

DECISIONS



December 11, 2002

FORM OF DECISION
MAJOR USE PERMIT P01-020

PERMITTEE: Narconon Warner Springs

GRANT, as per plot plan dated March 5, 2002, consisting of two sheets, as amended and approved concurrently herewith, a Major Use Permit, pursuant to Section 2165.a, 2365.b, 2705.b and Sections 7350 through 7399 of the Zoning Ordinance for a Major Impact Service and Utility in the C36 General Commercial, A70 Limited Agriculture and RMH Residential Mobile Home Park Zones, which facility consists of the operation of a residential drug and alcohol rehabilitation facility for 30 young people generally between the ages of 18 and 25 and 15 employees within existing motel and recreational facilities on a 30-acre ownership. Existing improvements consist of two houses, 17 motel units and dining facilities, totaling 11,412 square feet, and a swimming pool, two tennis courts, basketball court and three 10,000-gallon water tanks.

CONDITIONS

The following conditions are imposed with the granting of this Major Use Permit:

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

- A. Prior to occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:
1. Provide evidence that required permitting has been received from the California Department of Alcohol and Drug Programs (DADP).
 2. Complete a boundary adjustment ensuring all structures and their on-site wastewater systems, plus expansion areas, are on the same parcel to the satisfaction of the Department of Environmental Health.
 3. Destroy water well #2 at the southwest corner of Assessor's Parcel Number 114-150-42 under permit and inspection by the Department of Environmental Health.
 4. Mark the property boundaries with the use of colored poles placed at 50-yard intervals along the property line.
 5. Improve or agree to improve and provide security for the onsite private roads serving as main internal access from the north end of Building "C"

to State Route 79 as shown on the plot plan. Improvements shall be to a graded width of twenty-eight feet (28') and an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base. All distressed sections shall be replaced. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply, to the satisfaction of the County Fire Code Specialist and the Director of Public Works.

Secured agreements require posting security in accordance with Section 7613 of the Zoning Ordinance. They also require the improvements be completed by 24 months from the date approving the Major Use Permit or prior to use or occupancy of the facility, whichever is earlier.

6. Submit certification from a registered civil engineer, a registered traffic engineer or a licensed land surveyor that: "Physically, there is a minimum of five hundred fifty feet (550') of unobstructed sight distance in both directions from the entrance to the facility along State Highway 79, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." The above shall be to the satisfaction of the Director of Public Works.
7. Comply with street lighting requirements as follows:
 - a. Allow transfer of the property subject to Major Use Permit (MUP) P01-020 into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.
8. Apply for and obtain a permit to operate a non-transient, non-community public water system from the Department of Environmental Health.
9. Show proof that the recreational vehicle (RV) spaces have been eliminated.
10. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances

and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 5 acres require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

11. Furnish the Director of Planning and Land Use, along with their request for final inspection, a letter from the Director of Public Works, stating Conditions A-2 through A-10 have been completed to that department's satisfaction.
 12. Pay off all deficit accounts to the satisfaction of the Department of Planning and Land Use, the Department of Public Works and the Department of Environmental Health.
 13. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
- B. Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Major Use Permit, the following conditions shall apply:
1. Outdoor activities shall be limited to the hours between 8:30 a.m. and 8:00 p.m.
 2. Active use of the property shall be restricted to the approximate 2-acre developed portion of the overall 30-acre site, located nearest SR 79. The remainder of the property may be used for passive activities including walking, small group discussions and meditation.
 3. The following security measures shall be in force at all times:
 - a. There will be no students at the Narconon Warner Springs facility that are medically dependent, or that would potentially need emergency medical care for withdrawal from drugs or alcohol.
 - b. All students shall be given a medical evaluation to determine their physical health prior to full enrollment in the Program. If a student is using heroin, alcohol or prescription medications, they will be

taken to a medical facility to do a medically supervised withdrawal from the drugs or alcohol. This will be done at the Newport Beach facility where Narconon has contractual arrangements with local hospitals equipped to provide this service. A student in withdrawal shall remain under the careful supervision of a withdrawal specialist 24 hours per day. Withdrawal specialists shall be trained and certified in CPR and First Aid. After this portion of the withdrawal program has been completed and the student is released from the hospital by a doctor, they may be transferred to the Narconon Warner Springs facility to complete the Drug-Free Withdrawal portion of the program.

- c. Upon enrollment at the Narconon Warner Springs facility, the student's personal belongings shall be searched thoroughly by a Security Officer to ensure that no illegal substances, non-necessary prescription medications, alcohol or paraphernalia are brought into the facility. This shall be done with a "Routing Form" or checklist to ensure completion. The Routing Form shall then be given to two additional staff members, including the Intake Counselor, to verify and crosscheck the information and process.
- d. Once a student has completed the "Drug-Free Withdrawal" portion of the program, they may begin working on the Narconon "Course". This shall include a strict schedule during which the students shall be supervised by highly trained Course Supervisors.
- e. During all phases of treatment, the students shall not leave the facility without the supervision of a staff member. Narconon students may be taken to nearby stores or facilities for needed items or may be transported by Narconon staff to any appointments, such as medical or dental appointments. These appointments shall be scheduled and approved by Narconon staff.
- f. Students shall be allowed visitors only during specified visiting hours. All visitors shall be approved by staff of the facility prior to their arrival.
- g. Staff shall be on duty 24 hours per day, 7 days per week. There will be at least three staff residing on the Narconon Warner Springs property. Narconon security personnel shall be on duty at all times.
- h. The property owner shall maintain and enforce designated smoking areas, which shall include the pool area and courtyard.

4. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to Section 6324 of The Zoning Ordinance.
5. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance.
6. The parking areas, landscaping and driveways shall be well maintained.
7. Building "A", the residence at the top of the knoll, will be used by facility staff only. No students will be housed north of Building "C", located in the main motel complex.
8. As an ongoing condition of this Major Use Permit, the applicant shall monitor and report on the status of the underlying groundwater resources. The project will be required to modify (decrease) water production if certain conditions are met. The monitoring program and report must satisfy all the following elements:

a. **Overall Report Conditions:**

- (1) A report shall be submitted semi-annually to the satisfaction of the Director of Planning and Land Use (Director), or his designated representative, which shows compliance with all elements of this condition. A California Registered Geologist or Certified Hydrogeologist must prepare the report with a due date of January 15th (for the period of July 1st through December 30th) and July 15th (for the period of January 1st through June 30th) of each year beginning with the year of 2003 (monitoring data may be collected by on-site maintenance personnel).
- (2) Total groundwater extraction for the project shall be limited to a maximum of 9.0 acre-feet (approximately 2,933,100 gallons) per year. This is the total allowable extraction of groundwater from all well(s) as measured annually January 1 through December 31 for each year. (No carryover of unused water into subsequent years is allowed.)
- (3) The applicant shall install and monitor cumulative and instantaneous flow meters on all current and future production well(s). All wells must also be fitted with a ¾ to 1-inch sounding tube to allow for the monitoring of water levels. Data from the flow meters (cumulative demand) and resulting water levels shall be collected once every two

weeks and provided to the Director in the semiannual monitoring report. Water levels should be "static water level" reflecting non-pumping conditions. Production wells should be rested at least 12 hours before the collection of data. In order to assure accuracy of the groundwater use information, the data will be reviewed and summarized by a California Registered Geologist or Certified Hydrogeologist prior to submission to the Director.

b. **Shut Down Requirements:**

- (1) If total groundwater extraction exceeds 7.5 acre-feet (2,444,250 gallons) at any time of the calendar year the following steps must be taken:
 - (a) Within seven days the Director must be notified via phone call and mail.
 - (b) Rigorous conservation methods will be implemented including reduction of landscape irrigation.
 - (c) Water production and water level data must be collected twice a week.
 - (d) Monthly reports must be filed with the Director by the 5th of each month for the previous month to ensure compliance with these requirements.

- (2) If total groundwater extraction exceeds 8.5 acre-feet (2,770,150 gallons) at any time of the calendar year the following steps must be taken:
 - (a) Within seven days the Director must be notified via phone call and mail.
 - (b) Rigorous conservation methods will be implemented including elimination of all landscape irrigation.
 - (c) On-site personnel shall be limited to just maintenance and security individuals. In-house patients will not be allowed.
 - (d) Water production and water level data must be collected twice a week.
 - (e) Monthly reports must be filed with the Director by the 5th of each month for the previous month to ensure compliance with these requirements.

- (3) Condition 8.b.(2) would also apply if the static water level falls to a level (as determined by the Director) that would indicate groundwater-mining conditions produced by the

project and causing impairment to the groundwater resources in the basin.

c. **Overall Groundwater Conditions:**

- (1) A deposit account of \$300.00 shall be maintained with the Director to cover the cost of reviewing the reports and site visits as deemed necessary.
- (2) The on-site pond (Lake Jean) will be left in its natural state and cannot be replenished with groundwater.
- (3) Minor modification and/or clarifications of this plan may be completed upon consultation with the Director and the operator of the facility. All modifications must be documented within the public record.

C. **DEFENSE OF LAWSUITS AND INDEMNITY:** The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

D. Department of Planning and Land Use staff shall review the facility semi-annually for the first year: once after six months and again twelve months after the facility opens. Narconon shall provide a log of all law enforcement and medical responses to the facility. An evaluation including input from the local fire and sheriff departments as well as any complaints received by the Department shall be included in the evaluation report. The Director of DPLU shall file a report with the Planning Commission if the evaluation shows violations of use permit conditions.

E. This Major Use Permit (P01-020) shall expire on December 11, 2004 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

CEQA FINDINGS

The Notice of Exemption dated August 23, 2002 on file with DPLU as Environmental Review Number 02-04-001 stating that the proposed project is exempt from the California Environmental Quality Act as specified under section 15301 of the State CEQA Guidelines is hereby adopted.

RESOURCE PROTECTION ORDINANCE FINDINGS

It is hereby found that the use or development permitted by the application is consistent with the provisions of the Resource Protection Ordinance.

STORMWATER FINDINGS

It is hereby found that the applicant has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

GROUNDWATER FINDINGS

It is hereby found that the groundwater resources are adequate to meet the groundwater demands of the project.

MAJOR USE PERMIT FINDINGS

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

- (a) 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, coverage, and density

The fact supporting Finding (a-1) is as follows:

This is a request for a Major Use Permit to authorize a drug rehabilitation facility. The existing, approximately 30 acre-site was previously used as a hotel and retreat facility. The property is currently developed with nine single-story structures and one two-story residence. Other improvements onsite include a basketball court, two tennis courts, a swimming pool and three 10,000-gallon water storage tanks. These structures are located on approximately 2 landscaped acres located closest to the road. The existing buildings total approximately 11,400 square feet and consist of

simple, rustic architecture incorporating wood siding with rock features. The proposed drug rehabilitation facility will utilize the existing buildings and recreational facilities and no expansion or exterior construction is proposed. Therefore, the project is in keeping with the nature of existing onsite structures, and is consistent with surrounding properties in terms of style and coverage. Furthermore, the project will not result in any additional residential density onsite because the use is civic in scope.

2. The availability of public facilities, services, and utilities

The fact supporting Finding (a-2) is as follows:

The proposed project is a Major Impact Service and Utility Use Type. The site has existing facilities for access and utility services. Service availability letters have been received from the Sunshine Summit Volunteer Fire Department for fire and emergency medical service and the Warner Unified School District for school facilities. The site utilizes on-site wells for water use and has submitted and received approval of a groundwater study. The Department of Environmental Health has reviewed the project and conditionally approved it pursuant to satisfying conditions for a non-transient, non-community small water system. These conditions have been incorporated into the Use Permit Form of Decision. The County Sheriff Department will patrol the facility from the Ranchita substation, approximately 20 miles from the proposed project. The project will not result in the need for new or substantial alterations to existing distribution systems because all utilities are present onsite. Therefore, the proposed project will not have an adverse impact on public facilities, services or utilities and will be compatible with adjacent uses.

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

The fact supporting Finding (a-3) is as follows:

The project proposes a drug rehabilitation facility, classified as a Major Impact Service and Utility, in a remote area of the County in the Warner Springs and Sunshine Summit area. The surrounding area can be characterized as rural with rolling terrain sometimes dispersed with trees and shrub vegetation. Single-family residences on small to moderately sized lots are located to the south, east and west. Agricultural land uses are also scattered throughout the area. A mobile home park is located on a hill to the northeast of the property and limited amounts of service commercial are scattered along State Route 79.

The proposed project will occupy existing hotel/motel facilities. The project will not require alteration of the existing landform or development on steep slopes. Program participants will be involved in structured, supervised activities. Therefore, no harmful effect upon desirable neighborhood character will occur as a result of the project.

4. The generation of traffic and the capacity and physical character of surrounding streets

The fact supporting Finding (a-4) is as follows:

The proposed project would generate less traffic than that associated with previous uses of the site. The Average Daily Trips (ADTs) associated with the site operating as a hotel/motel facility was 300. As a drug rehabilitation facility, the project is estimated to generate 50 ADTs. Adequate site distance is made an ongoing condition of the project. Additionally, surrounding streets will not be impacted because ingress and egress for all vehicles will be from SR-79. Therefore, no impacts, degradation or threshold increase in capacity is proposed for this project on State Route 79, a designated and improved two-lane highway.

5. The suitability of the site for the type and intensity of use or development that is proposed

The fact supporting Finding (a-5) is as follows:

The proposed use is located on a 30-acre parcel that has access from a public road and utility services, which are adequate to serve the proposed use. The proposed rehabilitation facility will operate only within the existing structures, which are suitable for daytime classroom and recreational activities and overnight boarding. Onsite security plans will be in force at all times, monitoring the location and activity of students. Therefore, the type and intensity of the proposed use is suitable to the site and existing structures.

6. Any other relevant impact of the proposed use

The fact supporting Finding (a-6) is as follows:

The facility is required to comply with all state and federal regulations regarding the operation of drug and alcohol rehabilitation facilities. These include permitting from the California Department of Alcohol and Drug Programs.

- (b) The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan.

The fact supporting Finding (b) is as follows:

The proposed project is located within the North Mountain Subregional Planning Area. The site is subject to the Regional Land Use Element Policy 1.4 and General Plan Land Use Designation (13) General Commercial. The goal of the North Mountain Subregional Planning Area is to: *Preserve the rural character of the communities and the natural ambience of mountains, hills and valleys in the subregion.* The project proposes civic use of property already developed for commercial activity. No additional structures will be added and existing services are determined available and adequate to serve the facility. The proposed use is consistent with the General Plan because operation of uses classified as Major Impact Service and Utilities is anticipated by the (13) Land Use Designation, which provides a wide range of retail and other services and allows civic uses.

- (c) That the requirements of the California Environmental Quality Act have been complied with.

The fact supporting Finding (c) is as follows:

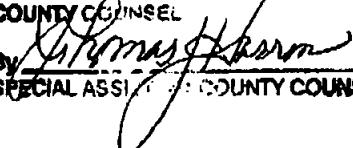
An Application for Environmental Initial Study was completed and no significant impacts were identified. On August 23, 2002, a "Notice of Exemption" was prepared.

NOTICES:

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

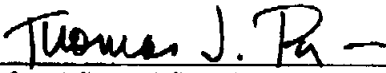
The 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on December 11, 2002.

BOARD02\12-11\P01020-RES;tf


APPROVED AS TO FORM AND LEGALITY
 COUNTY COUNSEL
 By 
 SPECIAL ASSISTANT TO COUNTY COUNSEL

Issued this 11th day of December, 2002, Minute Order No. 1.

BY ORDER of the Board of Supervisors.



THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

APPROVED AND/OR AUTHORIZED BY THE BOARD
OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
DATE: 12-11-02 MINUTE ORDER NO: 1
THOMAS J. PASTUSZKA
CLERK OF THE BOARD OF SUPERVISORS
BY 
DEPUTY CLERK

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 11, 2002**

MINUTE ORDER NO. 1

**SUBJECT: NOTICED PUBLIC HEARING:
NARCONON, APPEAL OF MAJOR USE PERMIT (P01-020) FOR A DRUG
AND ALCOHOL REHABILITATION FACILITY IN THE NORTH
MOUNTAIN SUBREGIONAL PLANNING AREA (DISTRICT: 5)**

OVERVIEW:

This is an appeal filed by Mr. Chester Kaliñowska of the Planning Commission's October 18, 2002 approval of Major Use Permit P01-020.

The Major Use Permit request is for the operation of a residential drug and alcohol rehabilitation facility to serve 30 young people, generally between the ages of 18 and 25 within existing motel and recreational facilities on an overall 30-acre ownership. Approximately 15 staff members are anticipated during daytime operations, with approximately three staff remaining on-site overnight. Existing improvements include two houses, 17 motel units and dining facilities, totaling 11,412 square feet, a swimming pool, two tennis courts, a basketball court and three 10,000-gallon water tanks.

The 30-acre property is located at 35025 State Highway 79, in the Sunshine Summit community, in the North Mountain Subregional Planning Area. The General Plan Land Use Designations are (13) General Commercial and (18) Multiple Rural Use. Zoning includes C36 General Commercial, A70 Limited Agriculture and RMH Residential Mobile Home.

FISCAL IMPACT:

N/A

RECOMMENDATION:

PLANNING COMMISSION:

Deny the appeal and grant the Major Use Permit P01-020 which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the San Diego County Zoning Ordinance and applicable State Law.

DEPARTMENT OF PLANNING AND LAND USE:

The Department concurs with the Planning Commission decision.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended with changes to the groundwater conditions placed on the applicant, present by Staff (Exhibit 2).


AYES: Cox, Jacob, Slater, Roberts, Horn

State of California)
County of San Diego)SS

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.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By 
Harold R. Randolph, Deputy