FINAL ENVIRONMENTAL IMPACT REPORT

San Diego County General Plan Update
DPLU Environmental Log No. 02-ZA-001
State Clearinghouse (SCH) #2002111067

COMMENT LETTERS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

INDIVIDUALS

Lead Agency:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
Contact: Devon Muto, Chief of Advanced Planning

October 2010

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I 7	Burgess, Carol
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Comment Letter I 1, Accretive Investments, Inc., Randy Goodson

ACCRETIVE INVESTMENTS, INC.

August 31, 2009

Mr. Jeff Murphy
County of San Diego
Department of Planning and Land Use
General Plan Update
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: COMMENTS ON THE DRAFT GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Murphy:

I1-1. Thank you for the opportunity to comment on the Draft General Plan Update ("GPU") and the Draft Environmental Impact Report ("EIR"). Our comments are provided below:

General Plan Update Comments and Questions:

I1-2. The discussion of "Special Study Areas" has been moved out of the Land Use Element and into the Introduction. Please explain the purpose of this modification and the impact to the GPU and its EIR, if the Introduction chapter is not adopted as a part of the GPU. Specifically, would the Special Study Areas continue to be a part of the official framework in the Land Use Element? We believe it is necessary for there to be a supporting policy in the Land Use Element addressing Special Study Areas for them to be used subsequently at the Community Plan level as is discussed in the Introduction. Do you agree or disagree?

For example, in Valley Center, a Special Study Area could be used to depict the general geographic location of a "Western Village", which would become a receiving area for any density (or intensity) that would be transferred out of the Northern or Southern Villages, in order to improve the Level of Service ("LOS") for several important Mobility Element roads in that community without being in conflict with the current GPU policies.

I1-3. County staff started to evaluate just such an option in response to potential road network deficiencies related to development in the Northern and Southern Villages. Subsequently, staff suspended further work on that option when the Board directed that a general plan amendment be processed separately from the GPU. However, the Board action does not preclude staff from evaluating the creation of a "Western Village" as a feasible mitigation measure that has been identified as part of the EIR process. Rather, the Board action was narrowly focused on, and in anticipation of, a separate project being brought forward as a GPA.

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

We request a change to Land Use Element Policy LU-1.4 as follows:

I1-4. *~~Prohibit leapfrog~~ Discourage Leapfrog development which is inconsistent with the Community Development Model and Community Plans. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.*

While leapfrog development is not desirable, as written, LU-1.4 would preclude establishing any type of village density away from established town centers. Higher densities or intensities in certain areas that are in close proximity to freeways or state highways, for example, may be appropriate at some point in future. Furthermore, in limited circumstances, allowing such development may help improve the LOS on Mobility Element roads.

I1-5. Establishing total restrictions, such as those contained in LU-1.2 and LU-1.4, potentially usurp the discretionary powers of the Board of Supervisors and prevent the Board from being able to respond to the future concerns of the community. Therefore, please revise the policies to include permissive language.

We also request a change to Land Use Element Policy LU-14.4 as follows:

I1-6. *Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. ~~Sewer systems and services shall not be extended beyond Village boundaries (or extant Urban Limit Lines) except when necessary for public health, safety, or welfare.~~*

Sewer systems should not be used as growth control mechanisms. Regulating growth is the function of the GPU. There are several circumstances where the extension of sewer facilities could be beneficial. For example, sewer facilitates enable the use of smaller lot sizes, thereby resulting in smaller development footprints thus contributing to water conservation goals and reducing project impacts associated with grading.

Draft Environmental Impact Report (EIR) Comments and Questions:

I1-7. The EIR should analyze a change to LU-14.4, which would allow the extension of sewer service outside of established village boundaries. Such a change is necessary to meet water conservation goals, and also reduce impacts to groundwater from leach fields. Arbitrary restrictions on sewer service will result in large lots with minimum lot sizes of more than 1 acre to accommodate the use of septic systems. Large lot subdivisions will have higher water usage requirements than the smaller lots envisioned by conservation subdivisions. As written, the EIR fails to analyze numerous direct impacts and corresponding mitigations measures due to the sewer prohibition, including: higher water usage requirements, increased roadway surfaces necessary to access these larger lots that increase the costs of infrastructure, the amount of impervious surfaces and thus raising the volume of water in storm drain systems and other actual

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

I1-7. cont. physical limitations presented by conventional septic systems and leach fields when another feasible alternative is available.

I1-8. Please explain Table 2.15-28 in the EIR. This table is misleading and indicates a "Possible Option" for LOS E/F Roads is to make "Land Use Modifications" if the traffic impacts relate to Town Centers or Environmental Constraints. However, the EIR did not analyze such mitigation measures. Further, the GPU does not provide any guidance or discussion of "Land Use Modifications" or relate policies for mitigation purposes. The addition of a Special Study Area policy to the Land Use Element would alleviate this deficiency along with the elimination of mandatory language in several of your land use policies that preclude legitimate changes from occurring without the initiation of a comprehensive update.

I1-9. Finally, the EIR must describe all feasible mitigation measures which could minimize significant adverse impacts. With respect to Valley Center, a "Land Use Modification" has been identified as a feasible option to mitigate (or resolve) Mobility Element road deficiencies in Valley Center and should be analyzed in the EIR. Without such additional analysis, the EIR is deficient. Specifically, the EIR should evaluate the impacts/benefits of reducing density in the Northern and Southern Villages of Valley Center and relocating this density to the far western edge of the Valley Center boundaries along the I-15 and Old Highway 395 along the planned alignment of proposed Mobility Element road 3 (Western Village) . The public would then be able to evaluate potential LOS improvements to Mobility Element roads (i.e. Valley Center Road). This issue may be resolved by designating the Western Village as a Special Study Area in the Land Use Map.

I1-10. Specifically, the Land Use Modification proposed by the Valley Center Community Planning Group ("VCCPG") does not minimize significant adverse impacts to traffic and emergency services. However, the Western Village Land Use Modification completely mitigates adverse impacts to traffic and emergency services as shown in the attached traffic model run produced by SANDAG, Exhibit A. This model run is based on the Western Village modification which is the transfer of residential and commercial/mixed-use density from the North and South Villages in Valley Center to the far western edge of the VCCPG boundaries along the I-15 and Old Highway 395 and generally east along the planned alignment of future circulation element road 3 (and west of West Lilac Road). The specific land use transfers are shown in the attached Exhibit B compared against both the Referral Map, the EIR Project, and the map recommended by the VCCPG.

I1-11. In addition, the designation of the Western Village as a Special Study Area would be consistent with the principles of the GPU, because it would result in a(n):

- Reduction in wastes sent to landfills;
- Conservation of energy and water;
- Reduction of greenhouse gas emissions;
- Deduction in total vehicle miles driven;
- Incorporation of a sustainable storm drain system;
- Provision of a critical east-west road per the Community plan;
- Protection of significant environmental resources;

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

I1-11. cont.

- Reduction in the cost of community services facilitated by building a planned community that prevents fragmentation of growth and dispersal of development;
- Attainment of the core concept of the development strategy contained within the County's General Plan by directing growth to areas where existing or planned infrastructure and services can support growth.

We therefore request that the GPU and EIR consider such Land-Use Modifications and/or Special Study Area.

I1-12.

Conclusion

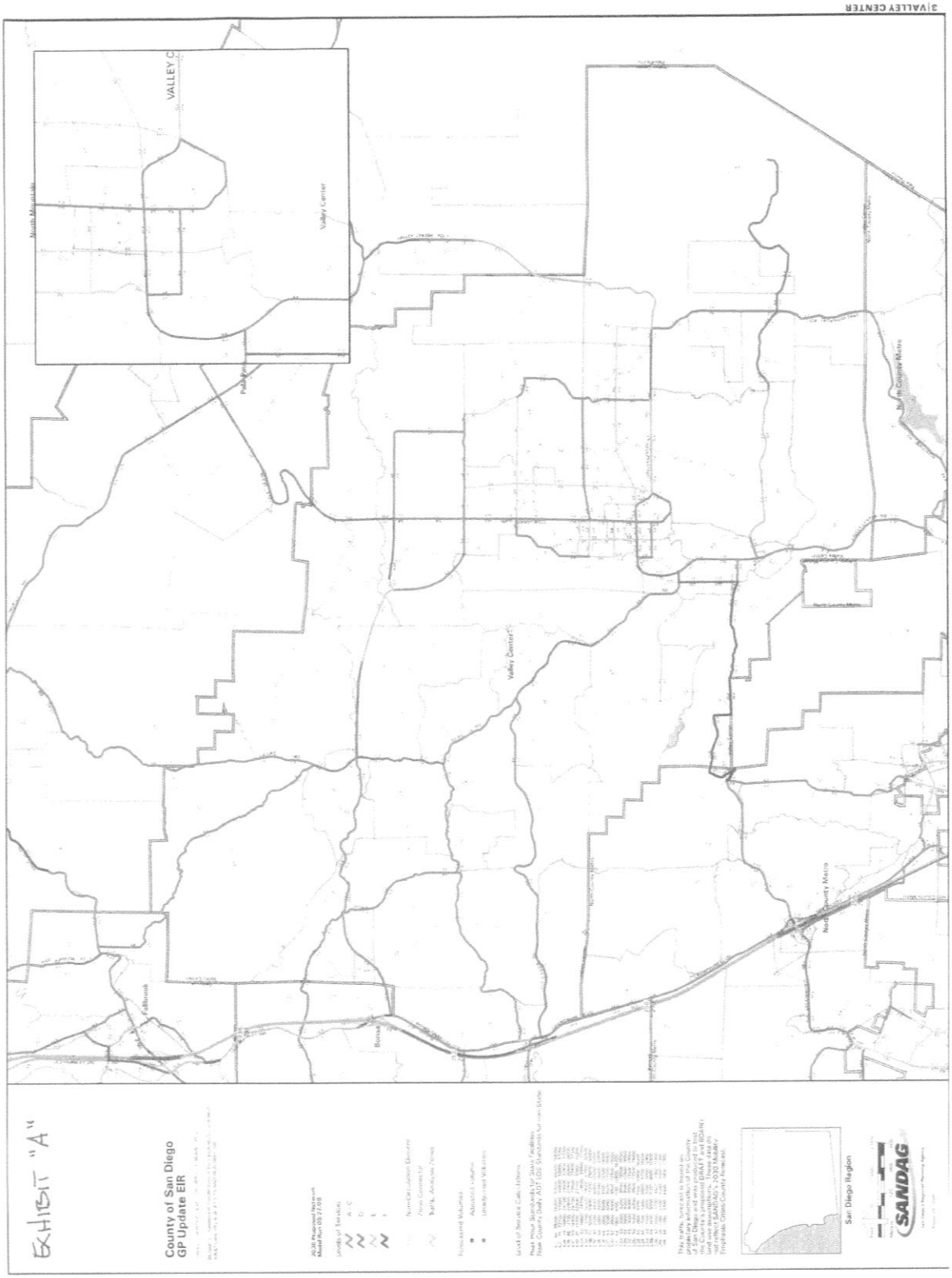
Thank you for the opportunity to comment on the revisions to the GPU and the EIR.

Sincerely,

R. Randy Goodson

Cc: Eric Gibson, DPLU Director of Planning and Landuse
Devon Muto, DPLU Chief of Advanced Planning

Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)



Comment Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

EXHIBIT "B"

VALLEY CENTER VILLAGE MODIFICATIONS

Referral Plan and Environmentally Superior Plan Comparison to VCCPG Propoposed Reductions

Referral Plan

Land Use	Acres	DU/AC	Units
North Village			
Residential			
Semi-rural Residential (SR - 2)	34.1	0.5	16
Semi-rural Residential (SR - 1)	0.2	0.0	0
Village Residential (VR - 15)	49.1	15.0	736
Village Residential (VR- 10.9)	8.0	10.9	87
Village Residential (VR- 7.3)	34.7	7.3	253
Village Residential (VR- 4.3)	71.4	4.3	307
Village Residential (VR- 2.9)	136.9	2.9	397
Village Residential (VR- 2)	102.3	2.0	205
Residential Subtotals	436.7	4.6	2001
Mixed Use	--		
General Commercial	106.7	--	--
Office Professional	9.7	--	--
Industrial	87.2	--	--
Public/Semi-Public Facilities	118.4	--	--
Non-Residential Subtotal	322.0	--	--
Village Subtotal	***758.7***	***2.6***	***2001***
South Village			
Residential			
Rural Lands (RL - 20)	35.7	0.06	2
Semi-rural Residential (SR - 2)	0.9	0.0	0
Semi-rural Residential (SR - 1)	--	--	--
Village Residential (VR - 15)	10.2	--	153
Village Residential (VR- 10.9)	18.0	--	197
Village Residential (VR- 7.3)	34.3	7.3	251
Village Residential (VR- 4.3)	27.1	4.3	116
Village Residential (VR- 2.9)	13.7	--	40
Village Residential (VR- 2)	168.4	2.0	336
Specific Plan	161.6	1.10	178
Residential Subtotals	469.9	2.71	1273
Mixed Use	55.4	--	--
General Commercial	71.1	--	--
Office Professional	4.9	--	--
Industrial	0.3	--	--
Open Space (Recreation)	10.4	--	--
Public/Semi-Public Facilities	34.6	--	--
Non Residential Subtotal	176.7	--	--
Village Subtotal	***646.6***	***2.0***	***1273***
Referral Plan Totals	**1405.3**	**2.3**	**3274**

Environmentally Superior Plan

Land Use	Acres	DU/AC	Units
North Village			
Residential			
Semi-rural Residential (SR - 2)	23.0	0.5	12
Semi-rural Residential (SR - 1)	0.3	0.0	0
Village Residential (VR - 15)	20.9	15.0	313
Village Residential (VR- 10.9)	8.0	10.9	87
Village Residential (VR- 7.3)	24.1	7.3	176
Village Residential (VR- 4.3)	98.3	4.3	422
Village Residential (VR- 2.9)	22.3	2.9	65
Village Residential (VR- 2)	33.8	2.0	68
Residential Subtotals	230.7	5.0	1143
Mixed Use	--		
General Commercial	79.5	--	--
Office Professional	5.8	--	--
Industrial	61.8	--	--
Public/Semi-Public Facilities	118.2	--	--
Non-Residential Subtotal	265.3	--	--
Village Subtotal	***496.0***	***2.3***	***1143***
South Village			
Residential			
Rural Lands (RL - 20)	20.8	0.05	1
Semi-rural Residential (SR - 2)	30.0	0.5	15
Semi-rural Residential (SR - 1)	--	--	--
Village Residential (VR - 15)	--	--	--
Village Residential (VR- 10.9)	--	--	--
Village Residential (VR- 7.3)	11.6	7.3	85
Village Residential (VR- 4.3)	57.0	4.3	246
Village Residential (VR- 2.9)	--	--	--
Village Residential (VR- 2)	97.0	2.0	194
Specific Plan	161.6	1.10	178
Residential Subtotals	378.0	1.90	719
Mixed Use	51.6	--	--
General Commercial	56.2	--	--
Office Professional	--	--	--
Industrial	0.3	--	--
Open Space (Recreation)	10.4	--	--
Public/Semi-Public Facilities	30.5	--	--
Non-Residential Subtotal	149.0	--	--
Village Subtotal	***527.0***	***1.4***	***719***
Env. Superior Plan Totals	**1023.0**	**1.8**	**1862**

VCCPG Per D. Muto - August 2009

Land Use	Acres	DU/AC	Units
North Village			
Residential			
Village Residential (VR- 7.3) A	102.9	7.3	751
Village Residential (VR- 7.3) B	24.1	5.8	140
Village Residential (VR-4.3) C	20.1	3.6	72
Village Residential (VR-4.3) D	26.6	2.25	60
Residential Subtotals	173.7	5.9	1023
Mixed Use	20.0		
General Commercial	83.5	--	--
Office Professional	5.8	--	--
Industrial	61.8	--	--
Public/Semi-Public Facilities	118.2	--	--
Non-Residential Subtotal	269.3	--	--
Village Subtotal	***443.0***	***2.3***	***1023***
South Village			
Residential			
Rural Lands (RL - 20)	20.8	0.05	1
Semi-rural Residential (SR - 2)	30.0	0.5	15
Semi-rural Residential (SR - 1)	--	--	--
Village Residential (VR - 15)	--	--	--
Village Residential (VR- 10.9)	--	--	--
Village Residential (VR- 7.3)	11.6	7.3	85
Village Residential (VR- 4.3)	57.0	4.3	246
Village Residential (VR- 2.9)	--	--	--
Village Residential (VR- 2)	97.0	2.0	194
Specific Plan	161.6	1.10	178
Residential Subtotals	378.0	1.90	719
Mixed Use	51.6	--	--
General Commercial	56.2	--	--
Office Professional	--	--	--
Industrial	0.3	--	--
Open Space (Recreation)	10.4	--	--
Public/Semi-Public Facilities	30.5	--	--
Non-Residential Subtotal	149.0	--	--
Village Subtotal	***527.0***	***1.4***	***719***
VCCPG Totals	**970.0**	**1.8**	**1742**

Improved Traffic Circulation Alternative

Land Use	Acres	DU/AC	Units	Additional Units
North Village				
Residential				
Village Residential (VR- 7.3) A	102.9	6.0	621	
Village Residential (VR- 7.3) B	24.1	5.8	140	
Village Residential (VR-4.3) C	20.1	2.4	47	
Village Residential (VR-4.3) D	26.6	2.25	60	
Residential Subtotals	173.7	5.0	868	155
Mixed Use	20.0			
General Commercial	78.5	--	--	--
Office Professional	5.8	--	--	--
Industrial	61.8	--	--	--
Public/Semi-Public Facilities	118.2	--	--	--
Non-Residential Subtotal	264.3	--	--	--
Village Subtotal	***438.0***	***2.0***	***868***	***155***
South Village				
Residential				
Rural Lands (RL - 20)	20.8	0.05	1	
Semi-rural Residential (SR - 2)	30.0	0.5	15	
Semi-rural Residential (SR - 1)	--	--	--	--
Village Residential (VR - 15)	--	--	--	--
Village Residential (VR- 10.9)	--	--	--	--
Village Residential (VR- 7.3)	11.6	5.6	65	
Village Residential (VR- 4.3)	57.0	3.9	221	
Village Residential (VR- 2.9)	--	--	--	--
Village Residential (VR- 2)	97.0	2.0	194	
Specific Plan	161.6	1.10	178	
Residential Subtotals	378.0	1.78	674	45
Mixed Use	51.6	--	--	--
General Commercial	36.2	--	--	--
Office Professional	--	--	--	--
Industrial	0.3	--	--	--
Open Space (Recreation)	10.4	--	--	--
Public/Semi-Public Facilities	30.5	--	--	--
Non-Residential Subtotal	129.0	--	--	--
Village Subtotal	***507.0***	***1.3***	***674***	***45***
VCCPG Totals	**945.0**	**1.6**	**1542**	**200**

A. Private property owner's project -- Area B 2 and B3

B. This area north of village core calculated at a blend of 5.8 du/ac.

C. This area calculated at a blend of 3.6 du/ac.

D. This area calculated at a blend of 2.25 du/ac.

Delta between Improved Traffic Alternative and Referral Plan	-1732
Delta btw Improved Traffic Alternative with additional unit reduction of 200 and Referral Plan	-1932

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson

I1-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I1-2 This comment does not raise a significant environmental issue for which a response is required. The Introduction chapter of the draft General Plan is part of the proposed project and is not proposed for deletion; therefore, the theoretical effect of its removal does not require analysis.

I1-3 This comment first discusses a concept of transferring density from the north and south villages of Valley Center for the creation of a third western village. The General Plan Update does not include this concept. Additionally, there is no requirement that reduced densities in the north and south villages must be offset by transfers to a third, new village. This concept is outside of the scope of the General Plan Update.

In the next paragraph, this comment incorrectly suggests that staff evaluated this concept in response to road network deficiencies. This is not accurate. A Specific Plan Area (SPA) was initially included in the western portion of the Valley Center at the direction of the Board of Supervisors as a means to fund construction of the Road 3A segment.

The comment correction indicates that the SPA was subsequently removed at the direction of the Board of Supervisors who directed staff to:

"…remove the Road 3A SPA from the General Plan Update discussion completely, as it will proceed, if at all, on a separate track as a separate GPA" (refer to Minute Order 23 from Board of Supervisors hearing of July 23, 2008)

Whether or not the Board's action allows for a "western village" to be considered mitigation is not an issue related to the content of the EIR that requires response; especially because a "western village" is not an appropriate alternative or mitigation measure.

I1-4 The County does not concur with substantive changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group. In addition, approach suggested by the comment was never studied as part of the General Plan Update project.

I1-5 The County does not concur with changes to the Land Use Element goals and policies this late in the planning process, as discussed in response to comment I1-4 above.

I1-6 The County does not concur with changes to the Land Use Element goals and policies this late in the planning process, as discussed in response to comment I1-4 above. It should be noted that Policy LU-14.4 has been revised. See response to comment I1-7 below as well as response to comment O9-12.

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

I1-7 The County does not agree with this comment. The sewer restriction in Policy LU-14.4 correlates with the draft land use map. The DEIR based its analysis on those maps and, therefore, the potential impacts of the associated land use patterns are evaluated. The impacts suggested by the comment are addressed in the DEIR where appropriate. Water usage is addressed in the water availability analysis in Section 2.16 of the DEIR. Roadway construction is addressed mainly in Section 2.15 and Appendix E, although general impacts are addressed throughout the other issue sections. The issue of the cost of infrastructure is not a CEQA issue. Impervious surfaces and drainage are addressed in Section 2.8. Lastly, septic systems are addressed in Section 2.16. For all impacts identified in these sections, mitigation measures are also specified.

It should be noted that Policy LU-14.4 has been revised as follows (see also response to comment O9-12):

"Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond <u>either</u> Village boundaries or extant Urban Limit Lines, <u>whichever is more restrictive,</u> except:

- When necessary for public health, safety, or welfare.
- <u>When within existing sewer district boundaries; or</u>
- <u>Where specifically allowed in the Community Plan</u>."

I1-8 Table 2.15-28 Criteria for Accepting LOS E/F Roads has been completely revised within the DEIR. This table was based on a former version of the criteria for accepting a road classification with level of service E or F. Table 2.15-28 has now been changed to reflect the new criteria, which no longer includes “Land Use Modifications.” It should be noted that the DEIR did evaluate land use modifications that were considered to be within a reasonable range that related to reducing impacts to road segments with deficient levels of service. However, it was not considered reasonable for all level of service E or F roads to be brought to acceptable levels through land use modifications given the desired road network.

I1-9 The County does not agree that the addition of a “western village” is appropriate as an alternative or mitigation measure in the General Plan Update DEIR. First, the addition of a “western village” is not necessary for decreases in density in the south and north village to be considered. In fact, such decreases were considered in the DEIR. Reducing the densities in the north and south villages to a level that will avoid deficiencies in the Valley Center road network is an available option to the Board of Supervisors but one that was considered beyond of the range of options developed for the community through the lengthy General Plan Update planning process. Adding a western village is an increase in density that is inconsistent with the General Plan Update project objectives, guiding principles, and goals and objectives. Additionally, the additional village would result in a number of additional environmental impacts.

Responses to Letter I 1, Accretive Investments, Inc., Randy Goodson (cont.)

I1-10 The VCCPG's proposed modifications reduce impacts to the extent feasible within the framework and objectives of the General Plan Update. The County appreciates the information provided by the commenter but cannot confirm that it is accurate or consistent with the methodology used for the rest of the project. A SANDAG model run is not sufficient to support the claims made by the commenter. The model run is based on numerous assumptions that must be verified. Further, because the addition of a western village is not appropriate for consideration in the General Plan Update as explained in response to comment I1-9, the County will not be providing that verification review as part of the General Plan Update. The commenter is currently requesting a General Plan Amendment from the County separate from the General Plan Update and any analysis specific to the western village is more appropriately conducted as part of that process.

I1-11 The County does not necessarily agree that the western village concept is consistent with the guiding principles of the General Plan Update or with the purported benefits of such a project as listed in this comment.

I1-12 The requested land use modification and/or Special Study Area is beyond the reasonable range of alternatives identified for the DEIR. See also response to comment I1-9 above.

Comment Letter I 2, Adams, Matt

August 13, 2009

AUG 17 '09 PM 2:17

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I2-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

I2-2. While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I2-3. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

I2-4. Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Matt Adams, CFP®, CLU

Responses to Letter I 2, Adams, Matt

I2-1 The County does not agree with this comment. There is no evidence that the proposed project will result in an economic impact that will result in an adverse physical impact.

I2-2 This comment paraphrases the CEQA guidelines but does not raise a significant environmental issue for which a response is required.

I2-3 Courts have clarified the *Citizens Association for Sensible Development of Bishop Area v County of Inyo* (4th Dist. 1985), 172 Cal. App.3d 151, to explain that the *Bishop* ruling did not hold that, as a matter of law, physical change must be presumed for the establishment of a retail business. *Friends of Davis v City of Davis* (3d Dist. 2000), 83 Cal. App. 4th 1004. Without some evidence of physical change, CEQA does not require analysis of economic impacts from a proposed project.

I2-4 This comment suggests that the density decreases that will result from the General Plan Update when compared to the existing general plan are physical changes to land use that must be addressed under CEQA. The comment states that there will be an unspecified loss of property value and subsequent taxes levied on properties. This does not provide evidence of a physical impact on the environment, and is not a matter that must be analyzed in a CEQA document.

The County does not agree that the density decreases associated with the proposed project will result in the suggested physical change. CEQA does not allow for a plan-to-plan analysis when determining project impacts, which is how one would derive a change between the proposed project and existing general plan. Instead, CEQA requires a plan-to-ground analysis which is accomplished by evaluating the proposed project against the existing conditions. In the DEIR, the analysis appropriately follows this requirement. Development of the proposed project densities are considered project impacts, even if the proposed project will decrease the overall development yield that would have been allowed under the existing general plan. As a result, the emphasized quote in the preceding comment is not relevant to this issue.

Comment Letter I 3, Bonita Road Partners LLC, Thomas M. Henry and Timothy Rhea

BONITA ROAD PARTNERS LLC
3328 Bonita Road
Chula Vista, CA 91910
henrydevelopment@sbcglobal.net
Phone (619) 426-1709 Fax (619) 691-0435

July 14, 2009

Mr. Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: Comments on the General Plan Update draft EIR
APN 570-180-30 (3328 & 3330 Bonita Road)

Dear Mr. Muto,

We are the owners of this property which is referenced in the General Plan Update with the staff proposal being Village Residential 24 (VR-24). This comment is in reference to Appendix L: Project Alternatives Areas of Difference, Section 20.0: Sweetwater Community Planning Area. The alternative referenced in this section is Neighborhood Commercial (C-3).

I3-1. The impacts of both designations must deal with the two key constraints, floodplain and agricultural lands, in the same manner by filling the site and eliminating the potential for agricultural use by development. The discussion section points out that the C-3 alternative was considered to alleviate traffic congestion on Bonita Road, which is an accurate analysis.

It is our opinion that arguments can be made for either designation based on the existing land uses along Bonita Road. However, what is not addressed is the size of the parcels and their potential for implementation of the GPU designation. Two parcels under separate ownership are involved; ours at 22,700 square feet and another at 35,900 square feet for a total of 1.35 acres net area. To develop multi-family residential units on either of these parcels would be difficult and would not be complimentary to the large senior housing facilities and the extensive apartment complex located on this section of Bonita Road.

I3-2.

A neighborhood commercial use, on the other hand, could be constructed on either of these parcels and be compatible with other commercial uses along this section of Bonita Road. Being located on a major road would be an asset for a commercial project as opposed to a detriment for a small residential complex. Uses that service the local community would logically be tenants or owners in these types of commercial buildings at this location.

I3-3.

Comment Letter I 3, Bonita Road Partners LLC, Thomas M. Henry and Timothy Rhea (cont.)

I3-4. As the owners of one of these two parcels under consideration, we request that the GPU alternative for Neighborhood Commercial be adopted. It is our contention that this use makes much more sense for this site based on the above discussion.

Sincerely,

Thomas M. Henry

Timothy Rhea

Responses to Letter I 3, Bonita Road Partners LLC, Thomas M. Henry and Timothy Rhea

I3-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I3-2 The County appreciates this comment, which states a preference for an alternative designation on a particular property rather than what is shown in the proposed project. Issues associated with floodplains and agriculture referenced by the comment are addressed in the DEIR in Section 2.2, Agricultural Resources, and Section 2.8, Hydrology and Water Quality. The other issues discussed such as parcel size and likelihood of development are not issues that require analysis under CEQA.

I3-3 The County appreciates the commenter's preference and it will be considered in the final determination on this project.

I3-4 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 4, Borrego Country Club Estates, David S. Davis

BCCE
BORREGO COUNTRY CLUB ESTATES

August 31, 2009 Page 1 of 2

County of San Diego
Department of Planning and Land Use
5202 Ruffin Road, Suite B
San Diego, CA 92123

Attn: Devon Muto

Subject: Comments of the General Plan Update draft EIR

Mr. Muto,

The property owners for Borrego Country Club Estates appreciate this opportunity to comment on the General Plan Update. We understand the amount of effort and coordination involved with such an undertaking.

I4-1. We would like to point out a few items, which we disagree, regarding the proposed plan as currently outlined. We have been processing a proposed tentative map 5487 and site plans in the County of San Diego starting in 1995. The reason this property was purchased was the location adjacent to existing development. In fact the surrounding property on the west, north and east is all one acre lots. The current zoning for our property (198-320-26 and 198-320-01) is one acre zoning. The south side of our property is the future road of Country Club Road. This road is shown on several maps and is planned to complete a loop for development which was planned for starting in 1950's. We looked at his property as an infill to complete the existing development with one acre lots to our southern boundary of Country Club Road. We believe this is a reasonable expectation given the existing surrounding development. The proposed General Plan has these parcels slated for 10 acre minimum lots sites. This proposed land use is unacceptable to the property owners and just does not blend with the existing community.

2831 VIA CONQUISTADOR, CARLSBAD, CA 92009 PHONE: 760-929-8040

Comment Letter I 4, Borrego Country Club Estates, David S. Davis (cont.)

I4-2. On page 2 of the Borrego Springs Community Plan, updated July 1, 2009, under Introduction to the Community Plan, second paragraph states; **"… The Plan's Policies require that development be comparable to, or transition with, existing development to ensure that new development "fits" with the community and enhances the community vision."** The proposed 10 acre zoning does not achieve this first policy? The zoning needs to remain at the one acre minimum in order to finish out the development as vision for many years. Any proposed land use revisions naturally would occur south of Country Club Road.

I4-3. Our development, with approvals, would complete the Country Club Road loop. This would provide for emergency services such as fire and paramedics. We are also part of an agreement to construct additional emergency services in the Borrego area. Our project would also improve water service by increasing fire flow to surround neighborhoods. We are not here to sell the merits of our project. This takes place during the environmental review process. We simply would like to point out that 10 acre minimum lots do not fit on these infill properties. The properties need to be allowed to continue under the existing zoning and not be arbitrarily down zoned without proper justification. What is the justification?

I4-4. We are also unclear as to what type of "Open Space" is being proposed on the property with this plan and also MSCP. Arbitrary placement of these types of land uses are often intended to curtail development.

I4-5. We would like to thank you in advance for your consideration to maintain the one acre zoning for the property.

Sincerely,

David S. Davis
Land Owner

2831 VIA CONQUISTADOR, CARLSBAD, CA 92009 PHONE: 760-929-8040

Responses to Letter I 4, Borrego Country Club Estates, David S. Davis

I4-1 This comment suggests that the designation of the referenced project site as Semi-Rural 10 is not compatible with the existing community. The County does not agree with this comment, as the site is located on the edge of the existing community where a transition to very low density and undeveloped lands occurs. To the south of the referenced site, the proposed project includes a Rural Lands 40 designation. Therefore, the Semi-Rural 10 designation supports the transition to these lands.

I4-2 This comment does not raise a significant environmental issue for which a response is required. Please refer to response to comment I4-1.

I4-3 This comment does not raise a significant environmental issue for which a response is required. Please refer to response to comment I4-1.

I4-4 The proposed project does not contain an open space designation for the referenced project site. However, development of the site would be subject to the proposed Conservation Subdivision Program, which contains avoidance and open space design requirements.

I4-5 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 5, Bretz, William

31 August 2009

Comments on the draft Crest-Dehesa-etc. Community Plan update July 2009.

I5-1. I have reviewed the July 2009 Crest-Dehesa-Harbison Canyon-Granite Hills Community Plan, and I have several comments concerning matters of erroneous or misleading statements that I think need correction:

I5-2. Page 9, COMMUNITY BACKGROUND, opening paragraph, and final sentence: "…the…autonomous…640 acres Sycuan Indian Reservation." **COMMENT:** This is an understatement of the existing "autonomous" acreage owned by the Sycuan Tribe, which is now somewhat more than the 640 acres of the original reservation. The Sycuan Tribe is currently seeking autonomous, or sovereign Tribal Trust status, for approximately 1,200 acres of recently purchased property in the Community/Subregion, which will roughly triple the autonomous Sycuan Tribe land ownership in the community to about 1,800 acres.

I think this opening statement of the Community Plan should have more (correct) details about the current and future scope of the Sycuan Tribe sovereign Tribal Trust land expansion programs, with a brief comment about impacts of the Tribe's sovereignty to public community planning efforts.

I5-3. Page 15, DEHESA VOLUNTARY FIRE COMPANY. **COMMENT:** I believe that recent actions taken by the Board of the Rural Fire Protection District have eliminated this as an available community meeting place. This statement is no longer true and should be removed from the Community Plan in my opinion.

I5-4. Page 16, LOVELAND RESERVOIR. **COMMENT:** The statement about Loveland Reservoir needs rewriting. National Forest land does not surround the lake adjacent to the Crest-Dehesa-etc. Subregion boundary. About 10 years ago Sweetwater Authority and Cleveland National Forest did a land swap that resulted in termination of National Forest land surrounding Loveland Reservoir, so now all of the land adjacent to the Subregion's east boundary are owned and administered by Sweetwater Authority. The only public access for limited recreation is at the east end of the lake, in the Alpine Subregion about 3 to 4 miles east of the Crest-Dehesa-etc. Subregion. It's not correct to claim Loveland Reservoir as one of the "Regional park facilities in the Subregion…" as it is entirely outside the Subregion.

I5-5. Page 16, BUREAU OF LAND MANAGEMENT LAND. **COMMENT:** The 40-acre Bureau of Land Management (BLM) property is no longer "adjacent to Cleveland National Forest," it is now adjacent to Sweetwater Authority property (which is not in the Subregion and does not afford open access). Maybe more to the point, the 40-acre BLM property is adjacent to the Sycuan Peak Sweetwater River Ecological Preserve.

I5-6. Page 16, FIRE PROTECTION. **COMMENT:** I do not think the final sentences of this statement describing the Rural Fire Protection District accurately describe the current

Comment Letter I 5, Bretz, William (cont.)

Comments, Crest-Dehesa-Harbison Canyon-Granite Hills Community Plan

I5-6. cont. administration and operations of the Harbison Canyon and Dehesa Valley fire stations. I think this part should be rewritten to better describe the current fire protection situation. I also think a separate mention should be made of the scope of the fire protection and emergency services provided to the community by the Sycuan Tribe Fire Department.

I5-7. Page 16. LAW ENFORCEMENT. **COMMENT:** I think it could be appropriate to mention the local community presence in the Dehesa Valley of the Sycuan Tribal Police. Due to the expansive property ownership of the Tribe (see comments for Page 9, above), the Sycuan Tribal Police are a presence on several miles of public roads through the Community and Subregion, where they work cooperatively with the County Sheriffs Department and California Highway Patrol.

I5-8. Page 33. REGIONAL PARKS. Policy COS 2.1.11. **COMMENT:** There is no longer a Cleveland National Forest presence adjacent to the Crest-Dehesa-etc. Subregion around the west end of Loveland Reservoir. This policy should be rewritten to acknowledge Sweetwater Authority ownership and administration of the land surrounding Loveland Reservoir.

I5-9. Page 33. REGIONAL PARKS, Policy COS 2.1.13. **COMMENT:** This policy should be eliminated from the Community Plan in my opinion. The existing 40-acre BLM Site does not provide access to Cleveland National Forest Riding and Hiking trails. Its isolated location with questionable access, and its proximity to sensitive habitats of the Sycuan Peak Sweetwater River Ecological Preserve, make it inappropriate for a trails staging area.

Please consider these comments I have provided for revising parts of the Community Plan I have identified.

Sincerely, Bill Bretz

Dr. William L. Bretz
POB 20543
El Cajon, CA 92021

Responses to Letter I 5, Bretz, William

I5-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I5-2 The County concurs with this comment, and has edited the Community Background section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan with the recommended edits provided by the Sycuan Band of Kumeyaay Nation (see responses to comments T6-8 through T6-12).

I5-3 The County concurs with this comment, and has edited the Parks and Recreation section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan, as recommended.

I5-4 The County concurs with this comment, and has removed the reference to the Loveland Reservoir as a regional park in the Parks and Recreation section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan, as recommended.

I5-5 The County concurs with this comment, and edits have been made to the Parks and Recreation section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan.

I5-6 The County concurs with this comment and edits have been made to the Public Safety section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan.

I5-7 The County concurs with this comment and edits have been made to the Law Enforcement section of the Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan, as recommended.

I5-8 The Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan COS 2.1.11 has been revised by removing the reference to the Cleveland National Forest and adding the requirement to coordinate with the Sweetwater Authority.

I5-9 The County does not agree that Crest, Dehesa, Harbison Canyon, and Granite Hills Community Plan COS 2.1.13 should be eliminated. Policy COS 2.1.13 supports the development of a staging area and access to the Loveland Reservoir and is also supported by the Community Planning Group.

Comment Letter I 6, Bullock, Michael

Michael Bullock
1800 Bayberry Drive
Oceanside, CA 92054
760-754-8025

August 31, 2009

County of San Diego, Land Use and Environment Group
5201 Ruffin Road, Suite B
San Diego, California 92123

Subject: Comments Re: San Diego County Draft General Plan, A Plan for Growth, Conservation and Sustainability, July 1, 2009 ("GP") and Associated Draft EIR, July 1, 2009 ("DEIR")

Reference 1: "*Car Parking*". A Power Point Presentation available at http://moderntransit.org/sdc/Vista_8_7_08

Reference 2: "Intelligent Parking", a Word Document, available at http://moderntransit.org/sdc/IntelligentParking6

Personal Introduction

I6-1. In 2007, I retired from Lockheed Martin, in Sunnyvale. My career there spanned 35 years. I worked as a satellite systems engineer. I have been a transportation activist for nearly that long. I was President of the Silicon Valley Bicycle Association and am a Director of the San Jose Chapter of the Modern Transit Society. For more, see Charts 2-4 of Reference 1.

1.0 Summary

I6-2. The DEIR and GP minimize the result that global warming could have on people. They do not clearly make the point that the world may not make the policy changes needed to avoid human catastrophe unless California, including San Diego County, commit to adopt all feasible project mitigations to reduce GHG. They do not clearly make the point that we must drive less. That case is presented in this letter. The DEIR and GP have no discussion of the economic causes behind our propensity to drive. They fail to consider serious mitigation that is tightly tied to those economic causes and that has been identified in SANDAG's CTC Guidelines. This letter summarizes the GP and DEIR treatment on car parking. This letter makes the case that we must drive less. It also identifies significant project mitigations. Some of them are described in significant detail. They beg the questions as to why these project mitigations should not be covered in the FEIR. Specific questions are asked.

I6-3.

I6-4.

2.0 Global Warming

2.1 Overview

Comment Letter I 6, Bullock, Michael (cont.)

This comment section refers to the GP's Introduction's section on Global Warming, including its Table I-1; the DEIR's Section's 2.17, Global Climate Change; and Appendix K of the DEIR.

The words minimize the risks to humans posed by GCC and raises doubts about whether or not we can do anything about it.

I6-5. In the introduction of the "Inventory Section", Appendix K of the DEIR, it says, "Although the conceptual existence of GCC is generally accepted, the extent that GHGs contribute to it remains a source of debate."

The DEIR should quantify the two sides of this debate or remove the sentence. If you disagree, why is that?

To its credit, the two documents do mention severe ocean rise, rising temperature, and crop loss but these effects are never put in human terms.

Contrast this with the June issue of Scientific American, which stated that the warming caused by the level of equivalent C02 expected within a few decades, will result in a 5% chance of an increase of 14.4 Degree F and that this poses a risk of "a devastating collapse of the human population, perhaps even to extinction."

I6-6. Also, US Energy Secretary, Dr. Steven Chu, who is a Nobel Prize winning physicist, has warned that the loss of our snow pack would undermine our agriculture and threaten the very existence of our cities.

Given this situation it is reasonable to meet all targets but to also adopt all reductions strategies that are reasonable.

I6-7.

Global Warming Takeaway Principle

San Diego County must adopt an AMARP (as much as reasonably possible) approach to GHG

If you disagree, why is that?

2.2 San Diego County's Role Regarding Global Warming

I6-8. The world is more likely to adopt the necessary measures to avoid this climate catastrophe if California demonstrates an unwavering commitment to climate protection. This includes San Diego County. If you disagree, why is that?

I6-9. California has set a poor example of land use and transportation. Leaders from around the world know this. For many decades we have had policies in place that guarantee a high level of driving. We now owe it to the world to set a different example by adjusting our policies accordingly. We need the world to take our efforts seriously. If you disagree, why is that?

I6-10. Reasonable change that matters (mitigations) should be considered so as to reduce our risk as much as possible of suffering an unending series of human catastrophes. If you disagree, why do you disagree?

Comment Letter I 6, Bullock, Michael (cont.)

3.0 The Necessity of Driving Less (Less VMT)

Buried down in the third paragraph of the GP's Mobility Section, in its "Guiding Principles for Mobility" subsection are the misleading words, "Reducing vehicle miles traveled is also an important component of reducing greenhouse gas emissions."

This shows a misunderstanding of our predicament. It is misleading to characterize this as an "important component". It is an absolute necessity. If you disagree, why do you disagree?

In San Diego County, 41% of our GHG is from cars and light-duty trucks. It is the largest category of emissions, as it is in California. AB32 resulted in a state strategy to meet the needed reductions. As part of this strategy, SB375 requires that CARB give SANDAG a target reduction in this GHG category.

According to the testimony of Justin Horner, Policy Analyst for the Natural Resources Defense Council, *Reducing Congestion & Greenhouse Gas Emissions through Parking Policy*, presented to the California State Senate Transportation and Housing Committee on February 24, 2009, "reducing global warming pollution from the Transportation sector rests on a "three-legged stool" of cleaner cars, cleaner fuels and reductions in vehicle miles travelled (VMT).

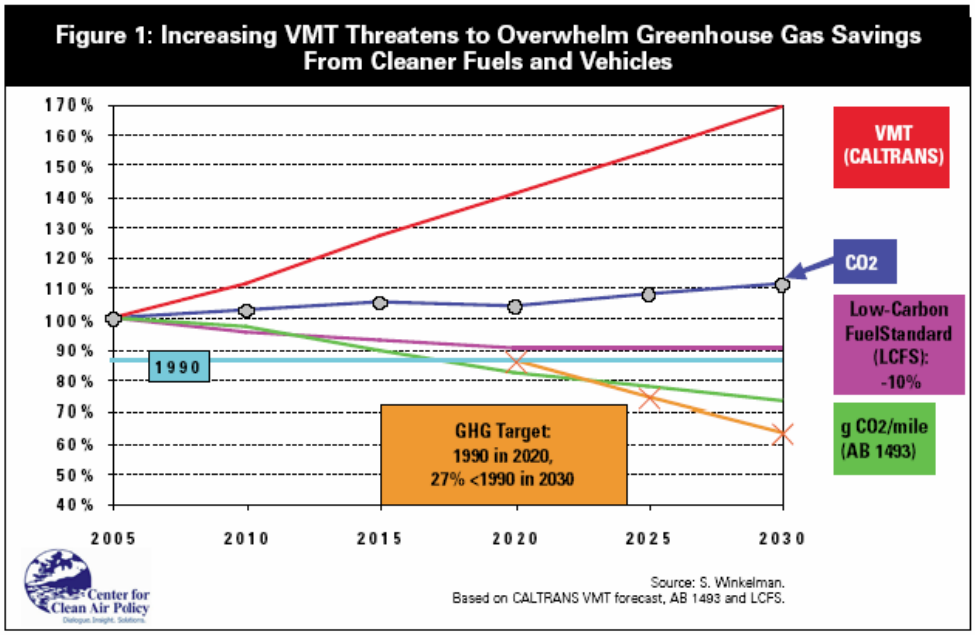
I6-11. Also from Mr. Horner, "All three strategies are necessary to meet AB32 goals and the goal set out in the Governor's Executive Order of 80% of 1990 emissions by 2050."

From *Communities Tackle Global Warming, A Guide to California's SB 375*, a 34 page document available at http://www.nrdc.org/globalwarming/sb375/files/sb375.pdf, comes the words, "even with much greater fuel efficiency and low-carbon fuels, California will not be able to achieve its climate goals unless it can reduce the rate of growth in vehicle miles traveled (VMT). Because of the growth in VMT, CO2 emissions never drop to 1990 levels and resume rising after 2020."

This is shown in the below plot, which should be part of any discussion that involves global warming and transportation. It shows that projected, "business as usual" VMT will overwhelm the GHG savings from cleaner cars and cleaner fuels. The difference between the blue plot (C02) and the yellow plot (required C02) is the magnitude of the failure that cannot be allowed. If you disagree, why do you disagree?

It should also be pointed out that the other reductions being assumed in the plot, such as AB1493 (better mileage, including electric cars) and improvements from Low-Carbon Fuel Standards (LCFS), could be worse than shown.

Comment Letter I 6, Bullock, Michael (cont.)



I6-11. cont. Given this situation, including the dire consequences of failure, it is prudent to adopt the AMARP (as much as reasonably possible) approach (identified above) to identifying and evaluating strategies to reduce driving. Governments have a responsibility to protect our safety in a prudent manner. If you disagree, why do you disagree? Will you profess to adopt the AMARP approach and if not, why not?

4.0 Response to this Necessity, As Document in the GP and DEIR and As Needed

I6-12. Since there is very little acknowledgement of the need to reduce driving, it is not surprising that the GP is weak in identifying reduction strategies. If you disagree, why do you disagree?

I6-13. We have a very systemic problem. It is that a significant majority of people use a car or light-duty truck to make most of their trips. It should be no surprise that the root cause is also systemic. It is primarily that our current conventions make it artificially cheap to drive and park a car. If you disagree, why do you disagree?

I6-14. Once this fact is acknowledged, solutions can be identified. The thinking can then be focused on politically acceptable solutions. Since the County has apparently avoided any such thinking, its strategies to reduce driving are weak, unoriginal, and insufficient. If you disagree, why do you disagree?

I6-15. Both documents ignore the pricing of driving. Policy M-5.1 says it will "coordinate" to provide a transportation system "to provide the opportunity" for reducing VMT. This is a very weak policy to reduce VMT. The County seems to be unaware that drivers pay far

Comment Letter I 6, Bullock, Michael (cont.)

I6-15. cont. less than the full cost of driving. If they are aware, they apparently see no relevancy. If you disagree, why do you disagree?

I6-16. For parking, TDM identifies "parking cash outs", which is hopeful. However, it doesn't recognize that how much is paid would matter. For example, paying ten-cents per day would be paying cash-out but it would have no effect. Still, it provides some hope that the County could realize that since car parking is not free to provide, its cost should not be buried within other money transactions, such a receiving a wage or paying rent.

I6-17. Policy M-9.2 says that the County will "require large commercial and office development to use TDM programs". However, since the earlier discussion of TDM included very weak examples of TDM ("employer outreach") and mentioned no guidelines for how much money should be paid for cash-out, Policy M-9.2 has no substance. If you disagree, why do you disagree?

I6-18. A policy that had substance would be one that could be modeled to quantify reductions in driving. If you disagree, why do you disagree?

I6-19. It is hopeful that there is a section devoted to parking. It is hopeful that the County might give bicyclists equal protection under the law by requiring adequate bike parking, under M-10.1. However, there is no definition as to what is adequate or to describe the new wording in the off-street parking ordinance that would require car parking. Since the County off-street parking ordinances are not mentioned, it does not appear the authors are serious about this theoretical proposal. If you disagree, why do you disagree?

I6-20. The most hopeful policy is M-10.5 which suggests that the County might reduce the parking requirement for a development that does cash out. However, there is no information given as to how large a cash-out payment would have to be to get a reduction in the required parking. Reference 1, Charts 7 through 20 explain how cash out could work as a rational policy that would help all parties. If you disagree, why do you disagree?

I6-21. The policies that attempt to support goal M-11 do not include support for teaching adults the information and skills they need to bicycle on the roads with car and trucks. The information would include bicycle accident statistics and car-bike accident statistics. Most adults either never ride or ride poorly because they overestimate the danger posed by overtaking traffic. Bicycle education could change this. If you disagree, why do you disagree?

I6-22. **5.0 California Transportation Commission's Guidelines to Metropolitan Planning Organizations, such as SANDAG.**

SANDAG has Guidelines that it gives to MPOs regarding their RTP's. Due to AB32, an amended guideline was submitted to the MPOs.

The full, 9-page Addendum to the Guidelines can be viewed at:
http://www.catc.ca.gov/programs/rtp/Adopted_Addendum_2007_RTP_Guidelines.pdf

Its most significant section is its "Pricing Strategy" on its Page 3. It clearly shows that the pricing of both driving and parking must be considered.

It even says, "MPOs should model adding pricing to existing lanes, not just as a means for additional expansion. Variable/congestion pricing should be considered."

Comment Letter I 6, Bullock, Michael (cont.)

6.0 Outcomes of Weak Policies to Reduce Driving

Outcomes of the weak policies are predictably poor. For example, Page 2.15-19 of the Transportation and Traffic Section of the DEIR states, regarding average daily trips (ADT), "Implementation of the proposed project would result in a 66 percent increase in ADT as compared to the existing condition of the unincorporated County." The increase is shown to be from 3,142,851 ADT to 5,237,405 ADT.

Similarly, for vehicle miles driven (VMT), the DEIR states, "When compared to the existing VMT of 15,922,149, the proposed project would result in 9,448,742 additional VMT, which is approximately a 60 percent increase in VMT as compared to the existing condition.

Section 2-17 of the DEIR concludes with these words.

> By the year 2020, GHG emissions are projected to increase to 7.1 MMT CO2e (from 5.3 MMT CO2e in 1990) without incorporation of any GHG-reducing policies or mitigation measures. This amount represents an increase of 24 percent over 2006 levels, and a 36 percent increase from estimated 1990 levels. Therefore, the proposed project would result in a potentially significant impact related to compliance with AB 32. Additionally, the proposed project would result in a potentially significant cumulative impact. The proposed General Plan Update policies and mitigation measures would reduce direct and cumulative impacts related to compliance with AB 32. However, as detailed in the State's Scoping Plan, in order to achieve AB 32 levels, action will be required at all levels of government. While the State's commitment to AB 32 provides some assurances that such efforts will come to complete fruition at all levels, they are beyond the authority of the County. Without them, the County will not be able to independently achieve the AB 32 targets. Impacts would remain significant and unavoidable, and the project's contribution would be cumulatively considerable.

I6-23.

It sounds as if the County plans to leave its fate in the hands of the state. If you disagree, why do you disagree?

This is irresponsible. The County has a responsibility to identify actions that it can take alone and what help it needs from SANDAG and the State. It needs to then strongly communicate its request for the help it needs. If you disagree, why do you disagree?

7.0 EIR Shortcoming Regarding its VMT Evaluation

The anticipated 60% growth in VMT needs to be compared to an allowable change in County VMT, based on an overall GHG reduction plan. For example, perhaps the county has reason to believe that its VMT could grow 10%. If that happened to be the case, the computed growth of 60% would be 6 times the allocated amount. Since the County gives no indication that it knows what would be a reasonable allocation for VMT change, the DEIR is inadequate. The DEIR cannot support even a rudimentary

I6-24.

Comment Letter I 6, Bullock, Michael (cont.)

I6-24. cont. understanding of just how poor the growth in VMT might be. If you disagree, why do you disagree?

8.0 Significant & Feasible Project Mitigation Policies

I6-25. Given the realities of global warming, this is no time for oversights and a lack of detail. The following project mitigations are provided because they are needed and they have been erroneously left out of the GP and DEIR. If you disagree, why do you disagree?

8.1 Land Use Project Mitigations

I6-26. LU-5 needs a policy that unbundles the cost of car parking. The reasons for this and the details are shown in Section 8.3 below.

I6-27. It also needs a policy to reform the sales tax by giving half the sales tax derived from any sale to the city of the buyer and half to the city where the purchase is made. This would stop discouraging cities from providing housing; so that, for example, if a city is developing land near either an existing industrial park of offices or near retail, it can build the complementary housing, without losing sales tax, compared to adding more of what is already there. Will you commit to work for this change at the state level? If not, why not?

I6-28. Also, a policy needs to be put in place to flow development rights from rural areas into areas served by “good transit” (strictly defined to be service levels that will reduce driving). This policy needs to flow part of the increase in property value in the areas that receiving more development rights to those property owners in rural areas that are losing development rights. This could work as a sort of “cap and trade” system of development rights. If you disagree, why do you disagree?

8.2 Transit System Redesign and Expansion, a Significant & Feasible Project Mitigation

For many reasons, including the climate crisis and the “AMARP” principle stated in Section 2, our transit systems and the service they provide need to be improved. Given the state of electronic data collection and sensor technology, it is reasonable to expect that full automation of all types of fixed guide-way transit is past due. This includes operating the train, the collection of fares, and the enforcement of all rules. Businesses that flourish are those that innovate and use technology to their advantage. If you disagree, why do you disagree?

I6-29. In addition, many of the required fare-collection and rule-enforcement tasks of bus operation could also be automated, if a concerted effort was made. The Compass Card program is a start. These methods should be conceived of as working in conjunction with car parking automation and road-use pricing systems, with the goal that members of the public get monthly statements that could include charges for parking, charges for driving, charges for transit use, earnings from parking, and even earnings from road operations, in cases where development fees have been used (so as to “unbundle” the cost of road projects funded with development fees, similar to the method describe in Section 8.3, for car parking). If you disagree, why do you disagree?

A reputable system engineering company should be hired to describe how the system should interact with users, transit agencies, the operators of parking, government, and

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law enforcement, and transit agencies. This description should be used to support an RFP process, to design, prototype (build and debug), and then widely implement the automated systems. If you disagree, why do you disagree?

I6-29. cont.

Automation will result in operational improvements, without increasing operational costs. Ridership will increase. At some point in time, heavy rail should be electrified, and since automation allows for very short headway, the engines should be shrunk down to a small fraction of their current size, since each train should be much shorter. It could be noted that a train capable of carrying 20 passengers each minute has a capacity of 1,200 per hour and that this is 20% larger than a train service that is capable of carrying 1,000 passengers each hour. Skip-stop stations and short headway imply "wide stations" and multiple parallel guide-ways. The much lighter "trains" (single cars) would mean cheaper structures where bridges are needed. The system should evolve to a "horizontal elevator" type of service, operating "24/7". If you disagree, why do you disagree?

As these efforts are on going, a systematic system expansion should be accomplished to better serve more areas. BRT/LRT/AGT/PRT trade offs need to be performed, under various funding assumptions. If you disagree, why do you disagree?

I6-30. The reports identified by MoveSD need to be considered, as well as any reports identified SOFAR. If you disagree, why do you disagree?

I6-31. One large question to be resolved is how long it will take the political system to realize that the realities of global warming have changed the political equation that resulted in our TRANSNET funding and the state-level bonds that were implemented to expand freeways. This "disconnect" (why expand roads when we must drive less?) needs to be openly discussed. If you disagree, why do you disagree?

8.3 Project Mitigation: the Universal Unbundling the Cost of Parking

8.3.0 Summary Conclusion of This Section:

I6-32. For many reasons, including the climate crisis and the "AMARP" principle stated in Section 2, there needs to be a state government process to produce a comprehensive description of an ideal, fully-automated car parking system. If the state will not do this, then a set of cooperating MPOs, SANDAG alone, or San Diego County must fund this effort. Such an ideal system would fully unbundle the cost of car parking from all related money transactions in a way that: encourages the spontaneous sharing of all parking (exceptions: single family home driveways would be at the home-owners discretion and in some cases, renting 24/7 to keep one's personal spot always available would also be an option); reduces driving to look for parking; limits parking-block occupancy to 85%; includes provisions for both on-street and off-street parking; protects struggling business districts; appeals to neighborhoods; requires no effort on the part of the drivers and those benefiting financially from parking, except to either pay their bills or cash their checks; mitigates impacts on low-income and handicapped drivers; and protect personal privacy. Reference 2 has a detailed description of such a system, although it needs more details in the equations that divide up the parking earnings among the individuals in the beneficiary groups.

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8.3.1 Background Information

8.3.1.1 The Threat of Global Warming and the Role of Driving in California

The June 2008 issue of *Scientific American* (*The Ethics of Climate Change*, by Professor John Broome) reports that the levels of GHG expected in 20 years will result in a 5% chance of a 14.4 degree Fahrenheit increase in the earth's temperature and this would be an "utter catastrophe" and create the possibility of a "devastating collapse of the human population, perhaps even to extinction".

Transportation produces 40% of California's GHG emissions and most of that is from cars and small trucks. The world's leaders know this. They will be more likely to adopt the measures needed to avoid climate catastrophe if California demonstrates an unwavering commitment to climate protection.

According to the testimony of Justin Horner, Policy Analyst for the Natural Resources Defense Council, *Reducing Congestion & Greenhouse Gas Emissions through Parking Policy*, presented to the California State Senate Transportation and Housing Committee on February 24, 2009, "reducing global warming pollution from the Transportation sector rests on a "three-legged stool" of cleaner cars, cleaner fuels and reductions in vehicle miles travelled (VMT).

Also, "All three strategies are necessary to meet AB32 goals and the goal set out in the Governor's Executive Order of 80% of 1990 emissions by 2050."

8.3.1.2 The Promise of SB375 and the Role of Parking

I6-32. cont.

SB375 requires Metropolitan Planning Organizations (MPOs, such as SANDAG and MTC) to include a Sustainable Communities Strategy (SCS) in their Regional Transportation Plans. The intent is to decrease vehicle miles travelled (VMT) by increasing density, zoning for mixed use and infill development, and reducing local and regional jobs-housing imbalances.

The land available for development around transit stations is often expensive and car parking, which is generally provided free to the user, is often already in short supply. Surface car parking only parks 117 cars per acre. The per-space construction cost for a parking garage ranges from $20,000 to $30,000; while for underground parking, it is $60,000 to $90,000. Therefore, it would be advantageous to scale back the amount of the parking required for the various uses that might be desired around a transit station. However this will be difficult politically; no community wants insufficient parking.

Similarly, reducing the required parking in existing industrial parks (offices) could yield new land for infill housing. This would reduce the jobs-housing imbalance. If parking could be shared, it would create an additional efficiency, allowing for less parking. However, reducing the amount of required parking could probably not be done until it is demonstrated that there is more parking than is needed.

Mr. Horner's testimony states, "In *Growing Cooler*, the definitive work on the relationship between climate change and urban form, the authors conclude that smarter, more compact development can reduce household VMT by as much as 40%. While in some localities, the type of development envisioned in *Growing Cooler*

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requires zoning reform, many other localities already have zoning in place but find development intensities diminished, partly due to parking requirements."

From the Findings and Declarations of SB518 (Senator Lowenthal), ". . . parking requirements greatly expand the built footprint and increase travel distances, thereby increasing vehicle miles traveled and reducing the viability of alternate transportation modes."

Also, "The high cost of land, construction, and maintenance to provide free parking adds significantly to the cost of economic development, making many developments, especially those on infill or transit-oriented sites, financially infeasible and hindering economic development strategies."

8.3.1.3 Pricing Parking, an Important Tool to Make SB375 Successful

Mr. Horner's testimony states, "Since 1992, California law has mandated that certain employers offer parking cash-out (AB 2019, Katz), giving employees the option of a cash payment for their free parking space. In 1997, the California Air Resources Board analyzed several Los Angeles-area employers who participated in the program. Using surveys of employees before and after the introduction of parking cash-out, CARB's report noted a 17% reduction in solo driving and a 64% increase in carpooling. VMT dropped an average of 12% per employee per year, the equivalent of removing one out of every eight cars driven to work."

I6-32. cont.

Referring to CARB's *Climate Change Scoping Plan, 2008*, Mr. Horner's testimony states, "But while many of the land use reforms envisioned in the Scoping Plan and SB 375 may take years to realize, parking reforms can be done now, at relatively low cost, and have a major impact. They are the proverbial low hanging fruit."

From the Findings and Declarations of SB518 (Senator Lowenthal), "Eliminating subsidies for parking has enormous potential to reduce traffic congestion and greenhouse gas and other vehicle emissions by reducing vehicle miles traveled. If drivers must pay the true cost of parking, it will affect their choices on whether or not to drive. In the short term, changes to parking policy can reduce traffic congestion and greenhouse gas emissions more than all other strategies combined, and they are usually the most cost-effective."

Also from the Findings and Declarations of SB518, "The existence of "free" parking is a significant factor that encourages vehicle trips. At employment sites, employer-paid parking increases rates of driving by as much as 22 percent."

8.3.1.4 Reformed Parking Policies will Increase Fairness

From the Findings and Declarations of SB518 (Senator Lowenthal), "Free parking at stores is paid for by all customers in higher prices for goods, including those customers who do not drive. Free parking in housing developments is paid for by all residents, even those who do not drive. Free employer-provided parking is paid for by lower wages for all workers, including those who do not drive. Free on-street parking is paid for by the entire community in the form of taxes."

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Again, Mr. Horner's testimony states, "By encouraging driving, free parking also creates a number of driving-related externalities, including collisions and collision-related injury, conventional air pollution and greenhouse gas emissions."

8.3.1.5 Drawbacks to "Best Practice" Car Parking Cash-out

Current, state-mandated parking cash-out (AB 2019) rarely applies. AB 2019 only applies if companies have at least 200 employees, own no parking, are leasing a building that has no parking, and are leasing parking for their employees in a contract that allows them to change the number of parking spaces being leased, with no economic penalty. It is easy to design a contract that makes AB 2019 inapplicable. Despite this, companies that own or lease buildings with parking have occasionally elected to pay their employees extra money for not driving. However, these companies are free to pay any amount, including one so low that it will not reduce driving significantly. Unbundling the full cost of the parking for employees requires reasonable estimates of the per-unit-time value of the car parking.

8.3.1.6 Drawbacks to "Best Practice" Unbundling

Again, Mr. Horner's testimony states, "unbundling separates the cost of parking from the total cost of housing. This rewards those who do not choose to own a car with more affordable housing, while transferring to car owners the true, rightful cost of owning an automobile."

I6-32. cont.

The problem with this method of unbundling is that it does not encourage the spontaneous sharing of parking. If a condominium owner elects to buy a parking space, it is theirs, full time. Likewise, if an apartment resident elects to rent a car-parking space, it is theirs, full time.

This type of unbundling is better than bundled parking cost, but it is not optimum because it does not support the spontaneous sharing of parking.

8.3.1.7 Drawback to Current Systems of Timed Parking and Timed, Pay Parking

About 67% of the money collected in parking meters is spent on collection and enforcement. Time limits on parking detract from a driver's enjoyment. The driver has to note when they started to park and then, as the time left gets short, they have to worry about getting an expensive parking ticket. Only rarely does a driver know exactly how long they will want to park. These types of concerns detract greatly from the downtown experience. Drivers either have to drive away with time left on their parking meter or risk getting a traffic ticket. Getting coins for a meter is sometimes difficult. Pay stations are better, but even the most advanced systems are still difficult. For example, motorists in Coral Gables, Florida can register their cell phones, credit cards, and license plates and then call in when they pull into a parking place and then call again, when they leave. This eliminates overpaying or underpaying and getting a ticket, but it is still difficult, because two actions are required. It is always better to do nothing and have the perfect outcome ensue.

8.3.1.8 Poor Record Keeping

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Generally, there are no records kept of how much money any given parking space is earning. Free parking is also generally unmonitored. Cities pay significant fees to have consultants come in and count parked cars to determine such things as how often (and when) "free" parking is being used, how well time limits are being adhered to, and other questions that could easily be answered by computer programs when automation is installed.

8.3.1.9 "Congestion Priced" or "Convenience Priced" Parking

This means that the base price is instantaneously increased to prevent the occupancy rate from getting too close to 85%. This maximum occupancy rate has been identified by UCLA Professor Donald Shoup. Keeping occupancy below this threshold guarantees that anyone that is willing to pay a premium price can find a parking place, even in high-demand areas, without needing to drive around looking for a parking space. Tables 2 and 3 of Reference 6 provide the algorithms.

8.3.1.10 How to Fully Unbundle the Cost of Parking to Support Sharing

The full cost must be visible and avoidable. Here's what this means in more detail.

a. Requirement 1

The base, per-unit-time price (before any congestion-price increase) must be at least the current cost to provide the parking multiplied by the time rate cost of money, divided by the fraction of the time that the space is rented.

b. Requirement 2

I6-32. cont.

In order to state the second requirement, it is useful to define the term, "beneficiary group". The beneficiary group is generally that group of potential users that *paid for* the parking, either directly or indirectly; or those that *are paying* for the parking, either directly or indirectly. The exception is at, for example, a school or a transit station. In these cases, the potential users have *not* paid for the parking. However, since the baseline is "free" parking, it is clear that the providers of this parking (often tax payers) are content to (in effect), "give" the parking to the groups using the facility. The second requirement can now be stated. The parking-lot earnings should be divided up among the members of the beneficiary group that is associated with the parking.

c. How to Compute Each Beneficiary Group Member's Share of the Parking Lot Earnings

The formulas used to divide up the money among the members of the beneficiary group should reflect either the extent to which they paid, the extent to which they are paying, or the extent to which they are consumers of the service associated with the parking. For example, students would receive earnings in proportion to the time they spend at the school. Train riders would receive earnings in proportion to the amount of time they spend on round-trip train rides. Shoppers would get earnings in proportion to the amount of money they spend. Renters would get earnings in proportion to the amount that their rent is paying for parking. Condominium owners would get earning in proportion to the amount that their purchase price paid for parking. Employees would get earnings in proportion to the amount of wage they are

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losing so that the parking can be available. Alternatively, employees could get earnings in proportion to the amount of time they spend at work.

d. Why This Method of Unbundling Supports Sharing

With this method, sharing is acceptable to the beneficiary group, because they are earning money from anyone who uses the parking.

8.3.1.11 Concerns for the Economic Health of Downtowns

Merchants and their advocates within government often fear that charging for parking will cause potential customers to go to locations with "free" parking. For this reason, it is important that on-street parking be free until it is 50% full, at which point it is assigned a base price equal to the base price of the closest off-street parking.

8.3.1.12 Helping Potential Drivers Decide Whether They Want to Drive and If So, Where to Park

Software can be developed so that a potential user can specify time, place, (or a set of time and places) and desired price and be given (on a computer or on a phone) parking locations, with a probability of accuracy. It will also give transit information. This will encourage "park once" behavior, walking, and a rational decision as to whether or not the trip should be made by car. It will minimize driving because no search for parking will be necessary.

8.3.2 Arguments in Favor:

8.3.2.1 Global Warming Imperative to Eliminate "Free" Parking

I6-32. cont.

The background material makes it clear that "free" parking must be replaced with priced parking if California is going to meet its AB32 responsibilities.

8.3.2.2 Overcoming Resistance

There is sure to be resistance to this idea. That resistance will be minimized by defining each type of parking's beneficiary group and then operating the parking for the benefit of those in the beneficiary group. It will also be minimized if the parking is fully automated so that those that are paying for the parking are getting convenience. Those earning extra money are sure to be pleased. Those paying more than they are earning from the parking will understand that the new system allows them to no longer take money unfairly from their beneficiary-group colleagues that drive less.

8.3.2.3 Sharing of Parking, Protecting Low-Income Drivers, Handicapped Drivers, and Privacy

This method of unbundling will support sharing. Sharing of parking will allow less parking to be built. This will support the goals of mixed use and increased density, especially around transit stations. Since all potential drivers must have a "billing address" (some will never get a bill; they will only get a check), it will be easy for the system to also identify handicapped or low-income drivers. These drivers will get either a reduced rate or free parking. Privacy will need to be protected.

Congestion (or "Convenience") pricing should be supplied so that occupancy rates are held below 85%. This will help to minimize driving to look for parking. It will also

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maximize the earnings for beneficiary groups that are lucky enough to be associated with parking that is well used.

Business districts will be less opposed if they see that if there is light demand for parking, no charge will be applied for the most convenient parking, which is on-street parking.

8.3.2.4 Parking at Train Stations

Paying riders that ride round trip their fair share of the parking lot earnings will mean that the parking lot is being operated to maximize ridership. If the parking is being offered at no charge, the parking is being operated to maximize driving to the station. With the charge, those that can get to the station without driving will be more likely to do so, leaving more parking for those that must drive. Those that must drive will be guaranteed a space, thanks to "convenience pricing". Convenience Pricing will also mean that each block of parking will have vacancy. This means that if a driver wants to spend "top dollar" for parking and park, for example, very close to the station platform, so as to catch a train, that option will be available. If the station happens to be in a downtown area, many of the cars in the parking lot will belong to those using the downtown. This will not hurt the riders because it will mean that they will earn more money from the parking. It is conceivable that the train riders could ride for almost no net money, if they get to the station without driving.

I6-32. cont.

8.3.2.5 Purpose of Getting a Comprehensive Description

The description can be viewed by local governments, developers, and private investors. It can be used as a requirements document to support a full design and development. There can be a "request for proposal" (RFP) process. Parts of the resulting designs may lead to patents. The first companies that implement these systems will have an advantage in implementing them in other locations. Since car parking is known to exist almost everywhere, the business opportunity that this represents is nearly unlimited.

8.3.2.6 Unbundling the Cost of Car Parking, a Powerful TDM/Parking Policy

This approach will lead to a total unbundling of the cost of parking throughout San Diego County. Because of the urgency of global warming and our rather agile technology companies, this can be done within 5 years. This implementation will reduce driving by giving the public more choice about where their money goes. Less parking will be needed. Therefore, unbundling the cost of parking supports goals M-9 and M-10. It is certainly a strategy that will mitigate the environmental damage that will be caused by the General Plan Update (the project). This could be M-10-8. If not, why not?

8.4 Comprehensive Road-Use-Fee Pricing System, a Significant & Feasible Project Mitigation

I6-33. **Abstract** This project mitigation section contains a listing of road pricing principles. It provides an example of a road-use fee structure that supports the listed principles.

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Useful background information is provided. Arguments in favor of the presented example are presented.

Initial Note1 For many reasons, including the climate crisis and the "AMRP" principle stated in Section 2.1 of this letter, a comprehensive road-use fee pricing system is needed. It would be optimal for the state to implement the type of system described in this section. However, the state has a long history of irresponsibility in pricing road use. It is hoped that global warming will change this. Certainly, all the MPOs and local governments in the state should be urging our state government to wake up and take action. If these efforts fail, the MPOs will have to proceed as best they can to implement as much of these road-use pricing system components as possible. If they fail, then SD County will have to proceed as best they can to implement as much of these road-use pricing system components as possible.

Initial Note2 The Sierra Club California has passed the following resolution.

> **Road Pricing Resolution**
> Approved by the CNRCC July 11, 2009
>
> **The California Nevada Regional Conservation Committee of the Sierra Club hereby augments its current support for increasing the state vehicle fuel excise tax by supporting a comprehensive road-use fee pricing system including environmental and health costs. The pricing system, which could still include a fuel tax, must mitigate impacts on low-income users and protect personal privacy.**

I6-33. cont.

Initial Note3 There are many taxes and fees used to support roads that are unrelated to the choice of driving. It would be appropriate to reduce these taxes and fees at the time that the road-use fee pricing system is put in place. The net result could be 100% revenue neutral or some fraction of that, such as 75% revenue neutral.

8.4.1 Road-Use Fee Principles

1. The first principle is that of "full-cost pricing". Driving has enjoyed a favored status in this state and in this country, resulting in sprawl, health-damaging pollution, global warming emissions, and congestion. We should advocate for the elimination of that favoritism in California, primarily by adopting this first principle.

2. Secondly, the current economic rewards for good mileage vehicles must not be eroded. Due to global warming, motorists need to "go electric" as soon as possible.

3. In addition, road-wear factors (primarily weight), the noise generated, and the pollution generated by each individual vehicle must be taken into account. This will increase fairness and support a shift to lighter, cleaner, and quieter vehicles.

4. The time and place of travel must be incorporated to reduce congestion.

5. Any road-use fee structure must do no economic harm to low-income drivers.

6. As road-use fee technologies evolve, privacy must be protected at each step.

8.4.2 An Example of a Conforming Road-Use Fee Structure

Condition 1

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100% of the funding for all of the expenses of public roads, *excluding* those costs associated with future expansion (covered in Condition 3), comes from a road-use fee (that may include a fuel excise tax), that ultimately (as affordable technology can support) would contain the following **Features**:

1. VMT Fee A base, per-mile (VMT) component fee paid by all motorized vehicles for road construction and maintenance.

2. Carbon Fee An additional per-mile carbon component part is computed using an effective fee per gallon that is equal or larger than the fuel tax that this per-mile carbon fee might replace, to correlate with the amount of CO2 emitted. This could either be charged at the pump, as it is now done, or could be added to the VMT fee by using a price per mile computed by dividing the effective price per gallon by the charged vehicle's (year and model) average mileage, in the units of mile per gallon.

3. Road Wear Fee An additional per-mile component part that is proportional to the vehicle's (year and model) average weight, or other road-wear variable of the vehicle being charged.

4. Air Pollution Fee An additional per-mile component part proportional to the charged vehicle's (year and model) average pollution level, to be used to compensate people, schools, businesses, governments, and corporations harmed by pollution, with this rate set for full compensation.

I6-33. cont.

5. Noise Pollution Fee An additional per-mile component part proportional to the average noise pollution level of the charged vehicle, to compensate people, schools, businesses, governments, and corporations harmed by noise pollution, with the rate set for full compensation.

6. Congestion Fee An additional per-mile component part or, alternatively a multiplier, to account for either time and place, or instantaneous traffic flow rate, to reduce or eliminate congestion, with the proceeds of this fee (collection minus collection cost) used for either the expansion or the operation of transit systems that would tend to reduce this congestion.

7. Low Income Relief A fractional multiplier that would reduce the total per-mile cost for drivers with a sufficiently low income and a sufficiently high need to drive, but only available for a period of calendar time sufficient for the driver to change their circumstance creating the need to drive, unless this is impossible. Section 8.4.4.7 has more detail.

8. Privacy Privacy protections so that where and when people drive, the vehicle they drive, and any Feature 7 advantage, is fully protected, unless a warrant is issued by a judge in response to substantiated allegations of a serious, felony crime.

Condition 2

The per-mile charges of Condition 1 must be large enough to fund yearly payments to the municipalities having large, limited access roads (AKA "freeways") within their boundaries (thereby keeping land off of their property-tax rolls), with these yearly

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payments equal to the average yearly property tax per acre of the adjacent land, multiplied by the total acreage covered by the road's right of way, including frontage roads.

Condition 3

No expansion of the system of public roads should be done unless market research and traffic modeling show that the net revenue of the proposed road or additional lanes will fund all the expenses identified in Conditions 1 and 2.

Condition 4

No expansion of the system of public roads should be done unless it is shown that the expansion will not negatively impact the state's AB32 goals and responsibilities.

Condition 5

The sales tax on gasoline and diesel fuel should remain. Its revenue can be used as is the revenue from any other sales tax that is collected on consumer items.

8.4.3 Background Material

This section provides information about the current level of the fuel tax, the difficulty of raising the fuel tax, the use of the fuel *sales* tax, lane performance during times of high demand, demand under the condition of "full cost pricing", political "push back" to full cost pricing, other opinions that a pure fuel tax is becoming obsolete, and finally, information indicating that a road-use fee could be raised by a simple majority in the state legislature.

I6-33. cont.

8.4.3.1 Current Level of Fuel Excise Tax

A full accounting of the fuel excise tax and what it currently pays for is needed. A significant segment of the population probably believes that current fuel tax rates are high enough. However, a San Diego County newspaper, the North County Times (NCT), in a February 9, 2009 article, reported that the Chair of the California Transportation Commission (CTC) recently wrote that the fuel tax currently contributes nothing to road construction **and only provides half of the money needed annually for repairs:**
http://www.nctimes.com/articles/2009/02/09/news/columnists/downey/z8591536f3e7332da882575510076fa1e.txt

Increasing the state gas and diesel taxes, unchanged at 18-cents per gallon since 1994 – when the final one-cent increase mandated by Proposition 111 (June, 1990 that doubled the nine-cent excise fuel tax over a 5-year period) was added, is long overdue.

8.4.3.2 The Difficulty of Raising the Fuel Tax

Raising the fuel tax requires a 2/3rd majority vote of the legislature. In addition, according to a CNN report, http://www.cnn.com/2009/POLITICS/02/20/driving.tax/

> "Officials including [Secretary of Transportation] LaHood have opposed raising the national gas tax, particularly in the current recession, and have said a new system is needed."

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8.4.3.3 Use of the Fuel *Sales* Tax

California has a sales tax on all consumer items sold in the state, except food and medicine. The revenues from sales taxes are generally placed in our state's general fund. However, an exception to the general rule has been made for the sales tax on gasoline and diesel. By the conditions of a successful ballot measure, the sales tax on fuel must be used to support roads, which supplements the excise tax on fuel (also known as the "gas tax"), allowing the excise tax to be lower than necessary.

8.4.3.4 Lane Performance During Times of High Demand

From the DOT's Freeway Management and Operations Handbook:

http://ops.fhwa.dot.gov/freewaymgmt/publications/frwy_mgmt_handbook/fmoh_complete_all.pdf, Page 1-18, comes the following:

> As flow increases from zero, density also increases, since more vehicles are on the roadway. When this happens, speed declines because of the interaction of vehicles. This decline is negligible at low and medium densities and flow rates. As the density further increases, these generalized curves suggest that speed decreases significantly just before capacity is achieved, with capacity being defined as the product of density and speed resulting in the maximum flow rate. This condition is shown as optimum speed So (often called critical speed), optimum density Do (sometimes referred to as critical density), and maximum flow Vm. (7). In general, this maximum flow (i.e. capacity) occurs at a speed between 35 and 50 mph.
>
> Efficient freeway operation depends on the balance between capacity and demand. In the simplest terms, highway congestion results when traffic demand approaches or exceeds the available capacity of the highway system. As vehicle demand approaches highway capacity, traffic flow begins to deteriorate. Flow is interrupted by spots of turbulence and shock waves, which disrupt efficiency. Then, traffic flow begins to break down rapidly, followed by further deterioration of operational efficiency.

I6-33. cont.

For the purpose of this project mitigation the most important result is that when demand is allowed to significantly exceed capacity, the flow rate drops well below optimum. In fact, speed can drop to nearly zero. With no intervention, freeway lanes can be counted on to fail, just when they are needed the most.

8.4.3.5 Demand, Under the Condition of "Full-Cost" Pricing

The price-setting stipulations of Section 8.4.2's Features 1 through 6 of Condition 1, in conjunction with Condition 2, could be described as "full cost pricing". An analysis is needed to calculate what the average price per mile would need to be and to then determine how much driving would be reduced in reaction to this price. It could be that driving would decrease so much that congestion would disappear and the new problem would be to figure out what to do with the excess land buried under unneeded highway lanes and how to meet the large new demand for transit.

8.4.3.6 Political Pushback to the Notion of Full-Cost Pricing

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There are many, well-funded "think tanks" and political figures and institutions that argue against raising the cost of driving. So far they have been largely successful in keeping the taxes on driving low.

8.4.3.7 Other Opinions That a Pure Fuel Tax Is Becoming Obsolete

There are many indications that more decision makers are adopting the view that the fuel tax either needs to be replaced or supplemented. The following examples are presented, with the first three being taken from the same NCT article identified in Section 8.4.3.1.

First the Chair of the CTC pointed out that, "People are driving more-fuel-efficient cars and ones that run on alternative fuels and buying less gas. As a result, they are paying less in gas taxes". The author of the NCT article states that the CTC Chair and others are calling for "phasing out the gas tax," in favor of a VMT fee.

Second, Will Kempton, director of the California Department of Transportation, told local officials in Valley Center recently "we need to make a transition to a new way of collecting transportation funds." Kempton also said the state should consider following the lead of Oregon, which is exploring a tax based on the number of miles a person drives.

Third, Jim Earp, a California Transportation Commission member from Roseville, added, "Either that or we're going to have to jack up the gas tax considerably."

I6-33. cont.

Fourth, the Christian Science Monitor editorial, February 27, 2009, "A road map to better US roads," says, "Congress should heed a panel that suggests replacing a tax on gas with one on miles driven."
http://www.csmonitor.com/2009/0227/p08s01-comv.html It goes on to say, "In Europe, the Netherlands will transition to a VMT by 2014 and Denmark by 2016. Changing behavior is the key to 21st century transport that must unclog crowded highways and reduce dependence on fossil fuels. Taxing miles alerts drivers to the real cost of using roads and can better motivate them to drive less. A VMT (fee) is the more reliable and efficient way to pay for transport. Its time has come."

Finally, according to a CNN report, http://www.cnn.com/2009/POLITICS/02/20/driving.tax/,

> Speaking to The Associated Press, Transportation Secretary LaHood, an Illinois Republican, said, "We should look at the vehicular miles program where people are actually clocked on the number of miles that they traveled."

8.4.3.8 Raising a Road-Use Fee Could Be Done By a Simple Majority

The Sacrament Bee printed an article by Dan Walters, on January 20th, 2009, describing a proposal to help close California's budget gap.

http://www.nctimes.com/articles/2009/01/20/opinion/walters/zd5e9d64561b6efd78825753e006c951a.tx.

The key elements from the article are as follows.

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1.) Senate President Pro Tem Darrell Steinberg, who made the proposal, insists that it's legal, basing that assertion on a 5-year-old opinion from the Legislature's legal office.

2.) The plan would eliminate excise and sales taxes on gasoline and raise other taxes to help close the budget deficit, then "backfill" the gasoline taxes with a new "fee" that would actually increase the bite on motorists by 50 percent, from 26 cents a gallon to 39 cents. **A "fee" can be imposed by a simple majority vote as long as it relates to actual services rendered by government.**

Note that this fee approach is relatively far from meeting all of the stipulations of this project mitigation. However, it would represent significant progress.

8.4.4 Arguments in Favor of Road Use Fees

This Section provides an analogy demonstrating why roads should be operated for the equal benefit of all. It presents some of the consequences of the current level of our state fuel tax. It argues that a road-use fee should include a vehicle miles traveled (VMT) component and that furthermore, a component should relate to congestion pricing (i.e. needs to account for *specific* time and place of travel). A road-use fee should account for environmental impacts, should protect low-income families, and contain privacy protections. It explains why revenue from a road use fee should be used to pay an effective property tax to municipalities. It argues that this project mitigation offers methods that would help to alleviate the state's budget problems. It states that it is easier to discuss setting a road use fee than it is to discuss increasing an excise tax on fuel. Finally, it briefly discusses some of the emerging technologies and the relationship between technology and this project mitigation.

I6-33. cont.

8.4.4.1 Full-Cost Pricing

Roads should be priced so that they are no longer an economic burden on those that choose to drive less than average. Yet, it is hard to be objective about roads. Here's an analogy. Assume that California owned a large number of 2-bedroom apartments that it allowed families to live in if they paid a tax of $500 a month, even though the market rental value of the apartments was $1000 a month. Clearly, the people living in the apartments are the winners and all the other citizens of California are the losers, because if the state set the price to the market value, it would have additional money that it could either use for the benefit of all citizens or it could return the money to everyone as a tax rebate. Some might note that since there are a large number of these apartments, almost everyone that wants one could get one, so those that don't live in these 2-bedroom apartments are losing out because of their own poor choice. However, since not every citizen wants to live in these apartments, the State's practice is indefensible. The correct thing for the state to do would be to allow low-income citizens to remain in the rental units at the subsidized price of $500 a month, stop calling the price-per-month a "tax" and instead call the price-per-month a "user fee", and set the price for the families that are not low income to the market value of $1000 per month. In this case, the low-income families remain winners. Even though all the others are losers, they are losing much less than before. This assumes that the state takes the additional earnings and uses it in a way that benefits all citizens. Buying more 2-

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bedroom apartments would not qualify. This analogy's original operation is similar to what California does by under pricing road use fees, as described below.

8.4.4.2 Consequences of the Current Level of Fuel Tax

a. Economic Inequity

Because our state fuel tax is too low, funds derived from taxes (and fees) that are not related to the choice of driving a car must be used to support our system of public roads. Examples are our sales tax, our income tax, our property tax, and the development fees that increase many of our costs. In effect what is happening is that money is systematically *being taken* from those that drive less and *being given* to support those that drive more.

This violates a fundamental principle of our free market system. People should pay for what they use and, conversely, people should not be forced to pay for what they do not use. It is true that we often willingly violate this principle, for some higher purpose. Education, mass transit, and Section 8 housing are good examples. However, there is no valid reason to increase driving by making it artificially cheap to drive, or for that matter, to park a car. The facts about global warming suggest quite the opposite.

b. Global Warming Threat and the California Example of Road-Use Pricing

According to an article in the June 2008 issue of *Scientific American*, *The Ethics of Global Warming* (on Page 100 of the well-respected magazine), there is a 5% chance that the level of CO2-equivalent gasses in our atmosphere, expected in just 20 years, will result in a 14.4 Degree increase in temperature and this could result in "a devastating collapse in the human population, perhaps even to extinction."

I6-33. cont.

From http://www.sandiego.edu/EPIC/ghginventory/GHG-On-Road1.pdf.pdf, we learn that in San Diego County, emissions from on-road vehicles are about 46% of regional GHG emissions. About 40% of the state's GHG emissions come from transportation. Many world leaders know that many of our citizens have taken all of the time and cost variables into account and then built their life around their automobiles. How can we expect the world to do its part to reduce GHG emissions, if they see us unwilling to reform the way we price the use of roads, so as to conform to the basic free-market principles that we claim to hold dear?

c. Other Pollution

Besides GHG emissions it is well known that on-road transportation contributes significantly (around 50% by some accounts) to our air and noise pollution. Cars cause air and water pollution directly and indirectly. This occurs when they are manufactured, when their fuel is transported and refined (refineries are, by far, the biggest cause of ground-water contamination in California), and when they are driven.

d. Urban Sprawl

The dominance of the automobile is the primary reason for our sprawling, urban land-use patterns. For example, it is well known that a simple 4-lane freeway, with frontage

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roads, can consume 26 acres per mile. An acre of land can only park 117 cars. Sprawl has taken valuable farm land, wet lands, and wild-life habitat. It makes it more difficult to walk or to bicycle. It also makes it more difficult to provide or to use transit.

e. Summary Statement

GHG emissions, urban sprawl and air, water, and noise pollution are made worse by making driving seem artificially inexpensive to the public. Note that for every penny earned by raising the price per mile to drive to its correct value, a penny could be cut from other taxes and fees that are unrelated to driving. Secretary of Transportation Ray LaHood's statement shown, in Section 8.4.3.2 ("we can't raise the gas tax in a recession") shows that he misses this important point. This point has been made by the Sierra Club, as shown in http://www.sierraclub.org/policy/conservation/trans.aspx, where it says, of subsidies to driving, "These subsidies should be publicly scrutinized and eliminated by appropriate fuel and carbon taxes, parking and road user charges, . . ."

8.4.4.3 Section 8.4.2's Condition 5, The Use of the Gasoline *Sales* Tax

I6-33. cont.

As stated in Section 8.4.3.3, currently the *sales* tax on fuel must be used for the same purposes as the *excise* tax on fuel. This is contrary to the normal rule for sales taxes, whereby sales taxes are used for general-fund purposes, unrelated to the item sold. For example, the sales taxes from running shoes are not removed from the general fund to be used to build running facilities. Likewise, the sales tax on alcoholic beverages is not separated out to be used to subsidize the building of more drinking establishments. If we are going to end our unfortunate favoritism towards roads, we need to end the practice of using the sales tax from gasoline as if it were an additional fuel excise tax. This practice would be ended if the implied recommendations of this report were enacted. The sales tax on gasoline should continue, but the tax on the sale of gasoline should go to the general fund, as does the tax on the sale of other consumer items.

8.4.4.4 Reasons to Adopt Section 8.4.2's Feature 1, a VMT Based, Road-Use Fee

From a Global Warming perspective, there is a hierarchy of favored transportation modes.

Mode 0: Telecommuting (no need to leave the house)
Mode 1: Walking
Mode 2: Cycling (skate boarding and any other device-aided, non-motorized transportation mode)
Mode 3: Transit
Mode 4: Electric cars or cars that get great mileage
Mode 5: Other cars

In terms of reducing pressure to expand road capacity, Modes 0, 1 and 2 are many times more desirable than even Mode 4, which is many times better than Mode 5. The point here is that as much as we want to see more electric cars and more cars that get exceptional mileage, we should not lose sight of the fact that unless all road users pay their fair share, those people using Modes 0, 1 and 2

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are not being fully rewarded for not using road capacity, and this is poor environmental policy, based on the desirability factors suggested. All cars are large, manufactured devices with a finite life. They promote sprawl. People that routinely use Modes 0, 1 and 2 have often set up their lives so that they could drive less. Those life-style choices need to be fully rewarded. The statements of Sections 8.4.4.2a and 8.4.4.2d apply.

8.4.4.5 Reasons to Adopt Road-Use Pricing Methods Tied to *Specific* VMT

a. Need to Support Section 8.4.2's Feature 6

The current fuel tax is simple and, in theory it could be raised to cover the costs of driving (for those vehicles that use fuel. Alternatively, it is easy to imagine odometers that transmit their values at scheduled times to a billing computer. With vehicle-recognition schemes, implemented at the pump or within the billing computer containing odometer data, it would be possible to expand these simple methods to support Section 8.4.2's Features 1 through 5, Feature 7, and Feature 8. However, these simple methods would not support Section 8.4.2's congestion pricing Feature 6, which is sufficiently important that it must be identified and supported.

b. Value of Section 8.4.2's Feature 6: Congestion Pricing

Various names have been proposed for Section 8.4.2's Feature 6, including "congestion pricing" or "convenience pricing". Regardless of the name, it is a powerful way to reduce our society's propensity for expanding highways. Proponents of freeway expansion frequently mention the fact that highway "gridlock" harms our public safety because it can significantly delay emergency vehicles. Individuals in society see this in personal terms. We can all imagine a need to get home to attend to a child, or to get to an emergency room. The consequences of congestion can go well beyond being just a frustrating inconvenience. Sometimes people feel that they would pay almost anything to be able to drive at higher speeds. How many people have missed a plane, or a train, or a critical business meeting, "stuck in traffic"? Besides this, lanes also often support transit. Transit success requires dependable and reasonably fast bus travel. In addition, stop and go traffic wastes fuel, increasing global warming and unhealthy emissions.

I6-33. cont.

"Convenience Lanes" could provide an option for drivers when they feel it is worth the extra money to drive beyond congestion speeds. This pricing also provides a means to keep one or more lanes operating close to their theoretical capacity, instead of at the greatly reduced flow rate that comes when demand is large. (See Section 8.4.3.4.) The pricing can adjust automatically so as to keep demand below capacity, on one or more lanes. This means that congestion in parallel lanes will clear sooner than if all lanes were allowed to stay severely congested.

"Convenience Lanes" also offer the hope of significant revenue generation, if enough people are willing to, in effect, bid up the price. (This will probably happen if the "political pushback" of Section 8.4.3.6 "trumps" the condition of "full-cost pricing" in Section 8.4.4.1, meaning that the price of driving is kept low enough in regular lanes that there are still times and places where congestion is significant.) Section 8.4.2's Feature 6 would require that proceeds (collection minus collection costs) be used for transit systems that would tend to reduce the congestion. As stated in Section 8.4.3.4, the

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lanes and roads that are parallel to the "convenience priced" lanes can be counted on to fail to carry their capacity when serious congestion strikes. Fortunately, there is no comparable effect for transit. Although it is conceivable that transit demand could exceed transit carrying capacity, when this happens, the transit can be counted on to continue to carry its full capacity.

c. Section 8.4.2's Feature 6 and Road Price Variability

Some roads are relatively expensive to build; others are relatively inexpensive. There is no reason we have to settle for charging the same per-mile price for all roads. Similarly, driving at different times should be priced differently. It is well understood that freeways are sized and expanded to facilitate peak driving times. Since it is more costly to provide the added capacity needed at peak times, it is reasonable to charge peak-time drivers more. Charging more at the times that demand is high will tend to smooth out traffic demand over various times of the day.

d. Section 8.4.2's Feature 6 and Pollution

Section 8.4.2's Feature 6 can reduce congestion. This is important because stop-and-go traffic probably increases pollution and GHG emissions when compared to lanes operating at "optimum speed" as identified in Section 8.4.3.4.

e. Section 8.4.2's Feature 6 Supported by the CTC

I6-33. cont.

These powerful arguments have evidently been recognized by the CTC. In their *Addendum to the 2007 Regional Transportation Plan Guidelines*, *Addressing Climate Change and Greenhouse Gas Emissions During the RTP Process*, adopted on May 29, 2008, they provide strong support to lane pricing.
http://www.catc.ca.gov/programs/rtp/Adopted_Addendum_2007_RTP_Guidelines.pdf,

In the CTC's Pricing Strategies Section (Page 3), the CTC instructs Metropolitan Planning Organizations to "model adding pricing **to existing lanes**, not just as a means for additional expansion. **Variable/congestion pricing should be considered**."

Variable/congestion pricing cannot be done without Section 8.4.2's Feature 6 of its Condition 1.

f. Arguments to Support the CTC's Road-Pricing Guideline

Politically speaking, the Pricing Section took great courage on the part of the CTC. San Diego County should publicize the CTC guideline and defend it against critics. There is widespread confusion regarding who owns existing lanes and what promises were made. Converting existing, "free" lanes to be lanes that are priced can be justified by explaining that fuel taxes have always been road-use fees and that any stated or implied promise that paying fuel tax entitled drivers, for all time forward, to drive free on the roads that the fuel taxes may have been used to fund was specious. Specifically, the claim that drivers "already paid" for roads through the payment of fuel taxes is incorrect because (*i*) many drivers have just started driving; (*ii*) many drivers that paid fuel tax for many years have died; and (*iii*) paying a fee to use a public road is no different than paying rent to use property and paying rent does not lead to quasi ownership. These same arguments can be used against statements supporting the idea

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that drivers can forever drive free over a bridge because the tolls have paid off the loan for the bridge.

8.4.4.6 Reasons for Section 8.4.2's Features 2 – 5

These features charge vehicles for their environmental impacts.

8.4.4.7 Reasons for Section 8.4.2's Feature 7

The ability of low-income families to be able to drive to work and other essential family errands must be protected. However, given our challenge of global warming, this needs to be "constructive charity". The features shown in Section 8.4.2 suggest that a billing computer will probably be involved. If so, that computer's database can, perhaps at the individual's discretion, be supported with information such as current housing details, current salary, job location, occupation and job skills to include a full resume, childcare, location of family and friends, hobbies, or recreational pursuits, and other items that could be related to the individual's current need to drive. When the software determines that the person qualifies for a reduced multiplier of the full cost of driving (a subsidy), it could then also run various programs to offer, in creative, tailored, form letters, suggestions for changing circumstances to reduce driving. This could involve a search for jobs, a search for suitable housing, a search for daycare, and a search for better locations to pursue hobbies or recreational pursuits. The availability of transit would be considered in the software and would be offered. Job training could be suggested or offered at a discount. If circumstances support it, the person could also be asked if they would be interested in a class on riding a bicycle in traffic. Taking such a class could earn the person a financial award, perhaps to include a new or used bicycle. The software would put a high priority on helping the person achieve a lifestyle that requires less driving. As a last resort the software would take into account the congestion level of various routes and offer a driving route that requires a reduced subsidy. If no billing computer is involved, the person receiving the subsidy might be required to send in data to support the running of these programs to reduce driving and the subsidy to driving.

I6-33. cont.

8.4.4.8 Reasons for Section 8.4.2's Feature 8

Privacy must be protected, unless confidential disclosure to law enforcement agencies is ordered by a judge based on reasonable cause. We currently rely on laws and judges to protect our privacy regarding what we say on the telephone, our emails, our internet activities, and the information we provide on our tax forms. This information could be both politically revealing and highly embarrassing, to the point where it could seriously degrade our personal and professional lives. In terms of protecting our democracy, it is especially important that our political activities be protected. Where we drive and park a car is also somewhat sensitive in this regard. However, in most cases it is less sensitive than our emails and what we say on the phone. Cell phone companies already have information about our travel. Many locations, such as Dallas, have "toll-tags" that record every time someone goes through a toll plaza and charges them accordingly. The conclusion is that the argument that many people will never accept a computer, with built in privacy protections, from having information about where we drive is overblown and not supported by the facts.

8.4.4.9 Reasons for Section 8.4.2's Condition 2

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Railroads pay property tax on the land under their tracks. Utility companies pay property taxes on the land under their transmission lines. There is no reason that large highways should not pay a property tax for the land they take off the tax rolls in each community. The favored status of roads should be eliminated.

8.4.4.10 California's Budget Problem

California still has a budget gap. This means that more children could lose their health care and there could be more cuts to education. State parks may close. State funding for transit has already been reduced. This project mitigation strategy might help to reduce some of these cuts.

8.4.4.11 Raising the Fuel Tax vs. Pricing a Road-Use Fee

There are advantages in reframing the question from should we raise the fuel tax to: Should we replace the fuel tax with a road-use fee and, if so, how should we set the price of the road-use fee? Section 8.4.3.2 showed that a 2/3rds vote is needed in the state legislature to raise a tax; while, as shown in Section 8.4.3.8, only a simple majority is needed to set and then raise a user fee. Besides this, there are a lot of common misunderstandings about our fuel taxes. Many think they are a mechanism whereby drivers somehow buy new roads. This confusion was discussed in detail in this Section's Subsection 8.4.4.5f. If we can move the discussion to one of how to properly set the price of road use, we will have already made large gains in framing the question to the advantage of everyone that recognizes that it is time to stop favoring driving.

8.4.4.12 Technology

I6-33. cont.

It is not government's responsibility to pick the technologies that will ultimately be used in the implementation of the road-use pricing described in the 5 conditions of this project mitigation's Section 8.4.2, until proposals are submitted. Email and phone conversations with employees of "Skymeter", http://www.grushhour.blogspot.com/, indicate that they are ready to respond to a Request for Proposal (RFP) to implement VMT pricing in the Netherlands, to include every road in the country. Their proposal will be that each car will have a GPS unit, about as large as an eye-glasses case, sitting on the dash. It will contain a database of roads and a variable set of pricing coefficients. The GPS software will determine the car's location with sufficient accuracy so as to support software computing a running tabulation of charges, as the car is driven. They state that the final challenge was to design the software so that the unit would function when the car was being driven in the presence of GPS reflections, such as in city "canyons" which is to say around multiple large buildings. They have solved this problem with additional algorithms and have demonstrated this in the most severe conditions they could find. However, they don't want to have to distinguish between lanes, suggesting that congestion pricing on large multi-lane roads, where pricing varies between parallel lanes, may require a Radio Frequency Identification (RFID) overlay pricing scheme, such as is currently used for "toll tags."

There are probably several, perhaps even many, ways to accomplish road-use pricing that has the features described in this project mitigation.

8.4.5 Adding this to Your Policies to Support Goal M-9

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I6-33. cont. Please consider adding this significant project mitigation policy under your Goal M-9. It will certainly reduce the need to widen or build new roads. It could be M-9-5. If not, why not?

8.5 The Project Mitigation of County-Level Road Building and Maintenance Using User Fees

If a developer wants to build a completely new neighborhood of 100 homes out on I-15 and the County is going to approve it, the BAU (business as usual) method of building the new roads is to charge the developer a "development fee". For example, the North County Times printed an article that stated that the city of Carlsbad was going to increase the road-building fee on a new home to $3530.

It would be better to install a detector in the driveway of each home and charge for entries and exits, or detect at several strategic locations relative to the new neighborhood and have the cars be radio frequency IDed. If the fees were already collected, then the earnings should go back to each home owner (or renter) in proportion to the fee they paid (or is contained within the rent). In this way the charge for the roads, that had been hidden and bundled under the old way of doing business, would be unbundled. This means that the cost would be visible and optional. Road funding should be removed from property tax, general tax, home cost, and everything else that is not directly tied to a person's decision to drive. With air pollution, 42 thousand yearly fatalities, peak oil, obesity, urban sprawl, congestion, and climate change, this is a moral, as well as an economic-fairness issue. If you disagree, why do you disagree?

I6-34. The detectors need to be placed out on the streets, cars need RFID tied to a billable address, and transit IS in the same category as "parks, schools, orphanages, or libraries", because there are many good reasons to encourage transit use.

Any government that hasn't figured out that our gas tax has a poor future, hasn't thought much about our current predicament. Gas taxes are imprecise because they do not account for who is driving where and at what time. With new technology (like computers) we can do much better. Gas taxes have no future anyway, since cars will get better and better mileage. We need PAYD (pay as you drive) road financing. All license-plate tags in 2010 should contain a RFID. Sensor/transmitters need to start collecting data for automatic billing. Roads should be priced so that they produce an agree-to rate of return on the VALUE of the lane (profit on investment) plus pay for maintenance. Value is the price of land under the road, plus construction, at the time of collection. If this is done properly, the government should be able to sell off any or all of our lanes at a fair-market, replacement cost. Likewise, neighborhood streets on up should "earn their keep" by returning a reasonable rate of return. Since our hypothetical new neighborhood is composed of owners that were forced to pay for the neighborhood streets, they should get 100% of the earnings from the streets they paid for. This may seem like they are paying themselves but remember that they pay in only in proportion to the amount that they drive. Walking and bicycling is free. Those

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that drive less than average will come out ahead. This is consistent with the methods shown in Section 8.3, for unbundling the cost of car parking.

Now, to this point, this has been strictly about the cessation of taking money from those that drive less and giving it to those that drive more, which is our BAU. However, there are also reasons to add a surcharge onto the amount charged and give that extra amount to the transit district to help subsidize the transit service that is serving our hypothetical 100 homes build out on I-15. Recall that transit is a legitimate item to subsidize; driving is not. If you disagree, why do you disagree? I6-34. cont.

This surcharge could also be though of as "mitigation" for building and operating new roads. Section 8.3 describes, in detail, a mitigation strategy for this project (the updated General Plan).

Please add this as Policy M-3.4. Also add fairness go your Goal M-3. That is that drivers should pay in proportion to the amount they drive. If you disagree, why do you disagree?

8.6 Project Mitigation of Education and Projects to Support Bicycle Transportation

For many reasons, including the climate crisis and the "AMRP" principle stated in Section 2 of this letter, the elements of this section need to be adopted. The criteria for spending money for bicycle transportation should be to maximize the resulting estimated reductions in driving. The following strategies will probably do this. The County needs to work to get SANDAG to implement this mitigation, using its $270 million dollars that it has to develop a "Regional Bike Plan".

8.6.1 Projects

Each of the smart growth place types, both existing and planned, shown in SANDAG's Smart Growth Concept Map, should be checked to see if bicycle access could be substantially improved with either a traffic calming project, a "complete streets" project, more shoulder width, or a project to overcome some natural or made-made obstacle. I6-35. This is because these locations have significant "trip ends" or "trip destinations". These projects should be prioritized using a cost/benefit ratio metric. It is hereby assumed that 40% of the $270M available for the Regional Bicycle Plan should be used to fund the projects. They should be selected for implementation, from top of the list (lowest cost/benefit ratio) down, until the money (about $110M) is used up. An example of one of these projects, for the proposed town center near the corner of I-5 and SR-78, is described in the "Existing Planning Efforts" of Section 9.

8.6.1 Bicycle Education

The remaining 60% of the $270M, about $160M, should be used to

1.) teach interested adults about bicycle accident statistics (most serious injuries occur to cyclists in accidents that do not involve a motor vehicle), car-bike accident statistics

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(most are caused by wrong-way riding and errors in intersections; clear cut hit-from-behind is rare), and how to ride in all conditions, to minimize problems.

2.) teach riding-in-traffic skills and how to ride in other challenging conditions, by having the class members and instructor go out into real conditions and ride together, until proficiency is achieved.

Students that pass a rigorous written test and demonstrate proficiency in traffic and other challenging conditions are paid for their time and effort.

These classes should be based on the curriculum developed by the League of American Bicyclists and taught by instructors certified by the League.

I6-35. cont. Assuming a class size of 3 riders per instructor and that each rider passes both tests and earns $100 and that the instructor, with overhead, costs $500 dollars, for a total of $800 for each 3 students, means that the $160M could educate $160M/$800 = 200,000 classes of 3 students, for a total of 600,000 students. This is about 20% of the population of San Diego County.

Metrics should be kept throughout this program to verify that this is a good expenditure of money, to reduce traffic. If at any time it is determined that there is a cheaper way to reduce VMT by spending money allocated for the Regional Bike Plan, this approach should cut back and the superior method should be utilized.

8.6.3 Please add this to your roadway policies!

Specifically, please consider adding this as M-5.3. If not, why not?

9.0 Final Questions

I6-36. Section 8.3 describes, in detail, a mitigation strategy for this project (the updated General Plan). If you believe any part(s) of the implementation of that mitigation strategy is not feasible, would you please identify each part and explain how you reached your conclusion that it is not feasible?

I6-37. Section 8.3 describes, in detail, a mitigation strategy for this project (the updated General Plan). If you believe any part(s) of the implementation of that mitigation strategy is not feasible, would you please identify each part and explain how you reached your conclusion that it is not feasible?

Sincerely,

Mike Bullock

Responses to Letter I 6, Bullock, Michael

I6-1 This comment provides an introduction to the author of the comment letter. The comment does not raise a significant environmental issue for which a response is required.

I6-2 The County disagrees with the comment. Section 2.17.1.4, Potential Effects of Global Climate Change, discusses the general extent of climate change effects, and Section 2.17.3.2, Issue 2: Potential Effects of Global Climate Change on the General Plan Update, describes potential effects that may occur specifically in the San Diego region if global climate change trends continue, based on the San Diego Foundation's Regional Focus 2050 Working Paper and Technical Assessment. Section 2.17.6.1, Issue 1: Compliance with AB 32, identifies a number of General Plan Update policies and mitigation measures that aim to reduce greenhouse gas (GHG) emissions for both the County's government operations and community-based sources. General Plan Update policies that would reduce GHG emissions include: Cos-15.1, Design and Construction of New Buildings; Cos-15.3, Green Building Programs; COS-17.1, Reduction of Solid Waste Materials; COS-17.5, Methane Recapture; COS-18.2, Energy General from Waste; COS-20.1, Climate Change Action Plan; COS-20.2, GHG Monitoring and Implementation; and COS-20.4, Public Education. This section also includes mitigation measures CC-1.1 through CC-1.18, which reduce GHG emissions throughout the unincorporated County. An example includes mitigation measure CC-1.2, which requires the County to prepare a County Climate Change Action Plan that will include comprehensible and enforceable GHG emissions reduction measures that will achieve a 17 percent reduction in emissions from County operations from 2006 by 2020 and a 9 percent reduction in community emissions by 2020.

I6-3 The County disagrees with this comment. The first sentence under the heading, On-Road Transportation, of DEIR Section 2.17.2.1, Issue 1: Compliance with AB 32, states, "On-road transportation is the single largest contributor of GHG emissions in the San Diego region." The section further goes on to explain that on-road transportation accounts for 46 percent of the total GHG inventory for San Diego. In addition, the DEIR includes a number of policies and mitigation measures aimed at reducing vehicle miles traveled (VMT), which would result in less driving. DEIR Section 2.15.6.1, Issue 1: Unincorporated County Traffic and LOS Standards, also includes multiple General Plan policies and mitigation measures to reduce VMT, such as: Policy LU-5.1, Reduction of Vehicle Trips within Communities; Policy LU-10.4, Commercial and Industrial Development; Policy LU-11.8, Permitted Secondary Uses; and Policy M-5.1, Regional Coordination. This section also identifies mitigation measure Tra-1.1, which encourages the increase in different modes of travel. DEIR Section 2.15.6.6., Issue 6: Alternative Transportation, includes the following policies that are related to reducing VMT: Policy M-8.6, Park and Ride Facilities; Policy LU-5.4, Planning Support; Policy LU-9.8, Village Connectivity and Compatibility with Adjoining Areas; Policy LU-11.6, Office Development; Policy M-8.2, Transit Service to Key Community Facilities and Services; Policy M-8.3, Transit Stops that Facilitate Ridership; and Policy M-9.2, Transportation Demand Management. This section also includes the following mitigation measures, which encourage the use of alternative transportation that would also result in less driving: Tra-6.1, Tra-6.3, Tra-6.4, and Tra-6.5. DEIR Section 2.17.6.1, Issue 1: Compliance with AB 32, also identifies mitigation measure CC-1.15, which aims to reduce VMT and encourage alternative modes of transportation by implementing

Responses to Letter I 6, Bullock, Michael (cont.)

measures such as promoting community plan level design guidelines that encourage commercial centers in compact walkable configurations; expanding bicycle infrastructure; revising the Off-street Parking Design Manual to implement parking placement concepts that encourage pedestrian activity and concepts for providing shared parking facilities; and continuing to coordinate with SANDAG, Caltrans, and transit agencies to expand the mass transit opportunities in the incorporated County.

I6-4 The County disagrees that a discussion of economic causes behind the propensity to drive is appropriate for inclusion in the DEIR. As stated in CEQA Guidelines 15131(a), the analysis contained within an EIR shall focus on physical changes that may be caused by a project. While it is true that the issue of economics is closely related to community driving patterns, the purpose of the EIR is to focus on the physical environmental changes that may be caused by the General Plan Update. As stated in response to comment I6-3, the DEIR acknowledges that on-road transportation is a substantial contributor to GHG emissions in the County, and identifies numerous policies and mitigation measures to be implemented that would reduce VMT.

I6-5 The County disagrees with this comment, which refers to a statement in DEIR Appendix K, San Diego County GHG Emissions Inventory. This statement referred to by the commenter is accurate and true because there are many factors, both natural and manmade, that contribute to affecting the complex global climate pattern. The County acknowledges that not only is global climate change occurring, but that anthropogenic sources of GHGs through the combustion of fossil fuels in conjunction with other human activities appears to be closely associated with global climate change. DEIR Section 2.17.3.1, Issue 1: Compliance with AB 32, provides an analysis of the potential impacts of GHG emissions as a result of implementation of the General Plan Update, while Section 2.17.3.2, Issue 2: Potential Effects of Global Climate Change on the General Plan Update, provides an analysis of the potential impacts of climate change in the San Diego region. As such, no changes have been made to the DEIR.

I6-6 While the County does not disagree with the conclusion that the climate will likely be altered in the coming years, the extent of specific temperature changes for the San Diego region is still being actively studied. Section 2.17.1.4, Potential Effects of Global Climate Change, states the extent of climate change effects will vary by region over time and with the ability of different societal and environmental systems to adapt to or cope with the change. Section 2.17.3.2, Issue 2: Potential Effects of Global Climate Change on the General Plan Update, states that according to the San Diego Foundation's Regional Focus 2050 Working Paper and Technical Assessment, climate model simulations for the San Diego region predict an increase in average temperature ranging from about 1.5 to 4.5 degrees F by the year 2050, with some differences in the timing and geographic distribution of the changes. The County is taking active steps to reduce GHG emissions for both County governmental operations as well as community-wide emissions. Please refer to response to comment I6-2 for additional information.

I6-7 The County agrees with this comment and has demonstrated its commitment to reduce GHG emissions by including numerous policies to this effect in the General Plan Update and numerous mitigation measures in the DEIR. Please refer to responses to comments I6-2 and I6-3 for additional information.

Responses to Letter I 6, Bullock, Michael (cont.)

I6-8 The County agrees with the comment that it should adopt necessary measures to reduce the potential effects of global climate change. Please refer to responses to comments I6-2 and I6-3 for additional information.

I6-9 The County agrees with the comment that it should adopt necessary measures to reduce GHG emissions, including measures that reduce VMT. Please refer to response to comment I6-3 for additional information.

I6-10 The County agrees with the comment that it should adopt measures that avoid and/or mitigate both the causes and effects of potential global climate change. The proposed General Plan Update policies and corresponding mitigation measures previously identified in responses to comments I6-2 and I6-3, in combination with applicable regulations including the Clean Air Act, Lieberman-Warner Climate Security Act, CARB standards, Title 24 standards, Executive Order S-3-05, AB 32, Executive Order S-01-07, SB 97, SB 1368, SB 1078, APCD standards, and existing County programs and policies, would reduce direct and cumulative impacts to development from adverse effects of climate change.

I6-11 As stated in response to comment I6-3, the County acknowledges that on-road transportation is a substantial portion of the County's overall GHG emissions and agrees with the comment that it needs to adopt measures that reduce VMT. Please refer to response to comment I6-3 for a description of General Plan Update policies and mitigation measures that aim to reduce VMT in the County.

I6-12 The County disagrees that the DEIR is weak in identifying strategies that reduce driving in the unincorporated County. The DEIR identifies multiple General Plan Update policies related to reducing VMT. Refer to response to comment I6-3 for a list of these policies and mitigation measures. It should be noted that DEIR Section 2.15.7.1, Issue 1: Unincorporated County Traffic and Level of Service (LOS) Standards, determined that "the proposed General Plan Update policies and mitigation measures, in addition to compliance with applicable regulations, would reduce proposed project traffic impacts in the unincorporated County; however, not to below a level of significance. Therefore, direct and cumulative impacts would be significant and unavoidable." DEIR Section 2.15.6.1, Issue 1: Unincorporated County Traffic and LOS Standards, also includes a discussion of additional mitigation measures that were considered but determined to be infeasible.

I6-13 This comment does not relate to the analysis or adequacy of the DEIR or the General Plan Update. Therefore, the comment does not raise a significant environmental issue for which a response is required.

I6-14 The County disagrees that the strategies identified in the DEIR, including M-5.1, Regional Coordination, to reduce VMT are weak and unoriginal. Please refer to responses to comments I6-3 and I6-12 for additional information.

I6-15 This comment does not raise a significant environmental issue for which a response is required. Further, the County disagrees that General Plan Update Policy M-5.1,

Responses to Letter I 6, Bullock, Michael (cont.)

Regional Coordination, is weak. Refer to responses to comments I6-3 and I6-12 for additional information.

I6-16 This comment appears to be referring to the parking cash out component of General Plan Update Policy M-9.3, Preferred Parking. The County agrees with the comment that this policy does not specify how much would be paid for parking cash out programs, which could vary in different areas of the County. CEQA Guidelines Section 15146 states "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." The DEIR is a programmatic document that evaluates land uses on a County-wide level. For this reason, it is not required or appropriate that specific costs associated with this program for each region in the County be incorporated into the General Plan policy. As such, no changes were made to the DEIR.

I6-17 The County disagrees that General Plan Update Policy M-9.2, Transportation Demand Management, has no substance because the discussion of Transportation Demand Management (TDM) is weak. The General Plan Update provides additional detail on the TDM programs proposed by the County, while the DEIR provides an evaluation of the environmental impacts that would occur under implementation of the General Plan Update. The General Plan Update provides the following additional information on Transportation System and Travel Demand Management, in Chapter 4, Mobility Element:

"Transportation Demand Management (TDM) addresses traffic congestion by reducing travel demand rather than increasing transportation capacity. TDM programs such as employer outreach, carpool partner matching, parking cash outs, vanpools, subsidies and/or preferred parking to rideshare participants, guarantee rides home, bicycle lockers, and other amenities for bicyclists and pedestrians including clothing lockers and shower facilities are designed to increase the efficiency of the transportation system. TDM is a key tool to reduce single-occupant-vehicle travel as well as facilitate mobility options for area residents. SANDAG manages the regional TDM program including 511, a free phone and web service that consolidates the San Diego region's transportation information into a one-stop resource. The 511 program provides up-to-the minute information on traffic conditions, incidents and driving times, schedule, route and fare information for San Diego public transportation services carpool and vanpool referrals, bicycling information and more. The County has an opportunity to facilitate the use of TDM methods by encouraging land use planning and infrastructure improvements that better accommodate pedestrians, bicyclists, and transit users. In addition, the County can also offer incentives that encourage projects to implement TDM programs."

DEIR Section 2.15.6.1, Issue 1: Unincorporated County Traffic and LOS Standards, and DEIR Section 2.15.6.5, Issue 5: Parking Capacity, identify the following General Plan Update policies that support TDM programs: Policy M-9.1, Transportation Systems Management; Policy M-9.2, Transportation Demand Management; Policy M-9.3, Preferred Parking, and Policy M-9.4, Park-and-Ride Facilities support the TDM programs. The County believes these General Plan Update policies address TDM programs at an appropriate level of specificity for the proposed project. Refer to response to comment I6-16 for additional information on the level of detail required in the

Responses to Letter I 6, Bullock, Michael (cont.)

DEIR. However, it should be noted that the following measure has been added to DEIR Section 2.15.6.1 Issue 1: Unincorporated County Traffic and LOS Standards as mitigation measure Tra-1.7 and to the draft Implementation Plan as measure 4.1.2.C:

"4.1.2.C Transportation Demand Management. Develop project review procedures to require large commercial and office development to use Transportation Demand Management Programs to reduce single-occupant vehicle traffic generation and to prepare and forward annual reports to the County on the effectiveness of the program."

I6-18 The County disagrees that a TDM policy modeled to quantify reductions in driving is appropriate. However, please refer to response to comment I6-17 above for the new measure proposed in the draft Implementation Plan concerning Transportation Demand Management. This measure includes a provision that will require large commercial and office development forward annual reports to the County on the effectiveness of the TDM program.

I6-19 The County disagrees with the comment that it is not serious about implementing General Plan Update Policy M-10.1, Parking Capacity. This policy addresses parking capacity issues for new development at an appropriate level of specificity for the proposed project. Refer to response to comment I6-16 for additional information on the level of detail required in the DEIR. Additionally, General Plan Update Policy M-10.1 makes no reference to the word 'adequate' or the County of San Diego off-street parking permit. Therefore, it would be out of context to provide a definition of the word adequate or to describe the new wording in the County of San Diego off-street parking ordinance. DEIR Section 2.15.6.1, Issue 1: Unincorporated County Traffic and LOS Standards, identifies mitigation measure Tra-1.6, which describes potential revisions to the County Off-Street Parking Design Manual. As such, no changes were made to the DEIR.

I6-20 Although the County appreciates this comment, it does not agree that General Plan Update Policy M-10.5, Reduced Parking, should specify cash-out payment requirements. Please refer to response to comment I6-16 for additional information.

I6-21 This comment does not raise a significant environmental issue for which a response is required. As such, no changes were made to the DEIR.

I6-22 The County appreciates this summary of information on California Transportation Commission's Guidelines to Metropolitan Planning Organizations, such as SANDAG. However, this comment does not raise a significant environmental issue for which a response is required.

I6-23 The comment correctly quotes sections of the DEIR. However, the County disagrees that it "plans to leave its fate in the hands of the State" in regard to reducing driving and reducing GHG emissions. It is the opinion of the County that the author has misinterpreted the text quoted in this comment from DEIR Section 2.17.7.1, Issue 1: Compliance with AB 32, which has since been revised to clarify the issue. The wording in this section provides a conclusion that the County cannot independently achieve AB 32 targets without some effort from the State. This section does not conclude that the County will take no individual actions to meet AB 32 targets. The DEIR identifies

Responses to Letter I 6, Bullock, Michael (cont.)

multiple General Plan Update policies and mitigation measures that would be implemented on a County-wide level and that would reduce environmental impacts associated with vehicle trips and climate change. Refer to response to comment I6-3 for a list of General Plan Update policies and mitigation measures that would reduce VMT, and response to comment I6-2 for a list of General Plan Update policies and mitigation measures that would reduce GHG emissions. These policies and mitigation measures also include inter-agency communication strategies, including state agencies, for reducing VMT and GHG emissions. As a result of the commitments included in these policies and mitigation measures, the County has revised the conclusion in Section 2.17 of the DEIR that impacts would be mitigated to less than significant.

I6-24 The County agrees that a proposed allowable change in VMT, based on an overall GHG reduction plan, has not yet been established. However, it disagrees that this information is necessary to include in the DEIR. Rather than being included in the EIR, this information would be more appropriate to be provided in the Climate Change Action Plan, which is required by General Plan Update Policy COS-2.1. The County will consider including this information in that plan. However, as discussed above, the County identified numerous General Plan Update policies and mitigation measures to reduce VMT. Refer to response to comment I6-3 for a list of General Plan Update policies and mitigation measures that would reduce VMT.

I6-25 The County does not agree that the mitigation measures listed in Sections 8.1, Land Use Project Mitigations, through Section 8.6, Project Mitigation of Education and Projects to Support Bicycle Transportation, are feasible or appropriate for inclusion in the DEIR. Please refer to responses to comments I6-26 through I6-35, below, for additional information on each suggested mitigation measure.

I6-26 The County disagrees that this mitigation measure is appropriate for inclusion in the DEIR. The recommended mitigation measure calls for a systemic change in the approach to providing parking that would conflict with the County's existing parking policies and regulations that require each new development to provide adequate parking capacity for its use. The measure would require substantial County staff time and funding to implement, which is not available, since this measure would require the overhaul of the existing parking system and parking policies and regulations, installation of equipment, and establishment of beneficiary groups, just to name a few. Should a measure to unbundle parking be developed, such as the one described in the comment, it would be better implemented at a regional level in coordination with SANDAG. If the County were to impose paid parking without other jurisdictions doing the same, it could have the affect of deterring future development in the County. This would be inconsistent with the primary goal of the General Plan Update, which is to support a reasonable share of projected regional population growth.

The County would like to note that Section 2.15.6.5, Issue 5: Parking Capacity, of the DEIR includes multiple General Plan Update policies and mitigation measures that would accomplish goals similar to those identified in Section 8.3 of the commenter's letter. General Plan Policy M-10.4, Shared Parking, and mitigation measure Tra-5.2 incorporate the concept of shared parking. Refer to response to comment I6-3 for a list of General Plan Update policies and mitigation measures that would reduce VMT.

Responses to Letter I 6, Bullock, Michael (cont.)

I6-27 The County disagrees that a mitigation measure reforming sales tax is appropriate for inclusion in the DEIR and cannot commit to advocating for the proposed measure at the State level. The measure proposed by the commenter is complicated and would likely involve a vote of the electorate for approval. In addition, any tax reform legislation initiated at the State level would be outside the jurisdiction of the County as the lead agency. This alone would make the proposed mitigation measure infeasible from a CEQA perspective.

Additionally, the County disagrees that the proposed mitigation measure is required because cities (or the County) are discouraged from providing housing. Section 1.3, Project Objectives, describes Project Objective 1 as "Support a reasonable share of projected regional population growth." The General Plan Update Land Use Element proposes 17 residential land use designations to provide for a full range of housing types, from village multi-family housing to rural single-family housing. The General Plan Update would accommodate approximately 71,540 additional housing units. Therefore, the proposed project encourages supporting a reasonable share of projected regional population growth and the proposed mitigation measure is not needed.

Further, this measure is proposed as a mitigation measure to reduce land use impacts. DEIR Section 2.9, Land Use, determined that after implementation of the General Plan Update policies and mitigation measures, the proposed project would not result in any significant land use impacts. Therefore, no additional land use mitigation measures, such as a sales tax reform, are required. As such, no revisions were made to the DEIR in response to this comment.

I6-28 The County disagrees that a "cap and trade" system of development rights needs to be included in the DEIR as a mitigation measure to reduce land use impacts. Section 2.9, Land Use, of the DEIR determined that after implementation of the General Plan Update policies and mitigation measures, the proposed project would not result in any significant land use impacts. Therefore, no additional land use mitigation measures are required. Additionally, DEIR Section 2.15.7.6, Issue 6: Alternative Transportation, determined that after implementation of the General Plan Update policies and mitigation measures, the proposed project would not result in any significant impacts associated with conflicts with alternative transportation. Therefore, no additional alternative transportation mitigation measures are required. As such, no revisions were made to the DEIR.

Additionally, it should be noted that the DEIR does include multiple policies and mitigation measures that promote growth near existing public transportation facilities and promote the expansion of public transportation facilities. These policies and mitigation measures would accomplish a similar goal to the commenter's proposed "cap and trade" mitigation measure, which is to locate future development near transit facilities. Section 2.15.6.6, Issue 6: Alternative Transportation, of the DEIR includes the following General Plan Update policies that support multi-model transportation: Policy LU-5.1, Reduction of Vehicle Trips within Communities; Policy LU-5.4, Planning Support; Policy LU-5.5, Projects that Impede Non-Motorized Travel; Policy LU-11.6, Office Development; Policy M-3.2, Traffic Impact Mitigation; Policy M-8.1, Transit Service for Transit-Dependent Populations; Policy M-8.3, Transit Stops that Facilitate Ridership; Policy M-8.4, Transit Amenities; Policy M-8.5, Improved Transit Facilities; Policy M-8.7, Inter-Regional Travel

Responses to Letter I 6, Bullock, Michael (cont.)

Modes; and Policy M-11.2, Bicycle and Pedestrian Facilities in Development. Additionally, this section also identifies mitigation measures Tra-6.5 and Tra-6.6, which involve reviewing and expanding mass transit opportunities. Therefore, the result that commenter is seeking through the proposed "cap and trade" mitigation measure would be accomplished by General Plan Update policies and mitigation measures currently proposed in the DEIR.

I6-29 The County disagrees that the proposed mitigation measure is feasible or appropriate for inclusion in the DEIR. The County believes the existing General Plan Update policies and mitigation measures related to the improvement and expansion of alternative transportation facilities are at the appropriate level of specificity for the proposed project. Refer to response to comment I6-16 for additional information on the level of detail required in the DEIR. Refer to response to comment I6-28 for a list of General Plan Update policies and mitigation measures that promote the improvement and expansion of alternative transportation facilities. Additionally, Section 2.15.7.6, Issue 6: Alternative Transportation, determined that after implementation of the General Plan Update policies and mitigation measures, the proposed project would not result in any significant impacts associated with conflicts with alternative transportation. Therefore, no additional alternative transportation mitigation measures are required. As such, no changes to the DEIR were made.

Additionally, the Metropolitan Transit System and the North County Transit District are the two primary agencies that deliver transit services within the unincorporated County. These agencies would be the appropriate authorities to implement "fixed guide-way" bus and rail operational improvements, rather than the County of San Diego, which serves as the lead agency for the proposed project under CEQA.

I6-30 The County will consider all relevant comments received by any agency, organization or individual regarding the DEIR. All information presented in this comment letter is addressed in response to comments I6-1 through I6-37. For responses to comments provided in the Move San Diego letter, refer to comment letter O 7, Move San Diego. For responses to comments provided in the SOFAR letter, refer to comment letter O 14, Saver Our Forest and Ranchlands (SOFAR).

I6-31 This comment does not relate to the analysis or adequacy of the DEIR. Therefore, the comment does not raise a significant environmental issue for which a response is required.

I6-32 This comment provides an in-depth description of the Universal Unbundling the Cost of Parking mitigation measure proposed by the author and addressed in response to comment I6-26. Although the County appreciates this information, it has been determined that the commenter's proposed mitigation measure is inappropriate for inclusion in the DEIR because it would conflict with existing County parking policies and regulations. Refer to response to comment I6-26 for additional information.

I6-33 The County disagrees with the comment. The DEIR includes multiple General Plan Update policies and mitigation measures that would reduce VMT and GHG emissions.

Responses to Letter I 6, Bullock, Michael (cont.)

Refer to response to comment I6-2 and I6-3 for a description of these General Plan Update policies and mitigation measures that address VMT and GHG.

The County on its own would not be able to accomplish a regional reduction in VMT since it can only impose such a fee on facilities within its jurisdiction. The fee would not be enforceable on State facilities or roadways in other jurisdictions, including those that connect to County roadways. Should a Comprehensive Road Use Fee Pricing System be developed, it should be implemented on a regional level and be developed in coordination with SANDAG. If the County were to impose a road use fee without other jurisdictions doing the same, it could have the affect of deterring future development in the County. This would be inconsistent with the primary goal of the General Plan Update, which is to support a reasonable share of projected regional population growth. Additionally, the measure would require the County to monitor and enforce the road-use fee structure conditions within its jurisdiction, which it does not have the funding or staffing available to accomplish. This would conflict with the proposed project's objective to minimize public costs of infrastructure and services. As such, no revisions to the DEIR have been made.

Refer to responses to comments I6-16, I6-26, I6-27, I6-28 and I6-29 for additional information on parking cash-out programs, universal unbundling of parking, sales tax reform, cap and trade system of development rights, and transit redesign and expansion, which are related to the Comprehensive Road Use Fee Pricing System mitigation measure proposed by the commenter.

I6-34 The County disagrees with the comment. The measure as proposed in the comment would require substantial County staff time and funding to implement, since its establishment would require the overhaul of the existing County development fee structure and roadway financing system. This would conflict with the proposed project's objective to minimize public costs of infrastructure and services. Additionally, the measure would require the County to monitor and enforce the road-use fee structure conditions within its jurisdiction, which it does not have the funding or staffing available to accomplish. Finally, implementation of a County mandated user fee program that charges each home for automobile entry and exits would prove highly controversial as individuals raise concerns over their right to privacy. Should a pay as you drive system be developed, it should be implemented on a regional level in coordination with SANDAG. If the County were to impose this measure without other jurisdictions doing the same, it could have the affect of deterring future development in the County. This would be inconsistent with the primary goal of the General Plan Update, which is to support a reasonable share of projected regional population growth. Therefore, the County has determined this proposed measure as infeasible. As such, no revisions were made to the DEIR.

I6-35 The County disagrees with the comment, which provides a plan for the distribution of SANDAG's $270 million dollars for the "Regional Bike Plan." The County has no authority to allocated funds controlled by SANDAG. The County suggests that the commenter approach SANDAG with the comment instead. The measure proposed in the comment would require substantial County staff time and funding for education and bicycle transportation projects, which is not available. This would conflict with the

Responses to Letter I 6, Bullock, Michael (cont.)

proposed project's objective to minimize public costs of infrastructure and services. Therefore, the measure is determined to be infeasible and no revisions to the DEIR were made.

It should be noted that the DEIR identifies multiple General Plan Update policies and mitigation measures in support of bicycle transportation. Section 2.15.6.6, Issue 6: Alternative Transportation, of the DEIR, lists the following policies that would encourage and expand safe bicycle transit: Policy LU-5.1, Reduction of Vehicle Trips within Communities; Policy LU-5.4, Planning Support; Policy LU-5.5, Projects that Impeded Non-Motorized Travel; Policy M-3.1, Public Roads Rights-of-Way; Policy M-3.2, Traffic Impact Mitigation; Policy M-4.3, Rural Roads Compatible with Rural Character; Policy M-11.1, Bicycle Facility Design; Policy M-11.2, Bicycle and Pedestrian Facilities in Development; Policy M-11.3, Bicycle Facilities on Roads Designated in the Mobility Element; Policy M-11.4, Bicycle Network Connectivity; Policy M-11.5, Funding for Bicycle Network Improvements; Policy M-11.6, Coordination for Bicycle and Pedestrian Facility Connectivity; and Policy M-11.7, Bicycle and Pedestrian Facility Design. In addition, this section also identifies mitigation measures Tra-6.7 and Tra-6.8, which require coordination with agencies, including SANDAG, to develop a County Bicycle Transportation Plan and Regional Bicycle Plan.

I6-36 This comment is addressed in responses to comments I6-26 and I6-32.

I6-37 This comment is a duplicate of comment I6-36. This comment is addressed in responses to comments I6-26 and I6-32.

Comment Letter I 7, Burgess, Carol

AUG 20 '09 PM

August 17, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I7-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Carol Burgess

Responses to Letter I 7, Burgess, Carol

I7-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 8, Burgess, Richard L.

August 17, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

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While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I8-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Richard L Burgess

Responses to Letter I 8, Burgess, Richard L.

I8-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 9, Burton, Thomas W.

P.O. Box 70
Palomar Mountain, CA 92060
August 29, 2009
Via Email and First Class Mail

Mr. Eric Lardy
Department of Planning and Land Use
5201 Ruffin Road Suite B
San Diego, CA 92123

RE: Draft EIR in conjunction with GP2020

Dear Eric:

As you may know I own approximately 120Acres of Palomar Mountain (via a trust). This land was acquired in 1978. I have been active in the PMPO and served on its GP2020 Committee until my resignation about two years ago. It is with that background that I offer the comments on the Draft EIR which follow.

I9-1. Before sharing my comments, however, I would also like to clarify, that I feel all my comments are objective. My only 'coloring' as to judgment is that I am a property owner who loves the Mountain. My land is what it is and is not affected in any way by the GP 2020 recommendations, or the Draft EIR. I have no interest in any property that would be so affected. I feel any single commenter's position should be interpreted by their personal interests, hence this clarification.

My comments to the Draft EIR will be from beginning to end:

CHAPTER 1:

I9-2. At page 1-41 you will find statistics both wrong, and inconsistent with statistics found at Appendix F. Since this is the first example, I'll 'flesh' this out, but won't do so for the whole letter of comment.

I9-3. Table 1-1 has a Palomar Mountain line. As you read across the line, you find a column for "Public/Semi-Public Facilities" there it shows 120 Acres. Well, those of us who have been around the Mountain for any number of years would know that the Observatory (a Public facility??) alone is more than that—not to mention the Christian Conference Center; Yoga Retreat Center; Girl Scout Camp; the various Federal and State Campsites…it would seem that something is wrong there.

I9-4. Continuing on with the table, under the column labeled "Open Space" it shows 116 acres. My property alone has about 60 acres of dedicated Open Space Easements. I know the Upper Meadow Subdivision next to and West of the Yoga Retreat has all except for designated house pads as dedicated Open Space. The project up Conifer Road also has lots of dedicated open space—so this number can't be correct.

Comment Letter I 9, Burton, Thomas W. (cont.)

CHAPTER 2.1

I9-5. Table 2.1-3 has incorrect acreages also.

CHAPTER 2.2

I9-6. Table 2.4-1 Shows over 11,000 Acres on the Mtn as Ag Preserves but only over 3,500 as Williamson Act Contracts (which is what it takes to have an Ag Preserve—unless there were some grandfathered ones??) so, another inconsistency.

CHAPTER 2.7

I9-7. At page 2.7-37 there is a reference to a Burn Dump Site—don't know what this is as we don't have a dump.

I9-8. Also Table 2.7-9 shows Wildland Urban Interface fire threat showing 18,000 some acres in this category—I think we'd say it's the WHOLE MOUNTAIN! And these, stats were from 2004—when we've had many fires, the major "Poomacha" one in 2007—shouldn't this be made more specific/current?

CHAPTER 2.9

I9-9. At page 2.9-13 you refer to Palomar as a "…distinctive neighborhood…" not the Country Town that we've been emphasizing since 1997 in our discussions with you. You also say that: "…further commercial is not expected…" This belies the fact that it can't happen if you don't allow for it in the General Plan. It is also contradicted by Public Services statistics at Table 2.13-6. We all want to protect the Observatory, but limited residential development (per pre-FCI densities and all the other setbacks and other regulations already in place—along with dark sky requirements in building permits) still should allow Palomar property owners' the right to develop residences.

CHAPTER 2.13

I9-10. There is a paragraph on CSA 110. There are also indications that there is a 115% increase in population and housing on this Mountain—obviously a disconnect between police service folks and the rest of the world. See chart at page 2.13-42.

CHAPTER 4

I9-11. All of the Project Alternatives (except "No Project" meaning keep things the same—which generally represents the view the majority of the Mtn folk) have density assumptions that don't track with the Mountain peoples' RETURN TO STATUS QUO, or pre FCI desires.

Comment Letter I 9, Burton, Thomas W. (cont.)

I9-12. There is a paragraph at page 4-4 on Back Country Development Alternative prevents the tourist and resident serving commercial accommodations that I believe the majority of folks would like to see on Palomar. Your comment during the PMPO meeting of August 22nd, Eric, that Palomar could be designated as a Rural Village could solve some of this, but my concern is whether this would be supported by conclusions of the EIR.

APPENDIX D

I9-13. Ground Water is a big deal for most of us up here. Largely the data provided was from the Yoga Center and Christian Conference Center (PMPO has been collecting data as well--their data too should be in the EIR). However, there's nothing in here about water export (Yale and other SUP related efforts of the PMPO over the years).

I9-14. At Table 3-8 there's some data on the Pal Mtn Mutual Water Co that doesn't seem correct to me: it shows 196 connections, but only 70 people served.

I9-15. I don't know what "NE" means for demand in the table.

APPENDIX F

I9-16. Again in the chart there are number inaccuracies: all folks who have been tracking the GP2020 on Palomar know there is more than 6 Acres of Open Space here; More than 2 Acres of Public and Semi-Public Facilities; and more than 14 Acres of National Forest and State Park.

APPENDIX M

I9-17. At the chart on page 9 there are multiple references to the Mtn and density changes that are called 'sweeping' – these are far less 'liberal' than the return to pre-FCI that the Mountain's generally held 'property rights' rationale would request. I fully support the return to one dwelling unit per 8 Acres that existed pre-FCI as a standard. Anything less I would consider a 'taking' of property—even though it does not, as previously stated, affect me personally.

I9-18. I once again extend my sincere gratitude to you and the many County individuals who have worked so long and hard on these matters. Notwithstanding my perceived errors detailed above, I know you have accomplished a monumental task. Please let me know if I may say or do anything further to support this effort.

Sincerely,

Thomas W. Burton

Responses to Letter I 9, Burton, Thomas W.

I9-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I9-2 The County appreciates these comments. Table 1-1 is discussed further in the following comments and responses.

I9-3 The County appreciates this information and is aware the existing uses in the vicinity of the observatory. Table 1-1 provides a summary of the proposed land use designations for the General Plan Update. The site currently contains a Public/Semi-Public Lands designation. The Public/Semi-Public Facilities designation is considered appropriate for the uses contained on the site, which can be further regulated through the County's Zoning Ordinance.

I9-4 The County's proposed Open Space designation does not encompass all preserved lands in the unincorporated area. It is primarily used to recognize whole parcels that have been dedicated to open space and contain no development potential. Typically, these lands are lands that are owned by a jurisdiction, public agency, or conservancy group.

I9-5 As discussed in responses to comments I9-3 and I9-4, the acreages are for County designations, which sometimes differ or are less descriptive than the uses that are actually found on the ground. The numbers in the DEIR are correct.

I9-6 The County appreciates this comment but its information is not correct. Williamson Act Contracts can only be executed within Agricultural Preserves. The County has numerous lands in Agricultural Preserves without contracts.

I9-7 The burn dump site at Palomar Mountain is a historic trash burning site that is no longer in use. It is likely difficult to impossible to identify by simply visiting or passing the site. The existence of the site is known from historic records and research and is in County databases.

I9-8 The Wildland/Urban Interface (WUI) data in Table 2.7-9 is based on the most current information available from CAL FIRE. The County acknowledges that fires following that time could have affected the WUI. However, the DEIR can only incorporate the best available information. The table has been revised to clarify that the data is from CAL FIRE in 2003.

I9-9 DEIR Section 2.9.1.2 Community and Subregional Planning Areas, the third paragraph under the “North Mountain Subregion” subheading, has been revised by replacing “further commercial and industrial development is not anticipated” with “the General Plan Update does not propose additional Commercial development in the Subregion.” Much of the Palomar area of the Subregion is subject to the Forest Conservation Initiative (FCI). Lands subject to the FCI are included on the General Plan Update land use map under the heading “Forest Conservation Initiative Overlay” and are not assigned General Plan Update designations. The County intends to reevaluate the designation of FCI lands after the Initiative sunsets at the

Responses to Letter I 9, Burton, Thomas W. (cont.)

end of 2010 and, when appropriate, propose new commercial or residential designations as part of a County-initiated General Plan Amendment.

I9-10 This comment does not raise a significant environmental issue for which a response is required.

I9-11 This comment does not raise a significant environmental issue for which a response is required.

I9-12 The Backcountry Development Alternative refers to a general increase in density in areas proposed as Rural Lands under the proposed project. This alternative does not seem to relate to the desires referred to by the comment to locate increased commercial development in the Palomar Mountain community. Therefore, designation of a Rural Village in the Palomar Mountain community, which could be used to reflect the community's desires for this type of use, would not be in conflict with this portion of the DEIR.

I9-13 The County has knowledge of water export activities on Palomar Mountain such as bottled water companies, but does not have any information regarding groundwater levels or amount of production through time for these activities. The groundwater investigation will be revised to recognize that water export activities exist on Palomar Mountain. When appropriate, the County will incorporate all available information into the County's groundwater monitoring network to aid any future groundwater discretionary projects that may be located within the vicinity of the export activities.

I9-14 The numbers referred to in the comment for number of connections and population of the Palomar Mountain Mutual Water Company were taken from the County of San Diego Department of Environmental Health Small Drinking Water Systems Program database. The numbers reported within Table 3-8 of the General Plan Update Groundwater Study were found to be consistent with the latest documentation within the file kept for this water company. Additionally, each residential parcel that is hooked up to the water company was assumed to consume approximately 0.5 acre-feet of groundwater per year. This residential consumption was used in the basin by basin analysis of groundwater resources within the General Plan Update Groundwater Study.

I9-15 The "NE" in Table 3-8 of the General Plan Update DEIR Appendix D: Groundwater Study means that the water demand for the Palomar Mountain Mutual Water Company was not directly estimated. Rather, as indicated in footnote 7 at the end of Table 3-8, residential water use was estimated separately at 0.5 acre-feet per year per parcel.

I9-16 It appears that the comment is referring to numbers on Page C-4 of DEIR Appendix F, Noise Technical Report of the DEIR, which is a table labeled "Potentially Incompatible Land Uses within the 65 dB Roadway Noise Contour." These numbers are not intended to reflect the entirety of the lands in the Palomar Mountain community. Rather, they identify potentially incompatible land uses that fall within the projected 65 dB roadway noise contours.

Responses to Letter I 9, Burton, Thomas W. (cont.)

I9-17 This comment does not raise a significant environmental issue for which a response is required. The comment is appreciated and the County also notes that the General Plan Update does not propose changes to Forest Conservation Initiative lands.

I9-18 This comment provides a conclusion to the comment letter. The County appreciates the support expressed by the commenter.

Comment Letter I 10, Caldwell, Milton

August 28, 2009

County of San Diego,
Department of Planning and Land Use
5201 Ruffin Rd. , Suite B
San Diego, CA 92123

Attn: General plan update
Mr. Devon Muto
Chief Project manager

Phone # 619-615-8289
e-mail: devon.muto@sdcounty.ca.gov

RE: objection to zoning, zoning densities or other land use changes

Dear Mr. Muto,

I10-1. I understand that objections to zone changes, density changes and other land use changes need to be submitted to San Diego County by August 31, 2009.

I am sending you this e-mail. I am also sending the same statements by U.S. mail today.

RE: APN # 140-160-48 and 140-370-25

I am co-owner of these parcels. I also represent my co owners in this communication with you. These parcels are being considered for down zoning densities in the general plan update. We object to any change in densities, zoning , land use, of these parcels.

I10-2. RE: APN #140-160-46: I represent the owner of this property in this communication with you. The owner is Mr. Dedes, and his corporate entity S.C, Products Inc. Mr. Dedes is a co-owner of 140-160-48 also. This parcel is being considered for down zoning density in the general plan update. Mr. Dedes objects to any change in density, zoning, land use of parcel # 140-160-46.

Thank you for registering our objection to the changes to these properties that would possibly be part of a general plan update.

Milton Caldwell
P.O. Box 876
Borrego Springs, CA 92004
760-415-9409

e-mail: miltcaldwell@znet.com

Responses to Letter I 10, Caldwell, Milton

I10-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I10-2 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. This comment refers to APNs 140-160-48-00 and 140-370-25-00, as well as APN 140-160-46; however, a search of County records did not reveal any parcels with these APNs. The comment states the author's objection to changes in density, zoning and land use for the subject properties. The County appreciates this comment. Ultimately, the Board of Supervisors will determine which land use map will be implemented. The information in this comment will be in the documents for review and consideration by the County Board of Supervisors.

Comment Letter I 11, Canfield, Gary

August 13,2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I11-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Gary Canfield

Responses to Letter I 11, Canfield, Gary

I11-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 12, Coombs, Diane

August 31, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Comments on DEIR for County General Plan Update

Dear Mr. Muto:

I12-1. Thank you for the opportunity to submit comments on the DEIR for the County General Plan Update. I am submitting these comments as an individual since due to summer vacations Citizens Coordinate for Century 3 has not been able to meet to take formal action. I would however refer you to previous comments submitted by C-3 regarding the plan update. They express concerns regarding the following matters:

* Sustainable development and compliance with AB 32 and SB 375
* Focus on minimum parcel size rather than density
* Allowing community plans to trump the General Plan generally and specifically with respect to the Conservation Subdivision
* We asked that words such as, "encourage, may, should, promote, consider, when feasible/appropriate; be removed and replaced with the mandatory language Shall and Must!
* We explained our concerns that the plan does not adequately support affordable housing

I12-2. Having reviewed the draft EIR I would like to endorse the comments submitted by the Endangered Habitats League and note that the document does not address the issues above. To claim that policies in the plan will mitigate impacts in a whole host of elements when they are voluntary, not mandatory is shameless! This document cannot withstand legal challenge and should be rejected and revised.

C-3 will be submitting comments on the Draft General Plan Update in September following our Board meeting.

Sincerely,

Diane Coombs
C-3 representative to the GP Interest Group

Responses to Letter I 12, Coombs, Diane

I12-1 The County appreciates these comments. The previous comment letter submitted by Citizens Coordinate for Century 3 pertained to the draft General Plan and not the DEIR. This comment, and the previous letter, do not address the adequacy or accuracy of the DEIR and do not raise significant environmental issues for which a response is required.

I12-2 Responses to issues raised by the Endangered Habitats League, including the reference to policies in the draft General Plan as contributing to mitigation, can be found in the responses to comments G5-1 through G5-184.

Comment Letter I 13, Dahlgren, Elizabeth

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I13-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you, Elizabeth Dahlgren
8.22.09

Responses to Letter I 13, Dahlgren, Elizabeth

I13-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 14, Dahlgren, Ronald E.

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I14-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

AUG 24 '09 PM 1:17

Thank you,

Ronald E. Dahlgren

Responses to Letter I 14, Dahlgren, Ronald E.

I14-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 15, Elliott, John

Mr. Devon Muto
Chief Project Manager for the General Plan Update
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

RE: General Plan update comments on EIR and central Mountain Plan Text

Devon,

I15-1. Thank you for the opportunity to comment on this proposed action. As a long time member and former chairman of the Descanso Planning Group, it is refreshing to see this ten-year-old planning process coming together.

I15-2. Overall the plan does not take into consideration the general economic well being of the sub-region. The economic health of this area should be a prime consideration of this planning action. The Central Mountain Sub region is economically tied to recreational use of the public lands within the planning area including Cuyamaca Rancho State park and Cleveland National Forest. Our land use plans should accommodate local job growth in the outdoor recreation/tourist industries through public access, campgrounds, vacation oriented bed and breakfast homes and other outdoor recreational facilities. We are not a "Bedroom Community" of San Diego proper.

I15-3. In making the transition from a use based general plan to a density based plan, the presence of the voter enacted Forest Conservation Initiative (FCI) is posing to be very challenging. FCI lands should have been delt with at the onset of this planning process allowing the communities to properly analysis these lands instead of these 11th hour maneuvers to accommodate the FCI 40ac du. The resulting mapping is unclear insofar as the FCI overlay zone removes so much of the community that the remaining densities categories do not make sense. The Oak Grove Drive/ Manzanita Drive area calls for a 4.3du category. There are approximately 29 acres within this area with 77 existing homes. It has the highest densities in the community. Full build-out would result in approximately 48 new homes being built. Because this area is septic dependant, I would doubt if this many new homes could be constructed in this area. There are also questions if the Descanso Community Water District could provide water to this many new homes.

I15-4. Offsetting this high-density area is the reduced density being proposed by the Descanso Planning Group (DPG) on the FCI lands outside of the new proposed Village Boundary borders. There is approximately 1120 acres of sub-40 acre parcels located in the area west of the proposed village

Comment Letter I 15, Elliott, John (cont.)

I15-4. cont. boundaries. At 1DU per 40 acres, this would represent 28 existing homes when in reality there are over 130 homes in this same area. How can we make any determination and analysis of impacts when the maps so grossly misrepresent existing and proposed housing units? Our community plan maps should accurately represent existing and future development and those areas should be properly analyzed for their impacts in the EIR.

I15-5. The proposed Rural Village Boundary as voted on by a 1-vote majority of the DPG, are the Descanso Community Water District Boundaries plus the Bohemia subdivision located in the area of Descanso Junction. This results in a Rural Village boundary that resembles a plate of spaghetti. Utilizing only water district boundaries and established ½ acre subdivisions, this does not represent the traditional community boundaries, nor should these areas be the sole focus of any of future development within the community. To do so would result in impacts to our community character, water facilities and roads. The "old" Multiple Rural Use and Country Town Boundary regional categories plus the Descanso Junction area should be utilized as a new Rural Village boundary line. Encapsulating all of these sub-40 acre parcels with a Rural Village line would focus future growth without the impacts to our community character plus would not result in impacts to our water district and roads.

I15-6. The community plan text is supposed to give a general narrative description of the area but in this situation, the community plan text appears to be attempting to replace the county's zoning ordinance. Numerous positions are being taken without any analysis or considerations for existing ordinances and uses. For example;

I15-7. 1.The DPG requests for restrictions within the sound element that private off road vehicle parks be "discouraged" within the Central Mountain Sub-region. This position is in direct conflict with the county sound ordinance, which establishes maximum sound levels for off road vehicle uses on both private and public property. There is no need for this type of restriction when the existing sound ordinance clearly controls excessive sounds. Furthermore, the community is opposed to the DPG's 1 vote majority vote that placed this language into the plan text. Please see the attached petitions. This language should be removed.

I15-8. 2.The language regarding the Descanso Elementary School should be reduced only to that which gives history, acreage and student numbers. Any reference to the new divisions of grade levels, suitability of the site to accommodate additional numbers of students and community character compatibility issues of the portable classrooms should be omitted. In

Comment Letter I 15, Elliott, John (cont.)

I15-8. cont. addition, the school site is also the site of the Descanso Community Park. This park operates under a joint powers agreement with the Mountain Empire Unified School District and the County of San Diego through the Department of Parks and Recreation. The latest JPA was signed on August 8, 1995 and has a 20-year term based on the **completion** of the improvements that were paid for by the County. The exact expiration date would be in 2017 or 2018. The department of parks and recreation could make that determination. It should be noted that the school district does not and has not maintained the park and has allowed the improvements to deteriorate to the point where the park is unusable and unsafe. The grass is dead, playground equipment has been removed, the irrigation system failed, baseball backstop and benches are unsafe, etc. The school district has removed the portable restrooms and has placed locks on the gates. This community has seen years of PLDO funds being transferred to the regional park in Pine Valley. Something needs to be done here.

I15-9. 3. The DPG also wants to discourage the development of Recreational Vehicle Parks within the Descanso area because "adequate facilities already exist". There has not been any analysis by the DPG or any subcommittees that support this. RV Parks and campgrounds have been proven compatible land use within this area and have been an excellent substitute for subdivision type developments. In fact the DPG has approved two RV type developments in recent years at both the Maggio Ranch and Mack Ranch properties. The Mack Ranch property was recently purchased by the State of California. RV parks and campgrounds should be encouraged within the planning area.

I15-10. 4. Commercial property language states that the property located at Viejas Grade and Riverside Drive should be downzoned from C37 to C36. The existing uses of this property are C37 that allows outside storage. Removal of the C37 would leave this community without any C37 type property. We need a small commercial zone that allows outside storage. Converting this to additional unneeded C36 within the community core does not make sense. Our commercial use areas should be focused to keep tourist traffic on the outside State Highway loop not entering the core of the community.

I15-11. The community plan text needs to be closely reviewed and any attempts to "zone" through the plan text should be removed.

I15-12. On a personnel item that I have commented on many times, the FCI impacts my commercial property located at Descanso Junction. FCI does not allow

I15-13. C36 zoning because it mandates the State Park/National Forest (23) regional

I15-14. category. Fortunately the County never unzoned my property. The Board of

Comment Letter I 15, Elliott, John (cont.)

I15-14. cont. Supervisors and the Descanso Planning Group have voted to support this area C-36. The EIR should base its analysis on the existing C36 zoning.

Yours truly,

John Elliott
P.O. Box 368
Descanso, CA 91916

off road petition.pdf

Responses to Letter I 15, Elliott, John

I15- 1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I15-2 The County disagrees that the General Plan Update "does not take into consideration the economic well being of the sub-region" and that the land use plans do not accommodate local job growth. The land uses addressed by the comment are too specific for a General Plan; however, the County recommends the commenter coordinate with the Descanso Planning Group to incorporate language in the Community Plan Update (which would occur after the adoption of the General Plan Update) that encourages the types of land uses identified in this comment.

I15-3 The County appreciates the issues raised with addressing the Forest Conservation Initiative (FCI) lands. The County does not have the ability to modify the designations on these lands until the initiative expires. With regard to the Oak Grove Drive/Manzanita Drive area, the purpose of the proposed 4.3 dwelling unit per acre category was to recognize the existing parcelization and development of this area. The County acknowledges that achievement of this density may not be possible in this neighborhood due to septic and other constraints.

I15-4 The County disagrees that the DEIR does not fully analyze impacts in areas where build-out of the General Plan density is less than the number of dwelling units that currently exist in the area. Existing homes are counted as part of the baseline. Therefore, the mapping of an area with a density designation lower than what is actually on the ground does not affect the EIR analysis.

I15-5 The County appreciates these opinions of the commenter on the draft Rural Village Boundary, which differs from the boundary support by the Descanso Planning Group. This comment letter will be part of the Final EIR; therefore, the commenter's preference for an expanded Rural Village Boundary is documented and this information will be made available to the County Board of Supervisors. The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project. Potential impacts to community character, water facilities, and roads are all addressed in the DEIR. Therefore, no revisions were made to the DEIR in response to this comment.

I15-6 This comment takes exception to positions taken by the draft Community Plan; however, specific examples are provided in comments I15-7 through I15-11. This comment does not raise a significant environmental issue for which a response is required.

I15-7 The County acknowledges the commenter's opposition to text in the Noise Chapter of the Central Mountain Subregional Plan that discourages off road vehicle uses. As discussed in response to comment I15-5 above, this comment letter will be part of the Final EIR; therefore, the commenter's opposition to language that discourages off-road vehicle parks is documented and this information will be made available to the County Board of Supervisors. The County Board of Supervisors has the

Responses to Letter I 15, Elliott, John (cont.)

approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project

I15-8 Please refer to response to comment I15-7 above.

I15-9 Please refer to response to comment I15-7 above.

I15-10 Please refer to response to comment I15-7 above.

I15-11 Please refer to response to comment I15-7 above.

I15-12 This comment does not raise a significant environmental issue for which a response is required.

I15-13 This comment does not raise a significant environmental issue for which a response is required.

I15-14 The referenced property is currently developed with a store and office. These uses are accounted for in the DEIR as part of the baseline condition. Additionally, expiration of the Forest Conservation Initiative (FCI) and possible redesignation of lands was included in the DEIR as a cumulative project. In that scenario, the referenced property was considered to have retained its C-36 zoning.

Comment Letter I 16, Esry, Bev

-----Original Message-----
From: Bev Esry [mailto:bevesry@hughes.net]
Sent: Friday, August 28, 2009 7:53 AM
To: Muto, Devon
Subject: GP2020

Devon,

I16-1. This email is verification of my personal support of the current General Plan Update maps pertaining to the Campo/Lake Morena Planning area.

It is my understanding that Randy Lenac has written an op-ed letter in our local paper requesting 100 letters be written to DPLU stating the current density on these maps will cause "environmental" damage by further impoverishing Campoites.

This is to let you know there are hundreds of people living in our community who would disagree with Mr. Lenac's position. MERIT recently conducted a survey in our community showing the vast majority want growth at a rural pace. I also disagree with Mr. Lenac's position.
The only thing these maps will do is keep developers from coming out to our groundwater dependent community to overdevelop it.

Bev

Responses to Letter I 16, Esry, Bev

I16-1 This comment is in support of the General Plan Update maps and plans for Campo/Lake Morena and does not raise a significant environmental issue for which a response is required. This comment will be in the documents for review and consideration by the County Board of Supervisors.

Comment Letter I 17, Esry, Wes

From: beverly esry [mailto:bnesry@yahoo.com]
Sent: Friday, August 28, 2009 7:59 AM
To: Muto, Devon
Subject: General Plan Update

Dear Sirs:

Please consider this email evidence of my support for the current general plan update maps and density for our local Campo-Lake Morena Planning Area.

I17-1. This email is a direct result of a letter put into the Back-county Messenger by Mr. Randy Lenac asking for letters to reduce our current density on the plan because it would cause economic harm to our community. I do not believe this to be the case, it might cause a few developers some money since they are intent in developing our small community beyond its capability, but it would not do harm to those of us who live here. It protects our precious water resource and our rural life-style.

Wes Esry
Campo Resident

Responses to Letter I 17, Esry, Wes

I17-1 This comment is in support of the General Plan Update maps and plans for Campo/Lake Morena and does not raise a significant environmental issue for which a response is required. This comment will be in the documents for review and consideration by the County Board of Supervisors.

Comment Letter I 18, Fallgren, Brian

-----Original Message-----
From: Brian Fallgren [mailto:brianf@sciti.com]
Sent: Friday, August 28, 2009 9:46 AM
To: Muto, Devon
Subject:

Mr. Muto,

I am writing again to you to reiterate my support for lowering density in the back country of San Diego County. As a property owner in Campo, I have recently heard arguments put forth by some in the community that such a change in density will increase poverty in Campo. I believe this is a common but fallacious argument usually put forth by those who hope to gain financially by diluting environmental protections, and they are often anything but poor.

I18-1. I believe that the concept of lowering density in the back country is a correct one. Suburban sprawl has, I hope, been seen to be the quick but disastrous remedy to housing needs that it is, especially when it comes in the form of "leapfrogging". Taking the long view is always appropriate, and considering the unusually high biological diversity, limited infrastructure and dwindling resources of San Diego County's rural areas, such protection that lowering density affords is more than ever critical.

Thank you for your consideration in this matter.

Brian Fallgren
32092 Hwy. 94
Campo, CA 91906

(619) 478-2149

Responses to Letter I 18, Fallgren, Brian

I18-1 This comment is in support of the General Plan Update and does not raise a significant environmental issue for which a response is required. This comment will be in the documents for review and consideration by the County Board of Supervisors.

Comment Letter I 19, Father Joe's Villages, Father Joe Carroll

www.neighbor.org
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FATHER JOE'S VILLAGES

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Father Joe Carroll
President
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joe.carroll@neighbor.org

August 27, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd #B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I19-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

In *Citizens Association for Sensible Development of Bishop Area v. Inoy* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the projects. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment."** (Emphasis added)

Despite this ruling, the draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Father Joe Carroll

Father Joe Carroll
President

Responses to Letter I 19, Father Joe's Villages, Father Joe Carroll

I19-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 20, Fege, Anne

ANNE S. FEGE, PH.D., M.B.A.
12934 TEXANA STREET
SAN DIEGO, CA 92129-3620
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

August 31, 2009

Mr. Devon Muto
Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA 92123

RE: Comments on Draft Environmental Impact Report for General Plan

Dear Mr. Muto,

I20-1. Thank you for the opportunity to provide comments on this Draft Environmental Impact Report (DEIR) on the General Plan for San Diego County. It reflects well the complex issues affecting how we live together in San Diego. This letter focuses on and requests revisions relating to wildfire safety and climate change impacts, in both the DEIR and the draft General Plan. My comments overlap with but are not identical to those of the California Native Plant Society, San Diego Chapter.

1. Strengthen wildfire safety provisions in the Safety Element, Fire Hazards section.

I20-2. Chapter 2.7 of the DEIR includes a reasonable description of the impacts associated with wildfires, and changes in County policies through the General Plan. The Mitigation Measures are reasonable, but are difficult to trace to specific provisions in the draft General Plan.

Section 2.7.6.8 lists Infeasible Mitigation Measures that should be considered rather than discarded:

I20-3.
- Require development guidelines and reduce planned densities (items 1 and 2) in areas that have extremely high fire risks, rather than knowingly putting future County residents at risk of wildfire losses of life and property.

I20-4. The policy in S-1.1 is strong and valued, yet is not carried through, in the Land Use Element or in the Safety policies (specifically S-3). The DEIR proposes mitigation (Haz-4.1) to "[i]dentify and minimize potential fire hazards for future development… locating development away from Fire Hazard areas whenever practicable" Yet density increases in the Draft Map are identified in the Very High Hazard areas.

Comment Letter I 20, Fege, Anne (cont.)

I20-4. cont.

S-1.1 Land Use Designations. Minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards.

I20-5.

In the DEIR, section 2.7.4.8 Issue 8: Wildland Fires states that "Implementation of the proposed General Plan Update would result in land uses that allow residential, commercial and industrial development in areas that are prone to wildland fires.,,, [and] would result in a potentially significant impact from the exposure of people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands." This is unacceptable for the citizens of San Diego County.

I20-6.

It is acknowledged that the July 1, 2009 draft of the General Plan incorporated a number of revisions from the previous version, including:

- Section S-3.5 was modified to <u>require</u> development to provide additional access (assumed to be the same as "secondary access").
- Fuel is written in several policies and definitions to include all structural elements, man-made combustible materials, ancillary structures, ornamental and natural vegetation.
- Revision of glossary definitions, including "Very High Hazard Areas" (to be consistent with California Department of Forestry and Fire Protection), and "Fuel Modification Area"

I20-7.

In the "context" section, the recitation of structural losses is unnecessary; if this section is retained, there should also be discussion of the natural vegetation burned in those wildfires, the acreage that has type-converted to invasive, flammable grasses over the past decades, and more. In that same section, the statement about wildland fire control being the responsibility the state and Federal agencies is misleading. These responsibilities are more accurately stated in the issue of "Multiple Fire Protection Districts."

I20-8.

Goal S-3 Minimized Fire Hazards should clearly state that development should be avoided in high risk areas, and include this policy:

<u>**S.3.x Avoid risk to life and property**. Avoid development or reduce its intensity in Very High Hazard Zones.</u>

I20-9.

For S-3.2, development should be greatly curtailed on high-risk sites, rather than knowingly putting future County residents at risk of wildfire losses of life and property, and should read:

S-3.2 Development in Hillsides and Canyons. ~~Require~~ <u>Limit</u> development located near ridgelines, top of slopes, saddles, or other areas where the terrain or topography affect its susceptibility to wildfires, and ~~located and designed to account for topography~~ <u>locate and design any developments with maximum ignition-resistant construction</u> to reduce the increased risk from fires. (Note that underlined text indicates additions, and overstrikes suggest deletions.)

I20-10.

For S-3.6 Fire Protection Measures, there are two columns and these should be combined.

I20-11.

In section S-3.7, a policy was added that clearly requires ignition-resistant construction for all new, remodeled, or rebuilt structures. It is still essential that the County address the structures in Very High Hazard Areas, and that the policy also include the following:

Comment Letter I 20, Fege, Anne (cont.)

I20-11. cont. **S-3.7. Fire resistant construction.** Add: Establish and enforce reasonable and prudent standards that require retrofitting of existing structures in Very High Fire Hazard areas.

Section S-4 provides greater clarification for the difference between wildland fuel modification and that of defensible space around structures. Some changes were made in S-4.1, and one further revision is requested:

I20-12. **S-4.1 Fuel Management Programs.** Support programs consistent with state law that require fuel management/modification within established defensible space boundaries and when strategic fuel modification is necessary outside of defensible space, ~~balance fuel management needs with the preservation of native vegetation.~~ balancing protection of structures with preservation of sensitive habitats and native vegetation.

For S-4.2, the following change is requested:

I20-13. **S-4.2 Coordination to Minimize Fuel Management Impacts.** ~~Solicit~~ Incorporate comments from CAL FIRE and wildlife agencies for recommendations regarding mitigation for impacts to habitat and species into fuel management projects.

I20-14. Interestingly, the Vegetation Management Report, approved by the County Board of Supervisors in March, 2009, does not mention or suggest that any report findings be applied to the General Plan, and neither the draft General Plan nor the DEIR mention the Vegetation Management Report.

I20-15. Since there is no mention of "shelter-in-place" or similar concepts, it is assumed that the County will not approve developments that request this consideration in lieu of secondary access and other requirements that reduce life and property risks from wildfires. The County's policies should ensure that a project should not be built, if it is unsafe for residents to prepare for and evacuate from a wildfire.

2. Strengthen descriptions of impacts, mitigation, and adaptation from climate change

I20-16. The impacts of regional and local drought are understated in the DEIR and mitigation is inadequate. The DEIR includes a short but thorough outline of expected impacts of wildfires from climate change, in section 2.17.3.2; however, mitigation measures are not provided. Specific comments, on water supplies and greenhouse gases (GHG) related to climate change, are provided below.

I20-17. **Water supplies.** If extended droughts result from climate changes over the decades ahead, the General Plan policies and provisions for deelopment may have a significant impact on water supply. The DEIR does not adequately address the significant effect that any project will have if there are insufficient water supplies available to serve the project from existing entitlements and resources. Recent research and analysis has clearly established that these entitlements are likely to be reduced by climate changes that affect drought conditions in the Colorado River basin, snowpack in the Sierra Nevada mountains, and ultimately allocations to the San Diego County Water Authority. The DEIR does not address the likelihood of the actual (not promised or allocated) delivery of future water supplies, since allocations will be unreliable and unpredictable

I20-18. if climate change reduces overall availability of water transfers in California. The DEIR also does

Comment Letter I 20, Fege, Anne (cont.)

I20-18. cont. not adequately address the cumulative impacts on continuing to withdraw and overdraw groundwater.

I20-19. **GHG emissions.** These emissions are significant environmental impacts that must be mitigated. In order to show that the proposed new development is consistent with California's plans to stabilize GHG emissions (AB 32 and other laws and policies), the DEIR must demonstrate that policies and actions would result in a 30 percent reduction in emissions by 2020, and that they will not compromise the long-range goal of reducing GHG emission 80 percent below 1990 levels by 2050. Yet Section 2.17.7.1 Issue 1 (Compliance with AB 32) acknowledges that the projected GHG emissions will increase 24 percent over 2006 levels, and 36 percent increase from estimated 1990 levels. It further states that "the proposed project would result in a potentially significant impact related to compliance with AB 32" and that "the proposed General Plan Update policies and mitigation measures would reduce direct and cumulative impacts related to compliance with AB 32." It is the obligation of the County to meet these levels through the General Plan policies and other actions, not rely on State or Federal outcomes.

I20-20. The few General Plan policies identified in Chapter 2.17.6 of the DEIR, are a modest start. As the policies and actions to reduce GHG emissions are not yet formulated and would be detailed in a "GHG Reduction Climate Change Action Plan," the long list of possible mitigations (CC-1.1 through CC-1.18) is impressive but inconsequential. Appendix G of the DEIR, prepared by the University of San Diego, includes an emissions inventory and suggested implementation strategies that are an important start, but are not analyzed or carried into the Draft General Plan. The County needs to identify and incorporate additional policies to reduce GHG emissions and confirm to state requirements.

I20-21. The conclusions in Chapter 2.17.7.2 state, "The proposed General Plan policies and mitigation measures discussed above, in addition to [other ordinances] would mitigate the potential direct and cumulative impacts of global climate change." Yet the General Plan and the DEIR assume and support car-vehicle-based transportation, leading to a great inconsistency between goals of reducing GHG and continuing current transportation policies and patterns. As long as there are no transit improvements incorporated into the General Plan policies and the County's actions, the GHG emission reductions will not be met.

I20-22. **3. State policies affirmatively**

Although some changes were made since the November, 2008 draft, many policies are still stated vaguely and tentatively, rather than stated as commitments to accomplish the objectives. It is important to replace "may" and "will" with "must" and "should," and to replace "balance," "encourage," "promote," and similar verbs with active, affirmative verbs such as protect, enhance, restore, remove, preserve, and prohibit. Some changes have been made and are acknowledged, such as (*italics added*):

I20-23.

> LU 6.1 **Environmental Sustainability.** *Require the protection of intact* or sensitive natural resources and the long-term sustainability of the natural environment.
>
> LU 8.3 **Groundwater-Dependent Habitat.** *Prohibit development* that would draw down the groundwater table to the detriment of groundwater-dependent habitat.

Comment Letter I 20, Fege, Anne (cont.)

I20-23. cont. Definition of Sustainable (in glossary), to be consistent with the United Nations World Commission on Environment and Development.

I20-24. In addition, the DEIR identifies hundreds of policies and measures to mitigate significant impacts, but do not include measurable and enforceable performance standards.

I20-25. Thank you for this opportunity to comment and to contribute to the sustainability of our lives together, as citizens of the County of San Diego.

Sincerely,

Anne S. Fege

Anne S. Fege, Ph.D., M.B.A.
Retired Forest Supervisor, Cleveland National Forest
Botany Research Associate, San Diego Natural History Museum
Adjunct Professor, Department of Biology, San Diego State University

cc: Jeff Murphy, Tom Oberbauer, Ralph Steinhoff, Ken Miller, and Chandra Waller-County of San Diego

Responses to Letter I 20, Fege, Anne

I20-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I20-2 The County does not agree that DEIR mitigation measures are difficult to trace to specific provisions in the draft General Plan. The mitigation measures presented in the DEIR are either included in the draft Implementation Plan or as policies in the draft General Plan. In addition, the measures will become part of the Mitigation Monitoring and Reporting Program required under CEQA.

I20-3 The County appreciates this comment. The ultimate determination of infeasibility will be made by the Board of Supervisors. It should be noted that while the comment appears to quote directly from DEIR Section 2.7.6.8, the bullet point in the comment paraphrases and editorializes the infeasible measures provided in the DEIR.

I20-4 The comment contends that draft Safety Element Policy S-1.1 to minimize the population exposed to hazards is not carried through in the draft Land Use or Safety Element policies. The comment further states that the Project Land Use Map proposes density increases in Very High Hazard Areas. The County does not agree with the comment. In fact, in most cases in very high fire risk areas the proposed project will result in decreased density when compared to the existing General Plan. The County also does not agree that draft Safety Element policies under Goal S-3 are inconsistent with draft Safety Element Policy S-1.1. The draft General Plan Safety Element states, "Because most of the unincorporated County is located within high or very high fire hazard severity zones, avoiding high threat areas is not possible." Since it is not feasible to totally avoid developing in very high hazard areas, the policies under draft Safety Element Goal S-3 are intended to ensure any development that does occur minimizes loss to life and property.

I20-5 The County cannot avoid potential impacts involving wildland fires. However, measures are proposed to mitigate impacts to the maximum extent feasible. In addition, the General Plan Update will significantly reduce future development in hazardous areas when compared to the existing general plan.

I20-6 This comment summarizes revisions that have been previously made to the draft General Plan. No response is necessary.

I20-7 This comment focuses on the wording of the draft General Plan Update and does not address the adequacy of the DEIR. The County does not agree that if the number of structural losses due to wildland fires is included within the Context section of the Safety Element, then the number of acres of natural vegetation burned should also be included. Information regarding the amount and type of vegetation burned in wildland fires is not available, while recent amendments to regulations has reduced structural losses.

The County appreciates the comment that this sentence is misleading and unnecessary since it is addressed under "Multiple Fire Protection Districts." In response, the following sentence has been removed from the Fire Hazards Context section: "Wildland fire control in these areas rests predominately with the California

Responses to Letter I 20, Fege, Anne (cont.)

State Department of Forestry (CAL FIRE) and the United States Forest Service (USFS)."

I20-8 The County does not agree that draft Safety Element Goal S-3 should be amended to state that development should be avoided in high risk areas. The goal is intended to be broad as it focuses on minimizing any loss due to fire. Avoiding development in high risk areas is a means to implement this goal and is more appropriate as a policy.

This comment further recommends that a policy be added that would avoid development in Very High Hazard Zones. The County does not concur that a new policy is necessary since draft Land Use Element Policy LU-6.10 Protection from Wildfires and Unmitigable Hazards assigns land uses and densities that would minimize development in Very High or High Hazard Areas.

I20-9 The County appreciates this comment, but does not concur that the policy should be changed. The focus of this policy is on the design and location of development to minimize risks from fires when it is not feasible to totally avoid development in hillsides and canyons.

In addition, the County does not concur that "maximum ignition-resistant construction" needs to be added to this policy as this issue is already addressed in draft Safety Element Policy S-3.7 Fire Resistant Construction. Therefore, no changes have been made.

I20-10 The County appreciates this suggestion but does not agree with it. The sidebar to the right of the policy is meant to provide clarification but is not a part of the policy. Therefore, no change has been made.

I20-11 The County does not concur that draft Safety Element Policy S-3.7 should be changed to establish standards that would "require" retrofitting of existing structures in Very High Hazard Areas. This is outside the County's authority; therefore, the policy is written to "support" retrofitting existing structure.

I20-12 General Plan Update draft Safety Element Policy S-4.1 has been revised as shown below based on this comment, along with some grammatical changes.

"Support programs consistent with state law that require fuel management/ modification within established defensible space boundaries and when strategic fuel modification is necessary outside of defensible space, balance fuel management needs <u>to protect structures</u> with the preservation of native vegetation <u>and sensitive habitats</u>.

I20-13 The County does not agree that draft Safety Element Policy S-4.2, Coordination to Minimize Fuel Management Impacts, should be revised to require the County to incorporate comments from CAL FIRE and the wildlife agencies. However, the policy has been amended replacing "solicit comments" with "consider comments." In addition, the policy has been amended to include the U.S. Forest Service and local

Responses to Letter I 20, Fege, Anne (cont.)

fire districts as entities that the County would "consider comments from," in addition to CAL FIRE and wildlife agencies.

I20-14 The Vegetation Management Report identified tools that agencies could consider when managing vegetation. It does not give the County authority to manage vegetation. As such, it would not be appropriate to reference this report in the draft General Plan and DEIR. See also responses to comments O1-15 and X5-56.

I20-15 The draft General Plan policies adequately address fire risk and life safety objectives. Shelter-in-Place is an option available to achieve those objectives through fire code and General Plan policy requirements, yet it is not necessary to include in the General Plan.

I20-16 The County does not agree with this comment. The description of potential impacts from climate change provided in the DEIR is consistent with available studies and reports on the issue. DEIR Section 2.17.6.2 Issue 2: Effects of Global Climate Change on the General Plan Update discusses mitigation that is related to this issue. The comment provides no further detail or suggestions for consideration by the County so further response is not necessary.

I20-17 The County does not agree with this comment. The DEIR explains that if water is not available, the draft General Plan policies will preclude a project from being approved and built. The DEIR also explains that the County Water Authority is planning to expand future water supplies, as well as improve upon the reliability of its supplies. It is not clear what additional analysis is necessary as suggested by the comment because no further detail is provided.

I20-18 The County does not agree with this comment. Potential groundwater impacts, including cumulative impacts, are thoroughly discussed in DEIR Section 2.8 Hydrology and Water Quality and Appendix D Groundwater Study.

I20-19 The County agrees that GHG emissions are significant environmental impacts which must be mitigated. However, the County does not agree with the remainder of the comment. As explained in the DEIR, the AB 32 standard is to reduce statewide emissions to 1990 levels by 2020. The comment references the requirement of a 30 percent reduction; however, this is not a requirement of State law or any associated policy. Also, the goal of reducing emissions 80 percent below 1990 levels by 2050 is contained in an Executive Order issued by the California Governor. The Executive Order specifies that reducing emissions 80 percent below 1990 levels by 2050 is a target for California. The Executive Order does not set this as a standard or provide further guidance for implementation of this target. This is in stark contrast to the target of 1990 levels by 2020 which was specifically adopted as a statewide emissions standard by AB 32. Therefore, the County did not use the 2050 target in determining significance of impacts. See also responses to comments S1-3, G5-100, and O1-20.

I20-20 The County does not agree with this comment. As part of AB 32, the California Air Resources Board was directed to prepare and approve a scoping plan for achieving

Responses to Letter I 20, Fege, Anne (cont.)

the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases by 2020. The scoping plan, approved by the CARB Board December 12, 2008, provides the outline for actions to reduce greenhouse gases in California to achieve the AB 32 target. The approved scoping plan indicates how these emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. As detailed in the scoping plan, achievement of the 2020 target requires actions from all levels of government and no single sector of government is expected to achieve the target alone. Nevertheless, the policies and mitigation measures in the DEIR provide a firm commitment by the County to achieve the AB 32 targets. As a result, the DEIR conclusion has been revised for this issue to be mitigated to a less than significant level.

I20-21 The County does not agree with this comment. It is believed that the comment should be referring to DEIR Appendix K Greenhouse Gas (GHG) Emissions Inventory, which is the inventory that was prepared by the County (not the University of San Diego). The mitigation measures identified in Appendix K are included in the General Plan Update draft Implementation Plan as action items that will be undertaken by the County. In addition, Section III.C of the Inventory evaluates the potential reductions that could be achieved through implementation of these actions. The County has identified all feasible mitigation related to GHG emissions. The comment does not identify any other measures for consideration and therefore no further response is necessary.

I20-22 The County does not agree with this comment. The Greenhouse Gas Emissions Inventory provided in DEIR Appendix K indicates that the AB 32 emissions targets are achievable. Additionally, the draft General Plan includes numerous policies and measures to support a multi-model transportation network that does not solely rely on personal automobiles. However, the geographic extent of the unincorporated area, rugged terrain, lower densities, high cost of transit, and numerous other factors make a substantial shift from the current form of travel extremely difficult. Further, the County has very limited influence on transit planning and expenditures in the region.

I20-23 It is not clear what policies are suggested as being vague or tentative as no further detail is provided. The County has reviewed all policies to ensure that they are clear and provide the appropriate level of commitment and direction. As no further detail is provided, further response is not necessary.

I20-24 The County does not agree with the suggestion that all policies and mitigation measures must include performance standards. This is not a requirement of CEQA. The County asserts that the draft policies and mitigation measures are enforceable and offer adequate mitigation. Projects must be in conformance with General Plan policies to be approved; therefore, the policies provide adequate enforceability. See also response to comment G5-46.

I20-25 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 21, Fox, G. Sydney

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I21-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

G. Sidney Fox,

Responses to Letter I 21, Fox, G. Sydney

I21-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 22, Fox, Ivan

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, Ca 92123

Subject:Comments on General Plan update EIR

Dear Mr. Muto

I22-1. The EIR for the General Plan update does not consider the impact of secondary access in its consideration to create 71,540 new dwellings.

I22-2. A **fatal flaw** exists with the population and housing projection (section 2.12.3.2, Population and Housing) as it does not consider the significant impact that the requirement for Multiple Ingress and Egress (Policy M-3.3 in section 2.15.6.4 Issue 4 Emergency Access, Transportaion and Traffic) and the interpretation currently being applied for projects in the county, will have on subdivisions and potential development in unincorporated San Diego County.

A very large percentage of the County of San Diego will not be subdivided and developed for housing due to the infeasibility for the construction of Secondary Access Roads as mitigation to existing and proposed dead end roads exceeding the maximum allowable length.

I22-3. Infeasibility for construction of a Secondary Access occurs due to physical and legal constraints and financial viability. Legal difficulties for secondary access occurs in obtaining right of way within sovereign lands (Indian reservations), public lands (national forests), private land (easement rights). Physical constraints limit construction of secondary access due to topography (steep slopes and canyons) and biologically constrained land (sensitive lands). Additionally the financial ability of a project to comply with providing Secondary Access is not being considered on the current projects in process at the county. Most projects that cannot feasibly provide secondary access are currently being recommended for denial by county staff. There is no policy change being considered at the county to address this situation therefore the EIR must consider this in its projections for housing in its constraints-based predictive model.

I22-4. Secondary access requirements come from recent revisions to the County Fire Code, Consolidated Fire Code and current County guidelines, policies and practices pertaining to subdivisions. Current county practice has introduced unreasonable and onerous requirements for various proposed subdivisions to provide a secondary access as mitigation for an existing or proposed dead end road that exceeds the maximum allowable length. The County currently does not address the physical or financial ability or in some cases even the Nexus for the required secondary access. The County currently is denying many projects that have a physical or financial inability to construct the secondary access. In some instances the proposed subdivisions are on existing dead end roads that already exceed the maximum dead end road length. In some instances an entire community may exist on a dead end road that exceeds the maximum dead end road length. These communities are proposed for additional divisions of land to meet the Population and Housing Projections of the EIR without any consideration of not having feasible secondary access.

The County has utilized areas of land in the computation for the creation of new dwellings and failed to recognize the laws, regulations, guidelines and current practices that will prevent and future land divisions in these impacted areas.

In obtaining legal access, it is ludicrous for the county to assume that there will be a cooperative effort by homeowners in the impacted areas to support further divisions of land within their

Comment Letter I 22, Fox, Ivan (cont.)

I22-4. cont. communities by granting full access for easements across their private land. Historically neighbors prefer the keep vacant land vacant in rural areas and not support additional land divisions.

It is the County's current practice to require secondary access as the primary and in some cases the only viable mitigation measure for exceeding maximum dead end road lengths. The County has allowed mitigation utilizing Same Practical Effect (SPE) in a very limited number of approved projects but the interpretation of for SPE have been very restrictive to the point that most projects required to have have secondary access and finding it infeasible for the reasons noted above are being recommended for denial.

I22-5. The General Plan Update needs to reflect the areas impacted by exceeding the maximum dead end road length in its projections for housing and consideration of the viability of secondary access being constructed to meet the goals. All areas existing on dead end roads that exceed the maximum dead end road lengths should be removed from the Housing projection or the County should revise it current practice and policies to allow reasonable mitigation for exceedance of dead end road lengths that will allow reasonable rural land development that addresses reasonably safe communities by means other than secondary access.

Ivan R. Fox
1947 Westview Road
Fallbrook, Ca. 92028

Responses to Letter I 22, Fox, Ivan

I22-1 The County does not agree with this comment which is discussed further in the responses below.

I22-2 The County does not agree with this comment. The achievement of the population and housing projections described in the DEIR is not an issue that requires analysis under CEQA. Therefore, the general problem asserted by the comment is not relevant. Further, the County does not agree that a fatal flaw in its projections exist. The projections took into account a variety of variables including that some properties would not be built upon or would not achieve full development potential.

I22-3 This comment does not raise a significant environmental issue for which a response is required.

I22-4 This comment does not address the General Plan Update or the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required. As discussed under response to comment I22-2, the population projections accounted for development constraints and the ability of the project to achieve these projections is not an issue that requires analysis under CEQA.

I22-5 This comment does not raise a significant environmental issue for which a response is required. See also response to comment I22-2 above.

Comment Letter I 23, Fritz, Patsy

From: PatsyFritz@aol.com [mailto:PatsyFritz@aol.com]
Sent: Wednesday, August 26, 2009 3:27 PM
To:
Subject: EIR comments, GP Update; also Re: CONKLIN: ACTION ALERT! JOIN THE RMWD AGAINST THE SPRAWL DEVELOPMENT PLANS FOR RAMONA OF SAN DIEGO COUNTY

To: DEVON MUTO, et al at DPLU, County of San Diego

PLEASE INCLUDE THIS WITH THE COMMENTS ON THE GENERAL PLAN UPDATE'S EIR

****

Devon Muto, Chief, Advanced Planning, is in charge of the General Plan Update. I am sending this dialog to him because he needs to understand the IMPOSSIBILITIES of the Update as it relates to rural inland communities. When we were all on septic systems we did not have this problem, But the General Plan Update DEPENDS on sewer construction and sewer expansion.

God, however, made a limited supply of earth.
I23-1. He also made humans who excrete.

Maybe DPLU's GPUpdate plans include mandatory diapers for ALL new arrivals to the backcountry, no matter what age, at the density DPLU is planning.

Perhaps that was the rationale, over all these years, for the County's
I23-2. support of the Gregory Canyon Landfill. It's "Fill 'er up" from the diaper brigade.

++++++++++++++++++++

The County offices - at 1600 Pacific Highway (the Board of Supervisors, CAO et al) and the County Planning Department (DPLU) on Ruffin Road - both offices within the City of San Diego - and County staff members working directly for the BOS and DPLU, the vast majority of whom live within city limits or in area served by metro sewer districts DO NOT GET IT!

BECAUSE, in their day-to-day lives, THEY DO NOT HAVE TO GET IT.

They flush, and fish feed.
I23-3. Or mutate, depending on the toxins sent to the ocean outfall.
Or die, depending on the toxicity of the toxins sent to sea.

We, however are "INLAND DISCHARGERS," the technical term for sewer systems that have no ocean outfall, cannot access an ocean outfall, and WILL NEVER GET an ocean outfall.

"No more of your crap!" snaps King Neptune.

Hey, he doesn't get it from us!

Our communities - Valley Center and Ramona, as examples - must dispose of our treated effluent LOCALLY.

Comment Letter I 23, Fritz, Patsy (cont.)

City folks think "reclaimed water" is an asset, and that we can sell it. It's not - and we can't.

It grows turfgrass, figs, dates, pomegranates and other biblical plants clustered by desert watering holes and the Dead Sea. The golf course business nationally is over-built, so forget turfgrass. There's no big market for biblical fruit - they grow it cheaper there anyway, so we import it.

Reclaimed water, losing it's H20 volume through processing, has higher TDS (total dissolved solids) so it's bad for avocados and other bearing plants with rootlets (tiny hairs growing out of the roots) whose intake ports get clogged by the "river salts" from high-TDS water. That's how trees and other plants suck up water - through the rootlet ports. It's suck up or die.

Because the majority of our water is imported, with a high percentage from the silt-filled Colorado River, our water is ALREADY high-TDS. Reclaimed through a sewer plant makes it that much "saltier." The soil gets incrementally saltier. (NOT HCL salt - but I know you're not sprinkling reclaimed effluent on your breakfast eggs.)

I23-3. cont.

So we have to dispose of this water on vast swaths of our landscape: "spray fields." Different earth textures absorb at a different rate, but a reasonable ratio would be 100 acres of disposal area to 1,000 homes.

PLUS, the sewer district needs 84 days of winter ("wet weather") storage capacity because the Regional Water Quality Control Board cannot permit the sewer district to spray treated effluent (even though it's treated) when it rains. That's so "sewage" (even though it's treated) cannot co-mingle with run-off, for public safety's sake. Per 1,000 homes you would need four holding ponds, each the size of a football field, 15 ft. deep.

It is time DPLU understood that we cannot take in all the "city refugees" in future who want to escape urban living. They may forecast some level of growth in the future - and keep increasing density to enrich favored developers - but our communities HAVE LIMITS as to how much future humanity we absorb.

Patsy Fritz
33265 Mill Creek Road
Pauma Valley, CA 92061

Responses to Letter I 23, Fritz, Patsy

I23-1 This comment does not raise specific issues for which a response is required. Wastewater disposal and the construction of new facilities to support wastewater disposal is addressed in Sections 2.8 and 2.16 of the DEIR.

I23-2 This comment does not raise a specific environmental issue for which a response is required. Solid waste disposal is addressed in Section 2.16 of the DEIR.

I23-3 This comment does not raise a specific environmental issue for which a response is required. Wastewater disposal and the construction of new facilities to support wastewater disposal is addressed in Sections 2.8 and 2.16 of the DEIR. Water quality issues are also addressed in Section 2.8 of the DEIR.

Comment Letter I 24, Gamble, Joanne

-----Original Message-----
From: joanne gamble [mailto:joannegamble@yahoo.com]
Sent: Wednesday, August 26, 2009 9:48 AM
To: DPLU, gpupdate
Subject: Ramona General Plan comments

Hello,

I24-1. I'm sure you will be getting a slough of comments from Ramona residents regarding the latest plan released, so I will make this short. I would just like to say that my vote and our family's vote is that this increase of density is not good. Please do not allow it.

I24-2. 1- Hwy 67 is a death trap on a regular basis for normal driving conditions, it is a parking lot when the present level of population is required to evacuate during fires.

I24-3. 2- We are having severe water shortages, being penalized if we use too much and if you add more people here I am wondering how you think we can give them water too? ... when we don't have enough now?

I24-4. 3- Wildfires... I have been here through the 2003 Cedar Fire and the 2007 Witchcreek Fire and putting more people in the outlying rural areas shows an incredible lack of foresight or hindsight, for that matter.

I24-5. I feel stupid even having to write this to you folks, it is just so obvious. I wonder who is in charge there? Are any of you folks looking at the facts of life here in Ramona as it is today? The struggles we face today?

Developers are not people who think about water shortages, fires, density, etc., they are people trying to make money. Please don't let the economy lead you into making horrible decisions that will embarrass you in the future.

Sincerely,
Joanne Gamble
19510 Laurel Lane
Ramona, CA 92065

Responses to Letter I 24, Gamble, Joanne

I24-1 The County disagrees that an overall increase in density in Ramona is being planned under the General Plan Update. While the General Plan Update would redistribute the development density toward the Ramona town center, the Proposed Project for the General Plan Update would allow for 3,188 less dwelling units than the existing General Plan. With build-out of the existing General Plan, 9,396 new dwelling units would be allowed within the Ramona Community Planning Area, while the General Plan Update would allow only 6,208 new dwelling units.

I24-2 Due to the overall decrease in population forecast in Ramona discussed in response to comment I24-1 above, the General Plan Update would result in 10.1 lane miles of roads operating at level of service (LOS) E / F with build-out of the General Plan land use map. This is significantly less than the 38.7 lane miles that would operate at LOS E / F with build out of the existing General Plan. Therefore, evacuation in Ramona during fires would be less congested under the General Plan Update as compared to the existing General Plan.

I24-3 Due to the overall decrease in population forecast in Ramona discussed in response to comment I24-1 above, less water would be used under the General Plan Update than under the existing General Plan.

I24-4 Due to the overall decrease in population forecast in Ramona discussed in response to comment I24-1 above, a smaller population would be exposed to wildfires under the General Plan Update than under the existing General Plan.

I24-5 This provides concluding statements based on the more specific comments discussed above; therefore, no new issues are raised in which a response is required.

Comment Letter I 25, Grimes, Dennis

Mr Muto:

Please direct your staff to add below to public comments regarding the General Plan EIR. Thank you.

Dennis Grimes
18259 Chablis Road
Ramona, CA 92065

29 August 2009
Devon Muto
Chief, Advanced Planning
Department of Planning and Land Use
County of San Diego

Subj: Comments regarding General Plan EIR

The ongoing General Plan (GP) process has been difficult for all participants both County staff and Community Planning Group representatives (and their constituents).

I25-1. The growth plans and zoning densities reflected in the GP for specific areas in the County are unsupportable. Clustering and Conservation Subdivisions are NOT appropriate for rural areas of the county from many practical reasons. The most significant being sewer and water limitations. Expansion of existing municipal water and sewer systems is both geographically, physically, and financially impossible in many cases.

I25-2. Large lot sizes that were specified in earlier Community Plans could readily support septic systems relating to development at those densities but the higher density development used in urban areas and specified in the current draft GP are inappropriate in rural areas.

Our local experts the Ramona Municipal Water District advise:

I25-3. 1. The Santa Maria Sewer Service Area can only support 1,400 more housing units due to lack of land for effluent disposal;

2. The potable water system can only provide water for 6,700 more units without building more infrastructure;

I25-4. 3. The District suggests an option of using "County's property or developer dedicated open spaces to allow the RMWD to use it for wet weather storage and as spray fields." Is use would compromise designated open spaces.

I25-5. 4. The District points out that as water prices rise or new water meter connections are denied, the more wells will be dug. These wells and their impact on the water table and environment are significant and must be specifically listed in the EIR as a significant impact.

Comment Letter I 25, Grimes, Dennis (cont.)

I25-6. Please ensure the plans and projections in the GP specifically address development constraints in the Ramona and other regions (e.g. Valley Center). It is impossible to expand water supplies and sewer services beyond a certain point and ever tightening water, air and sewer regulations make the GP planning targets and zoning densities as stated unsustainable. Large lots with dispersed water wells and individual septic systems are the only reasonable option for rural development.

Dennis Grimes
18259 Chablis Road
Ramona, CA 92065

Responses to Letter I 25, Grimes, Dennis

I25-1 The County appreciates these comments but does not agree with the statements related to the Conservation Subdivision Program (CSP). The CSP does not necessitate the expansion of sewer and water use. In rural areas, development footprints of 2.5 acres and larger are generally suitable for meeting CSP requirements. In semi-rural and village areas, the CSP provides flexibility in development design. If sewer is available, a development may benefit by being able to further reduce parcel size; however, this is not a requirement of the CSP. In any case, the CSP does not increase density yields beyond what is designated on the land use map; and therefore, does not result in the need for additional water facilities.

I25-2 As discussed in response to comment I25-1, the CSP does not require the use of sewer and allows for lot sizes that will accommodate septic systems in the rural lands.

I25-3 The County appreciates the information provided about the Ramona Municipal Water District and is aware of the District's position. The General Plan Update is a long range plan that may not necessarily match the current plans and capabilities of its local districts. The proposed land use plan for Ramona was developed over numerous years with significant input from the community and other stakeholders. In many areas within the District's service area, the General Plan Update is not proposing significant changes when compared to the current General Plan. Further, in order to match the maps with the District's stated capabilities, significant decreases in planned commercial areas and residential densities would be required. However, this is not necessary as the draft General Plan includes policies that require the availability of public services before new development can proceed.

I25-4 The County is aware of the District's suggestion regarding the use of dedicated open space for wet weather storage and spray fields. However, this is not a feasible option as dedicated open space is constrained with deed restrictions or easements that prohibit such uses. See also response to comment L3-95.

I25-5 The County does not agree with this comment. Prior to processing a discretionary application for a development, the County requires a statement of water service availability from the local water district. Prior to issuing building permit, a commitment of water service is required. In order to finalize a building permit, connection to the water district must be completed. Therefore, there is no evidence to support the suggestion that the General Plan Update will result in more wells being dug in the District's service area and no change to the EIR is necessary.

I25-6 As discussed in response to comment I25-3, the General Plan Update is a long range plan that may not necessarily match the current plans and capabilities of its local districts. However, the draft General Plan contains policies to ensure that development of the communities in the unincorporated County is in balance with infrastructure and done in a sustainable manner.

Comment Letter I 26, Hamann Companies (Gibson, John)

HAMANN
COMPANIES

Real Estate Development
Property Management
General Contracting

LIC # 373142

1000 PIONEER WAY, EL CAJON, CA 92020
PHONE: 619-440-7424 FAX: 619-440-8914

August 29, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA
92123

Re: Comments on the General Plan Update Draft EIR
Crest Area

Dear Mr Muto

I26-1. The Draft EIR is not adequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from the economic impacts caused by the draconian downzoning (20 and 40 acres minimum) for all of our property.

I26-2. Specifically, this down zoning and related development impediments are designed to make the ownership of property onerous and strip away the ability of owners to use the property for the purposes for which they purchased it. There is no proposed compensation for this taking of our rights.

I26-3. Furthermore, we believe the end result will be serious economic hardship for the entirety of the back country portion of the county related to fire insurance, financing viability and general marketability of properties affected by this update. Furthermore, these impediments compounded with the general economic conditions will team up to create significant severe hardship on the citizens whom you are sworn to serve. We believe that this General Plan is not consistent with the two land initiatives that voters affirmed there was NOT support for radical downzoning. This General Plan ignores the will of the people.

I26-4. We would propose that this railroad be slowed down to address these issues prior to approval

Sincerely,

John Gibson

CC: County Board of Supervisors
County Admin Center, Rm 335
1600 Pacific Coast Highway
San Diego, CA 92101

Responses to Letter I 26, Hamann Companies (Gibson, John)

I26-1 The County does not agree with this comment. Social and economic effects under CEQA need not be considered in an EIR. See CEQA Guidelines section 15064(e).

I26-2 This comment does not raise a significant environmental issue for which a response is required.

I26-3 The County does not agree with this comment. Social and economic effects under CEQA need not be considered in an EIR. See CEQA Guidelines section 15064(e). See also responses to comments I2-1 through I2-4 and I26-1 above.

I26-4 This comment does not raise a significant environmental issue for which a response is required.

Comment Letter I 27, Hamann Companies (Gibson, Luke)

August 29, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA
92123

Luke Gibson
9240 Soldin Lane
El Cajon, CA
92020
lg.luke@yahoo.com

Re: Comments on the General Plan Update Draft EIR
Crest Area

Dear Mr. Muto

I27-1. The Draft EIR is not adequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from the economic impacts caused by the draconian down zoning (20 and 40 acres minimum) for all of my property.

Specifically, this down zoning and related development impediments are designed to make the ownership my property onerous and strip away my ability to use the property for the purposes for which we purchased it. There is no proposed compensation for this taking of our property rights.

Furthermore, we believe the end result will be serious economic hardship for the entirety of the back country portion of the county related to fire insurance, financing viability and general marketability of properties affected by this update. Furthermore, these impediments compounded with the general economic conditions will team up to create significant severe hardship on the citizens whom you are sworn to serve. We believe that this General Plan is not consistent with the two land initiatives that voters affirmed there was NOT support for radical down zoning. This General Plan ignores the will of the people.

We would propose that this railroad be slowed down to address these issues prior to approval

Sincerely,

Luke Gibson

CC: County Board of Supervisors
County Admin Center, Rm 335
1600 Pacific Coast Highway
San Diego, CA 92101

Responses to Letter I 27, Hamann Companies (Gibson, Luke)

I27-1 This comment letter is the same as an earlier comment letter (Letter I 26). Refer to responses to comments I26-1 through I26-4.

Comment Letter I 28, Hamann Companies (Hamann, Jeff)

HAMANN
COMPANIES

Real Estate Development
Property Management
General Contracting

LIC # 373142

1000 PIONEER WAY, EL CAJON, CA 92020
PHONE: 619-440-7424 FAX: 619-440-8914

August 29, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA
92123

Re: Comments on the General Plan Update Draft EIR
Specifically Rough Acres Ranch, Boulevard

Dear Mr Muto

The Draft EIR is not adequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from the economic impacts caused by the draconian downzoning (80 acres minimum) for all of our property.

Specifically, this down zoning and related development impediments are designed to make the ownership of property onerous and strip away the ability of owners to use the property for the purposes for which they purchased it. There is no proposed compensation for this taking of our rights.

I28-1. Furthermore, we believe the end result will be serious economic hardship for the entirety of the back country portion of the county related to fire insurance, financing viability and general marketability of properties affected by this update. Furthermore, these impediments compounded with the general economic conditions will team up to create significant severe hardship on the citizens whom you are sworn to serve. We believe that this General Plan is not consistent with the two land initiatives that voters affirmed there was NOT support for radical downzoning. This General Plan ignores the will of the people.

We would propose that this railroad be slowed down to address these issues prior to approval

Sincerely,

Jeff Hamann, GP
CC: County Board of Supervisors
County Admin Center, Rm 335
1600 Pacific Coast Highway
San Diego, CA 92101

Responses to Letter I 28, Hamann Companies (Hamann, Jeff)

I28-1 This comment letter is the same as an earlier comment letter (Letter I 26). Refer to responses to comments I26-1 through I26-4.

Comment Letter I 29, Hanna, Michael

August 23, 2009

Devon Muto
San Diego Dept of Planning and Land Use
5201 Ruffin Rd., Ste. B
San Diego, CA 92123

Dear Sir,

I29-1. I am a commercial land owner in the town of Boulevard, zip 91905 and would like to comment regarding the General Plan Update Draft EIR.

In these times we may be better served giving greater concern about economic impact over environmental impact and their relationship to population density. In the last few years I know that virtually every commercial property owner in the East County has severely felt this recession's strain on property value and income from properties that are only marginally profitable in the best of times. It will take several more years for the area to recover, and population density is one of the factors that will assist that recovery.

Too often, economic impact is not given enough weight when considering zoning changes, especially when the decision makers do not live in or make their living in the area effected. Consider the impact of Interstate 8 on the entire East County and mountain communities when it was completed in the 1970s. That dealt the first blow to the population and income of these communities. Merely by rerouting traffic a few hundred yards in some cases, thousands of lives were changed. The large tracts of federal, state and Native American land between San Diego's primary population center and the East County communities further impacts population, income and property values.

The escalating cost of property in San Diego over the last decade, prior to the recent decline, stimulated growth and investment in the East County where pricing was more reasonable and growth potential greater. This resulted in both planned communities and speculative building and population growth. With local growth, local merchants prosper and reinvest in the community and the county/state tax base grows. Continued growth can only be achieved if investors, businessmen and a work force are motivated to move businesses and homes into the area, and this requires favorable zoning.

Unfortunately, the recent recession has put the brakes on the growth in the East County and it will likely be one of the last areas to recover; primarily due to its thin population. Implementing a General Plan that further decreases density will only delay or prevent this recovery. As a merchant and business person I depend on a minimum population to survive. In my small town alone easily half of the businesses have closed due to reduced foot traffic. With even fewer people in the future, how will any merchant or restaurant owner survive?

I hope the Planning Board will consider how their decision will effect the every day lives of the people who live or work in the areas concerned.

Sincerely,

Michael Hanna

Michael Hanna
39998 Old Highway 80
Boulevard, CA 91905

Responses to Letter I 29, Hanna, Michael

I29-1 The County appreciates this comment and acknowledges the issues raised in this letter regarding the economy in East County. However, social and economic effects under CEQA need not be considered in an EIR. See CEQA Guidelines section 15064(e).

Comment Letter I 30, Hanson, Stephen

August 16, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I30-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Stephen Hanson, 1647 Collingwood Drive, San Diego, CA 92109

Cc: County Supervisors

Responses to Letter I 30, Hanson, Stephen

I30-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 31, Heilig, Laura J.

August 17, 2009

AUG 20 '09

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I31-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

LAURA J HEILIG

Responses to Letter I 31, Heilig, Laura J.

I31-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 32, Heilig, Robert

AUG 20 '09 PM

August 17, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I32-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you, Robert Heilig

Responses to Letter I 32, Heilig, Robert

I32-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 33, Higgins, Kim and Scott

Aug 26, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I33-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Kim & Scott Higgins

AUG 28 '09 PM 2:34

Responses to Letter I 33, Higgins, Kim and Scott

I33-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 34, Hoppenrath, Margaret

From: Margaret Hoppenrath [mailto:mail@hoppub.com]
Sent: Thursday, August 27, 2009 9:52 AM
To: Muto, Devon; DPLU, gpupdate
Cc: Horn, Bill; Jacob, Dianne; Cox, Greg; Slater, Pam; Roberts, Ron
Subject: draft community plan comments

Dear Devon Muto,

Re: Draft General Plan; Harmony Grove Community Plan

I34-1. I would like to thank the County Supervisors for giving residents of the unincorporated properties the opportunity to collaborate with the County on developing our visions for our local communities. Devon, you and your staff have been very available and helpful to me and my neighbors during this long and sometimes complicated process, and I am grateful for your support.

I support the draft Harmony Grove Community Plan, but request that it be based on the Draft Land Use Map that is the consensus opinion of the residents and county staff and embodies and protects our vision for our historic rural community. I strongly oppose the Referral Map, which allows excessive density for our area and could irrevocably change the very character of our community.

I34-2. I also support the General Plan Community Plan Policy LU 1.9.5 regarding home horse boarding in Harmony Grove. I think it is important to allow those who keep horses at home the opportunity to board a few extra horses to help cover the costs of keeping their own animals. This will help to prevent the abandonment of pet horses and to preserve the rural nature of Harmony Grove.

