturbed desert native habitat lands throughout the CPA are conserved to the greatest extent possible. Goal LU-2.1 seeks to focus development on previously disturbed lands. Following recommendations of the community during the General Plan Update, areas that were not extensively parcelized were assigned lower densities.</p> <p>The preservation of native desert vegetation sites also addresses air quality and erosion issues. High winds in the valley are fairly common, and air quality and erosion issues are exacerbated in areas with little vegetation cover to keep the sands in place.</p>
LU-2.5	<p>Greenbelts to Define Communities. Identify and maintain greenbelts between communities to reinforce the identity of individual communities.</p>	<p>The General Plan Glossary defines Greenbelts as a largely undeveloped area surrounding more urbanized areas, consisting of agricultural lands, open space, conservation areas, passive parks, or very low density rural residential lands. The DS24 site is located in a transition area from the Semi-Rural neighborhood south of the Village Core, to the Rural Lands properties that serve as the buffer from the state park lands to the west and south in this area. The current SR-10 designation requires a Conservation Subdivision which necessitates 75% avoidance of sensitive resources. With the current 1-acre zoning minimum lot</p>

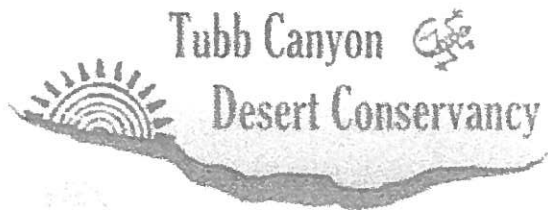
Policy		EIR Proposed Project: Policy Review
		size, development associated with achieving the SR-10 density potential could be achieved while avoiding disturbance on the majority of the site and consolidating the footprint in the area near the existing homes to the north. The proposed SR-1 designation would not require a Conservation Subdivision.
LU-3.1	Diversity of Residential Designations and Building Types. Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles.	The proposal would not have a substantial impact on the current mixture of residential Land Use designations and building types in the CPA. With the proposal to change the designation to SR-1, a zoning change to RS (Residential Single) is proposed for consistency. The RS zoning and zoning development designators would match the area of SR-1 adjacent to the DS24 site. The site is currently zoned S92. The Building Type (C) would not require a change for consistency.
LU-5.1	Reduction of Vehicle Trips within Communities. Incorporate a mixture of uses within Villages and Rural Villages and plan residential densities at a level that support multi-modal transportation, including walking, bicycling, and the use of public transit, when appropriate.	Not Applicable This policy is not applicable because the PSR area is not within a Village, and the proposal does not include a change to Village designations or the Village Regional Category.
LU-6.2	Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.	<p>The vegetation of the site is categorized as Sonoran Creosote bush scrub. This classification includes Ocotillos (<i>Fouquieria splendens</i>) and the site contains a concentration of Ocotillos. Policy LU-1.1.1 calls for ensuring that remaining undisturbed desert native habitat lands throughout the CPA are conserved to the greatest extent possible. Goal LU-2.1 seeks to focus development on previously disturbed lands.</p> <p>The DS24 site provides potential habitat for some sensitive species. During the County's review of the TM5487 application, the site was identified as having the potential to host two California Species of Special Concern: the Flat-tailed horned lizard and the Burrowing owl. The site is also near Recovery Region 7 (South San Ysidro Mountains) for the Peninsular Bighorn Sheep, as noted in the Recovery Plan, prepared by the U.S. Fish & Wildlife Service in 2000. This species can be found on east-facing, lower-elevation slopes (typically below 4,600 feet), so there is a good possibility this species could visit the site from the nearby east-facing slopes for foraging and for a seasonal water source.</p> <p>The site is situated on the edge of alluvial fans, formed from the drainages of nearby Loki Canyon, Tubb Canyon, Culp Canyon, and Dry Canyon, all to the west. Additional flood flow diversion structures could impact the biodiversity of this area, which is dependent on seasonal flows from these alluvial fans.</p> <p>The current SR-10 designation on the site requires a Conservation Subdivision approach. This process requires 75% avoidance of sensitive resources, and allows for a clustered approach. Community Plan Policy LU-1.2.1 requires maximizing the use of clustering to preserve natural habitats and Policy COS-1.2.5 calls for preserving existing wildlife and vegetation corridors throughout neighborhoods.</p>

Policy		EIR Proposed Project: Policy Review
LU-6.11	Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high hazard fire areas or other unmitigable hazardous areas.	The DS24 site is within a 'moderate' fire hazard severity zone, which would not preclude the proposed SR-1 designation. Per the Borrego Springs FPD, any development on the site could require participation in the newly formed Community Facilities District, which covers all of Borrego Springs for improved fire protection facilities and services. Potential access points could be provided via adjacent County-maintained roads, including Borrego Springs Road (a General Plan Mobility Element Road), Country Club Road (though the portion adjacent to the DS24 site on the south is not County-maintained), Lightning Road, and Lapped Circle Drive. Per GIS data, the emergency response travel time for the site is 5-10 minutes. That is a longer response time than what would be required on a development project under the proposed SR-1 designation (see GP Policy S-6.4). However, during a review of the TM5487 application at the site, the Borrego Springs FPD noted an estimated response time of 7 minutes, but if the applicant were to adhere to the FPD request of 32' wide internal access roads, they noted an approximate 5-minute response time could be confirmed.
LU-7.1	Agricultural Land Development. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.	Though prime agricultural soils are found on a portion of the DS24 site, the site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide/Local Importance. Review of aerial photos shows that no farming has occurred on the project site for the last 20 years.
LU-8.1	Density Relationship to Groundwater Sustainability. Require land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies, except in the Borrego Valley.	Not Applicable Though sustainable groundwater use and implications of the SGMA are noted in other policy reviews as important issues facing the community, the current language of this policy makes it not applicable to Borrego Springs. See the review of Policies LU-1.9 and LU-2.4 in this report for discussion of the groundwater sustainability issue in Borrego Springs, as it relates to achieving the proposed density potential and issues facing the community.
LU-9.2	Density Relationship to Environmental Setting. Assign Village land use designations in a manner consistent with community character, and environmental constraints. In general, areas that contain more steep slopes or other environmental constraints should receive lower density designations. [See applicable community plan for possible relevant policies.]	Not Applicable This policy is not applicable because there are no Village designations proposed with DS24.
LU-9.5	Village Uses. Encourage development of distinct areas within communities offering residents places to live, work, and shop, and neighborhoods that integrate a mix of uses and housing types.	Not Applicable This policy is not applicable because there are no Village designations proposed with DS24.
LU-9.6	Town Center Uses. Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Villages or Rural Villages at transportation nodes. Exceptions to this pattern may be allowed for established industrial districts and secondary commercial districts or corridors.	Not Applicable This policy is not applicable because there are no Village designations proposed with DS24.
LU-9.9	Residential Development Pattern. Plan and support an efficient residential development pattern	The proposed SR-1 designation could establish a new neighborhood within the CPA; however, the new neighborhood

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	that enhances established neighborhoods or creates new neighborhoods in identified growth areas.	<p>could detract from the existing neighborhoods surrounding the site due to the number of nearby vacant lots. Estimates show that there are approximately 3,700 vacant undeveloped private lots in the CPA.</p> <p>The SR-2, SR-1 and VR-2 areas to the north, west and east of the DS24 site have a system of County-maintained roads resembling that of a built-out residential neighborhood. In addition to the road network, most of the lots in these areas have access to existing BWD water lines (not the case with the DS24 site).</p> <p>A number of issues, goals, and policies presented in the Community Plan seek to direct any growth to areas that have already been cleared of native desert vegetation, particularly fallowed agricultural lands. For additional discussion of land use mapping patterns, see the review of Policies LU-1.1, LU-1.3, and LU-2.4.</p>
LU-10.3	Village Boundaries. Use Semi-Rural and Rural land use designations to define the boundaries of Villages and Rural Land Use designations to serve as buffers between communities.	The DS24 proposal is consistent with this policy because a Semi-Rural Land Use designation is proposed, which would not require changing the existing Regional Category of Semi-Rural.
LU-10.4	Commercial and Industrial Development. Limit the establishment of commercial and industrial uses in Semi-Rural and Rural areas that are outside of Villages (including Rural Villages) to minimize vehicle trips and environmental impacts.	The proposed changes associated with DS24 would not involve new allowances for by-right commercial and industrial uses.
LU-11.1	Location and Connectivity. Locate commercial, office, and industrial development in Village areas with high connectivity and accessibility from surrounding residential neighborhoods, whenever feasible.	The proposed changes associated with DS24 would not involve new allowances for by-right commercial and industrial uses.
LU-11.10	Integrity of Medium and High Impact Industrial Uses. Protect designated Medium and High Impact Industrial areas from encroachment of incompatible land uses, such as residences, schools, or other uses that are sensitive to industrial impacts. The intent of this policy is to retain the ability to utilize industrially designated locations by reducing future development conflicts.	<p>Not Applicable</p> <p>This policy is not applicable because there are no properties designated for Medium or High Impact Industrial use within 3 miles of the DS24 area.</p>
COS-10.2	Protection of State-Classified or Designated Lands. Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.	The DS24 site does not contain MRZ-2 or MRZ-3 areas.

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COS-12.1	Hillside and Ridgeline Development Density. Protect undeveloped ridgelines and steep hillsides by maintaining semi-rural or rural designations on these areas.	A Semi-Rural designation is proposed for DS24, and according to a slope analysis prepared for a recent project at the site, less than ¼ acre of the site contains slopes greater than 25%.
COS-14.1	Land Use Development Form. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.	Considering the DS24 site is just approximately 1.5 miles from the Village Core, development of the site at an SR-1 density could be considered in line with a relatively compact community-level development pattern, though additional roads and road connections would be required to develop at that density. As discussed in detail in the conformance analysis for Policies LU-2.3, LU-2.4 and LU-9.9, the CPA has many undeveloped vacant parcels between the DS24 site and the Village Core. For the most part, the vacant parcels in these areas of SR-2, SR-1, and VR-2 already have the necessary road network and water lines to facilitate development of these parcels. Following a compact pattern of development, these parcels would be built out, prior to adding additional density.
S-1.1	Minimize Exposure to Hazards. Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards.	The DS24 site is within a 'moderate' fire hazard severity zone. Additional information about fire protection can be found in the discussion for Policy LU-6.11. The site is mostly within the 100-year floodplain and the potential for particularly hazardous flooding is apparent, due to the confluence of west to east drainage flows associated with the alluvial fans of Dry Canyon, Tubb Canyon, Culp Canyon, and Loki Canyon. For additional information about floodplain issues, please see the discussions for Policies LU-1.9 and S-9.2.
S-6.4	Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards).	According to County GIS data, new development associated with the proposed SR-1 designation would not be able to meet the 5-minute fire protection response travel time standard required for development at the SR-1 density, per Table S-1 associated with this policy. As the policy places this requirement on new development (i.e. Subdivision stage and not stand-alone GPA stage), this current travel time information does not preclude approval of an SR-1 density for the DS24 site when evaluated in combination with other available fire protection service information. See the review of Policies LU-1.9, LU-6.11, and S-1.1 in this report for additional discussion of fire protection.
S-9.2	Development in Floodplains. Limit development in designated floodplains to decrease the potential for property damage and loss of life from flooding and to avoid the need for engineered channels, channel improvements, and other flood control facilities. Require development to conform to federal flood proofing standards and siting criteria to prevent flow obstruction.	As noted previously, most of the DS24 site is within the 100-year floodplain. The potential for particularly hazardous flooding is apparent, due to the confluence of west to east drainage flows associated with the alluvial fans of Dry Canyon, Tubb Canyon, Culp Canyon, and Loki Canyon. A Hydrology/Drainage Study for the TM5487 application on the site called for improvements to an existing off-site diversion dike and additional diversion structures (to deal with the confluence of drainages from Tubb, Culp, and Loki Canyons), with these existing and proposed features located on private property with no existing flood control easements. The project proposed the formation of a 'Geological Hazard Abatement District' in order to construct regional flood control facilities. County staff noted that such a district must be formed prior to the approval of a Tentative Map.

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S-9.4	Development in Villages within the Floodplain Fringe. Allow new uses and development within the floodplain fringe (land within the floodplain outside of the floodway) only when environmental impacts and hazards are mitigated. This policy does not apply to floodplains with unmapped floodways. Require land available outside the floodplain to be fully utilized before locating development within a floodplain. Development within a floodplain may be denied if it will cause significant adverse environmental impacts or is prohibited in the community plan. Channelization of floodplains is allowed within villages only when specifically addressed in community plans.	Not Applicable This policy is not applicable because, as it notes, the policy does not apply to floodplains with unmapped floodways (which is the case on this site).
S-9.5	Development in Semi-Rural and Rural Lands within the Floodplain Fringe. Prohibit development in the floodplain fringe when located on Semi-Rural and Rural Lands to maintain the capacity of the floodplain, unless specifically allowed in a community plan. For parcels located entirely within a floodplain or without sufficient space for a building pad outside the floodplain, development is limited to a single family home on an existing lot or those uses that do not compromise the environmental attributes of the floodplain or require further channelization.	Not Applicable The floodplain fringe is defined (including in the General Plan Glossary) as the portion of the floodplain outside the limits of the floodway. Policy S-9.4 associated with the floodplain fringe notes that the policy does not apply to floodplains with unmapped floodways. That is the case on this site and there is no floodway throughout the alluvial floodplain covering a large portion of the Borrego Valley.
S-9.6	Development in Dam Inundation Areas. Prohibit development in dam inundation areas that may interfere with the County's emergency response and evacuation plans.	Not Applicable This policy is not applicable because the subject area is not within a dam inundation area.
S-10.1	Land Uses within Floodways. Limit new or expanded uses in floodways to agricultural, recreational, and other such low-intensity uses and those that do not result in any increase in flood levels during the occurrence of the base flood discharge, do not include habitable structures, and do not substantially harm, and fully offset, the environmental values of the floodway area. This policy does not apply to minor renovation projects, improvements required to remedy an existing flooding problem, legal sand or gravel mining activities, or public infrastructure.	Not Applicable This policy is not applicable because the subject area is not within a floodway.



Ms. Beth Hart
c/o Borrego Water District
806 Palm Canyon Dr.
Borrego Springs, CA 92004

April 11, 2016

Dear Ms. Hart,

I am writing in follow up to your comments delivered at the Public Hearing held in Borrego Springs on April 7, 2016 before the Community Sponsor Group in which you mentioned the County's present 1:1 Groundwater Mitigation policy. Our belief is that the County's current policy runs counter to the requirements of the Sustainable Groundwater Management Act (SGMA) of January 2015 as it pertains to the critically over drafted basin that is the sole source of water for Borrego Springs. Moreover, we believe that the County's current Groundwater Mitigation policy, if applied to current land use decisions, are detrimental to the ratepayers of this disadvantaged community. The continuance of a 1:1 Mitigation policy for land use decisions will not bring us into compliance with SGMA, but in fact would facilitate the continuation of unsustainable consumption of groundwater.

As a consequence of our concerns we respectfully request the BWD place on its next agenda the County's current land-use planning process, in particular its reliance on a 1:1 Groundwater Mitigation policy, and its implications for the critically over drafted Borrego basin. This is a timely request, given some of the land use up-zoning decisions the County is presently considering, which could potentially add another 500 building lots to the 30+ year existing inventory of un-built lots the County has already approved for the Valley.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. David Garmon". The signature is fluid and cursive.

J. David Garmon, MD
President, TCDC

Tubb Canyon Desert Conservancy

8899 University Center Lane #170, San Diego, CA 92122 * 858.535.9121 * Contact: info@TubbCanyonDesertConservancy.Org
www.TubbCanyonDesertConservancy.Org

Wildflowers, Citrus, and Swimming Pools: Team Water UCI Poster Presentation and Community Reception

Date: Saturday, April 30, 2016

Time: 5:00 – 7:00 p.m. Reception & Poster Session

Location: Steele/Burnand Anza-Borrego
Desert Research Center

You're Invited

Join Water UCI, a transdisciplinary research team of UCI graduate students, for a community reception where they will present their research on Borrego Springs, California.

Specifically the team looked at:

- The scientific, cultural, political, and economic dimensions of an ecologically sensitive town in a desert region
- How water dependency shapes environmental subjects, both human and non-human
- The production of differently scaled and derived environmental data

Water UCI

RSVP at water.uci.edu/events

