



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** September 10, 2025

**06**

**TO:** Board of Supervisors

### SUBJECT

**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,

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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):

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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.

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### **ADVISORY BOARD STATEMENT**

The Project is located within the Valle De Oro Community Plan Area which is represented by the Valle De Oro Community Planning Group (CPG).

On March 18, 2025, the Valle De Oro CPG voted to deny the Project by a vote of 11-0-0-4 (11 ayes, 0 noes, 0 abstain, 4 vacant/absent). The CPG raised concerns regarding the completeness and adequacy of the project description, the compatibility of the project design with the local community, consistency with community plan and zoning, environmental effects including traffic, biology, noise and health, and hydrology and water quality. In the same meeting, the Valle de Oro CPG voted to recommend denial of the applicant's request for a Design Exception Request involving the waiver of the requirement to underground an existing AT&T overhead line along Willow Glen Drive by a vote of 10-0-1-4 (10 ayes, 0 noes, 1 abstain, 4-vacant/absent). See Attachment D, Public Documentation. The Spring Valley and Jamul CPGs also expressed opposition to the project in written comments provided during the public comment periods of the draft EIR and draft Recirculated EIR.

### **INVOLVED PARTIES**

Cottonwood Cajon ES, LLC (Owner/Applicant/Appellant)

See Ownership Disclosure in Attachment E.

### **PLANNING COMMISSION VOTE**

On July 9, 2025, the Planning Commission held a noticed public hearing in consideration of the Cottonwood Sand Mine Project. After closing public testimony, the Commissioners deliberated on the project and voted on a motion to deny it which did not pass because of the lack of a majority vote. The Planning Commission then voted on a motion to approve the project, which also did not pass because of the lack of a majority vote. The lack of a majority vote means the project is deemed disapproved. See Attachment F, Planning Commission Report and Action Sheet, for the Planning Commission vote and recommendation.

### **BACKGROUND**

An application for the proposed Cottonwood Sand Mine project (Project) was submitted by Cottonwood Cajon ES, LLC (Applicant) on November 19, 2018. The Project is a Major Use Permit (MUP) and Reclamation Plan (RP) to authorize mining activities by converting approximately 214 acres of the 280-acre Cottonwood Golf Course site for sand extraction purposes. Primary access to the site would be from Willow Glen Drive, a County-maintained road.

Sand excavation and processing plant operations would occur Monday through Friday, 7:00 a.m. to 5:00 p.m. The Project includes mobile off-road equipment for excavation; raw material extraction, loading, and transport; conveyors for material transport; plant processing equipment and haul trucks for loading and transport. Haul trucks would take the sand from the project site to construction sites where it would be used in concrete. A maximum total of 570,000 tons would be produced each year for sale over a 10-year period with an additional two years for reclamation. Once mining is completed, each phase of the site must be reclaimed in accordance with the California Surface Mining and Reclamation Act (SMARA). Revegetation is a component of the

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reclamation plan that includes a five-year monitoring period. Additional project information can be found in Attachment F, Planning Commission Hearing Report.

Zoning for the site is Open Space (S80), Specific Plan (S88), and Holding Area (S90), and the General Plan Land Use Designation is Open Space-Recreation (OS-R). Extractive uses are allowed in the S80 and S90 zones upon approval of a MUP pursuant to the County of San Diego (County) Zoning Ordinance, if certain findings can be made. Section 7358 specifies the findings to be made for a project's compatibility with surrounding land uses. Findings must be made as follows:

That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to:

1. Harmony in scale, bulk, and coverage,
2. Availability of adequate public facilities, services and utilities,
3. Harmful effect on the desired neighborhood character,
4. Generation of traffic and the capacity and physical character of surrounding streets, and
5. Suitability of the site for the type and intensity of use or development which is proposed,
6. Any other relevant impact of the proposed use.

With regard to MUP Findings 3 and 5, PDS found the Project to have a harmful effect on desirable neighborhood character and that the site would not be suitable for the proposed type of development, as detailed in the Analysis section of this report. Therefore, PDS recommends denial of the Project.

On July 9, 2025, the Planning Commission disapproved the Project by way of a split three-three vote (3 yes, 3 noes, 0 absent, 1 vacancy) that failed to secure the required four votes needed for approval. Because the Planning Commission was unable to pass a motion through a majority vote, the Project was deemed 'disapproved' and is appealable to the Board of Supervisors if a formal appeal is submitted within 10 days of the Planning Commission decision date. The Planning Commission's disapproval of the Project is being appealed by the applicant, Cottonwood Cajon ES, LLC (Attachment A), and the appeal form was submitted on July 21, 2025, within 10 days. The appeal cites six main concerns, and these concerns, along with staff responses are included in the Points of Appeal section below. The Project review addressed traffic, fire safety and evacuation, noise, air quality, and cultural resources.

### **Traffic**

A Transportation Impact Analysis was conducted for the project and concluded that there is a less than significant transportation impact under the California Environmental Quality Act (CEQA). A Local Mobility Analysis was conducted for the project that analyzed roadway operations near the project site. It was determined that the Project would meet the County's standards set forth for road design and avoidance of traffic hazards because the Project includes improvements to Willow Glen Drive.

Two sets of traffic counts were taken for the Project, one pre-dating the pandemic and one post-dating the pandemic. The counts were taken during peak hours (i.e. 7:00 to 9:00 AM and 4:00 to

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6:00 PM), which is the “worst case” traffic condition when the most vehicles would be on the road. The proposed mining project would generate 766 average daily trips (ADT). To calculate average daily traffic, a passenger car equivalence factor is applied to these trucks, for a total of 730 ADT from truck traffic. In addition to the heavy vehicle trips, 14 employee and visitor light vehicles and four vendors (e.g., fuel, supplies, service companies, etc.) were assumed to access the Project site on a typical day, making two trips per vehicle, for an overall total of 766 ADT.

**Fire Safety and Evacuation**

The project site is served by the San Miguel Consolidated Fire Protection District. The closest fire station to the project site, Station 22, is located approximately 0.3 miles to the north. According to the Fire Protection Plan (FPP) prepared for the Project, the site is within an area designated as a Moderate Fire Hazard Severity Zone and is bordered to the south by an area designated as a Very High Fire Hazard Severity Zone.

During the circulation of the Draft EIR, the San Miguel Fire District issued a comment letter with concerns about emergency response time delays and emergency evacuation routes. They recommended that the plan includes the cessation of any additional heavy truck or vendor vehicles accessing the site during an active emergency evacuation, and a contingency plan should Willow Glen fail due to heavy truck back-up or other Project-related event.

Another concern was regarding sight-distance hazards at Steele Canyon Road. In response, the Project requires a Traffic Control Plan, improvements to Willow Glen Drive, and adherence to the Fire Protection Plan.

Because of the increased fire danger brought by warm, very dry northeast Santa Ana winds that generally occur in the late fall, the Cottonwood Sand Mining Project will cease extraction and conveyor operations when wind speed instantaneously exceeds 25 mph or when the wind speed average for 15 minutes is greater than 15 mph to eliminate the Project area as a source of accidental ignitions.

Prior to the Planning Commission hearing, the Board of Directors of the San Miguel Consolidated Fire Protection District adopted Resolution 25-29 opposing the Cottonwood Sand Mine Project. In public testimony before the Planning Commission, a San Miguel Fire Board of Directors representative stated that the Project has the potential to delay emergency response and expressed that the use can introduce fire risk and strain the district’s fire resources.

**Noise**

The current dominant noise source in the vicinity of the Project site is the traffic along Willow Glen Drive and Steele Canyon Road. To decrease noise impacts associated with the Proposed Project, mitigation is required. The mitigation is to construct noise barriers and excavate to the lowest feasible elevation within the Project’s excavation areas, such that the topography provides noise attenuation to off-site properties. For certain residential locations, an 8-foot-high or 12-foot-high solid noise barrier is required when excavation is occurring within 400 feet. When mining activities are occurring at distances greater than 400 feet from a given location, a barrier would not be required. The EIR concluded that implementation of these mitigation measures will ensure the Project has a less than significant impact for noise.

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**Air Quality and Greenhouse Gas Emissions**

As part of the EIR, an Air Quality Technical Report and subsequent addendum were completed for the project. The Project would incorporate Best Management Practices (BMPs) to reduce fugitive dust during construction and mine operation, and reclamation. This includes actions to stabilize storage piles, enforcement of 15-mph speeds on unpaved surfaces, twice daily watering of exposed areas, and termination of activities if winds exceed 25 mph. On- and off-road equipment would be required to comply with Best Available Control Technology (BACT) for a reduction of exhaust particulate matter. These actions would create a less than significant impact for air quality.

Construction of the Project would generate greenhouse gas (GHG) emissions from the use of off-road equipment and from vehicles traveling to and from the site. The majority of the Project's operational GHG emissions would be associated with truck trips for hauling sand and backfill material. By reducing regional truck Vehicle Miles Traveled (VMT), the Project would result in an overall net reduction in mobile source GHG emissions. Therefore, GHG impacts are less than significant.

**Cultural Resources**

Comments were provided by the Sycuan Band of the Kumeyaay Nation during the EIR preparation process and at the Planning Commission hearing noting the cultural sensitivity of the Jamacha region within which the Project is located. During the tribal consultation process, where numerous meetings were held, other tribes expressed interest and concern about the proposed Project. The EIR and Archaeological Inventory and Assessment acknowledge that Native American cultural sites are present within the Project area, and that the Project has been noted by the Native American community/Kumeyaay people to be within a culturally significant area. Following a record search and field investigations conducted by an archaeologist and Kumeyaay Native American Monitor from Red Tail Environmental, archaeological testing was undertaken for the three previously recorded prehistoric resources within the Project site. Testing did not identify intact subsurface components at these sites, which were determined to contain poor integrity due to the construction and ongoing maintenance of the golf course. The County determined that the archaeological investigations conducted at the Project site satisfy CEQA requirements and constitute a good-faith effort to identify and evaluate cultural resources on site to determine significant effects on the environment.

Due to the cultural sensitivity of the Project region and the alluvial setting of the Project site, the Project is being conditioned with mitigation measures to identify, evaluate, recover, and protect unidentified resources that may be present. A Cultural Resources Treatment Agreement and Preservation Plan, Pre-Grade Survey and Data Recovery Program, and Archaeological Monitoring Program are proposed to address unknown resources that have the potential to be discovered during Project implementation. The Cultural Resources Treatment Agreement and Preservation Plan would be prepared in consultation with the culturally affiliated Kumeyaay Native American tribe(s) to ensure proper handling, treatment, and preservation of cultural resources that may be impacted by the Project. The timing for the preparation of the Cultural Resources Treatment

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Agreement and Preservation Plan would be prior to any ground-disturbing activities. The Plan would serve as a legally binding agreement between the County, Project Applicant, and the involved tribes. As a result, the Project must mitigate potential impacts to tribal resources through monitoring. If any resources are found, work will stop in accordance with the agreement and preservation plan.

**DEPARTMENT REASONS FOR RECOMMENDATION**

County Staff reviewed the Project, considering the Major Use Permit Findings required pursuant to the County's Zoning Ordinance. Staff have determined that some of the findings cannot be made for the Project. Specifically, staff has concluded that Finding 3, regarding the harmful effect on the neighborhood character, and Finding 5, regarding the suitability of the site for this type of development, cannot be made.

Public testimony by a variety of interests at the Planning Commission hearing included the Project's effects on quality of life and neighborhood character, the unsuitability of the Project location, aesthetics and impacts to views and Willow Glen Drive, increases in truck traffic and related safety concerns, use of heavy machinery, the addition of pollutants to the Sweetwater River and groundwater, Valley Fever and other health concerns including asthma and restrictions on outdoor activity such as walking and playing outside at the local elementary school (Jamacha Elementary), insufficient buffers, ongoing noise, impediments to emergency response, downwind pollution to McGinty Mountain Reserve, concerns about the restoration plan including the installation of rip rap, sensitivity of the immune compromised population, and the lack of a guarantee the sand will stay in San Diego and thus reduce Vehicle Miles Traveled (VMT).

*The harmful effect, if any, upon desirable neighborhood character.*

Staff have concluded that the proposed mining Project will have a harmful effect upon desirable neighborhood character based on the record as a whole. This includes but is not limited to evidence that the Project will add truck trips on surrounding roads, heavy machinery to the site, and change the appearance of the site, which will affect quality of life and community character. The Sweetwater River Valley is home to residents, locally serving commercial uses, and recreational areas including trails used daily by hikers and equestrians. The nature of sand mining, involving heavy machinery and truck hauling, is incompatible with nearby uses. The Project is a major extraction operation that includes a central processing plant and large haulage trucks to transport materials. The trucks are proposed to operate five days each week for a minimum of ten years. The Project proposes eighty-eight (88) trucks for export of saleable material and 58 additional truck trips for import of backfill material. There would be 146 truckloads per day, or approximately 23 truckloads per hour, between the hours of 9:00 a.m. and 3:30 p.m., which would have a harmful effect on the neighborhood character.

The existing condition on the site consists of a golf course, which has a lower intensity of use relative to a sand mine. For example, the golf course has golfers using carts and maintenance workers conducting maintenance. The types of sound coming from the Project will be different from the current sounds in the neighborhood. While residents of the homes south of the site currently hear noises such as leaf blowers, helicopters, traffic, golf carts, golfers, and ambient noise from nature,



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if the mining project were to be approved, they would be exposed to sound from a processing plant, material extraction, grading, and haul trucks--all of which will harm the neighborhood character.

The Project further results in a harmful effect upon desirable neighborhood character because it will change the way the site looks to residents and visitors who are driving by or who live near the site. Currently, the neighborhood is suburban and primarily comprised of residential neighborhoods and the golf course, with natural features of the river corridor and surrounding hillsides and mountains. The Project would convert this existing site into an extractive use. The Project will be required to install 8-foot and 12-foot noise barriers, which would be relocated with each phase. Additionally, a 6-foot-high chain link fencing with screening mesh will be installed along Willow Glen Drive, and 3-foot-high fencing with screening mesh will be installed on the northbound Steele Canyon Road Bridge railing to help screen the processing plant and exposed soils and mining activities in Phases 1 and 2 from motorists and cyclists. These screens may be installed and removed sequentially during the adjacent actively mined subphase areas and will limit the existing views from the scenic highway.

*The suitability of the site for the type and intensity of use or development which is proposed.*

Staff have concluded that, based on the record as a whole, the site is not suitable for the proposed mining operation due to its location within a suburban setting. This includes but is not limited to evidence that the site is situated in a river valley in close proximity to a variety of existing residences, schools, a health care facility (now closed), and open space. Therefore, although the site contains a useful resource (sand), the nature of sand mining involves heavy machinery and truck hauling, which is incompatible with these nearby uses.

Residential development in the area includes over 150 homes. The valley is home to several subdivisions consisting of single-family dwellings. These include homes on the north side of Willow Glen Drive and homes located to the south of the golf course. To the north are homes such as those along and around Emerald Point Court and Sawgrass Street near Hilton Head County Park. To the south are homes located off Ivanhoe Ranch Road and Steele Canyon Road, some of which are adjacent to the golf course. Many of these homes were built around a golf course, and residents assumed they would be living near a quiet golf course. However, the proposed mining operation will introduce trucks and heavy machinery into an established neighborhood.

**POINTS OF APPEAL AND PROJECT ANALYSIS**

The appeal filed by the Cottonwood Cajon ES LLC contains six main points of appeal (Attachment A). The main points of appeal are summarized below with responses to each of them. The primary concerns stated in the appeal include:

1. The Planning Commission could not come to a majority decision: On July 9, 2025, the Planning Commission failed to reach a majority decision on whether to approve or deny the Project with a 3-3 split vote. This procedural deadlock does not constitute a definitive denial of the Project but rather the six-member Commission's inability to form a consensus.

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Staff Response: The Planning Commission disapproved the Project. Both the Administrative Code and the Planning Commission's policy state that a failure to secure four votes means the Project is disapproved.

2. San Diego County has a critical need for this Project: This Project will provide reliable, high-quality construction aggregate in the amount of 570,000 tons per year. Portland cement concrete (PCC) is a resource foundational to the construction of roads, schools, hospitals, and other critical infrastructure. The County Board of Supervisors has formally recognized that mineral extraction "is essential to the continued economic well-being of the County of San Diego." The site is classified as a Mineral Resources Zone 2 (MRZ-2), which is considered a valuable mineral deposit, and is the highest designation according to the Surface Mining and Reclamation Act (SMARA).

Staff Response: Staff agree that there is a need for a local source of sand used for Portland cement concrete as identified in the General Plan. This was considered as part of the Project analysis. However, in order to approve the project, the Board must make the MUP findings, including Findings 3 and 5, without regard to the need for the resource. Staff did not support making MUP Finding 3, regarding the harmful effect on the neighborhood character, and Finding 5, regarding the suitability of the site for this type of development, based on the evidence in the record.

3. The grounds cited for voting against the Project are inconsistent with the Project description and the County code: The only stated justifications given by Planning Commissioners on July 9, 2025 are directly contradicted by the Project description and the County zoning code. The Commissioners opposed to the Project stated that the Project was an industrial land use. However, the County zoning code distinguishes between industrial uses and extractive uses. Extractive uses are clearly permitted at this site. There is no support for denying the Project on the grounds that heavy industrial uses are incompatible with residential uses. Another reason these Commissioners opposed the Project is that the Project would not restore the site for a "decade," but this is also not true. Restoration of the Project site would occur on an ongoing basis. Projects cannot be denied using justifications not based on substantial evidence.

Staff Response: The Planning Commissioners properly relied on evidence in the record to support their finding that the Project site was not suitable for the type and intensity of use or development, and that the Project would harm the community character and were not able to make the required MUP findings. Their comments reflect that changing a golf course to a sand mining project would reasonably harm the community character, and a residential neighborhood is not a suitable or compatible site for a sand mining project. Extractive uses require heavy equipment, which is not regularly part of a golf course facility. The Project description explains that heavy equipment will be deployed and used in various phases of the Project, and states that "As many as 15 over-the-highway trucks may be parked on site each day near the processing area and entrance to the site." The Project uses conveyors, and features muck ponds and pits, which are "industrial" in nature. The Planning Commissioners' findings are consistent with these facts.

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The deployment of heavy equipment will take place on an on-going basis from the first phase, but the complete restoration will not occur until the end of the Project. Vegetation monitoring would continue for five years, or until the County and the State acknowledge that performance standards have been met. According to Table 1-2, Mining Phases, in the EIR, the Phase 1 mining completion date is 2028, and the Phase 4 mining completion date is 2035, with restoration completed in 2037. The Planning Commissioners' findings are consistent with these facts.

4. Substantial evidence in the record supports Project approval: Substantial evidence in the administrative record supports the required findings for approval of the Project's Major Use Permit and Reclamation Plan. The Final EIR concluded that all environmental impacts, except for Aesthetics, can be mitigated to a level of less than significant. The Project is consistent with the County's General Plan and Zoning Ordinance. The Project will result in long-term environmental and public benefits as described in the applicant's alternative hearing report. Finally, the applicant has demonstrated that the Project is uniquely suited to meet the County's urgent need for local aggregate supply.

Staff Response: The significant impact conclusions in the EIR are one part of the broader record. The EIR evaluates impacts on the physical environment, which are different from impacts on community character and quality of life. As discussed in the next response, the broader record as a whole contains evidence supporting Project denial, including reasons why the Project does not satisfy MUP Findings 3 and 5. Substantial evidence in the administrative record does not support the required findings, 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. The Project changes the existing landscape from the currently occupied Cottonwood Golf facilities and adds extraction heavy machinery and haul trucks on the roads that will make the site look entirely different for residents and visitors.

Further, the MUP findings discussed in the following section are distinct from CEQA. The purpose of CEQA is to assess a Project's impact on the environment, and community character impacts are outside the scope of CEQA. By contrast, the purpose of the County's Zoning Ordinance, in which the Major Use Permit findings are enumerated, is intended to ensure orderly growth and protect the public health, safety, and welfare of the communities of unincorporated San Diego County.

5. No substantial evidence in the record supports Project denial: Staff's recommendation to deny the Cottonwood Sand Mine Project was based solely on the assertion that two of the six required MUP findings could not be made—specifically, Finding 3 (regarding harmful effect on neighborhood character) and Finding 5 (regarding site suitability). These conclusions are not supported by, and are in fact disproved by, substantial evidence in the administrative record. The Final EIR provides ample evidence that both findings can be made. The Planning Commissioners failed to approve the Project on the basis that the MUP findings could not be made. There was no substantial evidence

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cited to support this conclusion—no citations to evidence in the County Planning Commission Staff Report, in public testimony, in Planning Commissioner deliberations, or elsewhere in the record. The Board of Supervisors should grant the appeal and approve the Project because there is no evidence in the record supporting denial.

Staff Response: Substantial evidence in the record supports denial of the Project due to the inability to make MUP Findings 3 and 5. This includes, but is not limited to, the facts stated herein and in the staff report and the extensive public commentary attached thereto regarding the harm to community character and the suitability of the site.

The Project is a major extraction operation that includes a central processing plant and large haulage trucks to transport materials. The trucks are proposed to operate five days each week for a minimum of ten years. The Project proposes eighty-eight (88) trucks for export of saleable material and 58 additional truck trips for import of backfill material. There would be 146 truckloads per day, or approximately 23 truckloads per hour, between the hours of 9:00 a.m. and 3:30 p.m. Haul trucks would create on-going noise during operations from mobile off-road equipment for excavation area grading; raw material extraction, loading, and transport; material transport; processing plant equipment; and associated loading equipment. The noise would be present for the residents of this neighborhood during the life of the Project—five days a week for a minimum of ten years.

The Project will be required to install 8-foot and 12-foot noise barriers, which would be relocated with each phase. Also, six-foot high chain link fencing with screening mesh will be installed along Willow Glen Drive, a County scenic highway, and 3-foot-high fencing with screening mesh will be installed on the northbound Steele Canyon Road Bridge railing to help screen the processing plant and exposed soils and mining activities in Phases 1 and 2 from motorists and cyclists.

These facts are further emphasized and supported by evidence in the record, including but not limited to the hours of testimony at public hearings and community meetings, written comments on the type of project, and staff reports.

The public has had significant concerns with the Project since the application was submitted in November 2018. Concerns have been raised not just by residents in the vicinity of the Project, but by individuals from the surrounding communities of Spring Valley and Jamul. The evidence in the record comes from community planning groups, agencies, tribes, and organizations.

Public testimony by a variety of interests at the Planning Commission hearing included the Project's effects on quality of life and neighborhood character, the unsuitability of the Project location, aesthetics and impacts to views and Willow Glen Drive, increases in truck traffic and related safety concerns, use of heavy machinery, the addition of pollutants to the Sweetwater River and groundwater, Valley Fever and other health concerns including asthma and restrictions on outdoor activity such as walking and playing outside at the local elementary school (Jamacha Elementary), insufficient

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buffers, ongoing noise, impediments to emergency response, downwind pollution to McGinty Mountain Reserve, concerns about the restoration plan including the installation of rip rap, sensitivity of the immune compromised population, and the lack of a guarantee the sand will stay in San Diego and thus reduce Vehicle Miles Traveled (VMT).

During the Planning Commission public hearing, the Commission received testimony from the construction industry and labor union regarding the need for sand resources. It is important to note that MUP Findings are not related to the demand for sand resources and should not be considered when making a determination of whether the required findings can be made.

6. The Project's benefits significantly outweigh its impact: The Project's myriad benefits include:

- The Project will provide a reliable, local, and high-quality source of construction aggregate product in the amount of 570,000 tons per year.
- The Project will create approximately 148 acres of new permanent open space, preserved in perpetuity through recordation of a biological open space easement.
- The Project will restore and enhance the Sweetwater River flood channel to a more natural condition, improving water flow, flood protection, and wildlife connectivity.
- The Project is projected to provide the County with \$2,500,000 in additional sales tax revenue.
- The Project will significantly reduce water demand and consumption on the Project site.
- The Project will be restored on a rolling basis, ensuring continuous environmental enhancement, as opposed to requiring the community to wait until the end of the 10-year extraction phase to see any open space benefit.
- The Project will reduce overall greenhouse gas emissions and vehicle miles traveled within the County.
- The Project will construct a new pedestrian pathway and regional multi-use trail.
- The Project will improve Willow Glen Drive.
- The Project will implement myriad County General Plan Goals and Policies.
- The Project will eliminate long-term potential for intensive development on the Project site.

Staff Response: Staff recommended denial of the Project because the required MUP Findings 3 and 5 cannot be made. According to evidence in the record referenced throughout this document, and public testimony, the Project would result in a harmful effect on neighborhood character, and the site is not suitable for a sand mine based on the surrounding suburban neighborhood. Although there is a need for a local supply of

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sand for concrete, the required MUP Findings related to community character and the suitability of the site for proposed sand mine use cannot be made.

**ENVIRONMENTAL STATEMENT**

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The recommended action to deny the appeal and the Project 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.

**PUBLIC INPUT**

At the time of application submittal in 2018, and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 5,500 feet of the project site.

The County has received extensive public input throughout the processing of the Cottonwood Sand Mine project (Project), including at the Planning Commission hearing. The public input includes written correspondence in the form of letters and e-mail from agencies, organizations, tribal interests, community planning groups, and individuals, as well as signed citizen petitions. Community meetings were held in Valle De Oro that also involved extensive public comments and concerns. Comments included topics related to quality of life and preserving community character, the incompatibility of the Project site, air quality and fugitive dust, biological resource concerns and impacts on wildlife, cultural/tribal cultural resource impacts, emergency response, fire safety and evacuation, health effects related to Valley Fever, noise, traffic including road damage, visual character, and land use compatibility and water quality impacts including contamination of groundwater and drinking water in the Sweetwater reservoir.

The Final Environmental Impact Report (FEIR) responded to public input related to environmental impacts. All additional correspondence received is included or referenced in Attachment D.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed action supports the Strategic Initiatives of Equity, Sustainability, and Community in the County of San Diego's 2025-2030 Strategic Plan. Relative to Equity, the Project denial addresses community concerns about well-being and the effects of the extraction activities. Relative to Sustainability, the denial of the Project would prevent extraction activities, thus reducing impacts on the environment. Relative to Community, the public hearing process promotes opportunities for property owners to communicate with elected officials and exercise their right to be civically engaged and find solutions to current and future challenges in a public forum.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Dahvia Lynch', is written over a light gray rectangular background.

DAHVIA LYNCH

Deputy Chief Administrative Officer

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**ATTACHMENT(S)**

*Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at [www.sandiegocounty.gov/content/sdc/cob/bosa.html](http://www.sandiegocounty.gov/content/sdc/cob/bosa.html).*

Attachment A	Appeal Form and Applicant's Proposed Form of Decision Approving the Project including EIR Certification, CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program (MMRP)
Attachment B	Environmental Findings
Attachment C	Defense and Indemnification Agreement
Attachment D	Public Documentation
Attachment E	Ownership Disclosure
Attachment F	Planning Commission Report and Action Sheet
Attachment G	Environmental Documentation
Attachment H	Planning Documentation