Sincerely,

Mid Hoppenrath
2640 Harmony Heights Road
Harmony Grove, California

Cc: Supervisor Horn; Supervisor Greg Cox; Supervisor Dianne Jacob; Supervisor Pam Slater-Price; Supervisor Ron Roberts

Responses to Letter I 34, Hoppenrath, Margaret

I34-1 The County appreciates the support shown by the commenter for the General Plan Update planning process and acknowledges the support shown for the Draft Land Use Map alternative over the Referral Map. Ultimately, the Board of Supervisors will determine which land use map will be implemented. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

I34-2 The County acknowledges the support for Policy LU1.9.5 from the draft Elfin Forest / Harmony Grove Subarea Plan of the San Diegueno Community Plan.

Comment Letter I 35, Hughes

August 13,2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I35-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Responses to Letter I 35, Hughes

I35-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher

IBERDROLA
RENEWABLES

August 28, 2009

Mr. Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update draft EIR

Dear Mr. Muto:

I36-1. Iberdrola Renewables, Inc. (IBR), is a leader in renewable energy development and production, with installed renewable energy plants reaching 10,000 megawatts (MW) worldwide. IBR has proposed a wind energy project located north of Boulevard in Eastern San Diego County. The County's public website that provides electronic copies of the draft EIR states that comments on the Community and Subregional Plans "can be submitted along with the comments on the Draft EIR, Draft General Plan and Draft Implementation Plan." IBR submits the following comments regarding the Draft EIR, the General Plan Update, as well as the Boulevard Subregional Planning Area Mountain Empire Subregional Plan.

Draft EIR

I36-2. As discussed in detail below, the Draft Boulevard Subregional Plan contains considerable content regarding wind energy projects, including policies, statements and representations which could severely limit or prohibit wind projects. IBR believes that the draft contains inaccurate or misleading factual content, is inconsistent with state and federal policies encouraging renewable energy, and is inconsistent with similar policies contained elsewhere in the draft General Plan Update (including, for example, the Conservation and Open Space Element, as well as Land Use Element). Moreover, these apparent inconsistencies are not addressed in the Draft EIR. (See Govt. Code, § 65300.5; *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90; OPR's General Plan Guidelines, Chapter 10 [regarding requirement for General Plan consistency with legislative policies].) When a general plan does not meet state standards, the EIR analysis based on the plan may also be defective. (CEQA Guidelines, § 15125(d).) (*Guardians of Turlock's Integrity v. Turlock City Council* (1983) 149 Cal.App.3d 584, 593.) Unfortunately, the Draft EIR as written neither addresses these important consistency issues nor provides any analysis or support for the content of the Boulevard Subregional Plan hostile to wind energy projects.

Policies Supporting Renewable Energy

I36-3. Numerous State and Federal policies encourage increasing renewable energy supplies. California policies support and encourage the development of renewable energy sources like wind

IBERDROLA RENEWABLES, Inc.
1125 NW Couch St., Suite 700

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

energy. California has adopted a Renewables Portfolio Standard (RPS) calling for utilities in the state to increase procurement from renewable energy resources by at least 1% of retail sales until reaching at least 20 percent by next year. Governor Swartzenegger's Executive Order S-14-08 shows California's commitment to lead the nation by increasing the RPS goal to 33 percent by 2020. This is an ambitious goal designed to help reduce both fossil fuel dependence and air emissions. Wind energy is a key way to support the State's goal of reducing greenhouse gas emissions by 25 percent by 2020. These long range goals, California's energy efficiency standards, and other policies are important to green tech development in the state and to improving the environment.

I36-3. cont.

The recent Federal American Recovery and Reinvestment Act extended the Production Tax Credits for renewable energy and created an Investment Tax Credit applicable to wind energy projects. These two important credits are among the several federal policies geared toward advancing the supply of emission-free renewable energy like wind power. The new legislation also provides funding for transmission upgrades needed to increase supply.

I36-4. San Diego County's General Plan should adopt policies that are consistent with State and Federal policies promoting renewable energy development by permitting wind energy facilities, subject to reasonable regulation, in the areas of the County where wind provides a viable energy resource. Adoption of the documents as drafted contradicts these important public goals and policies, which are not addressed in the draft EIR.

Boulevard Subregional Planning Area

I36-5. The draft Boulevard Subregional Plan reflects unsubstantiated fears about wind energy. Such content is not worthy of what the County's public web site describes as "the supreme document, the 'constitutions,' that guide the future development of the communities they represent." The document does not in all cases set reasonable planning goals for wind, and instead prejudges, without factual basis, issues that are more properly addressed in the California Environmental Quality Act (CEQA) analysis required of individual project proposals. An example of an unreasonable policy contained in the draft is prohibition of "construction and maintenance equipment" (p. 26 (Policy LU 6.1.4, first bullet)). The draft Boulevard Subregional Planning document contains generalized comments opposing wind energy production that should not be used as a basis for land use decision making.

I36-6. The environmental impacts of adopting the wind energy policies contained in the Subregional Planning Area draft, including increased reliance on fossil fuels, contributions to global warming, and increased air emissions are not evaluated in the Draft EIR.

I36-7. Portions of the draft, particularly the bulleted list on p. 42 lack clarity and do not effectively communicate to the reader. For example, "harmony" and "suitability" are not "impacts" as the list on p. 42 suggests. It is unclear to what "[l]egal access / easement to property" refers. Any development, including building a home, requires legal access to a property.

I36-8. Finally, the health impact claims on p. 26, 42, 43 and 46 are not supported by facts and should be stricken from the document. Eliminating junk science and unsupported allegations from the draft plan will add to its credibility, integrity and will better serve the community and its land use policy decisions.

I36-9. Wind energy production is compatible with many land uses. Private land that is leased for wind energy development provides landowners with an income producing activity that occupies a relatively small portion of the property, leaving it available for a host of compatible uses, such as

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-9. cont. farming, grazing, and recreation. The draft Subregional Plan suggests incompatibility of wind energy production with other uses by referencing an ordinance adopted in the Town of Malone, located in northern New York State, near the border with Canada (p. 26). The Town of Malone, NY is one of the few locations in the country where wind turbines having a capacity larger than 10 kW have been specifically prohibited. Many communities choose instead to regulate wind turbines, as through the granting of a permit, similar to San Diego County's Major Use Permit process. In this manner, proper siting considerations can be implemented, projects can be modified and appropriate conditions can be imposed by the County. IBR supports a regulatory regime whereby individual projects proposed in appropriate locations are scrutinized and evaluated on their merits through Major Use Permit and CEQA review.

I36-10. IBR supports certain statements in the draft Boulevard Subregional Plan, as described below and relevant to the Tule Wind Project. Other valuable planning issues and associated goals, such as the protection of historical and cultural resources (Issue LU 3.3), increased support for community facilities and Fire and Rescue facilities (Issue LU 5.1), and storm drainage (Issue CM 8.5) are also reasonable. The majorities of the following comments, however, refute claims, clarify the record, and suggest the need for significant revisions to the proposed draft.

I36-11. The draft Boulevard Subregional Plan correctly states that "energy is best produced closest to the consumer" (p. 34). In order to meet the energy needs of San Diego County, wind energy production should be permitted and promoted in the area of the County in which the renewable wind resource is sufficient to contribute to serving the County's energy needs without the use of fossil fuels or the production of air emissions associated with the majority of energy produced to serve California and San Diego County. The Subregional Plan and the General Plan should support development of energy production in low population density areas of the County where the wind resource exists.

IBR supports statements in the plan promoting energy conservation and residential solar production (unmarked p. 13, under Community Character). Although conservation is an important energy strategy, and residential production can contribute to energy needs, growth in energy demand is predicted to exceed the current supply. A San Diego Union Tribune article, dated June 21, 2008 reported that "San Diego Gas & Electric said demand far exceeded projections and peaked at 4,148 megawatts, which topped the year's high of 3,853 megawatts May 19…. SDG&E's record daily use is 4,636 megawatts set last Labor Day."

IBR also agrees that wind turbines should not be located in the Boulevard Rural Village Boundary. This is generally consistent with the Policy 6.1.4 p.26, stating that "any commercial or industrial development that negatively impacts" the community in the Boulevard area should be prohibited. IBR believes a reasonable limitation is to prohibit wind turbines in the Boulevard Rural Village Boundary (p. 18).

I36-12. Smaller scale infrastructure related to wind energy generation, similar in size and character to existing electric lines, may need to be located within or near the Boulevard Rural Village Boundary, in order to connect with the closest San Diego Gas and Electric substation with capacity, because it is located in Boulevard.

I36-13. The elements of the proposed Tule Wind Project that would be located near or within the Boulevard Rural Village Boundary would not add new physical elements that are different in scale or scope than the existing electric infrastructure. The portions of the project near Boulevard (the

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-13. cont. transmission line interconnecting the wind project with the public utility grid) are planned to be installed, to the greatest extent possible, parallel to existing or planned infrastructure. Approximately 2.6 out of a total of 4.2 miles of the wind project's proposed transmission route within the County jurisdiction are proposed to be located adjacent to the approved Sunrise transmission line. The 500 kV Sunrise transmission line infrastructure will be larger than the 138 kV interconnection line proposed for the Tule wind project. Collocating the infrastructure, however, will reduce the impact of the proposed Tule interconnection line. We believe that a

I36-14. policy favoring collocation of facilities would be a suitable and reasonable planning goal for the General Plan.

I36-15. Turbines associated with the proposed Tule Wind Project that are located within the County's jurisdiction would be physically distant (2.6 miles) from the Boulevard community. These turbines would be slightly further removed from Boulevard than the existing turbines located on the Campo reservation (2.5 miles). IBR believes that adequate buffers between wind turbines and residential areas are appropriate.

I36-16. The Boulevard Subregional Plan references "Attachment A," a "Report from the Bethany Wind Turbine Study Committee" and to a "one page summary" of a local ordinance adopted in New York State (p. 26). Neither of these documents was attached to the public draft and consequently, the public has not had an opportunity to review them. These documents should be provided to the public and an extension of the notice and comment period is requested and should be granted.

I36-17. On p. 33 of the draft Subregional Plan, the Tule Wind Project is described as utilizing a 69 kV line to connect to the Boulevard Substation. Since the project was originally proposed, IBR and San Diego Gas and Electric have determined that the preferred voltage for grid operation is 138 kV. IBR requests that this fact be updated.

I36-18. The draft Subregional Plan generally references "[n]ewly emerging and wide ranging impacts of industrial wind energy projects;" however, the wind energy industry is mature, particularly in California, where projects have been operating for over 30 years. The following addresses some of the generalized statements regarding operation of wind energy projects.

Noise and Vibration

I36-19. Nothing in Section 2.11 of the draft EIR addresses infrasound or ultrasound vibrations, which are discussed repeatedly in the Boulevard Subregional Plan. Specifically, pages 26 and 34 of the Boulevard Subregional Plan, discuss "infrasonic vibrations" from wind energy projects, and on p. 46, the language states that infrasound causes "great human discomfort" and "adversely affects the health of impacted humans, wildlife, and livestock." The aerodynamic "whooshing" sound associated with wind turbine operation above is not low-frequency sound or infrasound. Nonetheless, this term generally refers to low-frequency sound with frequencies between 10 Hertz ("Hz," oscillations per second) and 20 Hz. Infrasound can be perceived at frequencies as low as 2 Hz. According to a peer-reviewed article in Canadian Acoustics, and one of the few scientific articles to address claims of infrasound associated with wind energy, "there is no reliable evidence that infrasound at levels below its hearing threshold has an adverse effect on the body." (Leventhall, G. Infrasound from wind turbines – Fact, fiction or deception. Canadian Acoustics, 34(2), p.29-36 (2006)). The article states that "infrasound from wind turbines is below the audible

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-19. cont. threshold and of no consequence" (Id. at p.34). The draft Subregional Plan presents no facts to contravene the conclusion of Dr. Leventhal, a sound expert.

I36-20. The plan also refers to "ultrasonic" vibrations (p. 26). Ultrasound is commonly defined as sound with a frequency above 20,000 Hz. Ultrasonic frequencies are above the upper limit of human hearing (the upper frequency range of hearing in healthy young adults is approximately 20,000 Hz). Ultrasound is used by bats to navigate by echolocation, and by hospitals to capture sonogram images of fetuses and internal organs. There is no evidence that wind turbines emit meaningful levels of ultrasound. Such high frequencies would also be readily attenuated by the atmosphere (atmospheric absorption alone results in a reduction of 120 dB at 1000 feet). Ultrasonic vibrations, in particular, dissipate in the atmosphere after only a short distance. This is one of the particular technological challenges to ultrasonic bat deterrent devices that have been tested on wind turbines (Horn, et. al., for The Bats and Wind Energy Cooperative and Bat Conservation International, Testing the effectiveness of an experimental acoustic bat deterrent at the maple Ridge wind farm, available at http://www.batsandwind.org/pdf/2007ThermalImagingFinalReport.pdf (p.3 (2008)).

I36-21. Noise dissipates with distance, and noise impacts are mitigated with sufficient setbacks from neighboring properties and residential receptor locations. A proposed wind project must conduct detailed noise modeling to predict the maximum noise levels and determine the distances beyond which noise levels will be acceptable. Noise studies prepared by experts in the field are an essential element of the CEQA and National Environmental Policy Act (NEPA) processes and will be available for factual evaluation of the Tule Wind Project through the context of the Major Use Permit process.

Structural Collapse

I36-22. The draft document raises tower collapse and safety issues on p. 26 (Policy LU 6.1.4) and on p. 42. Tower collapse is an extremely rare event. Public safety is ensured by providing sufficient setbacks from residences and public roadways. For the Tule project, all wind turbines located in the County's jurisdiction would be on private land and set back from any publicly accessible area. Setbacks are generally greater than the total height of the structure, and significantly greater that wind turbine hub height. According to an industry report, "[i]n cases where information is available, the majority of the major components (rotor, tower, and nacelle) have fallen to within 1 to 2 hub-height distances from the base (Global Energy Concepts, for New York State Energy Research and Development Authority, Public Health and Safety, available at www.powernaturally.org, p. 5 (2005)).

I36-23. Page 26 states that seismic wave impacts and ground vibrations are unmitigated and unmitigatable. Wind turbines are designed to meet or exceed all applicable building standards. Setbacks designed to provide a margin of safety (as discussed in more detail below), and to allow distance for noise to dissipate, provide the public with protection from wind turbine collapse due to seismic activity.

I36-24. The draft document claims that there is risk of blade shedding (p. 26, 34, and 42). IBR is not aware of the event alleged to have occurred at the Kumeyaay Wind project. However, the project is well set back from any public areas. While concerns of this nature justify setbacks, they do not justify prohibitions on wind energy production. As stated earlier, all turbines should be set back from public roads.

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

Shadow Impacts

I36-25. Page 26 of the draft Boulevard Subregional Plan claims that shadow flicker caused by wind turbines is a "nuisance." Impacts from shadows cast by moving wind turbine blades, commonly referred to as "shadow flicker," can be avoided. According to the American Wind Energy Association, "flicker should not be a problem in the U.S. because at U.S. latitudes (except Alaska) the sun's angle is not very low in the sky. If any effect is experienced, it is generally short-lived, as in a few hours over a year's time." Additionally, the perception of "flicker" diminishes the further one is away from a turbine. Precise calculations can determine the areas impacted by shadows, and the duration when the effect will be present, and turbines can be placed to eliminate impacts to sensitive uses. Other solutions, such as planting trees, are available as a mitigation option. Addressing shadows from wind turbines is properly addressed in a project-specific CEQA evaluation of a particular proposal. Because the Tule Wind Project facilities are not proposed to be located near homes, and because the environmental documentation for the facility will address this issue, it should not be prematurely judged in the County's planning documents.

Visual Impacts

I36-26. The draft of the Subregional Plan appropriately raises concerns about visual impacts of development. For the Tule Project, the majority of the structures will be located on Bureau of Land Management Land classified as Class IV, where wind turbine structures are not incompatible visual elements. Some elements of the Tule Wind Project may be similar to the existing nearby Campo project; others will be shielded from view by topography. All elements of the project within County jurisdiction will be located on private property. A comprehensive visual analysis, containing accurate and realistic visual simulations was not prepared in the draft EIR for the General Plan, but will be presented in the NEPA/CEQA analysis to be prepared for the Tule Wind Project and should not be prematurely judged in the draft Subregional Plan.

Fire Danger

I36-27. The draft Subregional Plan states that wind turbines have a "propensity" to start fires (p. 42). The likelihood of turbine fires is very low. Each turbine and all electrical equipment will be inspected under rigorous commissioning procedures, as well as by the utilities (for grid and system safety), prior to being brought on-line. Once turbines are commissioned, qualified personnel will routinely inspect and repair them as necessary pursuant to preventive maintenance schedules. Also, built-in safety and design systems minimize the chance of fire occurring in the turbines or electrical stations. For example, turbines have high temperature sensors and automatically shut down if they begin to overheat.

I36-28. Although an extremely unlikely event, if a fire were to occur inside the nacelle (the nacelle is the structure at the top of the tower where the generating equipment is housed), the fire would be detected by the System Control and Data Acquisition (SCADA) system and reported to the project control center where turbine messages are monitored. The turbine would automatically shut down and project maintenance personnel would notify local officials and respond as appropriate, pursuant to IBR's detailed emergency procedures that address response to fire and other substation emergencies. The power to the section of the project with the turbine fire would be disconnected.

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-29. On p. 42, the draft Subregional Plan states that "[i]t is uncertain how Boulevard's volunteer fire and rescue department will be able to handle a fire or other emergency event at the top of new industrial turbines which now stand between 400 and 600 feet tall." IBR provides training to fire and departments for rescues that focus on the safety of both fire fighters and the public. Additionally, IBR commonly ensures staffing with trained maintenance at the facility who can conduct self-rescues.

In instances where fires have broken out near our wind farms, the access roads have served as access to remote areas where firefighters could fight the flames closer to the source. Additionally they have served as firebreaks, a useful fire limitation tool, be it a wildfire or caused by some other source.

Property Values

I36-30. The current draft makes unsubstantiated claims on p. 26 and 42 that wind energy negatively affects property values. A study conducted by Renewable Energy Policy Project that analyzed over 25,000 property transactions demonstrates that there is no evidence that property values decrease as a result of wind energy development. To the contrary, the study found that "for the great majority of projects the property values actually rose more quickly in the view shed than they did in the comparable community. Moreover, values increased faster in the view shed after the projects came on-line than they did before." The increased values may have risen because of factors unrelated to wind development, but the report demonstrates that wind projects do not negatively influence property values. The report can be obtained from Renewable Energy Policy Project at www.repp.org. This report, and several others conducted in other areas of the country, directly contravene the claims of economic devaluation of property on pages 25, 26, 35, 42 and 46 of the draft Boulevard Subregional Plan.

Private land leased for wind energy projects also creates public benefits in the form of property tax income and other economic benefits in the areas where they are developed.

Toxic and Hazardous Materials

I36-31. Page 26 states that chemical and oil spills, though regulated by state and federal regulations are "unmitigated and unmitigatable." This conclusion is not supported by Section 2.07 of the draft EIR. The first sentence on p. 44 of the Boulevard Subregional Plan is not complete, but appears to be intended to object to the transport of flammable materials and liquids. With respect to wind energy projects, only lubricating oils and small quantity chemicals are utilized. All chemical and oil storage will comply with state and federal regulations. All transport of materials must comply with state and federal transportation and safety requirements. The likelihood of a spill associated with a wind energy project is extremely low, but is not addressed in the General Plan draft EIR.

Conclusion

I36-32. The proposed Boulevard Subregional Planning document is inconsistent with state and federal policies promoting renewable energy resources and associated benefits. The impacts of implementing anti-wind policies are not addressed, and are inconsistent with the General Plan policies which promote renewable energy. Moreover, the draft EIR is silent on the subject and provides no analysis or support for the purported negative impacts associated with wind projects

Comment Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-32. cont. included in the draft Boulevard Subregional Plan. Portions of the Boulevard Subregional Planning Area draft are incomplete, inaccurate and not worthy of expressing land use planning goals for the County. The environmental impacts of discouraging wind energy development in the County are not evaluated in the draft EIR. Accordingly, these discordant policies should be stricken, or the draft EIR must address evaluate and address each of the issues described herein, as well as the environmental impacts of increased reliance on fossil fuels for energy and the associated air emissions related thereto. Such revisions are significant and necessitate recirculation of the revised Draft EIR.

I36-33. Thank you for your serious consideration of the comments, concerns and suggestions set forth above.

Sincerely,

Jeffrey Durocher
Wind Permitting Manager

Cc: Patrick Brown, County of San Diego Planning Department

Responses to Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher

I36-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I36-2 The County appreciates these comments and has responded to them in greater detail in the following responses. In general, the County does not agree that the suggested inconsistencies between the draft General Plan and DEIR exist, or that the proposed project is inconsistent with State plans related to renewable energy.

I36-3 This comment provides a summary of some State and federal policies related to renewable energy. As such, this comment does not raise a significant environmental issue for which a response is required.

I36-4 The County does not agree that the General Plan Update policies that address wind energy are not consistent with State and federal policies. The draft Conservation and Open Space Element includes Policy COS-18-1, Alternate Energy Systems, which is intended to facilitate the development of facilities that generate renewable energy. In addition, the draft Implementation Plan includes measures that would increase the generation of alternative energy sources, such as 6.9.4.A Alternate Energy Systems; 6.9.4.B Residential Wind Turbines; and 6.9.4.C Renewable Energy Ordinance.

I36-5 The draft Boulevard Community Plan has been revised to reflect a more objective view of renewable energy resources. This includes the following changes:

- Deleted the second and third paragraphs of Issue CM 8.6 under the Energy (natural gas and electricity) of Section 2.8, Infrastructure and Utilities;
- Deleted the first two paragraphs under the Industrial scale wind energy turbines of Section 4, Safety;
- Deleted the second paragraph under the Wildland fire/Urban fire of Section 4, Safety; and
- Deleted Issue N 2.1 under the Noise Standards and Mitigation heading of Section 5, Noise.

I36-6 The County does not agree with this comment. The comment fails to acknowledge that the existing Mountain Empire Subregional Plan includes a commercial wind energy policy that limits the ability to provide wind turbine generators in the Subregion. The comment is suggesting an analysis that does not compare the proposed project to a baseline condition (as required by CEQA). Additionally, the County does not agree that a prohibition on wind energy in the unincorporated area will increase reliance on fossil fuels, contribute to global warming, or increase air emissions. While the County recognizes the benefits of wind energy, it also notes that numerous alternatives are available to achieving those same benefits.

I36-7 The County appreciates these comments and has revised the bulleted list in the Boulevard Community Plan under Industrial scale wind energy turbines heading in Section 4.1, Hazards/Risk Avoidance and Mitigation, to remove inappropriate impacts and provide clarity to other stated impacts.

Responses to Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-8 The County appreciates the concerns raised regarding the draft content of the Boulevard Community Plan and has revised the Plan as discussed in response to comment I36-5.

I36-9 The County appreciates the commenter's views on the compatibility of wind energy production facilities with many land uses which will be made available for consideration by the County decision makers. The County disagrees that the draft Boulevard Community Plan blanketly prohibits wind turbine facilities; however, Policy LU 6.1.4 prohibits facilities with impacts that are not mitigated. Policy LU 6.1.4 has been revised to better clarify impacts and removed inappropriate ones.

I36-10 The County appreciates the commenter's feedback. Specific issues are responded to in greater detail in the following responses.

I36-11 The County appreciates the commenter's views and this information which will be made available for consideration by the County decision makers.

I36-12 The County appreciates this comment. Transmission lines are not considered commercial or industrial development and, therefore, could be allowed in the rural village if Policy 6.1.4 remains in the final plan.

I36-13 The County appreciates this information related to the Tule Wind Project.

I36-14 Policy LU-12.3, Infrastructure and Services Compatibility, in the General Plan Update draft Land Use Element has been amended with the following sentence at the end of the policy as follows:

"Encourage the collocation of infrastructure facilities, where appropriate."

I36-15 The County appreciates this information related to the Tule Wind Project.

I36-16 The references to Attachment A and the Bethany Wind Turbine Study and a summary of the local ordinance in New York State have been deleted from the draft Boulevard Community Plan.

I36-17 The County appreciates the updated information and has revised the Boulevard Community Plan as requested.

I36-18 The following comments address statements made in the draft Boulevard Community Plan and suggest that revisions are necessary. The County appreciates this information and will consider it in revising the draft document. Some comments indicate that the DEIR lacks analysis specific to impacts from wind energy. Wind energy is not an essential component of the proposed project and therefore such analysis is not required. The comments do not raise other issues that relate to the adequacy of the DEIR.

I36-19 The reference to ultrasonic and infrasonic vibrations has been deleted from the third bullet under Policy LU 6.1.4 in the draft Boulevard Community Plan.

Responses to Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

I36-20 Please refer to responses to comments I36-18 and I36-19. The DEIR need not address infrasound or ultrasound vibrations, as they are not impacts associated with the proposed project.

I36-21 The County appreciates this information related to the Tule Wind Project.

I36-22 Draft Boulevard Community Plan Policy LU 6.1.4 has been revised by replacing the "tower collapse" and "Blade shedding" references in the first bullet with the following: "Inadequate setbacks from adjacent private property relative to tower height to mitigate against tower collapse."

Please also refer to responses to comments I36-5 and I36-18.

I36-23 Seismic wave and ground vibration impacts can be significant and unmitigable depending on site specific analysis. The County agrees that setbacks and other design factors can reduce significant effects. The Draft Boulevard Community Plan allows for mitigation. In addition, please refer to responses to comments I36-5 and I36-18.

I36-24 Please refer to responses to comments I36-5, I36-18, and I36-22.

I36-25 The Draft Boulevard Community Plan allows for mitigation of impacts such as shadow flicker. Please also refer to responses to comments I26-5, I36-18, and I26-23.

I36-26 Please refer to response to Comment I36-18. The DEIR contains a visual analysis related to the impacts that could reasonably be expected to occur from the proposed project.

I36-27 The County appreciates this information related to the Tule Wind Project.

I36-28 The County appreciates the information related to fire risks inside the nacelle section of a wind turbine facility. Draft Boulevard Community Plan Policy LU 6.1.4 has been revised by replacing the bullet referencing "fires ignited" with "Unregulated maintenance and operation of equipment that poses health and safety concerns to the general public, including fires ignited from malfunctioning industrial wind turbines and related equipment."

I36-29 The section in the draft Boulevard Community Plan referenced by the comment has been deleted as discussed in response to comment I36-5.

I36-30 The references to property values under draft Boulevard Community Plan Policy LU 6.1.4 and in Section 4 Safety, under the Hazards/Risk Avoidance and Mitigation heading have been removed.

I36-31 The following sentence has been removed from the draft Boulevard Community Plan concerning transport of flammable materials and liquids:

Responses to Letter I 36, Iberdrola Renewables, Inc., Jeffrey Durocher (cont.)

"Industrial wind energy projects, due to the nature of electrical moving parts, flammable materials and liquids impact Boulevard"

I36-32 The County has responded to these comments in the preceding responses.

I36-33 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 37, JAG Architecture, John and Richard Adams

JAG ARCHITECTURE

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TO: Devon Muto, Chief, Department of Planning and Land Use
FROM: John B. Adams, Richard C. Adams Jr.
Representing Land owners (Referrals #177 & #179) in eastern Chihuahua Valley, North Mountain Region, San Diego County, CA
DATE: August 31, 2009
CC: Supervisors Bill Horn, Dianne Jacob

RE: Comments on the General Plan Update and the draft Environmental Impact Report (EIR) as related to Chihuahua Valley in the North Mountain Region.

I37-1. **Upon review if the draft EIR for the General Plan Update, we have found inconsistent elements within the document's stated objectives and scenarios, specifically as they apply to the larger parcels of land in the east end of Chihuahua Valley in the North Mountain Region. We are unclear if these inconsistencies were by simple omission, or possibly by design. We have attended dozens of meetings, workshops and hearings since December2000 to try to clarify and support the planning process.**

I37-2. **The major inconsistency of the draft EIR is that there are no changes in the densities between the various maps for the area. The Draft Land Use Map did not reflect the amendment as shown following a Board of Supervisors' meeting on October 1, 2003. At**

I37-3. **that time, Board Referral Scenario for Sky Oaks #177 and Rocking W, #179 was unanimously recommended for zoning at Semi-Rural Residential SR-10.**

The following are specific responses to the GP2020 Working Copy Maps as presented on
May 19, 2004 to the Board of Supervisors by John B. Adams:

I37-4.

1. **Develop an internally consistent general plan**

   Maintain consistency with the rest of the Valley. Most of Chihuahua Valley West is 1 DU/5 AC or 1 DU/8 AC with any new development at 1 DU/ 10 AC. CV East should be at least the same at 1 DU/ 10 AC

2. **Meet growth targets**

I37-5. At 1 DU/10 AC, maximum development would be only 334 DU. We are talking that number of units in an area that is the equivalent of going from the County Administration Building in San Diego to the East Side of Balboa Park and from the North side of Balboa Park to Petco Park and the Convention Center.

I37-6. 3. **Reduce public costs**

Comment Letter I 37, JAG Architecture, John and Richard Adams (cont.)

I37-6. cont. Existing infrastructure will handle development at 1 DU/ 10 AC density.

4. **Improve housing affordability**

I37-7. It's much more affordable to buy 10 acres than 80 acres – how affordable do you want to allow these houses to be?

5. **Balance competing interests**

I37-8. This density (10 AC/unit) is 25-50% lower than that existing in the rest of the Valley.

I37-9. One unit per 10 acres preserves habitat.

6. **Locate growth near infrastructure, services and jobs**

I37-10. There is an existing network of infrastructure support.

I37-11. Power: There is a 12 KVA 3 phase power line traversing the length and width of the property.

I37-12. Circulation: The road is currently at 10% of capacity. No new roads would be required of the County.

I37-13. Water: There is high water table due to adjacent protected runoff area; there are wells on the property; and the average annual rainfall is 24".

I37-14. Communication: Underground telephone lines exist to the center of each property.

I37-15. Groceries, hardware and service station are available at Sunshine Summit (8 mi).

I37-16. Post Office and fire station, EMT, school, golf course, air field, restaurant and resort are at Warner Springs (17 mi).

7. **Assign densities based on characteristics of the land**

I37-17. Per slope map, a bulk of the property is significantly less than 25% slope. The topography is suitable for responsible development - cut and fill are not required, even if that approach were used.

I37-18. Topographical features of eastern Chihuahua Valley are conducive to planned and rural clustered developments. Again, density is still at least 25% - 50% less than surrounding properties

8. **Create model for community development**

I37-19. We have the potential for a very low density rural residential development surrounded by permanent open space (BLM land, Cleveland National Forest and Los Coyotes Indian Reservation). This would continue the existing concentration of low density growth where the infrastructure exists.

9. **Obtain a broad consensus**

I37-20. On October 1, 2003, Board referral scenarios for Sky Oaks and Rocking W were unanimously accepted by the Board of Supervisors as an overlay to the December 2002 working copy of the map. We have had active support from property neighbors, and are aware of no dissenting opinions or concerns from the adjacent community or the Board of Supervisors. (see quote from page 7 of the meeting minutes following:

"Referrals 177 and 179 should reflect SR-10, like the adjacent density to the West."

I37-21. This would make it the same as the Referral Map.

Comment Letter I 37, JAG Architecture, John and Richard Adams (cont.)

I37-22. **The Hybrid Map is stated to "strike a balance between the Referral Map and the Draft Land Use Map". However when one looks at Appendix L Areas of Difference Report for the North Mountain area NM6 and NM7, the area has an RL-80 overlay on <u>everything</u>, which is lower density than what was shown on the Environmentally Superior map. This is totally counter to the stated purpose of the Hybrid map. By definition, this map is NOT correct for the NM-6 & NM-7 areas of difference.**

I37-23. **In the spirit of the Hybrid Map being a compromise between higher and lower densities, it would make sense to look at the density for the acreage that fronts on the paved Chihuahua Valley Road to stay at 10AC/DU(a total of 8 Quarter-Quarter Sections), which is the same or less than adjacent properties. (Please note that the 11Ac**

I37-24. **parcel adjacent to the NW corner of what's known as Boden Field was allowed to be subdivided into 4 lots!) This Hybrid map should reflect the balance of the acreage**

I37-25. **should be RL-20, NOT RL-80.**

I37-26. **The RL-20 should be able to be modified by utilizing the "Cluster Principle" of density credits from land (acreage) that is put into permanent conservancy. As of the middle of 2010, there should be a total of 2020 acres of the east end of Chihuahua Valley put into that conservancy. Escrow has either been opened, or has been completed with The Conservation Fund that puts the land into the conservancy use. The landowners of east Chihuahua Valley have been "land stewards" for 50 years and are following through with putting 62% of the land into conservancy; more details of this are available upon request.**

I37-27. **The environmentally Superior Map shows all of the current 2.5-8 Acre size lots being down-zoned to RL-20 and the balance of the land at RL-80. What makes no sense is, if the objective is to study alternatives, don't have all of the parameters be fixed!**

I37-28. **Stated planning guidelines talk of "continuity of area character" and "graduated ring of decreasing densities" seem to have gotten lost through drastic cuts in density.**

I37-29. **We still have not seen evidence that the densities approved by the Board of Supervisors on October 1, 2003 and re-supported by the Board at their meeting of May 19, 2004 meeting have issues that cannot be mitigated through intelligent specific design utilizing the principles set out by the Department of Planning & Land Use and "green" site planning and building sustainability.**

I37-30. **We look forward to working with staff and the Board of Supervisors to resolve the issues to meet the needs of the private landowners and the long range environmental good for the citizens of San Diego County.**

I37-31. **Please feel free to contact us for more specific details regarding our observations. We can be reached by phone at 619.697.9940 or 858.454.3430 or by email at <u>JAGarchitecture@gmail.com</u> and <u>AdamsCrest@aol.com</u> .**

Respectfully submitted,

John & Rick Adams

John B. Adams & Richard C. Adams

Responses to Letter I 37, JAG Architecture, John and Richard Adams

I37-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I37-2 The County does not agree with this comment, the alternatives analyzed in the DEIR do provide a range of densities in Chihuahua Valley, located in the North Mountain Subregion, showing a combination of SR10, RL20 and RL80 among the alternatives. The comment letter further discusses the designations on the various alternative land use maps, thereby appearing to acknowledge the fact that there are different designations applied.

I37-3 The Board of Supervisors, at hearings in 2003 and 2004, directed staff to establish land use alternatives for analysis in the DEIR, resulting in land use designations of SR-10 for the proposed project in Chihuahua Valley. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-4 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. The County disagrees that the General Plan Update land use alternatives are not internally consistent. The proposed project applies land use densities consistent with the parcelization of adjacent areas, while other project alternatives recognize the remote location of the area and fire service limitations, and therefore assign the subject property with a Rural Lands 80 designation consistent with the General Plan Update Community Development Model and the availability of infrastructure and services. Ultimately, the Board of Supervisors will determine which land use map will be implemented and how to best meet the project objectives.

I37-5 This comment does not raise a significant environmental issue for which a response is required. The land use designations proposed for the subject property are consistent with the General Plan Update project alternatives, as discussed in response to comment I37-4 above. Ultimately, the Board of Supervisors will determine which land use map will be implemented and how to best meet the project objectives.

I37-6 The comment states, “Existing infrastructure will handle development at 1 DU per 10 AC density”; however, it is unclear how this determination was made. The County disagrees that existing infrastructure is available. For example, a density greater than one dwelling unit per 40 acres does not meet the travel time standards required by draft Safety Element policy S-6.4, Fire Protection Services for Development.

I37-7 This comment does not raise a significant environmental issue for which a response is required. However, efforts to achieve housing affordability are primarily aimed at allowing multi-family densities in areas with urban level services, not within Semi-Rural areas at estate residential densities.

I37-8 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. Refer also to responses to comments I37-4 through I37-7 above. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

Responses to Letter I 37, JAG Architecture, John and Richard Adams (cont.)

I37-9 The County disagrees with the assertion made in this comment that "one unit per 10 acres preserves habitat." It is unclear how this determination was reached or what substantial evidence supports the statement. DEIR Section 2.4.3.1 Issue 1: Special Status Plant and Wildlife Species, in the last paragraph under the Indirect Impacts heading, describes the adverse impacts to sensitive biological resources at densities on one dwelling per 40 acres or greater (see below):

"It has been found that the magnitude of indirect effects, such as those described above, increase greatly with increased densities for development. Based on an analysis completed by the Conservation Biology Institute (CBI) of the proposed General Plan Update in rural areas of the County, densities of one dwelling unit per forty acres (1du/40 acres) or greater have a substantially more severe impact on biological resources, especially sensitive resources, than lower development densities. This is primarily due to the extent of direct habitat loss, fragmentation, and edge effects associated with higher densities in rural areas (CBI 2005)."

I37-10 The comment lacks sufficient detail to which a more thorough response can be provided (see also response to comment I37-6 above).

I37-11 The comment indicates that power infrastructure is available on a specific property. It is unclear how this determination was reached or what evidence supports the statement. Therefore no response is provided.

I37-12 The comment that the road is at 10 percent capacity is unsubstantiated. Under the proposed project for the General Plan Update Chihuahua Valley Road is designated as a 2.2E Light Collector, and based on traffic model forecasts performed for the DEIR, is forecast to result in 4,700 average daily traffic (ADT) with build-out of the proposed project land use map. Based on the capacity of the road classification, this road could accommodate 10,900 ADT, which is the threshold for the road to operate at a level of service (LOS) D or better. However, this assumes full build-out of the road, which would include eight-foot shoulders and operational improvements that would result in turn radii and grade based on a design speed of 40 miles per hour. or

I37-13 The comment indicates that water is available on a specific property. It is unclear how this determination was reached or what substantial evidence supports the statement. Therefore no response is provided.

I37-14 The comment indicates that telecommunications infrastructure is available on a specific property. It is unclear how this determination was reached or what substantial evidence supports the statement. Therefore no response is provided.

I37-15 The comment claims that sufficient retail services are available at Sunshine Summit, however the comment does not raise a significant environmental issue for which a response is required. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-16 The comment indicates that some governmental services are available at Warner Springs. This is unsubstantiated justification for a land use decision. The comment

Responses to Letter I 37, JAG Architecture, John and Richard Adams (cont.)

does not raise a significant environmental issue for which a response is required, and ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-17 Topography is one of many constraints that were considered in assigning densities in the General Plan Update (see also responses to comments I37-4, I37-6 and I37-9 above).

I37-18 Please refer to response to comment I37-17 above.

I37-19 This comment does not raise a significant environmental issue for which a response is required. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-20 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. As stated in response to comment I37-3, the land use alternatives were developed for analysis on the General Plan Update proposed project for environmental review. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-21 The County agrees with this comment, the actions described in response to comment I37-20 led to the creation of the referral map. Issues raised in this comment are not related to an environmental issue pursuant to CEQA.

I37-22 While the Hybrid Map alternative does generally propose a compromise between the proposed project and the Draft Land Use Map alternative, this pattern does not always hold true for all properties. NM6 and NM7 were designated as Rural Lands 80 on all of the reduced alternatives due to emergency travel time and other significant environmental constraints. It should be noted that this RL-80 designation is the same as that shown on the Environmentally Superior Map alternative, not a lower density designation as is suggested by the comment.

I37-23 This comment is in reference to the adequacy of alternatives in the DEIR for the General Plan Update. The range of alternatives provided is adequate under CEQA, and the Hybrid Map alternative in most cases reflected either the Referral Map or Draft Land Use Map designation for referrals. The County is not required under CEQA to show different designations on each individual property referral, which would be an unnecessary and infeasible effort. The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project.

I37-24 This comment does not raise a significant environmental issue for which a response is required.

I37-25 As stated in the response to comment I37-23, the Hybrid Map alternative was developed to provide a range of alternatives, and in most cases adopted either the Draft Land Use Map alternative or Referral Map (proposed project) designation for

Responses to Letter I 37, JAG Architecture, John and Richard Adams (cont.)

an individual referral. Ultimately, the Board of Supervisors will determine which land use map will be implemented.

I37-26 The County acknowledges that land transferred to conservation reduces development capacity; however, in absence of a processed discretionary permit, the County has no adopted method of transferring density from conserved land. This information is part of the administrative record for the General Plan Update DEIR; and therefore, is available to the Board of Supervisors for consideration when determining which land use map will be implemented.

I37-27 This comment states that the designation of Rural Lands 20 on the Environmentally Superior Map alternative for currently zoned 2.5- to eight-acre lots is inappropriate; however, the comment lacks sufficient detail to which a more thorough response can be provided. Under creation of the Environmentally Superior Map, every area designated SR10 in the proposed project was re-designated RL20. It should be noted that based on the existing parcelization described, this area could not be subdivided further.

I37-28 The comment lacks sufficient detail to which a more thorough response can be provided.

I37-29 The County acknowledges and appreciates this comment. Ultimately, the Board of Supervisors must determine how the County can best meet its objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

I37-30 The County appreciates the comments and has since met with the commenters to more fully discuss their issues.

I37-31 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 38, Jamison, Shelia and Duane

Dear Mr. Muto,

It has just come to my attention that Randy Lenac has published a letter to the editor, and a sample letter to you, in the Back Country Messenger encouraging people to contest the General Plan Update on economic grounds. I would like to express my opposition to his tactic and premise, and offer conditional approval of the GPU.

I38-1. I believe the best thing you can do for the economic future of the backcountry is to control density and the accompanying demand on groundwater, without which the economic value of this entire section of the county would drop to nothing. Whatever the reason, most people agree that the southwest is and will be drier for the foreseeable future and imported water will not be available to this area.

I do question the plan on some issues. Allowing a 50% drawdown of groundwater by development will not sustain the vegetation, wildlife and

I38-2. the springs they depend on, or residents with shallower wells who do not have the financial ability to drill new wells. This finite resource needs to be better protected.

"Smart Growth" (clustering) is a good plan for the urban areas but will be a disaster for backcountry communities. The groundwater will never support the population numbers required to support enough businesses for fully local employment, even if you could convince residents to give up their current jobs and shopping opportunities in the more urban areas. The lack of public transportation and rising fuel costs make dense bedroom communities unpractical. Campo Hills is an excellent example of the failure of the policy of dense, clustered housing in a rural community, with it's only commercial building remaining vacant.

I38-3. The economic future of the backcountry communities lies in it's residents. Most are amazingly self-sufficient, asking little in County services. Most have enough property to operate home businesses, some agricultural, some providing needed services and others built around the tourism which will become increasingly important to the financial future of the region. This can only happen if the backcountry is allowed to maintain it's rural identity and lifestyle in an increasingly urban region.

Thank you,

Shelia Jamison
Duane Jamison

33205 Royal Willie Road
Campo, California 91906
619-478-5916

Responses to Letter I 38, Jamison, Shelia and Duane

I38-1 The County acknowledges the commenter's support for controlling density and the accompanying demand on groundwater in the backcountry; however, this does not raise an issue for which a response is necessary.

I38-2 The County respectively disagrees with the comment that the 50 percent criterion is excessive. Section 4.1 of the County of San Diego Guidelines for Determining Significance: Groundwater explains the conservative nature of this criterion (see http://www.sdcounty.ca.gov/dplu/docs/GRWTR-Guidelines.pdf). The criterion was established to address the unique characteristics of County fractured rock aquifers, which are characterized by limited storage capacity and very limited groundwater recharge during droughts, as well as excess recharge during wet periods. Due to the unique nature of this system, the County, in collaboration with local groundwater hydrology experts, established the 50 percent criterion, which has been used in site-specific groundwater studies in San Diego County since the adoption of the Groundwater Ordinance in 1991.

I38-3 Please refer to response to comment I38-1 above.

Comment Letter I 39, Krause, Charles and Doris

INSERT DATE

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I39-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

INSERT SIGNATURE, NAME AND ADDRESS

Doris M Krause
Charles Krause

WE OWN PROPERTY IN
SAN DIEGO BACK COUNTRY

Responses to Letter I 39, Krause, Charles and Doris

I39-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Responses to Letter I 39, Krause, Charles and Doris (cont.)

Comment Letter I 40, Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP), Brian Fish

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August 31, 2009

18807-31

VIA E-MAIL AND U.S. MAIL

Mr. Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: **General Plan Update Draft EIR Comments/Lamden Spring Valley Property**

Dear Mr. Muto:

I40-1. Thank you for the opportunity to comment on the Draft Environmental Impact Report for the General Plan Update ("Draft EIR"). Luce Forward represents Gwc Lamden Partnership LP and the Lamden Family Trust (collectively, "Lamden"), the owners of property located at the southwest corner of Sweetwater Springs Blvd. and Austin Drive ("Property"). This letter is being submitted on Lamden's behalf with respect to the Draft EIR.

I40-2. Lamden requests that the County adopt the Referral Map, which designates the Property for general commercial use. From a California Environmental Quality Act ("CEQA") standpoint, the Draft EIR adequately analyzes and discusses the adverse environmental impacts of the Referral Map. Further, the general commercial designation of the Property contemplated by the Referral Map will promote revitalization of the Property, best serve the surrounding community and is consistent with the wishes of Lamden and the Spring Valley Community Planning Group and the existing zoning.

I40-3. The Draft EIR also presents options other than the Referral Map, at least one of which is described as the Environmentally Superior Alternative. As the following demonstrates, with respect to the community of Spring Valley, the Environmentally Superior Alternative is not environmentally superior. To the contrary, the Referral Map's Spring Valley designations are environmentally superior for Spring Valley and the County as a whole as they will generally result in lesser environmental impacts. Moreover, these designations better serve the wishes of Lamden and the Spring Valley Community Planning Group. **Therefore, whatever action the Board of Supervisors takes in terms of the General Plan designations for the rest of the County, the Board can and should either adopt (i) the Referral Map's designations for the community of Spring Valley or (ii) the general commercial designation for the Property.**

Comment Letter I 40, Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP), Brian Fish (cont.)

Mr. Devon Muto
August 31, 2009
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Background

The Draft EIR "Referral Map," the proposed project for CEQA purposes, designates the Property for general commercial use. This Property is ideally suited for such a designation because it is currently zoned General Commercial and is already improved with 35,250 square feet of commercial space that serves some of the needs of the larger community. At 10.47 acres, the Property is perfect for commercial uses as it is relatively large for the mostly built-out community of Spring Valley and it has significant street frontage along Sweetwater Springs Blvd. and Austin Drive.

I40-4.

Lamden could continue to operate the Property as a commercial center even if the General Plan Update designates the Property for a use other than general commercial. However, the Property is presently underutilized and Lamden intends to revitalize the site with new development when the economy improves. As such, the general commercial designation is important. Further, the Spring Valley Community Planning Group supports designating the Property for general commercial use as that decision would facilitate redevelopment of the Property, as expressed in their letters commenting on the General Plan Update dated February 25, 2008 and June 10, 2008.

The Draft EIR Alternatives

While Lamden fully supports the proposed Project studied in the Draft EIR as it designates the Property for general commercial, Lamden has concerns relative to the County's analysis of alternatives. The Draft EIR analyzes three development alternatives:[1] the Draft Land Use Map, the Hybrid Map and the Environmentally Superior Alternative (collectively, the "Alternatives") (see DEIR, p. 4-2.) Each of the Alternatives proposes less development in the County as a whole than the Referral Map. (DEIR, p.1-1.) The Draft Land Use Map proposes 3,700 fewer residential units and 344 fewer acres of commercial development than the Referral Map. (DEIR, p. 4-37.) The Hybrid Map represents a balance between the Referral Map and the Draft Land Use Map and would provide for 3,000 fewer residential units than the Referral Map and 325 fewer acres of commercial development. (DEIR, at p. 4-8.) The Environmentally Superior Alternative proposes the least amount of development with 14,700 fewer residential units than the Referral Map and 506 fewer acres of commercial development. (DEIR, p. 4-46.)

I40-5.

With respect to Spring Valley, in contrast to the County as a whole, the Alternatives all increase the intensity of development. Unfortunately, the Alternatives only analyze one designation for

[1] The Draft EIR studies a No Project Alternative, an option that assumes that the County makes no changes to the existing General Plan. Countywide, that alternative has greater adverse environmental impacts in almost every area. (See DEIR, Table 4.3). Therefore, this letter does not focus on that option.

Comment Letter I 40, Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP), Brian Fish (cont.)

Mr. Devon Muto
August 31, 2009
Page 3

the Property – a combination of VR-30 and neighborhood commercial uses. As described in prior correspondence (attached), this approach deprives the public and the decision makers of data that would help the County make a more informed decision regarding the General Plan Update. Thankfully, even if the Board of Supervisors decides to approve one of the Alternatives, the Draft EIR will support the County modifying that Alternative to incorporate the Referral Map designations for the Spring Valley community or the general commercial designation for the Property. As reflected in the Draft EIR's analysis, these options exist with respect to Spring Valley and the Property because the relevant, potentially adverse environmental impacts of the designations proposed in the Referral Map for Spring Valley are all equal to or less than those identified for the Spring Valley designations in the Draft Land Use Map, Hybrid Map and the Environmentally Superior Alternative. To illustrate this point, we prepared the following analysis of the relevant issues.

I40-5. cont.

Analysis of Environmental Impacts.

Below is a topic by topic discussion of all the potential adverse environmental impact areas where adopting an Alternative modified to incorporate the Referral Map designations for all of Spring Valley or the Referral Map designation for just the Property could change the DEIR's conclusions from a CEQA perspective. As set forth below, adopting such a modified Alternative would not result in any new significant impacts or otherwise trigger additional CEQA review. In fact, almost all environmental impacts will be reduced or remain the same if the Property is designated for general commercial development consistent with the Referral Map designation for Spring Valley. **As such, if the Board of Supervisors is not inclined to approve the Referral Map for the County as a whole, the following demonstrates that the Board of Supervisors should adopt one of the Alternatives with modifications that instead include (i) the Referral Map's designations for the community of Spring Valley; or (ii) the general commercial designation for the Property.**

I40-6.

Transportation and Traffic. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser transportation and traffic impacts than any of the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

Many environmental impacts associated with the General Plan Update are driven by transportation and traffic impacts. Transportation and traffic impacts affect the functionality of the County's roadways, as well as air quality, greenhouse gas emissions/climate change and noise. With respect to the Spring Valley community, as demonstrated below, the Referral Map designations have fewer impacts on transportation and traffic than the designations in the Alternatives, including the Environmentally Superior Alternative. Accordingly, from a CEQA perspective, the County can insert the Referral Map's designations for Spring Valley into any of

I40-7.

Comment Letter I 40, Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP), Brian Fish (cont.)

Mr. Devon Muto
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Page 4

the Alternatives without increasing the traffic related environmental impacts or undermining the Draft EIR's analysis.

I40-7. cont. The Draft EIR analyzes transportation and traffic impacts from the perspective of level of service ("LOS"), average daily trips ("ADT") and vehicle miles traveled ("VMT"). According to the Draft EIR, a significant impact occurs if the project results in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, which can be measured by the increase in ADT and VMT. A significant impact will also occur if the project causes roadways to exceed a designated LOS. (DEIR, pp. 2.15-16-19.) Compared to each of the Alternatives, the Referral Map designations for Spring Valley result in fewer roadways operating at a deficient LOS, fewer ADT and fewer VMT.

I40-8. LOS: Roadways operating at an LOS E or F are considered deficient pursuant to County standards. (DEIR, p. 2.15-19.) Under the Referral Map, Spring Valley would have 14.4 lane miles operating at a deficient level of service. (DEIR, Traffic and Circulation Assessment at Appendix G ["App. G"], Table 5.6, p. 34.) Each of the Alternatives would have ***more*** miles of deficient LOS: 15.6 more lane miles operating at a deficient LOS under the Draft Land Use Map, 17.4 more lane miles operating at a deficient LOS under the Hybrid Map, and 16.8 more lane miles operating at a deficient LOS under the Environmentally Superior alternative. (Id. at Table 5.10, p. 46 [Draft Land Use Map], Table 5.14, p. 58 [Hybrid Map], Table 5.18, p. 70 [Environmentally Superior Alternative].) For example, if the County adopts the Environmentally Superior Alternative, there will be a total of 204.9 lane miles operating at a deficient level of service Countywide. (DEIR, App. G, Table 5-20 at p. 78 [compare to 247.8 miles Countywide under Referral Map per Table 5.8 at p. 43].) If the Environmentally Superior Alternative is modified to include the Referral Map designations for Spring Valley, this number is actually reduced to 202.5 deficient lane miles Countywide (16.8 lane miles deficient in Spring Valley under Environmental Superior Alternative compared to 14.4 lane miles deficient in Spring Valley under Referral Map.) Similar results occur if the Spring Valley designations are inserted in the other Alternatives. Therefore, the Referral Map designations for Spring Valley have fewer impacts associated with deficient LOS than the Spring Valley designations found in the Alternatives.

I40-9. ADT: Under the Referral Map, Spring Valley is projected to generate 415,986 ADT (Draft EIR, Traffic and Circulation Assessment at Appendix G, Table 4.1, p. 17.). Compared to the Referral Map, each of the Alternatives would result in Spring Valley generating ***more*** ADT: the Draft Land Use Plan would cause an additional 2,674 ADT, the Hybrid Map would cause an additional 2,363 ADT and the Environmentally Superior Alternative would cause an additional 5,424 ADT. (Id.) Countywide, by way of

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I40-9. cont. example, 4,907,188 ADT are expected under the Environmentally Superior Alternative (DEIR, App. G, Table 4.1 at p. 18). If the Environmentally Superior Alternative is modified to instead include the Referral Map designations for Spring Valley, Countywide ADT will be further reduced to 4,901,764 [4,907,188 less the additional 5,424 ADT the Environmentally Superior Alternative would generate in Spring Valley]. Similar results occur if the Spring Valley designations are inserted in the other Alternatives. Thus, the Referral Map designations for Spring Valley have fewer ADT related impacts to traffic than any of the Spring Valley designations found in the Alternatives.

I40-10. VMT: VMT assesses the overall magnitude of travel associated with land uses and the roadway network. (DEIR, p. 2.15-19.) Under the Referral Map, VMT in Spring Valley is projected to be 1,168,540 (DEIR, App. G, Table 4.2, p. 19.). Compared to the Referral Map, VMT in Spring Valley would be higher under each of the Alternatives: the Draft Land Use Plan would have an additional 4,630 VMT, the Hybrid Map would have an additional 4,241 VMT and the Environmentally Superior Alternative would have an additional 12,138 VMT. (Id.) From a Countywide perspective, and by way of example, VMT would be 24,529,115 under the Environmentally Superior Alternative (DEIR, App. G, Table 4.2, p. 19). If the Environmentally Superior Alternative were modified to include the Spring Valley Referral Map land use designations, VMT would be reduced to 24,516,977 [24,529,115 less the additional 12,138 VMT generated by the Environmental Superior Alternatives designations for Spring Valley]. Similar results occur if the Spring Valley designations are inserted in the other Alternatives. Therefore, the incorporation of the Referral Map designations for Spring Valley into any of the Alternatives would result in fewer VMT impacts to traffic.

I40-11. Given the above, and regardless of which measure of traffic is used, adoption of the Referral Map land use designations for Spring Valley improves conditions Countywide and in Spring Valley compared to the Alternatives analyzed in the Draft EIR. Therefore, if the County decided not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral

I40-12. Map designation for Spring Valley as part of any of the Alternatives without engaging in further traffic analysis under CEQA.

I40-13. Similarly, if the County chose to only change the designation of the Property to the uses contemplated by the Referral Map (as opposed to accepting Referral Map designations for the entire Spring Valley community), the analysis of traffic impacts discussed above would be similar or slightly improved. This is especially true with respect to VMT. Designating the Property for general commercial use as proposed in the Referral Map would ensure a good mix of land uses within Spring Valley. According to the Draft EIR "a mix of land uses within closer proximity and requiring less driving distance for interaction would result in a lower VMT." (DEIR, p. 2.15-5.) The site is currently surrounded by a substantial amount of residential

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I40-13. cont. development, as well as schools, medical office and industrial uses. There is not any commercial development in the vicinity that is comparable to what exists today at the Property. As such, a general commercial designation complements the surrounding land uses and will yield a lower VMT than a residential designation. Indeed, general commercial establishments on the Property would be accessible by walking to many in the area; for others shopping would be just a short drive or bus ride.

I40-14. If the Property were developed for residential use, even with the strip commercial use proposed by the Alternatives, VMT would increase as it would eliminate current commercial facilities in the area and at the same time increase the demand for commercial services by increasing the residential population.

Air Quality. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser air quality impacts than any of the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

I40-15. In comparing air quality impacts of the proposed Project and the Alternatives, the Draft EIR largely focuses on the analysis that shows that VMT related emissions are lower under the Alternatives. (DEIR, pp. 4-12-13, 4-48.) As discussed above, adoption of the Referral Map land uses in Spring Valley would result in Spring Valley generating fewer VMT. By way of example, adoption of the Environmentally Superior Alternative would result in 841,776 fewer VMT Countywide than the Referral Map. (DEIR, p. 4-48.) If the County were to substitute the Referral Map designations for Spring Valley into the Environmentally Superior Alternative, emissions would decrease even further because VMTs would go down by 12,138 (Draft EIR, App. G, Table 4.2, p.19.) Similar results occur if the Spring Valley designations are inserted in the other Alternatives. From an air quality perspective, therefore, if the County decides not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further CEQA studies.

I40-16. Similarly, the Draft EIR would support the County's decision to just redesignate the Property for the general commercial use identified in the Referral Map when adopting one of the Alternatives. For example, as discussed above, such a designation of the Property would reduce VMT because it would ensure a good mix of land uses in the area and fewer VMTs mean fewer air quality impacts. Developing the Property for commercial development could also reduce air quality impacts to sensitive receptors. A VR-30 designation would bring hundreds of new sensitive receptors to the Property in the form of new residents who would be exposed to emissions from cars traveling along Sweetwater Springs and Austin Blvd. every day (according to the Noise Technical Study, more than 9,000 trips per day along Austin Blvd. and 20,000 trips per day along Sweetwater Springs Blvd.) and the adjacent industrially designated properties. (Appendix F, Noise Technical Report.)

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Noise. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser noise impacts than any of the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

I40-17. When comparing impacts of the proposed Project and the Alternatives, the Draft EIR noise analysis focuses on whether an Alternative decreases development because less development means a decrease in noise impacts. (See, e.g. DEIR, pp. 4-25, 4-52.) In particular, the Draft EIR states that a decrease in the acreage of high-density village residential development results in a decrease in noise impacts because it exposes fewer people to excessive noise levels. (Id.) Compared to the Alternatives, the Referral Map designations for Spring Valley propose the least amount of high-density village residential development as it designates the Property for general commercial development (consistent with its existing use) and other relevant sites for VR-24 development. (DEIR, App. L, pp. 19.1-19.8.) Each of the Alternatives, on the other hand, designates the Property primarily for high density (VR-30) residential development and other property for VR-30. (Id.) Further, as discussed above, the Referral Map designations for Spring Valley create less ADT, deficient LOS lane miles and VMT. Based on the foregoing, the Alternatives as proposed will have greater noise impacts compared to the Alternatives that instead incorporate the Referral Map designations for Spring Valley. As such, CEQA permits the County to adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further CEQA noise analysis.

I40-18. Similarly, the County could rely on the Draft EIR's noise analysis if it only redesignates the Property for general commercial use as identified in the Referral Map when adopting one of the Alternatives. The Lamden Property clearly is better suited for commercial development than residential development from a noise perspective. As noted above, noise impacts are reduced because the general commercial designation of the Property reduces the amount of high density village residential. In addition, according to the County's Noise Compatibility Guidelines, a noise level of up to 65 CNEL is acceptable for residential uses. The Property's frontage along Sweetwater Springs currently experiences 70 CNEL from 124 feet away and 65 CNEL from 318 feet away. (DEIR, App. F, Noise Study at App. B [Traffic Noise Conditions, Existing Conditions Table]. Noise levels will only increase as additional development occurs pursuant to the General Plan Update. In contrast, the current noise levels are compatible with commercial development, which is the use currently existing on the site. Therefore, general commercial use is an environmentally superior choice for the Property and can be incorporated into any Alternative the County might adopt without additional CEQA analysis.

I40-19. Climate Change. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser climate change impacts than any of

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the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

I40-19. cont.

For purposes of evaluating the impacts of the proposed Project compared to the Alternatives, the Draft EIR analyzes climate change impacts based on operational greenhouse gas emissions generated by development and VMT-generated emissions. (See, e.g., DEIR, pp. 4-35, 4-55.) Generally, the Draft EIR states that there will be less significant climate change impacts Countywide under the Alternatives because they propose fewer VMT and less development Countywide. (Id.). As discussed in prior sections of this letter, the Alternatives' designations for Spring Valley propose more development and the generation of more VMT and thus actually result in greater climate change impacts compared to what would result if the County substituted the Referral Map designations for Spring Valley into the Alternatives. Therefore, if the County decided not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further CEQA studies. Likewise, if the County chose to only change the designation of the Property to the uses contemplated by the Referral Map (as opposed to accepting these designations for the entire Spring Valley community), VMT would still be reduced and the existing Draft EIR analysis of climate change impacts would still be adequate to support such a decision.

I40-20.

It should also be noted that designating the site for commercial development is most likely to result in redevelopment of the Property. In accordance with proposed General Plan policies, this redevelopment would implement "green building" programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of greenhouse gasses and toxic air contaminants. If the Property is designated for neighborhood commercial and VR-30, it will probably continue to operate as a general commercial center pursuant to legal noncoforming use rights, in which case the County would not benefit from this "greener" renovation of the Property. This fact provides additional support for the conclusion that designating the Property for general commercial use will reduce climate change impacts compared to the Alternatives and that the County can implement such a change without the need for further CEQA analysis.

I40-21.

Hydrology and Water Quality. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have the same hydrology and water quality impacts as the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

For purposes of evaluating the impacts of the proposed Project compared to the Alternatives, the Draft EIR analysis generally states that the Alternatives will result in less significant hydrology and water quality impacts because they propose less development and consequently introduce fewer point and non-point source pollutants. (DEIR, pp. 4-20.) The Referral Map designation

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for Spring Valley proposes development of areas that are generally developed already. As such, the Draft EIR analysis of hydrology and water quality impacts for the Spring Valley as a whole or the Property generally would not change under the Referral Map or the Alternatives. Therefore, CEQA permits the County to adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further analysis of hydrology or water quality.

I40-21. cont. It should be noted, however, that if the Property retains its general commercial designation, Lamden intends to redevelop it into a modern, commercial development. As a result of that redevelopment, the Property owner will have to comply with current stormwater regulations, including the provision and implementation of a SWPPP and BMPs. This will improve hydrology and water quality conditions. If the Property is not designated general commercial, the site likely will remain "as is" and the water quality benefits will not materialize. This fact provides additional support for the conclusion that the designation of the Property for general commercial use will reduce environmental impacts associated with hydrology and water quality compared to the Alternatives and that the County can implement such a change without the need for further CEQA analysis.

Public Services and Recreation. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser public services and recreation impacts than any of the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

I40-22. For purposes of evaluating the impacts of the proposed Project compared to the Alternatives, the Draft EIR generally states that greater population growth (as measured by the anticipated number of residential units) would result in a greater need for fire, police, school and library facilities to be constructed or expanded, and therefore would result in greater impacts on public services. (DEIR, at p. 4-28.) Implementation of the Referral Map designation for Spring Valley will result in less population growth than any of the Alternatives because it proposes less high density residential development, and consequently fewer impacts on public services and recreation. From a public services and recreation perspective, therefore, if the County decided not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further CEQA studies. Similarly, the County could rely on the Draft EIR's public services and recreation analysis if it only redesignates the Property for general commercial use as identified in the Referral Map when adopting one of the Alternatives.

I40-23. Utilities and Service Systems. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, have lesser utilities and service system impacts than any of the Alternatives and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

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I40-23. cont. For purposes of evaluating the impacts of the proposed Project compared to the Alternatives, the Draft EIR generally states that impacts to water and wastewater systems will be greater if they result in population growth outside the SDWCA service area or will increase impervious surface area. (DEIR, pp. 4-34-35.) Impacts to other utilities and service systems are generally correlated to increases in population growth. (Id.) Substituting the Referral Map designations for Spring Valley into one of the Alternatives would not result in greater population growth outside the SDWCA. As discussed above, the Referral Map designations for Spring Valley also results in less population growth than the Alternatives' designations for Spring Valley, and thus would have the same or reduced impacts on other utility and service systems. From a utilities and service systems perspective, therefore, if the County decided not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral Map designation for Spring Valley as part of any of the Alternatives without having to engage in further CEQA studies.

I40-24. Similarly, the County could rely on the Draft EIR's utilities and service systems analysis if it only redesignates the Property for general commercial when adopting one of the Alternatives. The Draft EIR does not disclose how the demand on utilities and service systems varies by land use. Typically, a commercial land use would impose lesser demand on water and wastewater than a VR-30 land use would, however. The Water Supply Assessment for the County's Merriam Mountains Specific Plan EIR assumes that a residential land use with a density of 20-30 du/ac. would have a water demand of 2,500 gallons per day per acre (GPD/ac). A commercial land use's water demand is assumed to be much less at only 1,700 GPD/ac. (See Vallecitos Water District Water Supply Assessment and Verification Report for Merriam Mountains Specific Plan, Table 4, pp. 4-5.) Using those numbers, general commercial development on the Lamden Property, consistent with the Referral Map designation, would have a water demand of 17,799 GPD (10.47 ac. x 1,700.) Residential development, by comparison, would have a greater water demand at the range of 24,200 GPD (8 x 2,500 and 2.47 ac. x 1,700). As such, the Referral Map land use designation for the Property would have lesser impacts on water supply. The demand on other utilities, such as wastewater, is also generally less for commercial rather than dense residential developments. From a utilities and service systems perspective, therefore, if the County decided not to adopt the Referral Map for the County as a whole, the County can still adopt the Referral Map designation for the Property as part of any of the Alternatives without having to engage in further CEQA studies.

I40-25. Population and Housing. As the following demonstrates, the Referral Map designations for Spring Valley in general, or the Property in particular, will not result in a new significant impact on population and housing and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis.

The Referral Map designations for Spring Valley would accommodate up to 270 fewer residential units than the Alternatives propose. This is because in Spring Valley, the Alternatives

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I40-25. cont. provide an additional 9 acres of village residential development when compared to the Referral Map: (DEIR, Table 4-1 at p. 4-74 [9 ac. x 30 units/ac. = 270). The loss of these 270 units is not material under any of the Alternatives analyzed, particularly when you consider that the Draft Land Use Map accommodates 67,803 residential units, the Hybrid Map Alternative accommodates 68,224 residential units and the Environmentally Superior Alternatives accommodates 56,839 residential units. (DEIR, pp. 4-27, 4-43, 4-61.) Thus, substituting the Referral Map designations for Spring Valley into any of these Alternatives would not result in a new significant impact on population or housing, or a substantial increase in the severity of an previously disclosed population and housing impacts. As such, CEQA permits the County to adopt any of the Alternatives with Referral Map designations for Spring Valley without doing any additional CEQA analysis. (See CEQA Guidelines, § 15088.5. Similarly, the County could rely on the Draft EIR's population and housing analysis if it only redesignates the Property for general commercial use as identified in the Referral Map when adopting one of the Alternatives.

Adopting the Referral Map designations for Spring Valley or just the Property with one of the Alternatives would not require a new or modified analysis of displacement of housing or people either. None of the Alternatives proposes to permanently displace existing housing, thus the current analysis in the Draft EIR is accurate for Spring Valley and the Property.

I40-26. Other. When compared to the Alternatives, the Referral Map designations for Spring Valley in general, or the Property in particular, have will roughly the same impacts and therefore can be incorporated into any Alternative without necessitating additional CEQA analysis. The Property site and the other Spring Valley sites at issue in the Referral Map are already developed. As such, potentially significant environmental impacts on aesthetics, agriculture, biology, cultural resources, geology and soils, hazards and hazardous materials, land use, mineral resources and other study areas would not change if the County adopted an Alternative with Referral Map designations for all of Spring Valley or just the Property. As such, the County could adopt any Alternative with Referral Map designations for Spring Valley or just the Property without doing any additional CEQA analysis.

Conclusion

I40-27. The foregoing demonstrates that, if the County does not adopt the Referral Map for the County as a whole, the County should rely on the Draft EIR's analysis to adopt one of the Alternatives with modifications that include the Referral Map designations for Spring Valley generally or the Property specifically. This approach will result in the same or fewer environmental impacts than the proposed Project or any of the Alternatives analyzed in the Draft EIR. Of equal importance, such a change is consistent with the wishes of the Spring Valley Community Planning Group and the owner of the Property as it is most likely to facilitate a redevelopment of the Property.

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I40-27. cont. Thank you for your consideration of these issues. In responding to this comment regarding the Draft EIR, we hereby request that the County acknowledge the validity of the above analysis. If the County disagrees with any of the points raised in this letter, we request that the County specifically identify the areas of disagreement and the analytical/factual basis for the disagreement. Should you have any questions or comments regarding the above, please do not hesitate to contact us.

Sincerely,

Brian C. Fish
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

BCF/

Encls.

cc: Mr. Bill Lamden
Ms. Teresa Stein
Mr. Scott Montgomery, Spring Valley Community Planning Group

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I40-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I40-2 This comment indicates support of the proposed project (particularly its proposed designation of the subject property) and does not raise a significant environmental issue for which a response is required. The comment will be included in the Final EIR and made available to the Board of Supervisors, who ultimately will decide what land use designation is adopted.

I40-3 This comment indicates support of the proposed project and does not raise a significant environmental issue for which a response is required. It should be noted that the Board of Supervisors will not be limited to choosing one alternative in its entirety.

I40-4 This comment provides background information and does not raise a significant environmental issue for which a response is required.

I40-5 The County does not agree with the suggestion in this comment that the public and decision makers are deprived of data needed to make an informed decision on the General Plan. The alternatives that are evaluated in the DEIR were the result of an extensive inclusive multi-year process and substantial data has been produced on all deviations between the alternatives for consideration. The County does agree that the option to adopt a General Commercial designation for the subject property exists. This decision will be up to the Board of Supervisors, as discussed in the response to comment I40-2 above.

I40-6 Similar to comments I40-2 and I40-3 this comment shows support for the proposed project (particularly its proposed designation of the subject property) and does not raise a significant environmental issue for which a response is required.

I40-7 The comment indicates support for the proposed project in the community of Spring Valley, stating that there are increases in deficient road segments in the community of Spring Valley with the Draft Land Use, Hybrid and Environmentally Superior Alternatives. Please refer to responses to comments I40-8 and I40-9 below.

I40-8 The comment explains that level of service (LOS) E and F are deficient per the standards in the General Plan Update, and states that the Hybrid, Draft Land Use and Environmentally Superior Maps have additional deficient lane miles, over the Referral Map in the Spring Valley community. The County acknowledges that there are slightly more lane miles deficient in those three alternatives. However, the numbers included in the comment are not correct interpretations of the information included in the DEIR Appendix G, Traffic and Circulation Assessment (Tables 5.6, 5.10, 5.14 & 5.18). The correct number of lane miles at LOS E or F in Spring Valley is 7.2 for the Referral Map, 7.8 for the Draft Land Use Map, 8.7 for the Hybrid Map and 8.4 for the Environmentally Superior Map. The difference among these alternatives is negligible, considering that the Draft Land Use Map, Hybrid and Environmentally Superior alternatives are identical in the Spring Valley Planning

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Area. Additionally, LOS is a direct result of Average Daily Traffic (ADT), further explained in the response to comment I40-10.

Upon further review, the deficient lane miles represent segments of Jamacha Road, Paradise Valley Road, Bancroft Drive and Kenwood Drive. Each of the road segments are at least two miles from the specific property, located on the corner of Austin Drive and Sweetwater Springs Boulevard. The impact of the alternatives in this location is under 1,000 ADT, which is negligible.

I40-9 The County acknowledges that the Draft Land Use Map, Hybrid Map and Environmentally Superior Map alternatives result in slightly higher Average Daily Traffic (ADT) than the Referral Map; however, the resulting differences are limited to approximately one percent. These variations can be attributed to many factors, but are primarily the result of the DEIR traffic forecast model balancing trips on a countywide basis to resolve situations where no trip is forecast to start and stop abruptly. These variations also result in slightly higher level of service (LOS) for Spring Valley; however, LOS is a direct result of ADT. Therefore, these variations which result from traffic model balancing are inconsequential. As such the implied comment that this is a reason to adopt the Referral Map in Spring Valley is unsubstantiated. Ultimately, the Board of Supervisors will make these decisions, as discussed in response to comment I40-2 above.

I40-10 The comment states that the vehicle miles traveled (VMT) in the Draft Land Use, Hybrid and Environmentally Superior Map alternatives are higher than the Referral Map. While the County agrees that the alternatives result in a higher VMT, the difference is less than one percent of the overall VMT in Spring Valley, and is the result of the traffic forecast model balancing trips on a countywide basis, as discussed in response to comment I40-9 above. Additionally, VMT can be greatly impacted on a community-wide basis by differing land use designations from neighboring alternatives, even if the land uses within a community are the same between alternatives. The implied comment that this is a reason to adopt the Referral Map in Spring Valley is unsubstantiated. Ultimately, the Board of Supervisors will make these decisions, as discussed in response to comment I40-2 above.

I40-11 As discussed in the responses above, the County does not agree with the conclusions drawn by the commenter in comments I40-8, I40-9 and I40-10; that the Referral Map designations would improve conditions countywide. The comment implies support for the proposed project land use map for Spring Valley and this support will be considered by the Board of Supervisors when determining which land use plan to adopt.

I40-12 The County agrees that if the Board of Supervisors decides not to adopt the Referral Map in its entirety, that they could adopt the Referral Map designation for this property. This comment indicates support of the proposed project (particularly its proposed designation of the subject property) and does not raise a significant environmental issue for which a response is required.

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I40-13 This comment summarizes the traffic comments addressed in comments I40-8, I40-9 and I40-10, and indicates support of the proposed project (particularly its proposed designation of the subject property); therefore, this comment does a not raise a significant environmental issue for which a response is required.

I40-14 The comment implies that a General Commercial designation will keep shopping in a short distance to many residents in the area. Please refer to response to comment I40-2 above.

I40-15 The comment states that the Referral Map designations will, result in reduced VMT, therefore the air quality impacts will be less, and gives support to the Referral Map designations for the subject property. Refer to responses to comments I40-2, I40-8, I40-9 and I40-10 above.

I40-16 The County acknowledges that a Commercial designation would limit the full-time exposure to persons at the site from air quality and traffic noise impacts, when compared to a residential density of Village Residential 30. Refer to response to comment I40-2 above.

I40-17 The comment gives support for the Referral Map designation for the subject property over the Draft Land Use, Hybrid, and Environmentally Superior Map alternatives. The support is based on the interpretation that the Referral Map would result in less ADT, which would result in reduced noise impact to residents. As was stated in the responses to comments I34-8, I34-9 and I34-10 above, the differences in ADT are minor on a community-wide basis. Refer also to response to comment I40-2 above.

I40-18 The comment states that the Village Residential designation would result in additional residences in an area with a Community Noise Equivalent Level (CNEL) above 65 based on existing conditions on Sweetwater Springs Boulevard. However, the Draft Land Use Map applied a combination of Village Residential 30 and Neighborhood Commercial at the corner of Sweetwater Springs Boulevard and Austin Drive. Therefore, , applying the Neighborhood Commercial as a 200-foot buffer strip along the heavier-traveled Sweetwater Springs Boulevard provides a buffer to reduce the direct exposure of residences to Sweetwater Springs Boulevard. Refer also to response to comment I40-2 above.

I40-19 The comment states that because the Draft Land Use, Hybrid and Environmentally Superior Map alternatives would result in higher vehicle miles traveled (VMT), these alternatives result in greater impacts related to climate change in Spring Valley, when compared to the Referral Map alternative. Refer to responses to comments I40-2, I40-8, I40-9 and I40-10 above.

I40-20 The comment gives support for the Referral Map and states that not applying a General Commercial designation to the subject property would not allow for a “green building” sustainable redevelopment of the property. The County contends that this conclusion is unsubstantiated. Redevelopment of the site is not guaranteed and impact of residential or commercial land could result in various positive and / or

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negative impacts to climate change, including length of commute for residents, commercial uses and availability of jobs. Refer also to response to comment I40-2 above.

I40-21 The County agrees that the effect on water quality and hydrology between the Referral Map and other alternatives is negligible. However the comment also states that not designating the specific property General Commercial would not result in redevelopment that would "improve hydrology and water quality conditions." This statement is unsubstantiated and site specific study such as the speculative redevelopment of a site need not be included in the DEIR.

I40-22 The County agrees that on a general basis less population results in fewer impacts to services and that if an alternative other than the Referral Map was selected there would be the flexibility to adopt the Referral Map designations in Spring Valley. However the population increases forecast with the Draft Land Use, Hybrid and Environmentally Superior Map alternatives for Spring Valley are not significant enough to result in substantial service increases. Refer also to response to comment I40-2 above.

I40-23 The County agrees with the portion of the comment which states that the Referral Map designations for Spring Valley can be incorporated into any an alternative selected for adoption by the Board of Supervisors without requiring additional CEQA analysis. However facts to support the claim that the Referral Map designations would require less utility and service systems are not substantiated. In fact the only statements with regard to an increase or decrease in required service systems is a statement is that the service would be required within the San Diego County Water Authority (CWA), therefore either way would not result in increased impacts outside the CWA. Refer also to response to comment I40-2 above.

I40-24 The County disagrees that the Draft Land Use, Hybrid or Environmentally Superior Map alternatives would result in a significant difference of water usage, as the numbers and information used were specific to a development project in another community. However the County does agree with the conclusion that the Referral Map designations for Spring Valley could be adopted as part of another alternative in the General Plan. Refer also to response to comment I40-2 above.

I40-25 The County acknowledges that the 270 dwelling units that would not be provided by the Referral Map, when compared to the other alternatives, would not result in the requirement for additional analysis, should the Referral Map designations for these sites in Spring Valley be adopted along with one of the other alternatives.

I40-26 The County acknowledges that the Referral Map designations for the subject property have roughly the same impacts as the designations proposed by the other alternatives; therefore, would not require additional CEQA analysis to assign the Referral Map designation to the subject property.

Responses to Letter I 40, Lamden Family Trust (represented by Luce, Forward, Hamilton and Scripps LLP), Brian Fish (cont.)

I40-27 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 41, Lind, Barbara

From: Barb Lind [mailto:bhlind@gmail.com]
Sent: Monday, August 31, 2009 3:57 PM
To: DPLU, gpupdate
Cc: Carmichael, Leann; Nielsen, Dawn; Carr, Colleen; Milam, Marcia; Dan Neirincks/JDCPG; DAN KJONEGAARD; chandra.waller@sdcounty.ca.gov; Murphy, Jeff ; Oberbauer, Thomas A
Subject: GP Plan Update Comment

These are my comments for the General Plan Update:

I41-1. The Farming Program Plan (FPP) appears to be included, but the general public was in large part excluded. I believe this is because the process for FPP development, communication and approval was flawed. Consequently, I think it should go back to the *public* drawing table before it is implemented.

I41-2. Other comments included in the attached docs:
SDCFPP Comment LIND 5-28-08.doc
Food for Thought - Lind - Draft#3.doc ... final draft sent into Union Tribune for publication as Community Essay - Jamul: "Sowing the benefits of homegrown" - 9/28/08

Barbara Lind
14584 Olive Vista Dr
Jamul 91935
619-933-8460

Attachments:

SDCFPP Comment LIND 5-28-08.doc

Food for Thought - Lind - Draft#3.doc

Responses to Letter I 41, Lind, Barbara

I41-1 The County does not agree with this comment. The County prepared a Farming Program and completed the approval process in April of 2009. The County kept that process open to public input.

I41-2 This comment refers to previous documents submitted regarding the Farming Program. The comment and the referenced documents do not raise significant environmental issues associated with the General Plan Update DEIR.

Comment Letter I 42, McGuffie, Troy

August 13, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

I42-1. San Diego County has been trying for years to update their General Plan. This latest push (GP2020) is another example of the Horse built by Committee.

I42-2. Bureaucrats down town take little time to really understand what the folks in the rural areas need or want. They rely heavily on the less than capable Community Planning Groups to provide the requisite input, disregarding the citizens most likely to be impacted by changes in the General Plan.

The truth is, Community Planning Groups operate on their own agenda, often with little regard for the communities they represent. Every election brings folks with different ideas about how any particular community ought to look.

I42-3. My gripe with the proposed General Plan Update is the Down Zoning that takes place. It's unfair (and maybe illegal) to change the zoning on somebody's property, especially if they've owned it for years with the intent of splitting it and developing all or parts of the split. That's just plain stealing land.

If I'm negatively impacted by the General Plan Update with regard to my property owners rights, I will seek compensation from the County for the losses I suffer.

I42-4. Please take another look at what you're doing and see if there isn't a logical approach that minimizes impacts to property owners. The proposed General Plan Update should be a document that helps citizens, not a document that impacts their lives in a negative way.

Thank You for the opportunity to comment.

Sincerely,

Troy McGuffie
1674 Buckman Springs Rd
Campo, Ca 91906

Responses to Letter I 42, McGuffie, Troy

I42-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I42-2 The County does not agree with this comment. The County's process in preparing the General Plan Update is well documented and has included extensive public involvement, including community planning and sponsor groups.

I42-3 The County does not agree with this comment. The changes to densities as proposed in the General Plan Update are based on ground-truthing research and sound planning principles. The County does not agree that this type of action is “illegal” or equates to “stealing land.”

I42-4 The County does not agree that property owners should receive monetary compensation for density changes proposed under the General Plan Update.

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal

SEP 1 '09 PM 2:

SHEPPARD MULLIN
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August 31, 2009

Our File Number: 17NC-135799

VIA E-MAIL
CONFIRMED BY U.S. MAIL

Mr. Devon Muto
Chief, Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto:

This letter comments on the Draft Environmental Impact Report ("DEIR") for the General Plan Update ("GPU") on behalf of NNP-Stonegate Merriam ("Merriam"), the owner of Merriam Mountains, a 2327-acre development near the intersection of Deer Springs Road and I-15 in the North County Metro area of the San Diego County General Plan. Merriam is disappointed that the DEIR failed to consider the pending Merriam Mountains Specific Plan as a feasible alternative to the land uses proposed in the GPU, as requested in Merriam's previous comment letter of January 16, 2009. In accordance with the statement at pages 4-5 of the DEIR, Merriam requests that the Merriam Mountains Specific Plan be submitted to the Board of Supervisors as a property-specific recommendation raised during EIR preparation.

I43-1. With respect to the Merriam property and other area development, the deficiencies of the DEIR are numerous. First, the environmental documentation for the Merriam Specific Plan demonstrates that it is a feasible, environmentally preferable alternative to the land uses proposed in the DEIR. Second, the land uses proposed for the Merriam site in the DEIR are neither feasible nor consistent with significant GPU policies. Third, the DEIR fails to adequately analyze the impacts of the proposed GPU, including its impact on the County's ability to meet its housing goals. Finally, the DEIR fails to consider the entire Merriam Project as a pending or cumulative project on Table 1-11. The DEIR should be recirculated to include the following: (1) evaluate a feasible range of alternatives, including the Merriam Specific Plan; (2) disclose significant environmental impacts of the GPU; (3) address the failure of the proposed land use element to correlate with other GPU elements; and (4) consider the Merriam Specific Plan as a cumulative project.

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

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I. Comparison Of Proposed Land Uses

The Merriam project consists of 2,327-acres of land located within the Merriam Mountains of Northern San Diego County. The project proposes to construct 2,700 dwelling units, at a net density of one dwelling unit per 1.16 acres, with more than 1700 acres of open space. The Project includes both an affordable housing component and a variety of housing types, with trails and pedestrian access throughout. The project also includes approximately 10.1 acres of commercial uses, including a fire station, and active and passive recreational uses. To provide consistency with the proposed North County Multiple Species Conservation Program ("NCMSCP"), approximately 1,192 acres of Biological Open Space would be retained in the
I43-2. northern and eastern portions of the project area.

The Merriam project is located within 5 miles of the major employment centers along State Route 78 and south on the I-15. It focuses development within the County Water Authority boundary, and the cities of Escondido and San Marcos are approximately 1 mile south of the project. It will provide a range of housing opportunities for workers who today must travel long distances on the I-15 corridor to reach affordable housing. Through extensive infrastructure improvements, the Merriam project will ease work and shopping commutes for existing and future residents in the North County Metro, Hidden Meadows and Bonsall areas. In short, under "smart growth" principles, Merriam Mountains is the right place for housing and neighborhood commercial development.

There are four land use maps analyzed in the DEIR. The four alternatives show a small General Commercial area adjacent to I-15. Each of the alternatives, except the Environmentally Superior Alternative, adds the Office Professional acreage. However, land use is not feasible in this area because there is no demand. The Referral Map and Hybrid map show
I43-3. the balance of the site as RL-20, while the Draft Land Use Map and Environmental Superior Alternative show the site as RL-40. Each of the proposed land plans will have significant, unavoidable impacts on traffic and noise. Although the Referral and Hybrid Maps would reduce density, they would not avoid impacts to the environment. In sum, the land use alternatives in the DEIR would not provide the same environmental benefits as the project.

II. The Merriam Specific Plan Is An Environmentally Preferable Alternative Which Must Be Considered In The DEIR

I43-4. The County General Plan establishes guidelines and thresholds for the timely provision of infrastructure and public services and the Specific Plan implements these policies. The land uses proposed for the Merriam project on the GPU Land Use Map accomplishes none of these goals.

I43-5. First, the Merriam Specific Plan provides for meaningful conservation of biological resources by permanently conserving and managing sensitive habitats and wildlife

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

Devon Muto
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I43-5. cont. movement corridors in a configuration that is consistent with the State Natural Community Conservation Planning ("NCCP") and contributes to the draft subregional plan (the "NCMSCP"), including provision of funding for management, conservation, and enhancement of natural lands. None of these are available with the GPU, which proposes low-density development across the site.

I43-6. The Merriam Specific Plan also accommodates demand for housing and commercial uses along the I-15 corridor to improve jobs/housing balance. It responds not only to the demand for affordable housing in the region, but also provides economically viable on-site commercial uses that augment existing adjacent commercial uses and serve both the proposed development and broader community needs. The commercial and office professional designations in the draft GPU are too small and isolated to be economically viable, and fail to respond to regional needs. The ability of these alternatives to meet GPU goals in comparison to the Merriam Specific Plan must be addressed in the DEIR.

I43-7.

I43-8.

I43-9. Third, the Merriam Specific Plan requires development to contribute its fair share toward financing transportation facilities, including mitigating the associated direct and cumulative traffic impacts caused by their project on both the local and regional road networks. It will also require the provision of infrastructure, facilities, and services needed by new development prior to that development, either directly or through fees. The land uses in the draft GPU trigger the need for infrastructure improvements, but cannot support the resulting costs. The ability of the draft GPU land uses to finance transportation facilities in comparison to the Merriam Specific Plan must be considered in the DEIR.

I43-10. Fourth, the Merriam Specific Plan participates in regional planning to ensure that the unique communities, assets, and challenges of the unincorporated lands are appropriately addressed with the implementation of the planning principles and land use requirements of SB 375. Merriam Mountains is located at the junction of major transportation corridors, near major existing and planned employment centers. Under SB 375, it is a superior location for housing and commercial development. The ability of the draft GPU land uses to meet SB 375 goals in comparison to the Merriam Specific Plan must be considered in the DEIR.

I43-11. Finally, the DEIR is inadequate because it does not provide an explanation for its failure to designate the area at intersection of I-15 and Deer Springs Road for the Village area as residential, in accordance with its own policies. Moreover, Appendix M of the DEIR, which provides the Environmentally Superior Map Comparison to Referral Map, suggests "sweeping" reductions from RL20 to RL40 on the draft Environmentally Superior Map. However, less

I43-12. density does not necessarily translate to environmental superiority. For example, low density development spreads impacts across a larger area, disrupting more area for development and infrastructure.

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

I43-13. Based on the foregoing, and the evaluation of the Recirculated Environmental Impact Report ("REIR") for the Merriam Specific Plan, the Merriam project is clearly an environmentally preferable alternative to the GPU. Therefore, the Specific Plan should be considered in the GPU DEIR.

III. <u>The GPU Land Use Plan For Merriam Mountains Is Not Feasible</u>

I43-14. The Specific Plan focuses development west of the County Water Authority line; locates development near existing infrastructure and services; provides for a range of housing types and densities; increases affordable housing; expands pedestrian and non-automotive linkages; protects important views; completes habitat planning efforts; supports environmental stewardship; reduces fire risks; and enhances local communities. The Merriam Mountains Specific Plan is located between two major transit corridors, combining both development opportunities and environmental preservation in accordance with the Guiding Principles of the GPU.

I43-15. The GPU accomplishes none of these goals. The Rural Land designation encourages scattered development with inefficient infrastructure. The low-density rural development pattern does not allow for dedication of large blocks of habitat by a single owner and, ultimately, discourages permanent preservation of biological resources. The Rural Land

I43-16. designation is inconsistent with the provision of affordable housing and, in this case, offers no agricultural advantages. The proposed Office Professional and Commercial designations are poorly located and unresponsive to market demands (the commercial area is only approximately

I43-17. 3.5 acres). Locating offices and commercial uses in rural residential areas increases vehicle miles traveled, hinders non-automotive commuting and increases development costs.

IV. <u>The DEIR Fails To Disclose That GPU Land Use Plan Will Not Meet County's Housing Needs</u>

I43-18. The DEIR does not disclose that the GPU Land Use Plan is inadequate to meet the County's housing needs. The GPU evaluates population growth in the County until 2030, but considers housing needs only through 2010. The GPU Housing Element fails to address the County's future housing needs since, according to Department of Housing and Community Development ("HCD"), it does not provide adequate housing to meet the County's 2005 obligations, much less future requirements. Moreover, according to the HCD, the County has not adopted a revised Housing Element and its current Element is out of compliance.[1] Therefore, the GPU will be inadequate and out-of-date on the day it is adopted.

I43-19. The Merriam Specific Plan is consistent with GPU Policies H-1.3 and H-1.9. The Specific Plan proposes to include an affordable housing component equal to 10% of the total

[1] The HCD granted the County an extension to respond until June 30, 2011.

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

I43-19. cont. number of dwelling units, at a suitable location. The Specific Plan will assist the County in meeting the Regional Housing Needs Allocation ("RHNA") requirements, which are not otherwise satisfied in the GPU.

V. DEIR Fails To Disclose Significant Impacts

I43-20. The DEIR states that the proposed GPU policies and mitigation measures would mitigate the proposed project's potentially significant direct and cumulative impacts related to archaeological resources to a less than significant level. However, as described in the Merriam REIR, the widening of Deer Springs Road to six lanes would result in unavoidable indirect impacts from construction, increased accessibility, and the potential for pot-hunters/looters. The significant unavoidable impacts of the Transportation Element must be disclosed.

I43-21. In addition, the widening of Deer Springs Road would result in a cumulative noise level increase of up to four decibels, resulting in a cumulatively considerable impact. According to the DEIR, General Plan Amendments that are currently in process, or are recently approved and under construction, and would be more intense than the proposed project, were included in the GPU cumulative analysis. However, the Merriam Specific Plan is not on the list. Therefore, Merriam and the resulting impacts need to be disclosed in the DEIR.

I43-22. Finally, the GPU DEIR refers to the 2030 San Diego Regional Transportation Plan Projects. However, Table 1-8 fails to list Deer Springs Road's widening as one of the projects. This will need to be addressed in the DEIR, and its impacts disclosed and evaluated.

VI. The Merriam Project Is Omitted From DEIR

I43-23. The DEIR fails to consider the entire Merriam Project as a pending or cumulative project on Table 1-11. Although Merriam is one of the largest projects in the community, the DEIR only lists the Bonsall community (1200 units on 321.16 acres). Thus, it appears that the balance of the project is not included within the DEIR cumulative or pending analysis. This oversight must be corrected and the analysis reviewed.

VII. Conclusion

I43-24. Merriam appreciates this opportunity to comment on the GPU DEIR. As set forth above, the DEIR fails to respond adequately to Merriam's prior comment letter. We request that you recirculate the DEIR to consider the pending Merriam Mountains Specific Plan as a feasible alternative to the land uses proposed in the GPU. The Specific Plan is more consistent with GPU policies than the proposed Land Use Element, which results in internal inconsistencies in the County's General Plan. The DEIR also fails to properly disclose, analyze and mitigate the impacts of the draft REIR policies.

Comment Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

Devon Muto
August 31, 2009
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I43-25. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Deborah M. Rosenthal MLC

Deborah M. Rosenthal, AICP

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:3MLC1\402172498.1

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal

I43-1 This is an introduction to the comment letter that summarizes issues that are addressed in further detail within the letter. These issues are addressed in the following responses.

I43-2 This comment provides a summary of the proposed Merriam Mountains project and the General Plan Update land use maps as they relate to the project area and does not raise a significant environmental issue pursuant to CEQA for which a response is required.

I43-3 CEQA requires that an EIR identify the environmental impacts associated with a project, not the benefits. Additionally, the County does not agree that a comparison of the General Plan Update to the Merriam Mountains Specific Plan is required. As discussed further in response to comment I43-13, the Merriam Mountains Specific Plan is not a reasonable alternative to General Plan Update.

I43-4 The County does not agree with this comment. The General Plan Update assures the provision of infrastructure and public services through its policies and the implementing development review process. As a result of the policies contained in the draft General Plan, any development of the Merriam project site would be required to demonstrate that adequate infrastructure and services are available.

I43-5 The County does not agree with this comment. The low-density designations on the project site could accommodate a valuable open space network. The provisions of the Conservation Subdivision Program would steer the design of new development so the footprint minimizes impacts to sensitive resources. Avoided areas would become part of an open space network with connectivity to adjacent areas and preserve design consistent with NCCP guidelines. Depending on the location and size of the open space, funding and management may be a requirement of future development under the General Plan Update.

I43-6 This comment describes the proposed Merriam Mountains Specific Plan project and does not raise an environmental issue for which a response is required.

I43-7 The County does not agree with this comment. The proposed commercial and office professional designations that are on the draft maps for the General Plan Update are intended to interact with the I-15/Deer Springs Road interchange, the planned uses to the east of the interchange, and the surrounding community.

I43-8 The County does not agree that a comparison of the General Plan Update to the Merriam Mountains Specific Plan is required. As discussed further in response to comment I43-13, the Merriam Mountains Specific Plan is not a reasonable alternative to General Plan Update.

I43-9 The draft General Plan contains requirements that future developments contribute its fair share to transportation improvements and implement all feasible mitigation. Other necessary infrastructure, facilities, and services must also be available prior to the development being approved or must be provided concurrent with that

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

development. Transportation improvements would be accomplished as part of individual projects and capital improvement projects. Funding can come from a variety of sources such as private projects, the transportation impact fee, County funding, and State and federal grants. The County does not agree that further evaluation of financing is necessary or required by CEQA.

I43-10 The County does not agree with this comment. SB 375 includes requirements of regional planning agencies, such as the San Diego Associate of Governments, in developing the regional transportation plan. The regional planning agencies are required to develop a planning strategy, based on the adopted plans of the local jurisdictions, and demonstrate that transportation-related emission targets can be achieved. There are no requirements for local governments to conform to the strategies developed as part of that process and there are no other standards or requirements set by SB 375 that are applicable to the County.

I43-11 The County does not agree with this comment. The process followed to develop the proposed project and associated land use map is described in Section 1.0 of the DEIR. Further detail is available on the County's website which documents the process that staff, the Planning Commission, and the Board of Supervisors followed to develop the proposed project and alternatives.

I43-12 This comment appears to be suggesting that low density spread over a large area may not be environmentally superior to higher density confined to a smaller area. The County agrees with this concept and has incorporated it into the project through implementation of its Community Development Model and use of the Conservation Subdivision Program (CSP). However, the example in the comment further suggests that general reductions in density that are provided on the Environmentally Superior Map are not necessarily environmentally superior. In this case, the County does not agree with the comment because the comparison is primarily between two density designations that would be implemented in the same regulatory setting. In such a setting, it is more likely that the high density designation would result in development with greater environmental impacts.

I43-13 The County does not agree with this comment. The Merriam Mountains Specific Plan project is not a reasonable alternative to the General Plan Update. Since 2000, representatives of the Merriam project have participated in the General Plan Update process advocating that higher densities be accommodated on the project site to support the proposed Specific Plan. They communicated with staff and testified at hearings with both the Planning Commission and the Board of Supervisors. During that process, the site was evaluated by County staff to determine the appropriate densities based on site conditions and using the Guiding Principles for the General Plan Update. The appropriate densities are reflected in the Land Use Maps analyzed in the DEIR. On a parallel track, the Merriam Mountains Specific Plan has completed a draft CEQA document with the County that proposes project-level mitigation for potential impacts. It would not be appropriate for the County to include the proposed Specific Plan within the General Plan, nor to include the proposed project-level mitigation within the Program EIR for the General Plan Update.

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

I43-14 This comment briefly describes Merriam Mountains Specific Plan project features and project-specific mitigation. It does not raise an environmental issue for which a response is required.

I43-15 The County does not agree with this comment. Under the General Plan Update and its implementing programs, land owners within the Rural Lands category will be encouraged, if not required, to minimize development footprint and maximize open space. The comment claims that the project would discourage permanent preservation of resources. However, there is no supporting evidence or reasoning to explain this assertion.

I43-16 The comment claims that the Rural Lands designation is not consistent with the provision of affordable housing. Yet, the comment does not cite the provision to which it is referring. Based on County staff review and consultation with the California Department of Housing and Community Development (HCD), the General Plan Update is meeting its affordable housing requirements.

The comment further states that the Rural Lands designation offers no agricultural advantages. The County disagrees with this assertion. The densities and land-use descriptions that accompany this regional category promote and encourage agricultural uses. Moreover, the General Plan Update includes a number of policies and mitigation measures that specifically provide agricultural advantages. See DEIR Sections 2.2.61 and 2.2.6.3.

I43-17 The County does not agree that the Office Professional and Commercial designations are poorly located. These designations were located at the Interstate 15 and Deer Springs Road intersection on both sides of the I-15 to provide an area of commercial and employment activities. It is common for the County to have areas of higher village intensity, surrounded by Semi-Rural and Rural Lands. The claim that there is only 3.5 acres of commercial is inaccurate; there are seven acres of General Commercial west of the I-15, and an additional five acres of General Commercial acreage to the east.

I43-18 The County does not agree with the comment. The General Plan Update evaluates both homes and population through its buildout and utilizes SANDAG 2030 projections to evaluate the capacity of the plan. Table 1-3 of the DEIR provides housing estimates for buildout of the General Plan Update (the buildout estimate totals 238,512 homes). The Series 11 SANDAG growth forecasts projected 235,861 homes for the unincorporated area in 2030. Therefore, the housing capacity is consistent. Additionally, SANDAG is currently working on the Series 12 forecasts which currently projects 202,882 homes for 2030 and 222,890 homes for 2050.

In addition, the State HCD does not conclude that the General Plan Update does not contain sufficient sites. The State HCD's comments are on the existing sites inventory, which is based on the existing General Plan. The General Plan Update does provide sufficient sites to accommodate its housing needs allocation and comply with State law.

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

I43-19 This is a statement about the Merriam Mountains project and not a comment on the General Plan Update or DEIR. No further response is necessary.

I43-20 The County appreciates this information regarding potential site-specific impacts associated with the widening of Deer Springs Road. However, the County does not agree that such impacts are necessarily significant and unavoidable for the General Plan Update project. The feasibility of mitigation must be evaluated with regard to the scope of the project and its objectives. Based on the information provided in this comment and within the Merriam Mountains DEIR, the County finds that its program-level policies and mitigation measures would still reduce potential impacts to archaeological resources to a less than significant level. The following policies and measures were identified in the DEIR as mitigation for archaeological resource impacts:

Policy COS-7.1: Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.

Policy COS-7.2: Open Space Easements. Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.

Policy COS-7.3: Archaeological Collections. Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

Policy COS-7.4: Consultation with Affected Communities. Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.

Cul-1.1 Utilize the RPO, CEQA, the Grading and Clearing Ordinance, and the Zoning Ordinance to identify and protect important historic and archaeological resources by requiring appropriate reviews and applying mitigation when impacts are significant.

Cul-1.6 Implement, and update as necessary, the County's Guidelines for Determining Significance for Cultural Resources to identify and minimize adverse impacts to historic and archaeological resources.

Cul-2.1 Develop management and restoration plans for identified and acquired properties with cultural resources.

Cul-2.2 Facilitate the identification and acquisition of important resources through collaboration with agencies, tribes, and institutions, such as the South Coast Information Center (SCIC), while maintaining the confidentiality of sensitive cultural information.

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

Cul-2.3 Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grants or matching funds, or funds from private organizations.

Cul-2.4 Protect significant cultural resources through regional coordination and consultation with the NAHC and local tribal governments, including SB-18 review.

Cul-2.5 Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys.

Cul-2.6 Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the South Coast Information Center (SCIC) and consultation with the Native American Heritage Commission (NAHC) and local tribal governments, including SB-18 review, while maintaining the confidentiality of sensitive cultural information.

I43-21 The County does not agree with this comment. The Merriam Mountains Specific Plan was included in the County's cumulative project list and was evaluated for cumulatively considerable impacts. The DEIR correctly evaluated potential noise increases that would result from the proposed Mobility Element Road Network, including widening of Deer Springs Road. See DEIR Section 2.11.4.1 and 2.11.4.3 regarding cumulative noise impacts.

I43-22 The widening of Deer Springs Road is proposed by the County to mitigate Levels of Service impacts. Although Deer Springs Road is identified as part of the Regional Arterial System (RAS) in the 2030 RTP and TransNet funds contribute to construction of the RAS, the 2030 RTP does not specifically identify improvements to this network. Therefore, improvements to Deer Springs Road are not included with the Major Capital Improvements identified in Appendix A of the 2030 RTP, which is the basis for Table 1-8.

However, the DEIR has been changed to discuss the Regional Arterial System. The paragraph below has been added to DEIR Section 1.14.2.2, Regional Transportation Plans, under the "2030 San Diego RTP" subheading before the last sentence.

"<u>The Regional Arterial System provides critical links to the highway network and serves as alternative routes to the regional highway network. The RAS is identified in Technical Appendix 7, Transportation Evaluation Criteria and Rankings, of the 2030 RTP; however, specific improvements to this network are not included. Planned improvements to the Regional Arterial System are identified in the local circulation elements of the cities and the county. Funding is intended to come from the local jurisdictions; however, as a result of Proposition 42 and the voter-approved $2,071 per dwelling unit for regional arterials, TransNet funds contribute to the construction of these facilities.</u>"

Responses to Letter I 43, Merriam Mountains (Represented by Sheppard Mullin Richter & Hampton LLP), Deborah Rosenthal (cont.)

I43-23 The County concurs that Table 1-11 is not correct. This table has been corrected to show that the Merriam project proposes 2,700 units on 2,327 acres in Bonsall and North County Metropolitan community planning areas. Staff reviewed the impact analysis models used in the DEIR and verified that the correct number of acres and units were used in evaluating cumulative impacts.

I43-24 The County does not agree with this comment. Recirculation of the DEIR is not necessary or appropriate. The County finds that the Merriam Mountains Specific Plan is not a reasonable alternative to General Plan Update. See also response to comment I43-13.

The comment also goes on to say that there are internal inconsistencies in the General Plan and that the DEIR fails to evaluate and mitigate the impacts of the draft REIR (i.e., the Merriam Mountains Specific Plan project impacts). The County does not agree that there are internal inconsistencies in the proposed project and the comment letter does not clearly identify any such issues. Additionally, the County does not agree that the programmatic DEIR for the General Plan Update should analyze the draft REIR for the proposed Merriam project. The Merriam Mountains Specific Plan is not part of the proposed project and its draft REIR is not relevant except as information for cumulative analysis. The County included the Merriam Mountains impacts in its cumulative impact analysis within the DEIR. Therefore, additional analysis and mitigation is not required.

I43-25 This concluding paragraph does not raise a significant environmental issue for which a response is required.

Comment Letter I 44, Miner, Doug

August 12, 2009

AUG 19 '09

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I44-1. Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

I44-2. SANDAG has studied and concluded that the population in the rural portions of San Diego County will nearly double in the next 20 years. These findings are contrary to what the proposed General Plan Update will accommodate. Have you vetted your plan with SANDAG?

I44-3. The General Plan Update will significantly reduce the development potential currently accounted for in the General Plan for East San Diego County. As such, build out in these areas will be considerably less than would be consistent with the SANDAG projections.

I44-4. Having been a resident of this county for many years, I have watched as the population has grown from a modest metropolitan center with modest suburbs, to almost total build-out from the border to the county line on the north and from the ocean to the foothills on the east. WHERE ARE YOU GOING TO BUILD?

I44-5. The proposed densities for East County are unreasonable. Many of the smaller communities are dying, and losing necessary support services vital to their well being. Managed, planned growth is essential to the vitality of these communities. Downsizing hurts these communities. The density downsizing provisions applied to East County by the General Plan Update will leave San Diego County ill-equipped to meet future population demands. The General Plan Update should support regional plans for continued growth and prosperity – not hamper economic and social vitality.

I44-6. It appears that impacts of the General Plan Update on applicable land use planning for rural areas of the County, as well as policies and regulations were not fully and adequately analyzed. I request this analysis be revised to reflect the loss of the ability to accommodate nearly 15 percent of the County's projected housing needs.

Thank You for the opportunity to comment.

Sincerely,

Doug Miner
Campo, Ca

Responses to Letter I 44, Miner, Doug

I44-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I44-2 The County does not agree with this comment. Section 1.13 of the DEIR describes SANDAG's population forecast methodology as it relates to the General Plan Update. As explained in the DEIR, SANDAG's forecast used draft maps from the General Plan Update and the two forecasts are consistent. County staff has coordinated closely with SANDAG staff on these forecasts and the General Plan Update. No conflicts as suggested by the commenter have been identified by SANDAG.

I44-3 The County does not agree with this comment. As indicated in response to comment I44-2, General Plan Update is consistent with SANDAG projections.

I44-4 This comment does not raise a significant environmental issue for which a response is required. SANDAG is currently in the process of preparing the 2050 growth forecast. It has indicated that the region has sufficient capacity in the current plans of all the jurisdictions until 2050.

I44-5 This comment does not raise a significant environmental issue for which a response is required. Additionally, this comment is based on the assumption that the General Plan Update is inconsistent with regional plans, which is an incorrect assumption.

I44-6 The County does not agree with this comment. Section 2.9.3.2 of the DEIR addresses possible conflicts with applicable plans and policies. The comment appears to be based on an assumed inconsistency with the SANDAG forecast which is an incorrect assumption. Further, the statement that the General Plan Update will result in 15 percent less than the County's projected housing needs is incorrect and not supported by fact.

Comment Letter I 45, Morgan Run Country Club and Resort, S. Chevis Hosea

Morgan Run Country Club and Resort

Via hand delivery and certified mail

July 28, 2009

Devon Muto, Chief of General Plan Update
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: General Plan Update / Morgan Run Country Club and Resort
Comments on draft Environmental Impact Report

Dear Mr. Muto:

I45-1. We represent the ownership group for the Morgan Run Country Club and Resort at 5690 Cancha de Golf, Rancho Santa Fe. We have previously raised, through our project consultants, our concerns that our resort is being "down-zoned" through the County's current General Plan update process. Currently, the resort enjoys a designation of (24) Impact Sensitive, which allows for up to 1 dwelling unit per 4 acres. Under the proposed general plan update, ***the resort is proposed to be down-zoned*** to Open Space (Recreation), which does not permit any residential dwelling units. We have previously brought this apparent oversight to the attention of staff, and we are concerned that the continued circulation of planning documents with the improper designation may result in additional delay (or require additional unanticipated circulation) once the error is corrected. We understand this may have simply been an oversight as the County's own materials indicate that existing Impact Sensitive (24) designations are, under the updated General Plan, to be either SR-4, 8 or 16 (see Attached) and not open space, as the General Plan suggests. In the case of Morgan Run, given the slope, a designation of SR-4 would seem appropriate and would simply allow things to "stay the same." I believe that last year staff confirmed that SR-4 (or SR-2) would be the appropriate way to correct this designation in the General Plan.

We at Morgan Run view ourselves as a good neighbor to the community and a supporter of the County's efforts in its General Plan update process. However, we wish to reiterate our concern over this change and reduction in our current development rights.

Comment Letter I 45, Morgan Run Country Club and Resort, S. Chevis Hosea (cont.)

Letter to Devon Muto
July 28, 2009
Page 2

I45-2. We remain very interested in providing whatever assistance we can to help the County to correct Morgan Run's land use designation (and allow us to retain our existing rights) before the General Plan is brought to the Board of Supervisors, which we understand to likely occur next summer. Our goal is not to ask for additional development rights at this time – rather, ***we simply wish to be treated fairly and allowed to retain those rights which we already have***.

Finally, we must ask that you please consider this our formal comment with regard to the draft General Plan, and the draft Environmental Impact Report currently being circulated for public review and comment.

I45-3. We remain eager to provide any assistance we can to help the County in their general plan update process, while helping to ensure that Morgan Run (as both a destination resort for local residents and tourists from afar, and an important contributor to sales and transient occupancy tax) continues to play a valuable role within the County for decades to come.

Sincerely,

S. Chevis Hosea
VP Development

cc: Eric Gibson, Director, Department of Planning and Land Use (via certified mail)
Paul Marks, Chair, San Dieguito Community Planning Group (via certified mail)
Doug Yavanian, Community Relations Liaison

Comment Letter I 45, Morgan Run Country Club and Resort, S. Chevis Hosea (cont.)

RESIDENTIAL LAND USE DESIGNATIONS

	No.	Designation	Density	Slope Dependent?	Existing Designation
Village Core	VC-29	Village Residential 29	29 du/acre	No	Replaces (9) Residential
	VC-24	Village Residential 24	24 du/acre	No	(10) Residential
	VC-20	**Village Residential 20**	**20 du/acre**	**No**	***REVISION*** */ Approved by Steering Com.*
	VC-14.5	Village Residential 14.5	14.5 du/acre	No	(8) Residential
	VC-10.9	Village Residential 10.9	10.9 du/acre	No	(7) Residential
Village	VR-7.3	Village Residential 7.3	7.3 du/acre	No	(6) Residential
	VR-4.3	Village Residential 4.3	4.3 du/acre	No	(5) Residential
	VR-2.9	Village Residential 2.9	2.9 du/acre	No	(4) Residential
	VR-2	Village Residential 2	2 du/acre	No	(3) Residential
Semi-Rural	SR-1, 2, 4	Semi-Rural Residential 1	1 du/acre	Yes	(1) Residential / (2) Residential
	SR-2, 4, 8	Semi-Rural Residential 2	1 du/2 acre	Yes	(17) Estate Residential / (19) Intensive Ag
	SR-4, 8, 16	Semi-Rural Residential 4	1 du/4 acre	Yes	(18) Multiple Rural Use / (24) Impact Sensitive
	SR-10, 20	Semi-Rural Residential 10	1 du/10 acre	Yes	(20) General Agriculture (inside CWA)
Rural Lands	RL-20	Rural Lands 20	1 du/20 acre	No	
	RL-40	Rural Lands 40	1 du/40 acre	No	(20) General Agriculture (outside CWA)
	RL-80	Rural Lands 80	1 du/80 acre	No	
	RL-160	Rural Lands 160	1 du/ 160 ac	No	

Footnote: VC-29 was reinstated as a Village Core designation to accommodate about 680 acres of land currently zoned as RU29 in Fallbrook, Lakeside, Spring Valley, Alpine and other communities. 20 du/acre was added to help meet Housing Element requirements. Providing a range of Village Core densities will make it easier for to comply with State Law 65863(b), which prohibits the reduction of residential density for any parcel to a lower residential density than was utilized by HCD in determining compliance with housing element law.

Responses to Letter I 45, Morgan Run Country Club and Resort, S. Chevis Hosea

I45-1 The County appreciates this comment and notes that the draft General Plan does accommodate a residential density on Open Space (Recreation) lands. The draft Land Use Element Table LU-1 has been revised to indicate that the Open Space – Recreation designation has a maximum density of Semi-Rural 4, 8, 16 acres per dwelling unit. In the draft General Plan, maximum residential densities will be applied in the Zoning Ordinance.

I45-2 The County acknowledges the commenter's desire to retain existing development rights; however, this comment does not raise a significant environmental issue for which a response is required.

I45-3 This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin

The Loftin Firm LLP

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Franklin, Tennessee 37064
Tel: 615.567.6722
Fax: 615.567.6723

Client/Matter NumberMR-450-:010

Attorneys at Law

Via Hand Delivery & Email

August 24, 2009

Devon Muto, Chief of General Plan Update
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: TOPIC: **General Plan Update/Morgan Run Country Club and Resort;**
Comments on GP Update Draft Environmental Impact Report

REQUESTED ACTION: **Amend both documents to correct zoning designation for Morgan Run Country Club and Resort**

LEGAL NOTICE: **Confirmation of Appropriation of Property for Public Use, if Requested Action is Denied**

Dear Mr. Muto:

I46-1. This Firm represents the owners of the property commonly referred to as Morgan Run Country Club and Resort (**"Morgan Run" or "Property"**) with regard to the above referenced matters. We have reviewed both the General Plan Update and the related Draft Environmental Impact Report dated July 1, 2009 (**"EIR"**) as each relates to Morgan Run. It is apparent that these documents in their current form would constitute a taking of the Property in violation of both state and federal law. Moreover, the proposed designation change in the General Plan Update from its current designation of (24) Impact Sensitive Area (which allows for single-family development) to Open Space (Recreational) (which does not allow for single-family development) serves no legitimate purpose to mitigate an environmental impact consistent with the requirements of the EIR. The purpose of this correspondence is twofold: First, to document formally Morgan Run's demand that the General Plan Update and the EIR as both relate to Morgan Run be corrected to delete the Open Space (Recreational) designation and to replace the same with the existing designation or alternatively a designation of SR-2 or SR-4. Second,) to inform the County of San Diego (the **"County"**) that this "error" has resulted in, and if not corrected, will continue to result in, the County's appropriation of a portion of the Property

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Mr. Devon Muto
County of San Diego
August 24, 2009
Page 2 of 4

I46-1. cont. located within the Morgan Run for a public purpose and/or use, and that failure to reverse this will leave Morgan Run with no alternative but to take the requisite legal action to protect its rights and the value of the Property.

I46-2. As background for the issues raised in this correspondence, please refer to the correspondence from Randi Coopersmith, Principal, Latitude 33, dated July 14, 1998, hereby incorporated as **Exhibit "A"**; and your responsive correspondence to Randi Coopersmith, dated August 14, 2008, hereby incorporated as **Exhibit "B"**. Please additionally refer to the correspondence from this Firm to the Board of Supervisors, copied to you, dated July 23, 2008, hereby incorporated as **Exhibit "C",** and the correspondence from Chevis S. Hosea to you dated July 28, 2009, hereby incorporated as **Exhibit "D".**

GENERAL PLAN UPDATE AND RELATED EIR

I46-3. The current General Plan designates the Property as (24) Impact Sensitive Area, which allows one (1) dwelling unit per 4, 8, or 20 acres depending on slope. Since the site is completely flat, the current General Plan allows one (1) dwelling per 4 acres. The current zoning is A70, Limited Agricultural Use Regulation, which allows one (1) dwelling unit per 8 acres. Assuming the more restrictive classification, this Property of approximately 197 acres would yield 25 units. The General Plan Update proposes to designate this Property as Open Space (Recreational) which allows zero (0) dwelling units per acre.

I46-4. This Property has previously been approved for expansion with all appropriate studies performed, including without limitation, a traffic study. All documents, maps, studies, memorandums, correspondence, staff reports and resolutions related to the February 5, 1999 San Diego County Planning commission approval of the Major Use Permit Modifications are hereby incorporated by reference as though fully set forth hereat.

I46-5. The EIR issued on July 1, 2009 does not justify (or require) a designation change to mitigate any EIR impact of the Property. For example, all of the *PROPOSED GENERAL PLAN UPDATE POLICIES AND MITIGATION MEASURES, Chapter 7.0* are fulfilled by the existing General Plan designation of the Project. The current General Plan designation further meets all ten (10) of the General Plan Update Project Objectives. *See, EIR, Chptr. 1.3.* Whereas, the proposed General Plan Update designation creates un-mitigated impacts, among others, on Table S-1, p. S-15, item 2.9 Land Use and Table S-1, p. S-16, item 2.12 Population and Housing.

I46-6. The existing General Plan designation and zoning are consistent with the adjacent developed areas; supports a reasonable share of projected regional population growth; promotes sustainability by locating new development near existing infrastructure, services and jobs; reinforces the individual character of the existing community while balancing employment and recreational opportunities; continues to promote environmental stewardship and is sensitive to the physical constraints and natural hazards of this flat land; supports public transportation network for workers and home owners; will not impact greenhouse gas emissions; and

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Mr. Devon Muto
County of San Diego
August 24, 2009
Page 3 of 4

I46-6. cont. minimizes public costs of infrastructure and services by use of existing infrastructure and services. *See, EIR, Chptr.1.3*

I46-7. The Property is an integral partially developed part of the San Dieguito CPA. It is unique among other golf and tennis recreation areas within the General Plan in that it provides hotel and other services. It has been the center piece of the community commonly known as Whispering Palms off of and along Via de la Valle. As established in prior studies and environmental impact studies related to this specific area within the San Dieguito CPA, the expansion of the Morgan Run area will not negatively impact the immediate community or the greater Rancho Santa Fe Village area with increased traffic or other environmental impacts.

I46-8. Based upon this correspondence, its attachments and incorporated by reference materials, Morgan Run objects to the General Plan Update and the EIR as each relates to the Property. Specifically, there is no mitigation tendered for the down zone and accordingly deprives Morgan Run of reasonable economic value of its property. Likewise, there is no justification within the EIR for this down zone, including without limitation, for any reason set for in *Chapters 2, 3, or 4* of the EIR.

I46-9. Notwithstanding, the verbal and written assurances that the "down zoning" was an error and could be corrected; or that the issue can be addressed after approval, this issue was raised by Morgan Run well over a year and a half ago. There has been, and continues to be, time to change the General Plan Update designation on this Property to correctly reflect the land use designations. The "down zoning" remains in the General Plan Update and its related EIR. The effect of this action removes the economic value of this Property, as Open Space (Recreational) prohibits housing units and any other economically viable use of the Property.

REQUESTED ACTION

I46-10. Based upon the review of the correspondence between yourself and Randi Coopersmith, the proper designation under the proposed General Plan Update and related draft EIR is to change the affected portion of the Property to SR-2 or SR-4. Either of these designations would be acceptable to Morgan Run.

CONFIRMATION OF APPROPRIATION OF PROPERTY FOR PUBLIC PURPOSE

I46-11. The effect of not changing the designation for the Property, as stated above, is to deprive the Property of its economic value. *Code of Civil Procedure* § 1235.180. Clearly from the language of the EIR, the purpose for changing the designation of the Property to Open Space (Recreational) is to satisfy the updated policies and mitigation measures of the EIR and to collaborate with other state and federal agencies and jurisdictions to protect scenic and habitat resources and corridors, among other mitigation issues – Thus, clearly providing a public purpose for this Property.

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Mr. Devon Muto
County of San Diego
August 24, 2009
Page 4 of 4

I46-12. Typically a "taking" involves the deliberate construction or maintenance of public projects, plans or improvements. *See, Bauer v. County of Ventura* (1955) 45 Cal.2d 276. (diversion of waters); *Ullery v. County of Contra Costa* (1988) 202 Cal.App.3d 562 (storm drain pipe). However, the requirement of "just compensation" has been extended "to encompass government regulations that constitute the functional equivalent of an exercise of eminent domain. *Customer Company v. City of Sacramento* (1995) 10 Cal.4th 368, 377 [citations omitted] The U.S. Supreme Court in *Lucas v. So. Carolina Coastal Council* held that the deprivation of beneficial use is the equivalent of a physical appropriation. *Lucas v. So. Carolina Coastal Council* (1992) 505 U.S. 1003. *See, also, Nollan v. California Coastal Comm'n* (1987) 483 U.S. 825, 831.

I46-13. If the designation is not changed for the Property in the General Plan Update and its EIR, then the County will engaged in "the practical equivalence in this setting of negative regulation and appropriation." *Id. at,* p.831; *Lucas v. So. Carolina Coastal Council* (*supra*) 505 U.S. 1003; Cal. Const. Art. 1, § 19.

I46-14. Our client is hopeful that these comments to the General Plan Update and its EIR will result in an appropriate change to both documents. Our client is mindful, however, that if forced by inaction on the part of the County, it is entitled to recover attorney fees, even if the case is settled, including such damages as appraisal and engineering fees, and prejudgment interest. Cal. Const. Art. 1. § 19; *Code of Civil Procedure § 1036.*

Our client, as well as this Firm, is available to discuss and amicably resolve these issues with you.

Sincerely,

THE LOFTIN FIRM LLP

L. Sue Loftin, Esq.

cc: Chevis S. Hosea
Dustin Steiner, Policy Advisor, 5th Supervisor District
Clerk of the Board of Supervisors
Eric Gibson, Director, Department of Planning and Land Use
Paul Marks, San Dieguito Community Planning Group

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Exhibit “A”

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Latitude 33

Planning and Engineering

File: 897.10

July 14, 2008

Mr. Devon Muto, Chief of General Plan Update
County of San Diego DPLU
5201 Ruffin Road, Ste. B, M.S. 0651
San Diego, CA 92123

RE: THE GENERAL PLAN UPDATE PROPOSED DESIGNATION FOR THE MORGAN RUN COUNTRY CLUB AND RESORT

Mr. Muto:

Thank you for taking the time to meet with us this last Wednesday (July 9th) on the proposed General Plan Update Designation and being open to our suggestions. We appreciate your concurrence that the goal of the General Plan Update is not to eliminate the opportunity to develop residential units, but to accurately describe the current use. We also appreciate your willingness to work together on a solution that would achieve both the property owners and the County's goals. As discussed, we are following up on our recent meeting with a discussion of the potential General Plan Update issue and suggested solutions.

This site (see attached) is currently operating under a Major Use Permit Modification (P68-103W3) as a 27-hole golf course, resort and spa. The current General Plan designates the property as (24) Impact Sensitive Area, which allows 1 dwelling unit per 4, 8, or 20 acres depending on slope. The site is completely flat, thus the existing General Plan allows one dwelling per 4 acres. The current Zoning is A70, Limited Agricultural Use Regulation, which allows one dwelling unit per 8 acres. We understand that the County has a legal interpretation that if the Zoning and the General Plan don't match, the more restrictive classification is enforced. Therefore, this site would allow a density of one unit per 8 acres. The site is approximately 197 acres, thus a subdivision would yield 25 units.

The proposed General Plan Update Designation is Open Space (Recreation) and according to latest Land Use Framework (page A-13), allows a density of zero dwelling units per acre. As discussed at our meeting, the text also states that this revision has not yet been endorsed by the Planning Commission or the Board of Supervisors.

4933 Paramount Drive, Second Floor, San Diego, CA 92123
(858) 751-0633 • Fax (858) 751-0634 • email: mailbox@latitude33.com

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

While the owners do not have any concrete development plans, they certainly don't want to give up their potential development rights (25 dwelling units) as a part of the General Plan Update. As you can imagine, a substantial portion of the property's value includes these potential residential units. As you are aware, the site is segmented around numerous existing homes, with 3 holes located across the road (Via De La Valle). With 27 golf holes, there may be a potential to redevelop and reposition the property utilizing the density for either fractional ownership units or single-family units. Therefore, keeping the ability to subdivide is extremely important.

Our first solution does not involve a change in this proposed Designation or an increase in density. This solution, which we believe addresses both the property owners and the County's concern, is to allow the one dwelling unit per 8-acre density within the Open Space (Recreation) Designation if certain circumstances are met. For example, a footnote could be added under this density stating "Development can only occur if the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts." This language was taken directly from the existing General Plan (24) Designation. This solution preserves the owner's ability to subdivide their land if they wish and does not give other owners false expectations that they have the absolute right to the one per 8-acre density.

Another solution would be to designate the property as SR-2, similar to the adjoining development and add a footnote stating a maximum density of 1 dwelling unit per 8 acres is allowed if a property is located within a flood plain or a golf course. Again, this solution would maintain the existing potential development yield.

Our goal is to work out this minor discrepancy and become a strong advocate for the Board to approve the General Plan Update. We are also certainly open to any other solution that you may have that achieves both our objectives. Regardless of your decision, we would like to become more participatory in the County's General Plan Update. We would appreciate receiving your answer before July 23rd, so we can prepare our comments for the Board accordingly.

If you have any questions, please don't hesitate to call (858) 751-0633 or email me at randi.coopersmith@latitude33.com.

Sincerely,

Randi Coopersmith,
Principal

cc: Dustin Steiner Policy Advisor, 5th Supervisor District
Jeff Murphy, Deputy Director (General Plan Update), DPLU

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

RESIDENTIAL LAND USE DESIGNATIONS

	No.	Designation	Density	Slope Dependent?	Existing Designation
Village Core	VC-29	Village Residential 29	29 du/acre	No	Replaces (9) Residential
	VC-24	Village Residential 24	24 du/acre	No	(10) Residential
	VC-20	**Village Residential 20**	**20 du/acre**	**No**	***REVISION*** */ Approved by Steering Com.*
	VC-14.5	Village Residential 14.5	14.5 du/acre	No	(8) Residential
	VC-10.9	Village Residential 10.9	10.9 du/acre	No	(7) Residential
Village	VR-7.3	Village Residential 7.3	7.3 du/acre	No	(6) Residential
	VR-4.3	Village Residential 4.3	4.3 du/acre	No	(5) Residential
	VR-2.9	Village Residential 2.9	2.9 du/acre	No	(4) Residential
	VR-2	Village Residential 2	2 du/acre	No	(3) Residential
Semi-Rural	SR-1, 2, 4	Semi-Rural Residential 1	1 du/acre	Yes	(1) Residential / (2) Residential
	SR-2, 4, 8	Semi-Rural Residential 2	1 du/2 acre	Yes	(17) Estate Residential / (19) Intensive Ag
	SR-4, 8, 16	Semi-Rural Residential 4	1 du/4 acre	Yes	(18) Multiple Rural Use / (24) Impact Sensitive
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	RL-80	Rural Lands 80	1 du/80 acre	No	
	RL-160	Rural Lands 160	1 du/ 160 ac	No	

Footnote: VC-29 was reinstated as a Village Core designation to accommodate about 680 acres of land currently zoned as RU29 in Fallbrook, Lakeside, Spring Valley, Alpine and other communities. 20 du/acre was added to help meet Housing Element requirements. Providing a range of Village Core densities will make it easier for to comply with State Law 65863(b), which prohibits the reduction of residential density for any parcel to a lower residential density than was utilized by HCD in determining compliance with housing element law.

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Exhibit “B”

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

- would like to discuss at comm group

August 14, 2008

Randi Coopersmith
Principal, Latitude 33
4933 Paramount Drive, Second Floor,
San Diego, CA 92123

RE: GENERAL PLAN UPDATE PROPOSED LAND USE DESIGNATION FOR THE MORGAN RUN COUNTRY CLUB AND RESORT

Dear Mr. Coopersmith,

This responds to your letter dated July 14, 2008, concerning the General Plan Update designations for the Morgan Run Country Club and Resort and retention of the density currently designated on that property. As you are aware, the General Plan Update is well underway and is based on years of work and coordination. As a result, we are posed with difficulties when it comes to changing maps or designations. In your letter, you discuss two potential solutions for the issue that you raise. I will address these two options below.

The first solution you present is to redefine the Open Space (Recreation) designation to allow a maximum density of 1 dwelling unit per 8 acres when specific circumstances are met. This is a well researched proposal based on our existing designations. However, while the current definition may not specifically be endorsed by the Board, it has been vetted through the General Plan Update Advisory Groups and the planning assumptions and analysis that we are currently working on is based on this current definition. It is also used a moderate amount throughout the unincorporated area. Changing it at this point would likely raise substantial concerns by the Advisory Groups and could undermine our analysis, causing delays and increased costs to the project.

The second solution you present is to redesignate the property with an SR-2 designation with a footnote that limits the maximum density. We believe that a solution along these lines will be much less problematic to the overall General Plan Update process. If pursued, we would suggest that the property (or portion of it) be designated SR-2 or SR-4.

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

General Plan Update -2- August 14, 2008

Please note that while this solution may be feasible, it would require further analysis and consideration by DPLU to determine whether or not we would support such a proposal. If it is determined that this designation change is consistent with the conclusions of the General Plan Update EIR, County Staff anticipates supporting changing a portion or the entirety of the property to SR-2 or SR-4. Part of this consideration will be based on input from the San Dieguito Community Planning Group (which has not yet been requested or received).

Additionally, we cannot change the General Plan Update Alternative maps at this time. Two of the maps have also been endorsed by the Board of Supervisors and staff must receive specific direction if they are to be altered. Also, all maps are currently undergoing analysis and must remain "stable" during this time. Minor modifications to the project (such as this request) can be considered after the draft Environmental Impact Report has been prepared and will only be included if they are consistent with the conclusions of that report.

If you would like to pursue this "second" option, please provide us with a proposal based on our suggestions above. That proposal will then be forwarded to the San Dieguito Community Planning Group for their input. Alternatively, you may coordinate directly with the Planning Group in developing a proposal for our review.

We appreciate you input and participation in the General Plan Update Process. If you have further questions or comments, please do not hesitate to contact me at devon.muto@sdcounty.ca.gov or 858-694-3016.

Sincerely,

Devon Muto
Interim Chief, Department of Planning and Land Use

cc: Paul Marks, Chair, San Dieguito Community Planning Group
Dustin Steiner, Policy Advisor, 5th Supervisor District

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Exhibit "C"

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

The Loftin Firm

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Client/Matter Number:
MR-010

Attorneys at Law

Via Hand Delivery

July 23, 2008

Board of Supervisors
County Administration Center
1600 Pacific Highway
San Diego, CA 92101

Re: General Plan Update / Morgan Run Country Club
County Board of Supervisors Regular Meeting – Planning and Land Use Matters
Wednesday July 23, 2008 – Agenda Item # 23

Dear Board of Supervisors:

This Firm is counsel to the owners of the Morgan Run Country Club located at 5960 Cancha de Golf (APN: 302-160-36, -38). As you know, the current General Plan designation for the subject property is (24) Impact Sensitive which permits, amongst other things, development of dwelling units of 0.25 per gross acre (with clustering permitted). Under the County's proposed General Plan Update, however, the subject property's designation is ***proposed for down-zoning to Open Space (Recreation)*** (allowing zero dwelling units per acre) which effectively deprives the owner of the subject property of important and existing development rights. We understand that the principals of our client are in active discussions with the County to achieve a reasonable resolution of these issues, and we are confident and hopeful that such a resolution exists. The purpose of this letter, however, is to ensure the County is on notice of our objection to the proposed down-zoning of the subject property and the resulting deprivation of important property rights, and all rights and claims associated with the same.

Sincerely,

THE LOFTIN FIRM

Jon P. Rodrigue

cc: Dustin Steiner, Policy Advisor, 5th Supervisor District
Jeff Murphy, Deputy Director (General Plan Update), DPLU
Devon Muto, Chief (General Plan Update), DPLU
Randi Coopersmith, Principal Planner, Latitude 33
Clerk of the Board
Client

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Exhibit “D”

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Morgan Run Country Club and Resort

Via hand delivery and certified mail

July 28, 2009

Devon Muto, Chief of General Plan Update
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: General Plan Update / Morgan Run Country Club and Resort
Comments on draft Environmental Impact Report

Dear Mr. Muto:

We represent the ownership group for the Morgan Run Country Club and Resort at 5690 Cancha de Golf, Rancho Santa Fe. We have previously raised, through our project consultants, our concerns that our resort is being "down-zoned" through the County's current General Plan update process. Currently, the resort enjoys a designation of (24) Impact Sensitive, which allows for up to 1 dwelling unit per 4 acres. Under the proposed general plan update, ***the resort is proposed to be down-zoned*** to Open Space (Recreation), which does not permit any residential dwelling units. We have previously brought this apparent oversight to the attention of staff, and we are concerned that the continued circulation of planning documents with the improper designation may result in additional delay (or require additional unanticipated circulation) once the error is corrected. We understand this may have simply been an oversight as the County's own materials indicate that existing Impact Sensitive (24) designations are, under the updated General Plan, to be either SR-4, 8 or 16 (see Attached) and not open space, as the General Plan suggests. In the case of Morgan Run, given the slope, a designation of SR-4 would seem appropriate and would simply allow things to "stay the same." I believe that last year staff confirmed that SR-4 (or SR-2) would be the appropriate way to correct this designation in the General Plan.

We at Morgan Run view ourselves as a good neighbor to the community and a supporter of the County's efforts in its General Plan update process. However, we wish to reiterate our concern over this change and reduction in our current development rights.

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

Letter to Devon Muto
July 28, 2009
Page 2

We remain very interested in providing whatever assistance we can to help the County to correct Morgan Run's land use designation (and allow us to retain our existing rights) before the General Plan is brought to the Board of Supervisors, which we understand to likely occur next summer. Our goal is not to ask for additional development rights at this time – rather, ***we simply wish to be treated fairly and allowed to retain those rights which we already have***.

Finally, we must ask that you please consider this our formal comment with regard to the draft General Plan, and the draft Environmental Impact Report currently being circulated for public review and comment.

We remain eager to provide any assistance we can to help the County in their general plan update process, while helping to ensure that Morgan Run (as both a destination resort for local residents and tourists from afar, and an important contributor to sales and transient occupancy tax) continues to play a valuable role within the County for decades to come.

Sincerely,

S. Chevis Hosea
VP Development

cc: Eric Gibson, Director, Department of Planning and Land Use (via certified mail)
Paul Marks, Chair, San Dieguito Community Planning Group (via certified mail)
Doug Yavanian, Community Relations Liaison

Comment Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin (cont.)

RESIDENTIAL LAND USE DESIGNATIONS

	No.	Designation	Density	Slope Dependent?	Existing Designation
Village Core	VC-29	Village Residential 29	29 du/acre	No	Replaces (9) Residential
	VC-24	Village Residential 24	24 du/acre	No	(10) Residential
	VC-20	**Village Residential 20**	**20 du/acre**	**No**	***REVISION*** */ Approved by Steering Com.*
	VC-14.5	Village Residential 14.5	14.5 du/acre	No	(8) Residential
	VC-10.9	Village Residential 10.9	10.9 du/acre	No	(7) Residential
Village	VR-7.3	Village Residential 7.3	7.3 du/acre	No	(6) Residential
	VR-4.3	Village Residential 4.3	4.3 du/acre	No	(5) Residential
	VR-2.9	Village Residential 2.9	2.9 du/acre	No	(4) Residential
	VR-2	Village Residential 2	2 du/acre	No	(3) Residential
Semi-Rural	SR-1, 2, 4	Semi-Rural Residential 1	1 du/acre	Yes	(1) Residential / (2) Residential
	SR-2, 4, 8	Semi-Rural Residential 2	1 du/2 acre	Yes	(17) Estate Residential / (19) Intensive Ag
	SR-4, 8, 16	Semi-Rural Residential 4	1 du/4 acre	Yes	(18) Multiple Rural Use / (24) Impact Sensitive
	SR-10, 20	Semi-Rural Residential 10	1 du/10 acre	Yes	(20) General Agriculture (inside CWA)
Rural Lands	RL-20	Rural Lands 20	1 du/20 acre	No	
	RL-40	Rural Lands 40	1 du/40 acre	No	(20) General Agriculture (outside CWA)
	RL-80	Rural Lands 80	1 du/80 acre	No	
	RL-160	Rural Lands 160	1 du/ 160 ac	No	

Footnote: VC-29 was reinstated as a Village Core designation to accommodate about 680 acres of land currently zoned as RU29 in Fallbrook, Lakeside, Spring Valley, Alpine and other communities. 20 du/acre was added to help meet Housing Element requirements. Providing a range of Village Core densities will make it easier for to comply with State Law 65863(b), which prohibits the reduction of residential density for any parcel to a lower residential density than was utilized by HCD in determining compliance with housing element law.

Responses to Letter I 46, Morgan Run Country Club and Resort (Represented by The Loftin Firm LLP), Sue Loftin

I46-1 As discussed in response to comment I45-1, the County believes that the concerns raised in this letter are a misunderstanding as the draft General Plan does accommodate a residential density on Open Space (Recreation) lands and will not necessitate a change to the existing zoning on the subject property.

I46-2 The County acknowledges that, in the correspondence to Randi Coopersmith, Latitude 33, of August 14, 2008, the County committed to pursuing an option that would assign a maximum density to the Open Space – Recreation designation. This was accommodated, as discussed in the response to comment I45-1.

I46-3 Please refer to response to comment I45-1.

I46-4 This comment, which discusses previous studies conducted for the subject property, does not raise a significant environmental issue for which a response is required.

I46-5 The County acknowledges that the land use density can be applied to the property without requiring additional CEQA analysis. The comment further implies that the designation change meets all General Plan Update project objectives. This comment does not raise a significant environmental issue for which a response is required.

I46-6 Please refer to response to comment I45-1.

I46-7 Please refer to response to comment I45-1.

I46-8 Please refer to response to comment I45-1.

I46-9 Please refer to response to comment I45-1.

I46-10 Please refer to response to comment I45-1.

I46-11 Please refer to response to comment I45-1.

I46-12 Please refer to response to comment I45-1.

I46-13 Please refer to response to comment I45-1.

I46-14 Please refer to response to comment I45-1.

Comment Letter I 47, Northcote, Randy

AUG 19 '09 PM 2:27

August 18, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I47-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Randy Northcote

Responses to Letter I 47, Northcote, Randy

I47-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 48, Northcote, Rebecca L.

August 17, 2009

AUG 20 '09 PM 1:

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I48-1. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Rebecca L Northcote

Rebecca L. Northcote

Responses to Letter I 48, Northcote, Rebecca L.

I48-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 49, Northcote, Robert J.

August 17, 2009

AUG 20 '09 PM 1

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I49-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Robert J. Northcote

Responses to Letter I 49, Northcote, Robert J.

I49-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq.

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August 31, 2009

Mr. Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666
Fax No.: (858) 694.2485
E-Mail: gpupdate.DPLU@sdcounty.ca.gov

Via U.S. Mail, Facsimile & E-Mail

RE: County of San Diego Draft Environmental Impact Report and Draft General Plan Update

Dear Mr. Muto:

I50-1. On behalf of Pardee Homes, we appreciate the opportunity to respond to the Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the County of San Diego's General Plan Update. We look forward to working with you and your staff to coordinate planning efforts in the Fallbrook area with Pardee's Meadowood project. Pardee Homes "(Pardee") has reviewed the DEIR and submit the following comments for your consideration:

Comment No. 1

I50-2. Table 1-11 in the DEIR shows the Meadowood project (Project No. 46) as having 1,248 dwelling units. Table 1-11 in the DEIR also shows Project No. 45, Passerrelle Campus Park as having 950 dwelling units and Project No. 50, Campus Park West as having 369 dwelling units. Because these are the only projects proposing residential development in the northeast quadrant of the I-15/SR-76 intersection, the total residential unit count within that quadrant is reported as 2,567 units (i.e., 1,248 + 950 + 369 = 2,567).

Meadowood's correct residential unit count, however, is 886 (844, should Bonsall school district build on the designated 12.7 acre school site). Using Meadowood's more current unit count results in the quadrant count being 2,205 dwelling units (i.e., 886 + 950 + 369 = 2,205). The dwelling unit count for Meadowood shown in Table 1-11 as Project 46 should be reduced by 362 units to 886 dwelling units to accurately reflect a current project dwelling unit count.

I50-3. The applications for Project No. 45 and Project No. 50 should also be reviewed and revised to represent a current dwelling unit count in Table 1-11 for those two projects.

Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)

SELTZER | CAPLAN | McMAHON | VITEK

Mr. Devon Muto
County of San Diego, Department of Planning and Land Use
August 31, 2009
Page 2 of 4

Comment No. 2

Appendix L of the Draft EIR entitled "Areas of Difference Report" is documentation intended to illustrate, amongst others, site specific differences within certain areas of Community Plans between the General Plan Update Draft Land Use Map and the Referral Map. The "FB3: Site Analysis" for the Fallbrook Community Planning Area within Appendix L addresses the area of
I50-4. difference for the northeast quadrant of the I-15/SR-76 intersection. The "Discussion" section within FB3, in part, provides:

> "The Referral and Hybrid Maps reflect plans that would yield approximately 1,400 units whereas the Draft Land Use Map would yield approximately 1,800 units. The Hybrid Map is the same as the Referral Map."

There is no explanation as to how the 1,400 dwelling unit yield from the Referral and Hybrid maps was determined or how the 1,800 dwelling unit yield from the Draft Land Use Map was
I50-5. determined. These numbers are also inconsistent with the dwelling unit counts set forth in Table 1-11 for this area (i.e., Projects 45, 46 and 50 in Table 1-11).

Please indicate how the 1,400 unit yield from the Referral and Hybrid maps was calculated.
I50-6. Also indicate how the 1,800 unit yield from the Draft Land Use Map was calculated. The General Plan Update DEIR does not indicate how these numbers were determined.

Comment No. 3

The land use map depicted in the Land Use Map Appendix of the Draft General Plan titled "Fallbrook Land Use Map LU-A-7" was presumably used in some manner to determine the number of residential dwelling units in the northeast quadrant of the I-15/SR-76 intersection. This is, however, not stated in the General Plan Update DEIR. An examination of Land Use Map LU-A-7 will reveal that there are numerous polygons depicting a permissible land use for each differently colored polygon. The land use map legend identifies permissible uses by color
I50-7. codes. The acreage of each colored polygon, however, is not provided. Boundaries to real property ownership interests are also not identified. The size of the map is such that it prevents "scaling-off" acreages of the various polygons. The size of the map also precludes an accurate determination of the color of each polygon for comparison to the color coded land use legend. It is therefore impossible to accurately determine permissible dwelling unit counts (or other uses) from Land Use Map LU-A-7. An explanation should be given as to how Land Use Map LU-A-7 was utilized to determine residential unit counts and other uses depicted on the map. The "take off" calculations and conclusions made in reliance on Land Use Map LU-A-7 should also be provided.

Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)

SELTZER | CAPLAN | McMAHON | VITEK

Mr. Devon Muto
County of San Diego, Department of Planning and Land Use
August 31, 2009
Page 3 of 4

Comment No. 4

Different land use maps prepared by County staff also exist that represent the land use plan alternatives for the General Plan Update proposed project and proposed project alternatives. These land use maps are as follows:

I50-8.

a.) the Referral Map;
b.) the Draft Land Use Map;
c.) the Hybrid Map; and
d.) the Environmentally Superior Map.

Although these land use maps are presented on a county-wide mapping basis in Chapter 4.0 of the General Plan Update DEIR, the scale of the maps makes it impossible to obtain any useful information from the maps. Larger scale land use maps are available on-line http://www.sdcounty.ca.gov/dplu/gpupdate/prop_maps.html for each community but are not included in the San Diego County General Plan Update DEIR or its appendices. Moreover, each of the community-wide land use maps suffer from the same gross generality (pointed out in Comment No. 3 above) as exists in Land Use Map LU-A-7 and the land use map alternatives provided in Chapter 4.0 of the General Plan Update DEIR. That is, it is impossible to obtain accurate dwelling unit counts, permissible commercial acreages and permissible industrial acreages from the graphics. A copy of a Referral map and a copy of a Draft Land Use Map for the area in the northeast quadrant of the I-15/SR-76 intersection are attached to this letter to illustrate this point.

I50-9.

Furthermore, there is no information provided in the General Plan Update DEIR as how the "patchwork" of colored polygons was developed and how dwelling unit counts could rationally be arrived upon by examining the land use maps. This information should be set forth to enable the reader, without merely guessing, to accurately determine the number of residential units, commercial and industrial acres etc. from each of the community-wide alternative land use plan maps. Such information likely exists because Table 4-2 within the General Plan Update DEIR contains a summary of land uses on a community-wide basis. However, for distinct planning areas within a community (e.g., the northeast quadrant of the I-15/SR-76 intersection) the method that has been used by the County to determine residential units and commercial and industrial acreages should be provided.

I50-10.

Comment No. 5

The General Plan Update DEIR indicates that the Referral Map has been identified as the proposed project land use map because the Referral Map is the most environmentally impactive alternative. The General Plan Update DEIR also provides, however, that the Draft Land Use Map Alternative has previously been endorsed by the County of San Diego Board of Supervisors (the "Board").

I50-11.

Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)

SELTZER | CAPLAN | McMAHON | VITEK

Mr. Devon Muto
County of San Diego, Department of Planning and Land Use
August 31, 2009
Page 4 of 4

I50-12. The Draft Land Use Map Alternative appears to include for the northeast quadrant of the I-15/SR-76 intersection, land uses more closely resembling the current applications being processed by the County for Campus Park West, Campus Park and Meadowood than does the Referral Map for this quadrant. Although the Referral Map is identified in the General Plan Update DEIR as being the most environmentally impactive alternative, this is not the case when considering permissible development under the Referral Map in the northeast quadrant of the I-15/SR-76 intersection. The Draft Land Use Map alternative allows greater development in the northeast quadrant of the I-15/SR-76 intersection than does the Referral Map. Also, the applications for Campus Park West, Campus Park and Meadowood more closely align with the Draft Land Use Map alternative for this area. Please confirm that these observations are correct. If these observations are incorrect, please explain any significant differences.

I50-13. When the Board considers adopting the General Plan Update, it should have the discretion to approve the Draft Land Use Map Alternative land uses for the northeast quadrant of the I-15/SR-56 intersection even though the Board might otherwise vote to approve the Referral Map. The right of the Board to take such an action in a legally permissible manner at the time the Board considers adoption of the General Plan Update should also be confirmed at this time. A great deal of County staff and private consultant time, energy and money has been expended in preparing plans for the northeast quadrant of the I-15/SR-76 intersection. Thus, an unequivocal response is imperative.

Thank you for providing us with the opportunity to comment upon the Draft Environmental Impact Report and Draft General Plan Update. We look forward to working with DPLU staff as this County program proceeds through its approved process.

Very truly yours,

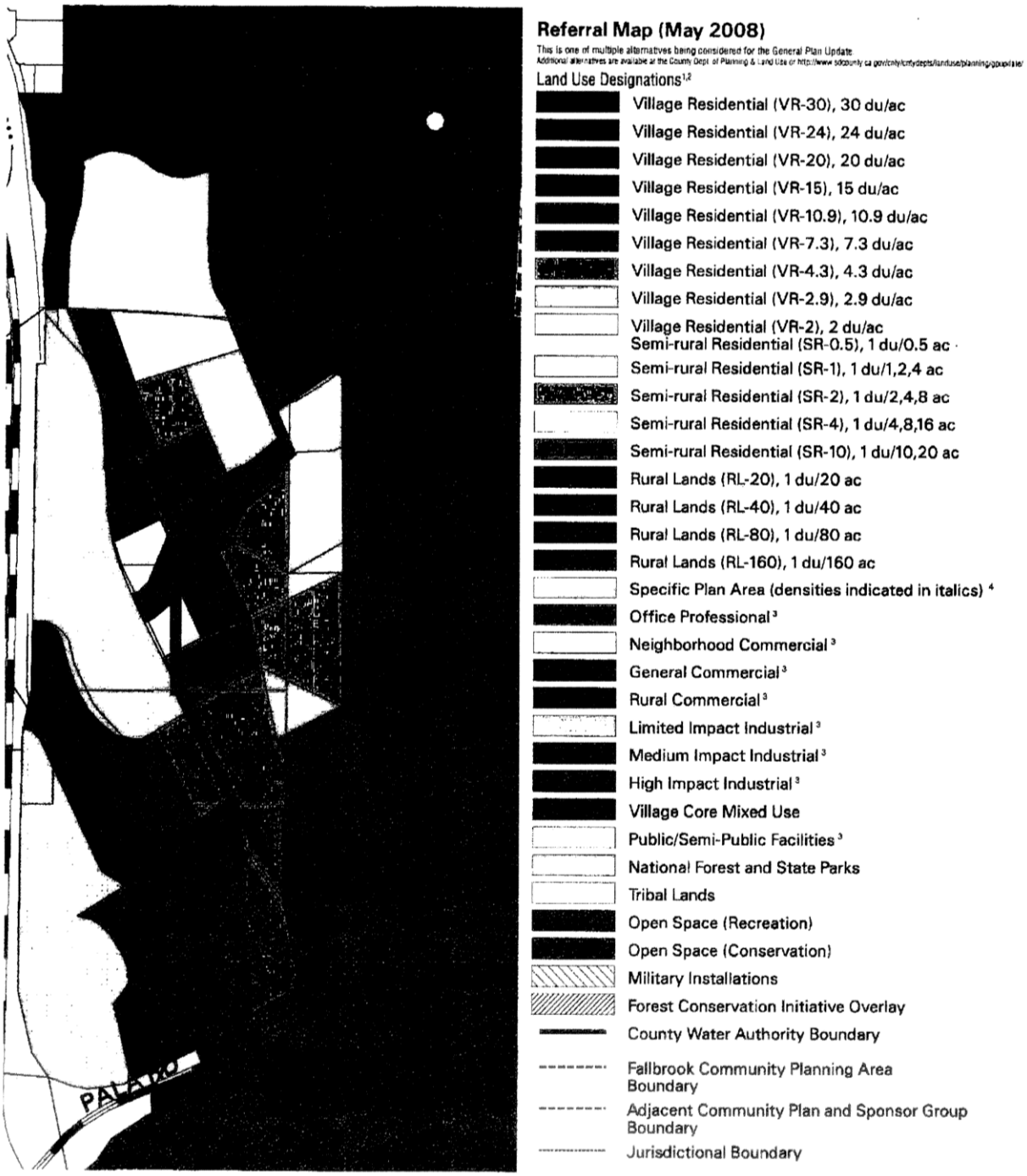
Thomas F. Steinke

Thomas F. Steinke, Esq.
Seltzer Caplan McMahon Vitek
A Law Corporation

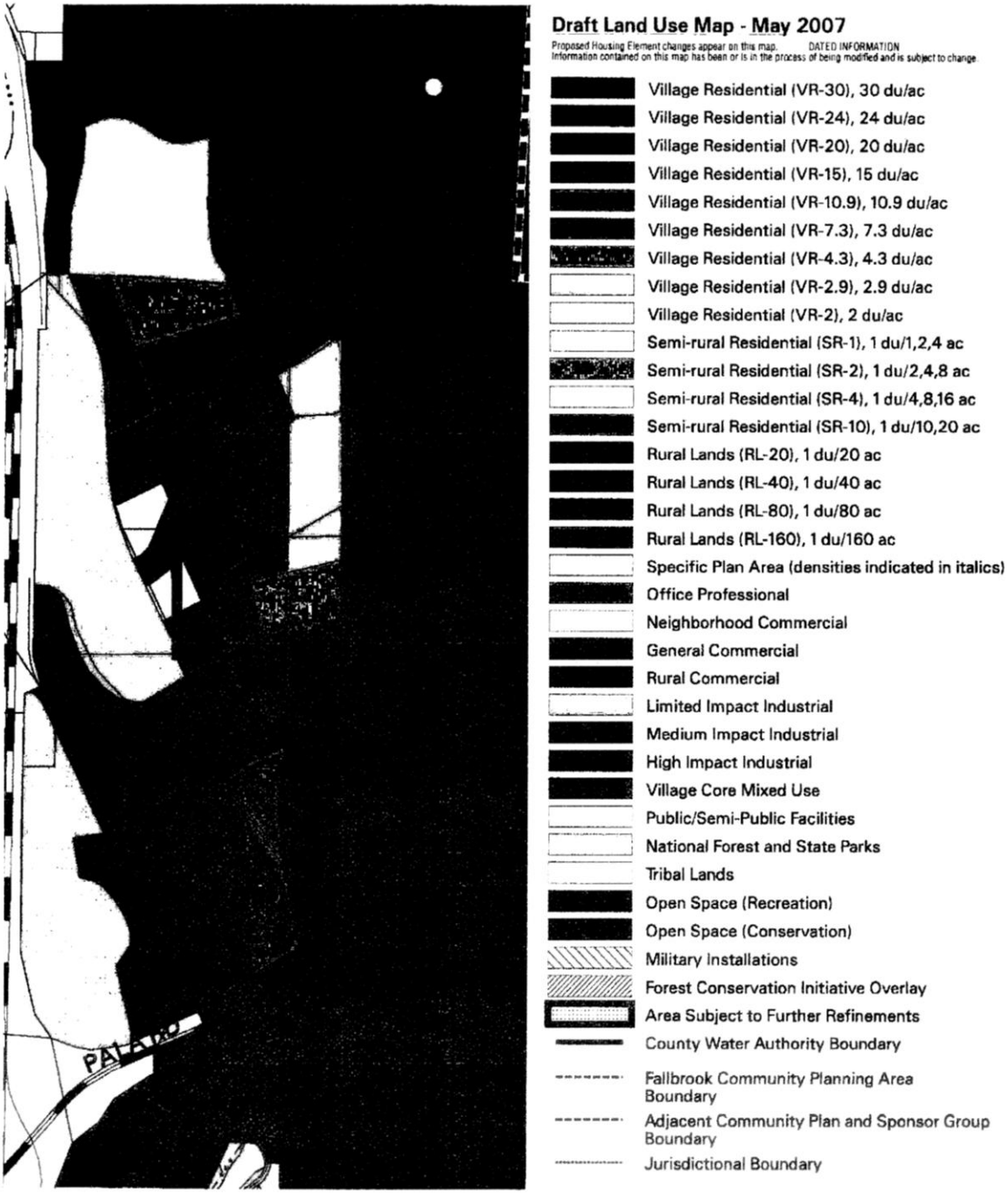
TFS/cll
Enclosures (Referral Map and Draft Land Use Map)

cc: Mr. Jimmy Ayala, Pardee Homes (w/enclosures)

Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)



Comment Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)



Responses to Letter I 50, Pardee Homes, Thomas F. Steinke, Esq.

