

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, SEPTEMBER 10, 2025**

MINUTE ORDER NO. 6

**SUBJECT: NOTICED PUBLIC HEARING:
APPEAL OF THE COTTONWOOD SAND MINE PROJECT MAJOR USE
PERMIT, RECLAMATION PLAN AND ASSOCIATED CEQA
DETERMINATION (DISTRICTS: 2 AND 4)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider an appeal submitted by the applicant, Cottonwood Cajon ES, LLC, of the Planning Commission's July 9, 2025, disapproval of the Major Use Permit (MUP) and Reclamation Plan (RP) and associated CEQA determination for the proposed Cottonwood Sand Mine project (Project).

The Project is a request to conduct mining activities by converting 214 acres of the Cottonwood Golf Course site for sand extraction purposes. The project site is located at 3121 Willow Glen Drive in the Valle De Oro Community Plan Area and is zoned Open Space (S80), Specific Plan (S88) and Holding Area (S90) with a General Plan Designation as Open Space-Recreation. The property is surrounded by suburban development including detached single-family homes and public facilities such as schools and parks.

The Project would involve sand excavation and processing on 214 acres of a 280-acre site. The operation would run from 7:00 a.m. to 5:00 p.m., Monday through Friday, producing a maximum of 570,000 tons of sand per year for a decade. The excavation would be completed in a phased approach, over a 10-year period, with each phase having subphases under 30 acres. Once a subphase has been excavated, it will be reclaimed as required by the California Surface Mining and Reclamation Act of 1975. Reclamation will extend the project by two years for a total of 12 years. Reclamation includes grading to achieve final slopes and landforms. Revegetation is a component of the Reclamation Plan that includes a five-year monitoring period. Should the Project be approved, the Applicant is required to preserve approximately 150 acres of permanent open space through the recordation of a biological open space easement.

The public has had significant concerns with the Project. Concerns have been raised by residents in Valle De Oro, Spring Valley, and Jamul. Staff have also heard from agencies, tribes, and organizations with comments focused on traffic, fire safety and evacuation, biological resources, noise, air quality, and greenhouse gas emissions. The project applicant completed an EIR that identifies potentially significant environmental impacts to the following: aesthetics, biological resources, cultural resources, noise, paleontological resources, and tribal cultural resources. Impacts to aesthetics, even with mitigation measures, would remain significant and unavoidable, and require the adoption of a Statement of Overriding Considerations. In CEQA, overriding considerations are the reasons that justify approval of a project despite identified significant and unavoidable environmental impacts. If granted, all other potentially significant impacts would be reduced to less than significant for the Project. The EIR will be certified only if the appeal is granted and the Project is approved.

The project has complied with CEQA through the preparation of an EIR; however, the Board also must make the required findings for a MUP. The MUP findings are separate from CEQA and are required to

approve a MUP. Staff have determined that two of the MUP findings cannot be made for the Project. Specifically, staff have concluded that the findings regarding the harmful effect on the neighborhood character, and the suitability of the site for this type of development, cannot be made. As a result, staff are not recommending approval of the project.

The Board can:

- (1) deny the appeal and sustain the Planning Commission's decision to disapprove the MUP and RP;
- (2) grant the appeal, certify the EIR, adopt Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP), and approve the MUP and RP, or;
- (3) continue the appeal and send the MUP and RP back to staff for additional analysis, request for information, and/or reconsideration, including any additional direction from the Board, and return to the Board within a specified time period.

RECOMMENDATION(S)

Planning Commission

On July 9, 2025, the Planning Commission disapproved the Cottonwood Sand Mine project. The Planning Commission considered a motion to approve the staff recommendation of Project denial and the vote was 3-3. A second motion was made to approve the applicant's Project, and the vote was again 3-3. Due to the failure to secure four votes, the Project was rendered "disapproved" in accordance with the County Administrative Code and procedural rules followed by the Planning Commission.

Department of Planning & Development Services (PDS)

PDS concurs with the Planning Commission's disapproval and recommends the Board of Supervisors (Board):

1. Find that this action is not subject to environmental review under Section 21080(b)(5) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15270 because CEQA does not apply to projects which a public agency rejects or disapproves.
2. Find that the appeal is denied based on the evidence in the entirety of the record for the Project, including but not limited to the reasons discussed in this Board Letter, the public comments and testimony from community planning groups, tribes, agencies, organizations, and individual community members, and the inability to make the required Major Use Permit findings 3 and 5 for the Project.

The applicant, Cottonwood Cajon ES, LLC, has submitted separate materials in support of the appeal. The Board may grant the appeal, approve the Major Use Permit and Reclamation Plan, and certify the EIR, based on the applicant's materials. If the Board grants the appeal, it must require Cottonwood Cajon ES, LLC to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, Cottonwood Cajon ES, LLC must provide security in the amount of \$1,500,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 10 days of litigation being filed (Attachment C).

EQUITY IMPACT STATEMENT

The appeal process allows the community to participate in decisions that impact their community. The public hearing process provides transparency and accessibility for the public to review proposed projects and provide comments. The environmental review process also allows for public comment and participation in the form of a scoping meeting and subsequent community meetings at Hillsdale Middle School.

SUSTAINABILITY IMPACT STATEMENT

The denial of this project would prevent 10 years of extraction and avoid impacts on community character. The environmental impacts identified in the EIR would not occur, and the associated mitigation would not be necessary. Project denial would also leave the Sweetwater River flood channel and existing views to the site from surrounding properties and scenic roads unchanged.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the recommendations for the Cottonwood Sand Mine Project, as the Project is privately initiated and is located on private property. Any costs incurred will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took the following actions:

1. Found that this action is not subject to environmental review under Section 21080(b)(5) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15270 because CEQA does not apply to projects which a public agency rejects or disapproves.
2. Found that the appeal is denied based on the evidence in the entirety of the record for the Project, including but not limited to the reasons discussed in this Board Letter, the public comments and testimony from community planning groups, tribes, agencies, organizations, and individual community members, and the inability to make the required Major Use Permit findings 3 and 5 for the Project.

AYES: Aguirre, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter