

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# Th18a,b,c,d

Filed: January 13, 2010  
49th Day: March 3, 2010  
180th Day: July 12, 2010  
Staff: D. Lilly-SD  
Staff Report: April 21, 2010  
Hearing Date: May 12-14, 2010

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

**Application No.:** 6-88-356-A3      **Applicant:** Michael Perry  
**Site:** 3972 Stonebridge Court, Rancho Santa Fe, San Diego County.  
APN 262-190-06

**Application No.:** 6-89-75-A2      **Applicant:** Ru Ping Hsia  
**Site:** 3950 Stonebridge Court, Rancho Santa Fe, San Diego County.  
APN 262-190-05

**Application No.:** 6-98-91-A2      **Applicant:** James & Kimberly Burnett  
**Site:** 3939 Stonebridge Lane, Rancho Santa Fe, San Diego County.  
APN 262-190-13

**Application No.:** 6-00-32-A2      **Applicant:** Hanson Family Trust  
**Site:** 5025 Stonebridge Court, Rancho Santa Fe, San Diego County.  
APN 262-190-04

**Agent:** Rich Geisler

**Original Description:** Construction of individual single-family residences on vacant lots.  
Detailed project descriptions provided below.

**Proposed Amendment:** After-the-fact approval for installation and retention of citrus orchards on four lots, each with existing single-family residences.

**Substantive File Documents:** Certified County of San Diego Local Coastal Program;  
CDP #6-83-314.

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**STAFF NOTES:**

**Summary of Staff's Preliminary Recommendation:** Staff is recommending approval of the proposed amendments allowing installation of citrus groves on four lots. Each of the subject lots contains an approved, existing single-family residence, which was approved with a certain portion of each lot to remain as open, non-native grasslands. The proposed permit amendments would permit after-the-fact installation of large citrus

orchards (over 100 trees on each lot) that were installed on each of the properties at the request of the property owners' homeowners association to improve visual quality, reduce erosion, and reduce the threat of fire associated with the non-native grasses previously located on the lots. While the orchards are not as natural in appearance as the grasslands they replaced, they do present a green, landscaped view, reduce the risk of fire, and help shield views of the residences from the surrounding lagoon environs. In addition, the four properties are managed under a comprehensive integrated pest management/water quality control plan, that has been reviewed and approved by the Commission water quality staff, as supplemented through special conditions. As conditioned, no substantial impacts to water quality, biological resources, or visual quality will result from the proposed orchards.

**Standard of Review:** Chapter 3 policies of the Coastal Act.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolutions:

1. **MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-88-356 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

2. **MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-89-75 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

3. **MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-98-91 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

4. **MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-00-32 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. Special Conditions.**

Each of the permits that are included in this consolidated staff report (CDP numbers: 6-88-356, 6-89-75, 6-98-91 and 6-00-32) are subject to the following conditions:

1. Final Orchard Management Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicants shall submit for review and written approval by the Executive Director, a final revised Orchard Management Program in substantial conformance with the letter from Charles Everett Badger dated June 30, 2006 (attached as Exhibit #\*), except that it shall be revised to include the following:

A. Implementation of measures currently used to control erosion, and minimize, or eliminate, application of chemicals that may runoff into the lagoon, as described in the June 30, 2006 letter shall be maintained.

B. The following water quality control measures shall be incorporated:

<b>Table 1</b>	
Existing Orchard Management Activity and Additional Conditions for Long-term Water Quality Control	
Existing Orchard Management Activity	Additional Condition
<b>Chemical Use</b>	
Continue to use foliar application, not granular fertilizers.	1. Do not use spray applications on windy days to prevent aerial movement of materials into the lagoon.
Continue to use organically registered tree oil.	
Continue to use mechanical methods of weed abatement instead of chemical	2. Do not use chemical herbicides or pre-emergent weed applications. Continue to

applications.	use mechanical methods of weed abatement.
<b>Erosion Control</b>	
Continue to water with low-flow emitters.	3. Implement erosion control measures in addition to those listed above, as needed, to ensure sediment and sediment-laden water does not leave the orchard and enter the storm drain and impaired watercourse.
Continue to use fiber rolls to prevent the movement of sediment from the orchard into the storm drain directing flow into the lagoon.	
Continue to avoid fertilization during the rainy season, October through March.	Use Best Management Practices to prevent sediment and pollutants from exiting the site and entering the lagoon.

The applicant shall comply with the procedures and submittal requirements outlined in the approved Orchard Management Program. Any proposed changes to the approved Orchard Management Program shall be reported to the Executive Director. No change to the Orchard Management Program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

**2. Prior Conditions of Approval.** All other terms and conditions of the original approval of Coastal Development Permit Nos. 6-88-356, 6-89-075, 6-98-091 & 6-00-032, as amended, not specifically modified herein, shall remain in full force and effect.

**3. Condition Compliance. WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION,** or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

### **III. Findings and Declarations.**

The Commission finds and declares as follows:

**1. Project History/Amendment Description.** The proposed project is after-the-fact authorization of orchards (citrus groves) on four separate developed lots in the Stonebridge development in the Rancho Santa Fe community of San Diego. Each of the orchards contains over 100 trees. The four lots are located on the east side of Stonebridge Lane, just west of El Camino Real, near the inland extent of San Elijo Lagoon and the floodplain of Escondido Creek.

Although separate amendment applications, the four lots have been submitted for simultaneous review by the Commission because the sites are mostly contiguous and share an orchard management program using integrated pest control management

practices designed to reduce or eliminate pesticide and erosive runoff into San Elijo Lagoon (see Exhibit #\*).

The subject parcels were created through the subdivision of a larger 50-acre site approved by the Commission in 1983 (CDP #6-83-314/Manchester Estates) which created the subject lots and included approval for the rough grading of portions of the overall site and construction and installation of roadways and utilities.

All of the subject lots are located on the “inland” portion of the subdivision, not immediately adjacent to San Elijo Lagoon. There is a private street (Stonebridge Lane) and one row of residential parcels between the subject lots and the lagoon. Three of the lots are contiguous lots on a mesa top overlooking the lagoon on the north side of Stonebridge Court, while the fourth lot is a lower elevation on the south side of Stonebridge Court (see Exhibit #1). Each lot is developed with a single-family residence, with a portion of the lot devoted to an orchard.

The subdivision was approved with a variety of special conditions designed to address future development of individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and the surrounding viewshed. The conditions prohibited any alteration of landforms, removal of vegetation or erection of structures within a minimum 100-foot setback from the southern property line adjoining the lagoon wetlands, without the approval of the Coastal Commission.

In addition, the original subdivision permit prohibited the grading or erection of any structures on slopes greater than 25% grade on lots 5, 6, 7, 8 and 9 (lots 5 and 6 are included in this consolidated amendment application). This condition was required to be recorded as a deed restriction to ensure that future property owners would be aware of the restrictions.

The Commission previously certified the County of San Diego Local Coastal Program (LCP); however, the County never assumed permit issuing authority. Therefore, the County LCP is not effectively certified, and Chapter 3 of the Coastal Act is the standard of review.

#### Individual Permit Histories

##### **6-88-356-A3 (3972 Stonebridge Court, Lot 6)**

In September 1988, the Commission approved construction of a single-family residence and detached garage/maid’s quarter on the vacant 2.86-acre lot (CDP #6-88-356/Perry). At that time, the Commission found that encroachment into approximately 6.6% of the steep slopes on the upper, southern portion of the site next to Stonebridge Lane for construction of the residence would not have a significant adverse impact on the scenic quality of the area, as long as the project was conditioned to provide a landscape screen on the north and west sides of the structure.

In order to ensure that visual and biological resources on the site continued to be protected, a special condition was placed on the project stating “All subsequent development proposals, including grading and planting associated with creation of an orchard on a portion of the lot, shall be subject to separate review under the coastal development permit process.” In addition, this lot was subject to the restriction on the original subdivision permit that prohibited grading or erection of any structures on slopes greater than 25% grade. A slope analysis for the original development indicates that approximately half of the slope where the orchard is located was mapped as steep (greater than 25% grade). However, the applicants have stated that no grading was required to plant the orchard.

In August 2005, the applicants applied for construction of a new 959 sq.ft. pool house with 235 sq.ft. basement/wine cellar; landscape and hardscape improvements, including installation of a vineyard, on the steep upper portion of the lot, in an area proposed in the original subdivision to remain as grasslands (CDP #6-04-109/Perry). It was at this time that Commission staff discovered the entire northern, sloping portion of the site had been developed with a citrus grove. Staff recommended denial of the pool house and vineyard, and the permit request was withdrawn. The applicants subsequently resubmitted a revised project, greatly reduced in size and scale, consisting of various landscaping and hardscaping improvements on the previously developed portion of the site next to the existing residence. The revised project was determined to be exempt from coastal permit requirements.

In July 2006, the applicants applied for a permit for after-the-fact approval of construction and retention of the orchard (6-88-356-A1). Staff recommended denial of the permit, due to potential impacts to visual and biological resources, and the applicants withdrew the permit to continue to work with staff on project revisions that would minimize these impacts.

On July 12, 2006, the applicant submitted an amendment application for after-the-fact approval of construction and retention of an orchard. At the request of staff, the applicant withdrew the application and resubmitted the same request in order to track concurrently with the subject permit amendment applications.

#### **6-89-75-A2 (3950 Stonebridge Court, Lot 5)**

On April 17, 1989, the Commission approved construction of a two-story, 7,343 sq.ft. single-family residence, garage, guest house, swimming pool, and tennis court on a 2.9 acre vacant lot (6-89-75/Hsia). Installation of an orchard was not included in that permit. The site is subject to the prohibition on grading or erection of any structures on slopes greater than 25% grade. A portion of the orchard is located on steep slopes. On May 21, 1990, an immaterial amendment was approved to add 260 sq.ft. to the residence.

#### **6-98-91-A2 (3939 Stonebridge Lane, Lot 13)**

On September 11, 1998, the Commission approved construction of a 4,460 sq.ft. single-family residence with an attached garage on the 2.87 acre vacant lot (CDP #6-98-91/Lund). The permit did not include construction of an orchard.

In May 2009, the applicant submitted an amendment application for after-the-fact approval of construction and retention of an orchard. At the request of staff, the applicant withdrew the application and resubmitted the same request in order to track concurrently with the subject permit amendment applications.

#### **6-00-32-A2 (5025 Stonebridge Court, Lot 4)**

On May 10, 2000, the Commission approved construction of a two-story, 8,684 sq.ft. single-family residence on a 2.86 acre vacant lot (CDP #6-00-32/Hanson). Special Conditions on the permit required that the development pad on the site be screened by twenty-eight 24-inch box size trees and fifty-one vertical screening trees to protect the viewshed of the lagoon. The condition specified that “drought tolerant native or naturalizing non-invasive plant materials shall be utilized to the maximum extent feasible.” The existing orchard is located in an area shown on the plans approved in compliance with this condition, as “existing, natural, to remain as is,” and the citrus trees are not native or naturalizing.

On December 23, 2008, the applicant submitted an amendment application for after-the-fact approval of construction and retention of an orchard. At the request of staff, the applicant withdrew the application and resubmitted the same request in order to track concurrently with the subject permit amendment applications.

**2. Visual Quality/Landform Alteration.** Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The installation of orchards have the potential for visual impacts to the surrounding area on three of the four subject lots (3972, 3950, and 5025 Stonebridge Court). The north-facing slopes on these three lots, where retention of the orchards are proposed, are visible from numerous trails located throughout the eastern side of the lagoon, and from Manchester Avenue, a major coastal access road. The fourth lot (3939 Stonebridge Lane) is located at a lower elevation, and thus, the orchard on this site is not visible from surrounding public areas.

In addition, the orchards located at 3972 Stonebridge (Lot 6) and 3950 Stonebridge Court (Lot 5) are at least partially located on steep slopes. As noted above, when the original subdivision creating the project site was approved by the Commission, a deed restriction



was placed on the property prohibiting grading or erection of any structures on slopes greater than 25% grade. The intent of the grading restrictions placed on these lots was to concentrate development on the flat portion of the sites and thereby minimize landform alteration to preserve the scenic quality of the lagoon viewshed and the sensitive resources of the lagoon reserve.

The applicants have stated that several years ago the Stonebridge Property Owners Association requested that all properties with slopes investigate landscaping to enhance the visual impact of the area. According to the applicants, prior to construction of the orchard, the hillsides were weedy and turned dry and brown, necessitating constant maintenance at the behest of the Rancho Santa Fe Fire Department, including bi-monthly weed maintenance performed into late fall to remain in compliance with fire department regulations. The applicants report that erosion problems and gullies occurred during the rainy season, destabilizing the hillside. The applicants also assert that the Stonebridge Architectural Review Committee originally approved and encouraged the installation of orchards on the subject lots.

When the subdivision was approved, the area now developed with orchards was intended to remain as undeveloped steep grassy hillsides. Because the subdivision is immediately adjacent to San Elijo Lagoon, all of the properties in Stonebridge have strict requirements on coloring and landscaping in order to limit the impact the development would have on the visual quality of the natural environment. As described above, when construction of the residences was approved, the Commission specifically prohibited grading and planting associated with creation of an orchard on the subject lots, without approval of the Commission, because of potential adverse visual and biological impacts that could result from development of the sloping portion of the lot. The hillsides on and adjacent to the sites (with the exception of 3939 Stonebridge Lane) are highly visible from surrounding areas, including public trails and Manchester Avenue, and are a significant feature of the landscape. Preservation of this natural landform provides a gradual visual transition from the open space lagoon reserve to the development along the ridgetops, as well as to the coastal sage scrub habitat on some of the slopes on the easternmost lots in the subdivision.

However, an orchard is a green landscape feature. It is a cultivated, not a natural look—the orchard is arranged in rows down the hillside and from a distance, has a linear, non-natural appearance—but it is vegetation, and it does not have the adverse visual impact that a structure, or even a frequently cleared hillside might. The Commission appreciates that the risk of fire danger does exist on dry, steep slopes, especially those vegetated with non-native grasses of the type that existed on these sites prior to installation of the orchards. Citrus trees, in contrast, are listed on the “Desirable Tree List” distributed by the Rancho Santa Fe Fire Protection District.

The proposed orchards have transformed the natural appearance of the hillside on the subject lots, but overall, the impacts are not significant. As described above, the permit for the residential construction at 5025 Stonebridge Court (CDP #6-00-32-A2) requires landscape screening to soften the appearance of the home from the surrounding area. The subject orchard is not in the same location as the landscaping required in the approved

plan for that permit. Nevertheless, the orchard, in addition to the approved landscaping on the site, will serve to screen the structures on the site, consistent with the condition.

However, the Commission is concerned that the intent of the homeowners association might be to transform not only the subject sites, but all of the open areas and hillsides in the subdivision to orchards. Other lots in the subject subdivision retain native coastal sage scrub vegetation, and removal of that wholly-native vegetation could have a significant impact on visual quality, as well as biological resources, as discussed below. It should not be assumed that approval of the subject projects is evidence that clearing and planting orchards on additional lots in the subdivision would not have an individual or cumulative adverse impact on the visual quality of the area. In any case, any such conversion from native vegetation to orchards would require a coastal development permit or coastal development permit amendment.

In summary, the proposed orchards would alter the natural appearance of the subject sites, but the impact will not be significant. As proposed, the orchards can be found consistent with the Chapter 3 policies of the Coastal Act addressing the preservation of coastal scenic areas.

**3. Environmentally Sensitive Habitat/Runoff & Water Quality.** Section 30231 of the Coastal Act is applicable to the proposed development and states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act is applicable and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

At the time the subdivision was approved, the area proposed for the orchards was identified as non-native grasslands, not high quality native habitat such as coastal sage scrub vegetation, which is present on some of the surrounding lots. However, unlike native vegetation, orchards typically require the use of chemical fertilizers, and pesticides

& herbicides are also often used. These chemicals can be flushed into the lagoon. Disturbing steep slopes can also result in erosion.

The applicants have submitted a letter from the manager of the company that administers all of the citrus groves for the subject lots (see Exhibit #\*). The manager states that “we have used conventional fertilizers on the trees, but it is done foliarly so that no granular fertilizers are placed on the slope.” Furthermore, most of the weed control is done by mowing and weedeating; pre-emergent weed chemicals are not used. According to the grove manager, “together with the root system from the trees and the fiber rolls placed in the grove, the “cover crop” of non-native weeds do an excellent job of holding the soil and preventing irrigation runoff from ever leaving the property...[a]ny pest control we must do is with an organically registered tree oil and done only when the beneficials cannot control the pest population.” The orchard is not fertilized during the rainy season.

In the past, the Commission’s water quality staff have noted that while best management practices can be effective in reducing impacts to water quality at large-scale commercial agricultural and horticultural operations with one grove operator, they can be difficult to enforce and implement on a small-scale, lot-by-lot basis. However, in the case of the proposed applications, four large lots have all agreed to use the same manager, and the same system of best management practices. The Commission’s water quality staff have reviewed the applicants’ grove management system, and concluded that the current practices are sound best management practices. However, in addition to the current practices, which should be maintained, there are several additional BMPs necessary to ensure impacts to the adjacent lagoon are avoided. These include not using spray applications on windy days, to prevent aerial movement of materials into the lagoon, and implementing any necessary erosion control measures to ensure sediment and sediment-laden water does not leave the orchard and enter the storm drain and San Elijo Lagoon (see Exhibit #\*). Special Condition #1 requires the applicants to submit an expanded water quality control program with these additional requirements.

Prior permits approved for each of the subject sites included special conditions placing various conditions on the type and location of landscaping allowed. The subject permit does not supersede or conflict with any of these prior requirements, apart from the specific allowance for retention of the existing orchards, as conditioned herein. Special Condition #2 identifies that all other terms and conditions of the prior permits not specifically modified herein, shall remain in full force and effect.

As conditioned, impacts to water quality and the nearby lagoon will not be significant. Therefore, the proposed orchards can be found consistent with the water quality and biological resource protection Chapter 3 policies of the Coastal Act.

**4. Unpermitted Development.** Development has occurred on the four subject sites without the required coastal development permit, including, but not limited to, the removal of non-native grassland habitat and the construction of citrus orchards in their place. The applicants are each requesting after-the-fact approval to plant and maintain the orchard on their properties. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition #3 requires that the applicants satisfy all

conditions of their permit, which are prerequisite to the issuance of this permit amendment, within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

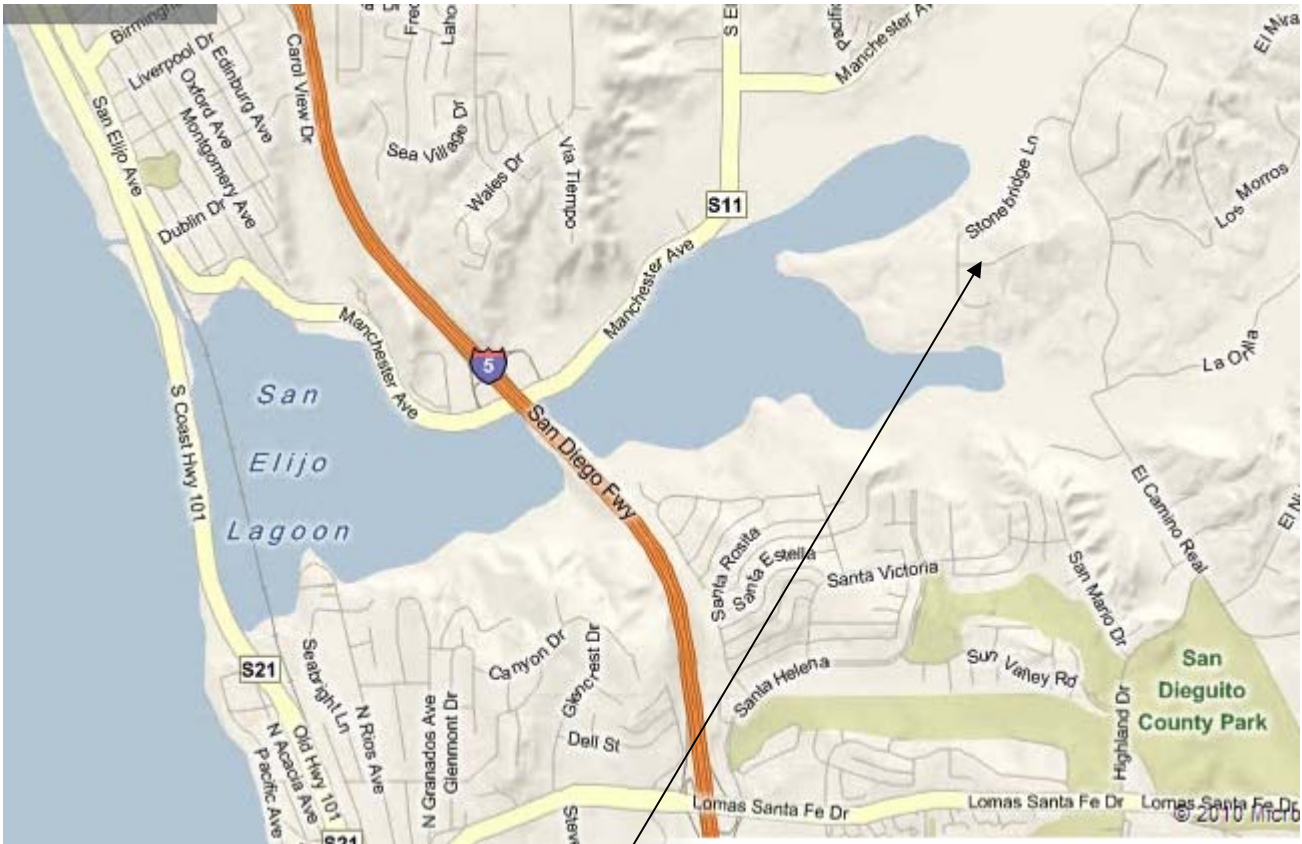
Although development occurred prior to the submission of these permit applications, consideration of these applications by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

**5. Local Coastal Planning.** Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

Based on the above discussion, the proposed development has been found to be consistent with the Chapter 3 policies of the Coastal Act requiring the protection and preservation of natural landforms, visual quality, sensitive biological resources and water quality. The Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the County of San Diego to prepare a Local Coastal Program that is in conformity with Chapter 3 policies.

**6. Consistency with the California Environmental Quality Act (CEQA).** Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality, minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



SITE

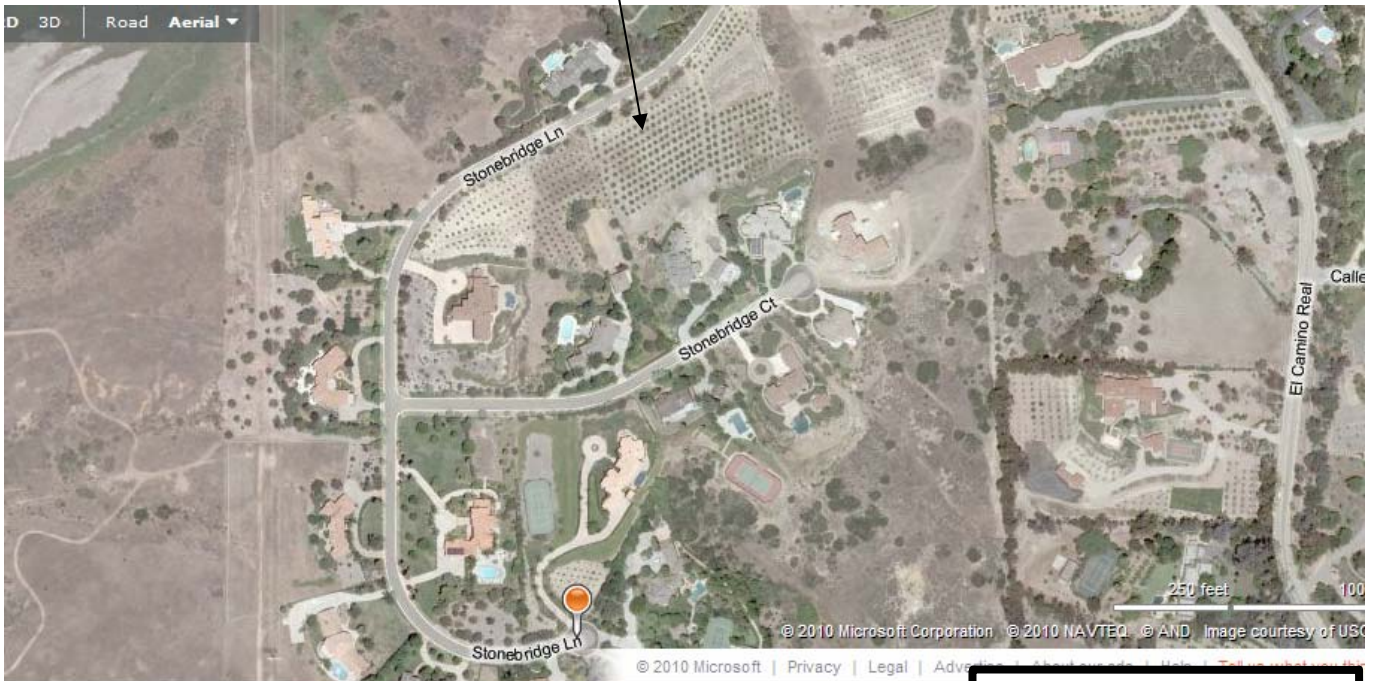


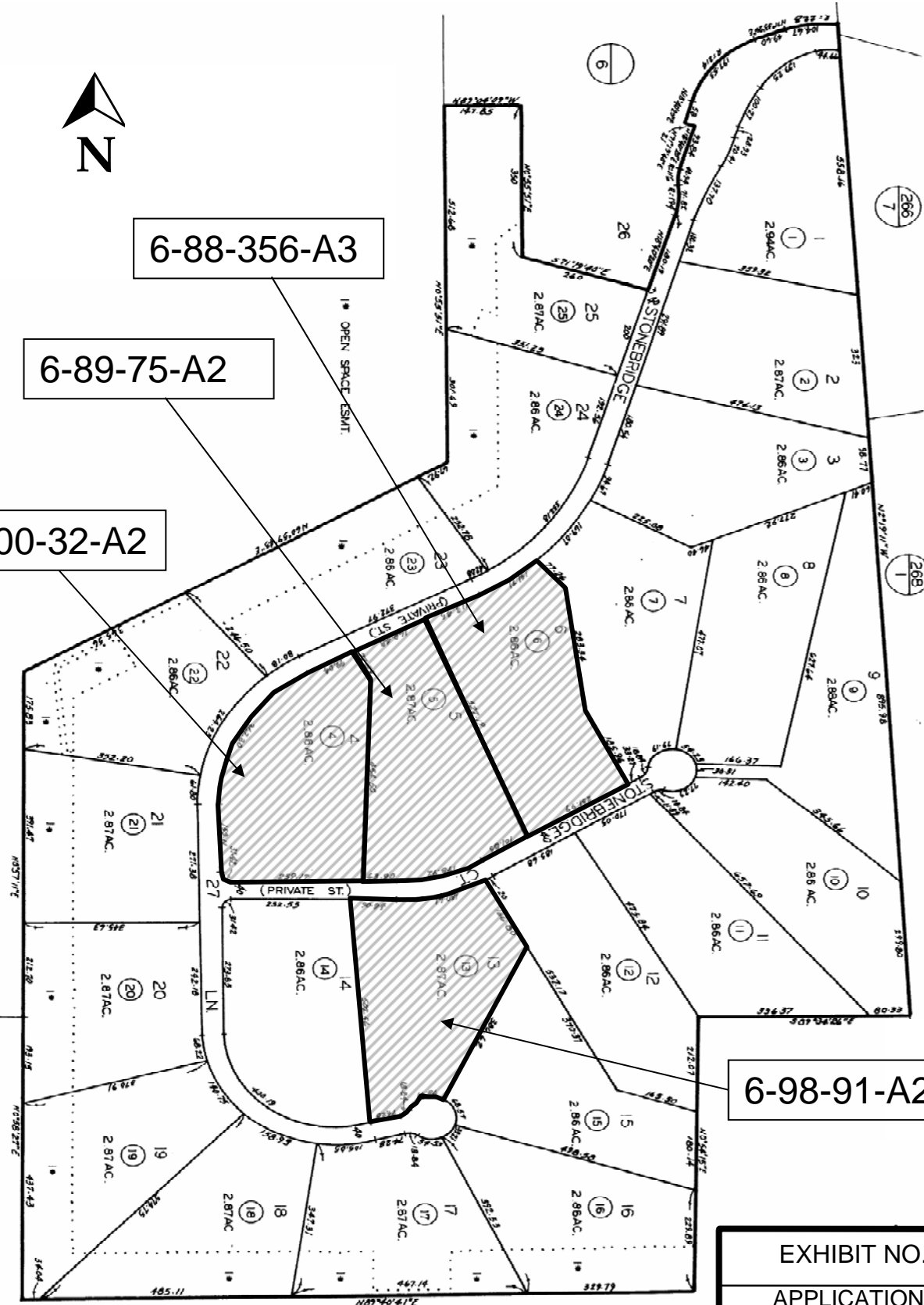
EXHIBIT NO. 1
APPLICATION NO. <b>6-88-356-A3 et.al.</b>
Location Map
 California Coastal Commission



6-88-356-A3

6-89-75-A2

6-00-32-A2



6-98-91-A2

EXHIBIT NO. 2
APPLICATION NO. <b>6-88-356-A3 et.al.</b>
Parcel Map
 California Coastal Commission

# R. E. BADGER & SON, INC.

P. O. BOX 830  
RANCHO SANTA FE, CALIFORNIA 92067  
TELEPHONE (858) 756-1402  
SINCE 1922

PRESIDENT CHARLES E. BADGER  
PESTICIDE APPLICATOR  
LICENSE NO. 33845

June 30, 2006

To Whom It May Concern,

Our company has been managing citrus orchards in coastal North County since 1922. We have consistently been in the forefront of environmentally sound horticultural practices since that time. My grandfather was one of the first to use integrated pest management practices beginning in the 1950s. Working in the exclusive Rancho Santa Fe area with its many equestrian trails and other outdoor activities, as well as its proximity to the San Dieguito River Watershed, Escondido Creek, and several lagoons, we have always been sensitive to our impact on the local environment. In fact, we believe the way we manage the groves has always made the citrus orchards here a net positive for our coastal ecosystem.

Such is the case with the grove we manage for Mike and Shelley Perry in the Stonebridge development. The grove is now four years old, and because it is on a slope near the San Elijo Lagoon we have always been mindful of what we use and how we use it. Obviously, we have implemented best management practices here to ensure that we do not negatively impact the coastal waters. I can only wish that all the homeowners in this development were as conscientious as we—I shudder to think of what ends up in the lagoon from the area's lawns and other home impacts!

To begin with, the grove is practically managed organically. The only reason we don't register organically is because the cost to certify for such a small orchard doesn't make economic sense. We have used conventional fertilizers on the trees, but it is done foliarly so that we don't put any granular fertilizers on the slope. In addition, the weed control is almost all done by mowing and weedeating. We do not use pre-emergent weed chemicals here. Because water is so expensive, we cannot afford to have any irrigation runoff. Together with the root system from the trees and the fiber rolls placed in the grove, the "cover crop" of non-native weeds do an excellent job of holding the soil and preventing irrigation runoff from ever leaving this property. Our emitters are extremely low-flow so that the water can penetrate the soil and go where we need it—into the root zone and not off the property. Any pest control we must do is with an organically registered tree oil and done only when the beneficials cannot control the pest population. And finally, we time all of our operations around the weather. We simply do not fertilize during the rainy season—October through March. We are careful not to leave anything behind that might be carried into the lagoon by heavy rains. Using these best management practices, not only do we adhere to all the new storm water regulations, but we also ensure that we continue our decades old tradition of positively affecting our environment. Please feel free to call me with any questions.

Sincerely,

*Signature on file* -

Charles Everett Badger

CITRUS GROVES - DEVELOPMENT and MAINTENAN

EXHIBIT NO. 3
APPLICATION NO. 6-88-356-A3 et.al.
Orchard Mgmt Plan
 California Coastal Commission