I50-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I50-2 The County appreciates this updated information. The unit count for Meadowood ha s been corrected in DEIR Table 1-11.

I50-3 The proposed dwelling units have been updated within DEIR Table 1-11 for the other two proposed development projects at the I-15/SR-76 intersection.

I50-4 The unit counts shown are the result of calculating the allowable density in the area of the proposed development projects in the I-15/SR-76 quadrant per the land use designations and acreages with reductions to take into account site constraints, such as floodplains and steep slopes. DEIR Appendix L, Project Alternatives Areas of Difference, has been updated to include the calculations for the three projects, and the units that the maps would allow has been revised to correctly show 1,111 units under the Referral Map and 1,892 units under the Draft Land Use Map alternative. A 1,400 unit count was the target unit count designated on the Referral Map by motion from the Board of Supervisors upon request from the Fallbrook Community Planning Group.

I50-5 DEIR Table 1-11 includes projects that are not included in the General Plan Update Land Use Map. DEIR Appendix L, Project Alternatives Areas of Difference, includes units that would be allowed under the General Plan Update. It is appropriate for these numbers to be different.

I50-6 As stated in response to Comment I50-4, the 1,400 and 1,800 numbers were developed using a calculation of the I-15 / SR-76 quadrant and applying a 70 percent constraint assumption to the site. These totals have been slightly revised to reflect 1,111 on the Referral Map and 1,892 on the Draft Land Use Map.

I50-7 Map LU-A-7 in the Land Use Maps Appendix section of the draft General Plan is a representation of where the Land Use Map will be included upon adoption of the General Plan Update. The map shown in the draft General Plan reflects the proposed project (Referral Map). In addition to the Referral Map displayed in the Land Use Maps Appendix, the General Plan Update alternatives and descriptions of land use designations are available in a number of different forms. An Interactive Mapping Application is available on the General Plan Update website that includes acreages, larger community level maps are available for online review or purchase, and the Geographic Information Systems data is available for download through SANGIS. Additional information is also available upon request from the County of San Diego. A link to the location of the maps on the General Plan Update website is provided below:
http://www.sdcounty.ca.gov/dplu/gpupdate/prop_maps.html

I50-8 As discussed in response to Comment I50-7, the land use alternatives are shown in multiple locations. The unit counts included in the DEIR were derived from Geographic Information System data and the General Plan Update's population model. The estimates included in the DEIR Appendix L, Project Alternatives Area of

Responses to Letter I 50, Pardee Homes, Thomas F. Steinke, Esq. (cont.)

Difference are the result of a more detailed analysis of the sites due to different land use alternatives and other projects in process with the County of San Diego.

I50-9 The County agrees that there are additional land use maps available on the General Plan Update, located on the website or by request, as explained in response to comment I50-7. However, the County disagrees with the claim that the information is not readily available. The information is widely publicized in hard copy maps, available for download in multiple formats, and supplemental data is available within reasonable timeframes from the Department of Planning and Land Use.

I50-10 The comment that there is insufficient information included in the DEIR on the development of the proposed project land use alternatives is unsubstantiated. The General Plan Update land use alternatives were developed as a result of an extensive public planning process that is explained in DEIR Chapter 1, Project Description. Also included are links to additional background information, such as Board of Supervisors and Planning Commission hearings. It would not be a reasonable effort to include acreage information by ownership or parcel given the size of San Diego County; however, the land use maps provided on the General Plan Update website are parcel-specific (see response to comment I50-7 for a link to the website). Parcel-specific information can be provided upon request, and more specific analysis would be conducted in a project level review.

I50-11 The County agrees with this comment, that the Referral Map is identified as being the most impactive on a countywide basis, and that the Draft Land Use Map has also been endorsed by the Board of Supervisors. However, it should be noted that there have been revisions since the August 2006 Board of Supervisors endorsement of the Draft Land Use Map, and that the Referral Map has also been endorsed by the Board of Supervisors.

I50-12 DPLU acknowledges that the Draft Land Use Map proposes more intensive land uses for the three projects in the northeast section of the I-15/SR-76 intersection. Also, since the Draft Land Use Map proposes more intensive land uses, this alternative is closer than the Referral Map to the number of units being proposed by the Campus Park West, Campus Park and Meadowood project applications. However, the County also acknowledges that these three projects in process still contain a higher unit count than would be allowed under the Draft Land Use Map alternative.

I50-13 The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on which land use map to adopt. The Board of Supervisors will not be limited to adopting a Land Use Map based on a single General Plan Update land use alternative, but can choose any combination of these alternatives within the scope of the DEIR and General Plan Update Guiding Principles.

Comment Letter I 51, Paul Company LLC and Star Ranch, Doug Paul

THE PAUL COMPANY, LLC
Development/Entitlements

August 29th, 2009

SEP 1 '09 PM 2:4

Devon Muto
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Comments on General Plan and Environmental Impact Report as they pertain to Star Ranch and the back country of San Diego County.

Dear Mr. Muto,

I51-1. I am providing these comments to you as both an owner of property in rural San Diego County as well as a practicing Civil Engineer and Land Planner with over 35 years local experience in San Diego County. I remain disappointed that over the past 11 years, the planning process the County originally embarked upon has failed to incorporate many of the points of view of rural citizens whose economic plight has been tied so dramatically to this land planning process. There has been little consideration of economics to guide the land use policies which were proposed 11 years ago, and have been steadfastly maintained, including the unreasonable downzoning of most private properties east of the County Water Authority line despite a new economic paradigm and much different fiscal realities now affecting the future availability and utilization of resources throughout not only San Diego County, but through all of California and even impacting the US free-market policies.

I51-2. The General Plan Update EIR has failed to adequately discuss much of this, but in particular, it has ignored the significantly changed water circumstances affecting both rural San Diego as well as the more urban areas. There is a clear disconnect between the County Water Authority's diminished access to imported water, due in part to the Delta Smelt's critical need for habitat preservation and long term drought conditions throughout the Pacific Southwest ,which have caused great water shortages throughout the Colorado River system. All of which will mean substantial reductions for years to come in access to imported water to all parts of Southern California, even as the GPU and EIR try to justify why the decision has been made to shift most future county growth from the rural backcountry to the CWA.

I51-3. The EIR has not adequately addressed this shifting water concern, nor has it identified the several locations east of the CWA that do have ample groundwater resources to support larger population densities than have been previously allowed. I would challenge the General Plan process and the Environmental Documents to rectify this glaring error.

I51-4. The General Plan and Environmental Documents have also failed to implement most of the ten Project Objectives identified on page 1-1. They are defined as the basis for the General Plan, yet have been largely ignored, as they are applied to the roughly 30,000 inhabitants of the rural areas east of the CWA, and the 7,500 absentee property owners whose properties have borne the brunt of this purposeful omission. These Project Objectives, referred to as the 10 Planning Principles, are without question good and practical objectives, and appear to have been diligently applied to

Comment Letter I 51, Paul Company LLC and Star Ranch, Doug Paul (cont.)

I51-4. cont. many of the county's urban and semi-rural areas, but unfortunately have been broadly ignored and are not evident in land planning applications of rural San Diego county… to wit: Principle

I51-5. #1 – Supporting Reasonable Share of Project Population Growth – has been grossly ignored in the rural areas. #2 – The Promotion of Health and Sustainability by locating growth by existing

I51-6. and planned infrastructure and services in compact development patterns has not been followed.

I51-7. #3- Reinforcing the vitality, local economy and individual character of existing communities- has not been allowed in the rural portions of the County. #6- Providing support for multi-modal

I51-8. transportation networks that enhance connectivity is being ignored in the rural areas. #7-

I51-9. Maintaining Environmentally Sustainable Communities to reduce greenhouse emissions – has not been programmed into any of the alternatives for the rural back country. #9- Minimizing

I51-10. Public Cost for Infrastructure has been achieved, but only by ignoring any attempt to rectify current public facility deficiencies while concurrently discouraging any private sector investment that could have made a difference. #10- Recognizing Community Stakeholder Interest - has been

I51-11. marginalized by ignoring the voices of all but a few politically active individuals, some of whom are not even property owners but happen to live in the communities and therefore can vote and hold office… and thus determine the fate of underrepresented property owners.

I51-12. The EIR has failed to identify the specific plight of rural residents in their efforts to reduce vehicle trip miles in response to climate change. The General Plan, without affording a balance of jobs and housing in rural areas, effectively counteracts the principles of sustainable rural development, and the intended efforts to reduce carbon emissions and other air quality pollutants. Permitting DPLU to systematically ignore the county responsibility to address application of SB-375 to all of its citizen population centers, including the two dozen or so small hamlets and villages in the back country without assuring that they too are afforded ways to keep their rural inhabitants "locally based" with jobs and public services available within their own communities, GPU is non compliant and the EIR fails to adequately address this deficiency in minimizing effects to climate change.

I51-13. My partners and I take exception to the County's stated objective of "protecting existing community character" as among the highest priorities as justification for why the rural land plan contains little or no allowance for needed future development. In truth, many of the current rural communities are beset with struggling economics and failing and undesirable housing stock, which does not meet current health and safety codes or provide choices of desirable housing to meet market based real estate needs. These rural communities are in desperate need of economic infusion, to help meet their community deficiencies, and to raise the overall quality and the maintenance standards of their marginal housing stock. The notion that the existing character should in all cases be "protected" is unreasonable, and avoids the county's responsibility of working with communities and property owners, to make rural neighborhoods better and safer.

I51-14. The EIR has failed to note the deficiencies in "due process and public outreach" efforts which have occurred over the past 11 years. Although some credit should be given to the county's efforts to involve two special interest groups (The Interest Group and the Steering Committee) little is said in the EIR about the fact that these two groups (with membership totaling approximately 60 citizens), and whose membership has remained relatively constant over the entire 11 year planning process, have seen little departure in their respective positions despite cataclysmic changes in world and local conditions. They also have had very little connection

Comment Letter I 51, Paul Company LLC and Star Ranch, Doug Paul (cont.)

I51-14. cont. with or accountability to the rest of the three million plus County voters and residents, many of whom are not at all informed as to any of the current plan and Environmental processing. Notably absent from representation are the owners of extensive rural properties located east of the CWA, estimated to be approximately 7,500, who do not reside on their rural lands yet pay property taxes. Although largely in opposition to this general plan, these owners have seen their property taxes applied to support the General Planning process even as DPLU has specifically targeted their land for unjustified reduction of their densities.

I51-15. Another flaw in the EIR is its failure to identify a workable mechanism to restore equity to rural property owners whose densities have been summarily reduced beyond reasonable levels. The promise of an equity transfer and balance of impacts was held out to the community and private citizens during the early stages of the General Plan process, but has been deleted from this version of the General Plan and the EIR needs to address the reason why.

I51-16. The General Plan does identify the GPU's stated commitment to attempt providing an appropriate share of affordable housing to the county, but the EIR has not held the General Plan accountable for ensuring that the "distribution of housing" is proportionally and fairly spread to the rural back country areas, where affordability is most needed, but by omission, has not been provided.

I51-17. The EIR also does not speak to the failed and failing infrastructure currently maintained by the County in service area locations throughout the rural areas, which can only be reconciled and resolved through appropriate planning, to combine and/or expand subscription user bases. An example of this would be the Del Campo Treatment Plant which has been operating below wastewater treatment standards for years without any reasonable prospects for improvement, because the user base is too small and the current facility is too antiquated to provide efficient treatment of a scarce (but renewable) resource. If the County cannot maintain the facility, it should at least allow private interests willing and capable of making the investment required, to do so. If this involves expanding the user base within the resource limits of the community, this evaluation should be part of the General Plan process, and appropriately evaluated relative to "growth inducement" verses "health and safety" issues.

I51-18. The General Plan and EIR make reference to land use policies that would dissuade farming and agricultural practices from converting land to other than agricultural uses. The EIR has failed to consider the current economic factors that make much of the farming in rural San Diego County no longer profitable. As such, many current owners in rural San Diego are systematically losing money each year with no relief in sight and now no logical exit strategy through the sale of their properties.

I51-19. All of the above noted deficiencies, in one form or another, affect the property that my partners and I own in the Campo Lake Morena area known as Star Ranch. Most of my investment partners have continuously owned this property for the last 40 years, and have been responsible and conscientious stewards of the land for the entire duration of their ownership. They have honestly and honorably committed themselves to help support the community of Campo and Cameron Corners as a strategic and large part of the community's social and economic infrastructure. At no point did they rush to prematurely subdivide their property or change its

Comment Letter I 51, Paul Company LLC and Star Ranch, Doug Paul (cont.)

I51-19. cont. land use from that of farming and ranching. Instead, they continued operation with the expectation that at some point, when their ownership (and they) became too old to maintain this 2,160 acre ranch responsibly, they would have the same opportunity to sell to a next generation of owners as other rural property owners have enjoyed over the past 80 years. Their motivation is and always has been the fair use of this land which they'll been entrusted to manage, keeping in mind, that the GPU has now opened the door to reconsider the most appropriate future use of the land to best serve the community's pending needs, and maximize its attributes and existing infrastructure, including water resources in support of the local community.

I51-20. We have observed and participated in the 11 year process to plan rural backcountry areas, watching the unwavering DPLU efforts to drastically decrease densities, including this ranch from its historic "one per four, eight and twenty" land use to a "one per forty", with no reasonable scientific evidence to justify why. The assumption is that the County just doesn't want to see subdivision of lands proceed over the foreseeable future with any kind of an economic return. This is unfortunate because Star Ranch represents one of the most strategic properties in the entire rural east county and one that can, in fact, create a walkable community, provide solutions to water and wastewater recovery and reuse, make the reinvestment necessary to resolve many of the deficiencies in our public service and education and healthcare support, and offer the kind of housing and jobs that would become a model for other rural sustainable villages. This can all be done without impacting negatively the infrastructure that is already available in the form of an elementary school, library, fire station, commercial center, and groundwater and transportation investments. It is difficult for me to comprehend why a project that was identified and pipelined into the plan amendment process prior to the shut off date of August 6th, 2003, and which was part of a referral request made in 2002 where the Board of Supervisors directed us to work with the community to find a resolution and compromise between their vision and ours, has not found any acknowledgement or recognition in the Referral Map, the Draft Map, or the Hybrid Compromise Map.

I51-21. I hope that these comments will be corrected in a next iteration of of General Plan and EIR. I sincerely request further explanation as to why this project has been so singularly excluded from due process when it has so many tangible attributes to be offered to the community and the County as a whole and would expect to see efforts by County to incorporate much of my commentary into new language that would accommodate the attributes that Star Ranch proposes to bring to the community.

Sincerely,

Doug Paul
Partner, Star Ranch Company, LLC
915 Camino Del Mar – Suite 225
Del Mar, CA 92014

Responses to Letter I 51, Paul Company LLC and Star Ranch, Doug Paul

I51- 1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required. General social and economic issues need not be considered in an EIR.

I51-2 The County does not agree with this comment. Water availability is discussed in Section 2.16 of the DEIR. The shortage in water supply, including the impacts of the delta smelt ruling and current drought, are addressed.

I51-3 The County does not agree with this comment. Water availability is discussed in Section 2.16 of the DEIR. This section also includes an analysis of the areas east of the County Water Authority boundary and more detail is included in a detailed Groundwater Study in Appendix D of the DEIR. The purpose of the DEIR is to identify potential impacts from the proposed project, not to identify groundwater resources for future land uses. However, the conclusions derived from the DEIR Appendix D Groundwater Study analysis may prove useful to address the concerns indicated in the comment.

I51-4 The County does not agree with this comment. The application of the project objective in the General Plan Update process is described in DEIR Chapter 1.0, Project Description, Location, and Environmental Setting, and more specifically in the draft General Plan Chapter 2, Vision and Guiding Principles. Achievement of the project objectives is addressed in DEIR Chapter 4.0, Project Alternatives, for all alternatives. While there is little basis provided for the comments made, further detail is provided in the following responses.

I51-5 The County does not agree with this comment and finds that it is without supporting detail. The General Plan Update provides for a substantial amount of growth in numerous rural areas. Additionally, the objective to support growth is a general one for the entire unincorporated area and does not mean that each community will take an equal share of growth.

I51-6 The County does not agree with this comment. The draft General Plan maps clearly show that future growth has been directed to areas with existing infrastructure and services.

I51-7 The County does not agree with this comment. The County has worked with individual communities to determine their visions for their unique communities.

I51-8 The County does not agree with this comment. The DEIR indicates that most rural areas will have roads that meet County standards and the draft General Plan supports improving road connectivity and transit service, as well as expanding opportunities for pedestrians, bicycles, and equestrians.

I51-9 The County does not agree with this comment. Directing growth away from backcountry areas will reduce vehicle miles traveled and associated greenhouse gas emissions.

Responses to Letter I 51, Paul Company LLC and Star Ranch, Doug Paul (cont.)

I51-10 The County does not agree with this comment. Public facility deficiencies are acknowledged and in some cases resulted in modifications to the draft maps. The draft General Plan Update requires that new development address public service needs concurrently with the development.

I51-11 The County does not agree with this comment. The General Plan Update planning process has included countless meetings and several hearings, and all stakeholders have been given an opportunity to provide input through a variety of means.

I51-12 The County does not agree with this comment. An analysis of the jobs and housing conducted by Economic Research Associates in 2004 indicates that the majority of rural backcountry communities will likely contain a surplus of retail, industrial, and office planned lands when compared to the planning for residential lands.

I51-13 This comment does not raise a significant environmental issue for which a response is required. The comment represents an opinion that will be documented with the Final EIR and made available for consideration by the Board of Supervisors before making a decision on the project.

I51-14 The County does not agree with the suggested deficiencies in due process or public outreach. All meetings of the Interest Group and Steering Committee are open to the public and contain opportunities for the public to address County staff and the group. All meetings with these advisory groups have been conducted the same way. All notices of hearings and meetings have been provided in compliance with applicable laws. Additionally, the County has maintained a website and newsletter for the duration of the project and has undertaken numerous other efforts to facilitate public participation. Also, County staff either conducted or attended over 500 meetings, workshops, and subcommittee meetings with community planning and sponsor groups over the General Plan Update planning process.

I51-15 This comment does not address the adequacy of the DEIR. The inclusion of an equity mechanism such as a Purchase or Transfer of Development Rights (PDR or TDR) Program was discussed in great detail early in the General Plan Update process. At the Board's direction, staff worked with the Interest Group to develop a recommendation for an equity mechanism program. As a result, staff reported back to the Board in 2004 that the group was unable to support a comprehensive PDR or TDR program and instead would focus on an agriculture-specific program.

The County disagrees that densities in the backcountry have been “reduced beyond reasonable levels.” The ability to subdivide one’s property is one of several factors to consider when assessing property values. However, other important factors include the availability of the land, the cost to subdivide it, its physical location in relation to jobs, services, and infrastructure, and the amount of land being valued. The General Plan Update does not propose densities that would substantially reduce the ability to subdivide when physical constraints are considered, such as lack of groundwater resources, limited access, and lack of infrastructure and services.

Responses to Letter I 51, Paul Company LLC and Star Ranch, Doug Paul (cont.)

I51-16 Affordability of housing and housing distribution are not issues that require analysis under CEQA. The County also disagrees with the suggestion that it has not planned for adequate housing and does not provide sufficient opportunities for affordable housing in the unincorporated area. This issue is thoroughly addressed in the draft Housing Element.

I51-17 The County does not agree with this comment. The need to improve existing infrastructure to accommodate future growth is addressed in Section 2.16 of the DEIR. How those improvements occur is not an issue that requires analysis under CEQA.

I51-18 The County does not agree with this comment. The County has discussed indirect impacts to agriculture such as the cost of water in Section 2.2 of the DEIR. This section also acknowledges the trends in the County of decreasing agricultural land in production. See also response to comment G5-84.

I51-19 This comment does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required.

I51-20 This comment does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required.

I51-21 This comment does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required. See also response to comment I51-20 above.

Comment Letter I 52, Perkiss-Driscoll, Shirley

August 29, 2009

RE: County Plan for Campo and Lake Morena

Devon,

I52-1. You may or may nor remember me but I was on the planning board out here for 6 years. I will say that we, you the county and the late planning groups did a lot of work on planning what we wanted out here. Many many meetings and a lot of time by the County and Chair Larry Johnson's time went into the precise plan for us. Which was voted on at a meeting paragraph by paragraph by many voters.

I now see that the few who do not represent the real Campo are trying to change what the voters wanted. This planning group is pro development and is hardly doing a very good job. Added to this Lenac and a few voices who are working for their own agenda and trying to convince the county and you that they speak for us by trying to rally support for their cause They do not represent us, the majority.

I am tired of hearing from developers that we are impoverished. We live here because it is what it is. Not what some few want to give us. We, I, at least am appalled at the way these few are trying to over-ride what is already planned developement to further their own interests. I have lived here with Jack Driscoll for 25 years. I fully support some one at a time housiong. Lets keep this very unique place what it is, not another Temecula or Alpine. No more Campo Hills. thank you.

What we have here is special, historically and geographly with the train and other muesums. We now do have medical, schools, Post Office a nice new Libary and ball fields for the kids. A few grocery stores. A senior center, thrift store, gas stations, restruants, schools, Church's. A nice County Park in lake Morena, boating camping. A Community Center, bus service and you gave us Father Joes Childrens Village. The Freedom Ranch, alcohol and drug recovery center, Rancho Del Campo detention center. The Border Patrol. A larger Sheriff 's department, CHP.. A number of people who work out of their homes. What more do we really want or need.. It is an area where we can keep our horses, cattle, sheep, goats, even chickens. We like what we have, don't give us more developement.and destroy us.

Peace and quiet are supreme here. As my company from down the hill say.

Thanks for reading this, you need to understand that 80% of us are happy with what we have now.

Sincerely,

Shirley Perkiss Driscoll

Responses to Letter I 52, Perkiss-Driscoll, Shirley

I52-1 The County acknowledges the support for the Campo community. The letter does not raise any issues or make a substantive comment for which a response is required.

Comment Letter I 53, Pote, Susan M.

Susan M. Pote

AUG 19 '09 PM 2

August 18, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

This letter is regarding the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I53-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Comment Letter I 53, Pote, Susan M. (cont.)

August 18, 2009
Devon Muto
Page Two

I53-1. cont.

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Sincerely,

Susan M. Pote

Responses to Letter I 53, Pote, Susan M.

I53-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 54, Pruitt Lenac, Barbara G.

AUG 17 '09 PM 2:

August 12, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects. You need to take immediate action to correct this deficiency.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I54-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties. I am asking you to do this for us, the people.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Barbara G. Pruitt Lenac

Barbara G. Pruitt Lenac,

Responses to Letter I 54, Pruitt Lenac, Barbara G.

I54-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to comments I2-1 through I2-4.

Comment Letter I 55, RBF Consulting, Alex Jewell

RBF CONSULTING

August 31, 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Subject: County of San Diego General Plan Update

Dear Mr. Muto:

I55-1. Thank you for the opportunity to provide comments on the County's General Plan Update. The staff at RBF Consulting has reviewed the proposed General Plan Update and is offering the following comments on the plan:

Mobility Element

I55-2. LOS is Too Dominant. We measure what we value. The ME still places too much emphasis and value on moving vehicles as measured by LOS. While easy to measure, its value is typically over rated. This is particularly true in the absence of clear policy and explicit measures of other transportation values. A low LOS grade for vehicles generally means a high level of service for pedestrians and bicyclists. Alternative measures of transportation success should be used. LOS only measures vehicles and delays, rather than other primary modes of transportation including walking, bicycling and transit. Measures of Vehicle Miles Traveled (VMT), with targeted reductions or goals should be included. Measures of total person trips (TPT), accounting for the greater efficiencies of transit, should be measured. A blended factor considering accident rates, injury type, and pedestrian and bicycle safety should be equally important. Other measures such as intersection frequency may be worth considering to measure connectivity.

I55-3.

I55-4. Modal Split Goals. The GPU should include baseline, projections and goals for modal splits. This will provide some ability to measure and report success.

I55-5. Fair Share. The statement that new development will be required to pay its fair share of road and related infrastructure costs sounds too much like all new development will solve existing infrastructure problems. The one-sentence statement (page 4-4) should be amended to acknowledge that there is less development than has occurred in the past, and much of that development will not be able to pay for improvements, upgrades or maintenance of existing infrastructure. "Fair share" should also be defined in the GPU. This single thought seems

Comment Letter I 55, RBF Consulting, Alex Jewell (cont.)

Mr. Devon Muto
August 31, 2009
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I55-5. cont. misplaced in its current location, and deserves more than one sentence of discussion about how the transportation system is and will continue to be funded and maintained.

I55-6. Mobility Element Roads. Consider allowing flexibility in road improvements, design, levels of service to ME Roads without triggering the need for amendment of the General Plan. Perhaps a graduated level of review and approval can be structured to provide the level of security and certainty without blocking relatively small or modest changes.

I55-7. Emergency Vehicle Access. Currently, emergency vehicle access standards assume that virtually all roads and streets need to be wide enough to pass three vehicles at every given point. This is unrealistic, unnecessary and wasteful of our natural and other resources. The concept of allowing emergency response while maintaining evacuation is appropriate. However, this has been translated to a parked fire truck in one lane, a responding emergency vehicle in another, and evacuating vehicles in a third. Realistically, the need to pass three vehicles abreast only needs to occur wherever a parked emergency vehicle blocks a portion of the road. Even then, a very slight pause to allow an on-coming vehicle to pass, or use of the shoulder eliminates the need for 8 feet of pavement over the entire length of our street system. Staging areas, stabilized shoulders, lay-bys and pullouts can be used with reasonable frequencies (e.g. every 400 to 500 feet) and normal road widths can be reduced considerably. This will allow for more sensitive road design, less land disturbance, dramatic decreases in material use and road maintenance, urban heat island, stormwater runoff and treatment, visual blight, and invitations for excessive speeding.

I55-8. Linear Parkways. The ME should acknowledge the fact that our road rights-of-ways represent one of the single largest public land holdings. They are certainly the most frequently used and have among the greatest impact on our daily lives and perceptions of our communities. As such, the ME should include some discussion of ensuring that efforts are made to make our roads complete streets and part of our open space network (aka "green infrastructure").

I55-9. Parking. The parking discussion should include recommendations for managed parking. This ensures efficient use of parking spaces, typically by regulating the price to ensure 85% occupancy at all times. This will avoid construction or requirements for too much parking at great expense to land, environment and desired development and other investment in our communities, while meeting parking needs. All parking revenues from managed parking should be reinvested back into the parking district to the benefit of the users, businesses, pedestrians, cyclists, and transit.

Comment Letter I 55, RBF Consulting, Alex Jewell (cont.)

Mr. Devon Muto
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Page 3

Conservation and Open Space Element

I55-10. General Comment All Sections – All statements reflecting requirements of the current MS4 permit should reference the ultimate compliance standard as being to the "maximum extend practicable."

I55-11. Pg 5-13. COS-4.3 Stormwater filtration is required to the "maximum extent practicable" per the Regional MS4 Permit. This language should be used in lieu of just "maximize." This clause should also incorporate potential limitations in the suitability of project soils and other sub-surface conditions.

I55-12. Pg 5-13 COS-5.2 Impervious surfaces should be disconnected to the "maximum extent practicable."

Safety Element

I55-13. Pg 7-20 S-9.1 The requirement for the "more stringent" restrictions to govern in the case of conflicting floodplain maps between the County and FEMA is arbitrary and undefined. Both the County and FEMA have historically acknowledged that newer, better (or more accurate) information and analysis should be the basis for land use decisions, which is why regulatory processes such as LOMRs, CLOMRs, and similar means to reanalyze a floodplain have existed since the inception of the National Flood Insurance Program. Prohibiting or short circuiting this process by arbitrarily following studies that are known to be inaccurate and/or out of date would represent a violation of Federal Flood Plain Management policy. Furthermore the term "more stringent" could be interpreted in many different means relating to water surface elevations, velocity, depth, and horizontal limits of inundation. The language already found in the existing General Plan is more consistent with NFIP policy and is dramatically less susceptible to arbitrary interpretation. We recommend leaving the existing general plan language in place.

Noise

I55-14. Page 8-10, Table N-2 Noise Standards. We recommend that standard 4 regarding minimum outdoor living areas for single-family detached residential units be revised to take into account those units on lots constrained by steep slopes. The County's Land Use Element incorporates slope dependent lot sizes or densities in which larger lots sizes are required to accommodate physical constraints from steep slope areas. By requiring larger pad areas, based on net lot size, this standard encourages more grading and potentially more environmental impact to achieve the minimum outdoor living area. For a two-acre lot this would equate to approximately 8,800 square feet of outdoor living space. The standard should be rewritten to allow relief from this provision for lots that have steep slope constraints. We recommend that the standard for sentence two be written, (ii) for lots between 4,000 square feet to 10 acres in area, the exterior area shall included 10 percent of the net lot area; in areas

Comment Letter I 55, RBF Consulting, Alex Jewell (cont.)

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I55-14. cont. that have steep slope lands, the total exterior area shall include 10 percent of the pad area, to the satisfaction of the Director of Planning and Land Use.

Other Sections of the Plan

I55-15. Pg 2.8-68 (Hyd-3.3) The policy should reflect that erosion is a naturally occurring process that happens on undeveloped sites. Similarly watercourses can exist in a state of instability as a result of either natural processes or existing development. Suggested rewording is as follows to prevent misinterpretation:

"Implement the Grading, Clearing and Watercourses Ordinance to prevent development sites from creating unnatural levels of erosion and/or increased instability."

I55-16. Pg 2.8-69 (LU-6.5) The "County of San Diego LID Handbook" is intended to serve as a guide, not as a regulatory document. We recommend removing the LID Handbook as a specific reference.

Thank you for the opportunity to submit these comments. We appreciate the work effort from staff has done to complete this comprehensive update. Please don hesitate to call me with any questions at (858) 614-5085.

Sincerely,

Alex H. Jewell, AICP
Planning

H:\common\Planning\County of SD GPU\GPUcomment083109.doc

Responses to Letter I 55, RBF Consulting, Alex Jewell

I55-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I55-2 The County disagrees that there is an inappropriate use of Level of Service (LOS) in the General Plan Update DEIR. LOS is a quantifiable way of comparing traffic in certain areas of the County of San Diego, and is a standard way of analyzing traffic impacts. Additionally, while the County uses LOS as the main criteria for measuring the operational conditions within a traffic stream, the County also includes a list of road segments where adding travel lanes is not justified although the LOS thresholds have been exceeded. These road segments are determined based on criteria established in draft Mobility Element Policy M-2.1, Level of Service Criteria, which determines that a failing LOS has been accepted by the County when certain conditions exist; such as when additional travel lanes would impact town centers or have impacts to environmental and cultural resources.

I55-3 Vehicle Miles Traveled (VMT) is included in the DEIR analysis of impacts, in Section 2.15 Table 15-7 and Appendix G, Traffic and Circulation Assessment. Measured reductions in VMT would be infeasible on a countywide basis at the build out of the proposed project; however, there are policies included to encourage reductions of vehicle trips and increased mode sharing. The County supports transit operations and pedestrian accessibility in General Plan Update goals and policies, but recognizes that regional transit planning efforts are not focused in the unincorporated County due to overall density levels when compared to incorporated areas. Therefore, no changes have been made to the General Plan Update as a result of this comment.

I55-4 The County acknowledges this comment; but recognizes that the unincorporated County is dependent on vehicle trips due to density levels as discussed in response to comment I55-3 above. However, this recommendation is something the County will consider when planning the development of Transit Oriented Development (TOD) areas, such as the areas designated on the General Plan Update land use map in the vicinity of the Buena Vista Sprinter station.

I55-5 The County disagrees that requiring new development to pay a fair share will result in development paying a disproportional share of infrastructure costs. While introduced in the context section, the intent of this statement is more fully explained in General Plan Update Policy M-3.2 Traffic Impact Mitigation, which requires new development to mitigate the associated direct and cumulative traffic impacts caused by their project. The use of “fair share” allows the County flexibility when implementing this policy; therefore, the County disagrees the statement needs to be qualified further.

I55-6 The County agrees that flexibility should be included in the design of Mobility Element Roads, as addressed by General Plan Update policies under draft Mobility Element Goal M-4 Safe and Compatible Road. These policies are implemented by the County Public Road Standards, which are being revised under a separate parallel planning process that is outside of the General Plan Update project. The

Responses to Letter I 55, RBF Consulting, Alex Jewell (cont.)

County Public Road Standards allow for design exception, which provide more flexibility during their implementation.

I55-7 The County agrees that flexibility should be included in the design of Mobility Element Roads, as addressed by General Plan Update policies under draft Mobility Element Goal M-4, Safe and Compatible Roads. Although draft Policy M-4.4, Accommodate Emergency Vehicles, addresses providing access to emergency vehicles, the specific requirements to implement this policy are being addressed in the County Public Road Standards, as discussed in the response to comment I55-6 above.

I55-8 The County acknowledges the importance of the road network and its impact on the daily lives and perceptions of communities. The General Plan Update recognizes this through policies M-2.3, Environmentally Sensitive Road Design; M-3.1, Public Road Rights-of-Way; M-4.1, Walkable Village Roads; M-4.3, Rural Roads Compatible with Rural Character; M-4.5, Context Sensitive Road Design; along with policies in Visual Resources Section of the Conservation and Open Space Element that address scenic corridors. Therefore, no changes have been made to the General Plan Update as a result of this comment.

I55-9 The County disagrees that additional policies should be included for the regulation of parking; a subject extensively addressed under General Plan Update draft Mobility Element Goal M-10, Parking for Community Needs. Managed parking, which has some merit, is generally unrealistic to implement in the unincorporated County. This should be addressed on a community-by-community basis, where appropriate. Encouraging shared parking facilities, such as draft Policy M-10.4, Shared Parking is a more feasible option. Therefore, no changes have been made to the General Plan Update as a result of this comment.

I55-10 The County disagrees that all statements reflecting water management goals (in relation to MS4 permits) should reference “maximum extent practicable.” In the General Plan Update, each policy has been specifically worded to include an active verb, such as “maximize,” ”require,” “encourage” or “reduce.” These words were carefully chosen, and therefore it is not necessary to include an additional “maximum extent practicable.”

I55-11 As discussed in response to comment I55-10, the active verb preceding each policy was chosen to provide a clear direction. In the case of Policy COS-4.3, Stormwater Filtration, the County does not agree that a change from “Maximize” is necessary at the policy level. However, the implementing ordinances and regulations would be required to provide the level of detail specified in the comment.

I55-12 The County disagrees that a revision to Policy COS-5.2, Impervious Surfaces, is necessary. The current policy reads, “Require development to minimize the use of directly connected impervious surfaces…,” which provides flexibility in implementation for specific development projects. Revising the policy to use “Should” is not consistent with the format chosen by the County of San Diego, and would result in a less effective policy.

Responses to Letter I 55, RBF Consulting, Alex Jewell (cont.)

I55-13 The County does not agree with this comment. The language in question is included in the County Ordinance because it clearly states County policy pertaining to differences between the County and FEMA floodplain mapping. The County Ordinance in no way prohibits (or short circuits) the availability of the NFIP map change process through which any new, better or more accurate data can be processed. FEMA is aware of the mapping differences, and neither set of mapping violates Federal policy or regulations. Any difficulty with the interpretation of the actual words "more stringent" could be clarified by the County as needed, however horizontal limits of inundation, and (sometimes) water surface elevations are the only data shown on the maps; so it appears to be quite self explanatory. The language in question has been enforced on a regular basis since its inception, and there is no evidence that it has ever been questioned prior to now. The County sees no reason to alter it at this time.

I55-14 The County appreciates the comment. Standard 4 of Draft Noise Element Table N-2, Noise Standards, refers to the minimum amount of outdoor living area required to meet acceptable exterior noise levels. The comment requests modification to the Standard to allow exceptions to the minimum amount of outdoor living area when the lot is encumbered by steep slopes. The County disagrees that changes to the Standard are necessary. The Standard is currently implemented through the existing County Noise Element and is used in determining the acceptable size of outdoor living area. The Standard provides a definable and reasonable outdoor living area that could be available for the occupants of a property to assure that use of the outdoor area is not impacted by excessive off-site generated noise sources. Implementation of this Standard for properties within the County has not indicated that this is a reoccurring problem that merits a modification to the Standard. Rather, the standard sets a reasonable amount of outdoor living area which should be free of excessive noise regardless of whether a property contains steep slopes.

I55-15 The County disagrees with the comment and that the suggested revision is necessary. The mitigation measure, as written, connects the policies with implementation of the County ordinances, as appropriate.

I55-16 The County disagrees that a revision to draft General Plan Policy LU-6.5, Sustainable Stormwater Management, is necessary. The policy already includes "when applicable," which permits flexibility in the policy's implementation.

Comment Letter I 56, Republic Services - Allied Waste (Represented by Sheppard Mullin Richter & Hampton LLP), Donna Jones

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Our File Number: 06JM-112762

August 31, 2009

Via Electronic Mail and U.S. Mail

Devon Muto
Chief, Advance Planning
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
Mail Station O-650
San Diego, CA 92123

Re: Public Review Comments to County of San Diego Draft Environmental Impact Report, EIR # 02-ZA-001, SOH # 2002111067, Program EIR

Dear Mr. Muto:

I56-1. Republic Services/Allied Waste has reviewed the County's Draft General Plan Environmental Impact Report (DEIR), and has the following comments and concerns.

I56-2. The DEIR's Table 2.16-8 for "Power Plants Located in San Diego County (as of 2006)" should be revised to include the Landfill Gas (LFG) Cogeneration Facilities at the Otay and Sycamore Landfill sites. The Sycamore Landfill LFG cogeneration facility is operated by Fortistar (3.5 MW), while the Otay Landfill LFG cogeneration facility is operated by Covanta (7.4 MW). Please revise the table to add these two facilities.

I56-3. In addition, the DEIR in Section 2.16.1.3, on page 2.16-25, should be revised to reflect that the rural bin site system is no longer in place. As a result, the Campo and Viejas Solid Waste Transfer Stations should be removed from Table 2.16-6.

I56-4. Also, Section 2.16.3.6 of the DEIR should recognize that the City of San Diego approved the Sycamore Master Plan Expansion in November of last year. Also, the correct name of the facility is Sycamore Landfill, rather than Sycamore Canyon Landfill. The second full paragraph on page 2.16-58 should also reflect the recent approval of the Sycamore Master Plan Expansion. As a result of the approval of the expansion for Sycamore Landfill, there should be sufficient

Comment Letter I 56, Republic Services - Allied Waste (Represented by Sheppard Mullin Richter & Hampton LLP), Donna Jones (cont.)

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I56-4. cont. landfill capacity for the development anticipated by the General Plan Update, including for the cumulative projects.

Very truly yours,

Donna D. Jones

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:8DDJ1\402141874.1

cc: Neil Mohr

Responses to Letter I 56, Republic Services - Allied Waste (Represented by Sheppard Mullin Richter & Hampton LLP), Donna Jones

I56-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I56-2 DEIR Table 2.16-8 was updated with the information provided in this comment.

I56-3 In response to this comment the discussion of rural bin sites was removed from DEIR Section 2.16.1.3 and Table 2.16-6 was updated with the removal of the Campo and Viejas Solid Waste stations.

I56-4 DEIR Section 2.16.3.6 was updated with the information provided in this comment.

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP)

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Our File Number: 06JM-112762

August 31, 2009

Via Electronic Mail and U.S. Mail

Devon Muto
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San Diego, CA 92123

Re: Public Review Comments to County of San Diego Draft Environmental Impact Report, EIR # 02-ZA-001, SOH # 2002111067, Program EIR

Dear Mr. Muto:

I57-1. We represent the Rodney Company and, on behalf of our client, provide the following comments on The County of San Diego Draft General Plan Environmental Impact Report (DEIR). We understand that updating a General Plan for an unincorporated area as large as San Diego County is an immense undertaking, and analyzing the environmental impacts of that update may be even more difficult. Our letter is written in the spirit of helping the County reach its goal of certifying a DEIR that fully and accurately discloses all relevant information and serves as an appropriate basis for informed decision-making. With that in mind, our comments on the DEIR are set forth below.

1. Achieving The Project Objectives

I57-2. Evidence supporting achievement of some of the DEIR's Project Objectives is lacking. For example, the Project could better meet its objective of supporting a reasonable share of projected regional population growth by allowing development in appropriate areas outside of the County Water Authority boundary, if certain criteria are met. In addition, if ordinances, policies, or other supporting actions were taken to support the flexibility in road design and lot configuration that purportedly may be achieved by some of the proposed revisions, additional densities could

I57-3. be achieved in keeping with the policies and the called-for Project densities would have a better chance of being achieved. Currently it is unclear how much flexibility will be allowed and this uncertainty makes planning development more challenging. Also, the DEIR should provide support for its conclusion that the Project would meet the objective of reinforcing the vitality,

I57-4. local economy … employment … opportunities."

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

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I57-5. The DEIR's statement that "[e]conomic considerations for the proposed project included development of a land use map for the County that is designed to encourage unique and thriving communities" does not have any supporting evidence showing that such considerations actually were taken into account. It is not clear how downzoning hundreds of thousands of acres, allowing its uses to be limited primarily to open space or residential densities so low as to be infeasible to develop, or agriculture which, as discussed elsewhere in this letter, similarly is unlikely to be feasible on the property, seems unlikely to "thrive" as a result of the Project, as has been pointed out in letters from those very communities.

I57-6. The DEIR's statement that, "[b]y shifting density to the more urbanized western areas, opportunities for agriculture, recreation and wildlife protection are preserved in the eastern areas" is misleading. As the DEIR notes in Section 2.2, the soil in most of the unincorporated eastern portion of the County is poor and unsuitable for agricultural use. In fact, the evidence demonstrates that the most viable agricultural land is located in the very areas into which all of the density is being placed. Concentrating the population in the western portion of the County will not preserve agricultural opportunities but in fact reduce them by removing the most feasible agricultural land from agricultural use.

2. **Maintaining A Consistent Project Description**

I57-7. CEQA requires an EIR's project description and the accompanying analysis to be consistent throughout the EIR. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 197, 139 Cal. Rptr. 396; *see also San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal. App. 4th 645, 655, 57 Cal. Rptr. 3d 663; *City of Santee v. County of San Diego* (1089) 214 Cal. App. 3d 1438, 1450, 263 Cal. Rptr. 340. Chapter 1 describes the Project as including a multitude of components, including all General Plan Elements as well as the Referral Map, the Mobility Element roadway network map, adjustments to Community Planning Area (CPA) boundaries, updates to various specific plans, the San Diego County Zoning Ordinance, the County of San Diego Code of Regulatory Ordinances Sections 86.601-86.608 (the Resource Protection Ordinance (RPO)), other unspecified County ordinances, unspecified Board of Supervisors' Policies, and agricultural preserve modifications. Yet the "Project" as described in the various sections of chapter 2 seems to vary depending on the topic under discussion. Also, some of the analysis of the Project seems to be based on the Land Use Map Alternative rather than on the Referral Map.

I57-8. The Project is said to include "[u]pdates to all community and subregional plans," but those updates are not described or analyzed, nor are any alternatives discussed. There are no maps for any of the community plans included in the DEIR. CEQA does not require that an EIR discuss alternatives to each project component, but for something substantial as a community plan amendment which would have a range of alternatives discussed if it had, as is usually the case, its own standalone environmental document, does rise to the level of requiring an alternatives analysis. The DEIR should be revised to clearly and consistently describe each project

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

I57-8. cont. component, including the text and land use map for each of the community plans that this DEIR is expected to cover.

I57-9. The proposed amendments to RPO to allow encroachments within steep slopes when necessary to avoid particularly sensitive resources are part of the Project, yet portions of the DEIR rely on RPO to mitigate otherwise significant impacts to steep slopes, without referencing the proposed amendments. (See, e.g., page 2.1-29 of the DEIR.) There does not appear to be any analysis in the document as to the impacts, if any, of the amendment itself. Presumably, the proposed amendment would cause potentially significant impacts to steep slopes. The impacts are not quantified or even discussed, however. Similarly the impacts from the proposed amendment to the Subdivision Ordinance to increase design flexibility and waive certain lot configuration requirements are not analyzed.

I57-10.

3. **Use of Updated Data**

I57-11. The General Plan Update has been in process since as early as 1998, and, according to the DEIR much of the work supporting the analysis and conclusions of the DEIR are based on data that is several years old. As a result, assumptions were made as to how those conditions might have changed since the date the data was prepared. Reliance on assumptions based on outdated data rather than analysis based on current data may result in inaccuracies in the analysis; as a result, those sections of the DEIR that relied on older data should be re-analyzed based on current information.

4. **Aesthetics**

I57-12. Section 2.1.2.3 of the DEIR relies upon RPO to avoid significant aesthetic impacts, but does not discuss whether the DEIR's analysis is based on the existing or the proposed amended RPO. If it relied on the existing RPO then additional analysis is required to confirm that the results would be the same with implementation of the Project, which includes an amendment to the RPO.

I57-13. The Visual Character or Quality Goals and Policies described in Section 2.1.3.3 call for project plans to conserve and enhance community character, be compatible with community character, and consider community character. Yet, significant development will be designated for many communities (for example, Valley Center) that could result in a "substantial reformation." How will the County insure that the stated degree of intensification will occur despite the goals and policies such as those discussed in Section 2.1.3.3, which would make intensification more difficult to achieve by instead emphasizing maintenance of existing – in many cases, low density or rural -- development?

5. **Agricultural Resources**

I57-14. The DEIR rejects the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) referenced in the CEQA Guidelines in favor of a County-specific

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

I57-14. cont. criteria. The FMMP uses a 10-acre minimum mapping unit to determine farmland resources, which the County concludes is not appropriate because 68% of the farms in San Diego County are between one and nine acres, with an average of four acres. Due to climate, soils and other factors, the evidence demonstrates that the most feasible agricultural land in San Diego County is in the west, on small acreage. The DEIR states that agriculture continues to be a vital component of the San Diego County economy because of the many small farms in the County that produce high value crops, noting that the "agricultural trend of producing high value crops on small amounts of land has allowed San Diego County farmers to continue economically productive operations, despite the land use pressures …." The DEIR finds that "[d]ue to San Diego's unique agricultural characteristics, land that is subdivided into smaller lots would actually increase agricultural viability, since smaller parcels are more affordable and still conducive for raising crops in the County." *See* DEIR at 2.2-16. Yet, the County designates the areas in which small farms exist for development, and the large parcels that do not fit the model of successful agricultural operations in San Diego County for such use. As a result, the DEIR's conclusion that impacts caused by conversion of Agricultural Resources would be significant and unavoidable may be in error. One feasible mitigation measure could well be to retain more of the small-lot, high value agricultural land in the western portion of the County, and allow some of the proposed development to instead occur where agricultural uses are less supportable given the climate, poor soils and larger acreages. The evidence suggests that such a shifting of some development intensity could feasibly mitigate impacts to agricultural resources otherwise caused by implementation of the Project.

I57-15. The DEIR does not discuss the impacts from successful implementation of Mitigation Measure Agr-1.4, which calls for landowners to voluntarily limit future development of their property. If sufficient numbers of landowners volunteered for the PACE program, would the densities required to accept a reasonable share of the area's population growth be feasible?

I57-16. Also, the basis for determining what equates to an "important agricultural area" within each community plan is undefined. Implementation of Mitigation Measure Agr-1.5, requiring community plans to be revised to identify such areas and associated buffers could reduce densities assumed by the Project.

I57-17. There is a typographical error in Mitigation Measure Agr-1.3 – "facilities" should be "facilitates."

6. **Air Quality**

I57-18. The reference on page 2.3-8 to the more than 200 substances identified as TACs presumably should be HAPs, as that is the subject matter of the paragraph.

I57-19. 7. **Biological Resources**

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

I57-19. cont. Overall, the analysis of biology impacts caused by future development anticipated by the General Plan is extremely vague. The analysis that led to a finding of significant and unmitigable impacts is not substantiated by the DEIR documentation. It is also impossible to tell how the impact analysis was conducted. It appears to have applied an assumption for the acreage that would be impacted by each land use designation, overlaying that with the MSCP biology vegetation mapping and then calculating the impact. Or, the acreage of total impact could have been spread proportionately over various vegetation types. The DEIR should disclose the methodology used and then provide support for it.

I57-20. The DEIR discloses the amount of each vegetation type in the County as a whole, without providing any information as to how much of vegetation type is in each community planning or subregional area. It is not possible for the public to understand the impacts of each community plan amendment or update when the existing vegetation amounts and sensitive resources mapping by community planning or subregional area are not provided. The DEIR makes only sweeping generalizations as to impacts on each sensitive plant or animal, making it impossible to tell if future plans are covered within the range of alternatives or if there are impacts that were not previously disclosed. Page 2.4-20 provides a brief explanation of assumptions used to calculate direct impacts for various land uses, but fails to disclose how the critical acreage assumptions were derived.

I57-21.

I57-22.

I57-23. The DEIR on page 2.4-21 states that there are 557,000 acres of designated Critical Habitat in the County related to the Project or its impacts. However, there is no attempt to explain what species are affected or how many acres are affected. The mere presence of Critical Habitat does not affect the ability to use private property, nor even definitively establish that an endangered species is present on that property. In many cases, Critical Habitat has been broadly declared and includes areas already developed. More study is always needed to determine if the Primary Constituent Elements for a given species are present before impact can be determined, and that detail should be added to the revised DEIR. Merely concluding that there is a significant impact with no attempt to quantify the impact is inadequate.

I57-24. The discussion of Wildlife Movement Corridors and Habitat Linkages should include the East County MSCP as well as in the other existing and proposed MSCPs. In addition, the DEIR's analysis should include a discussion of the impacts with the amended Conservation Subdivision Ordinance as well as without the ordinance in place. In addition, the Wildlife Corridor discussion is deficient in that it does not include any specific analysis, only a blanket statement that impacts would be significant and unmitigated. It is impossible to know if that is the correct conclusion or not, given the complete lack of information provided to support it.

I57-25.

I57-26.

I57-27. The DEIR's conclusion that "[s]ome proposed land uses would result in greater biological impacts than other due to increased development densities" is inaccurate. Increasing development densities may or may not result in more biological impacts, depending on the footprint of the development and other factors. For example, a project with one unit per acre that

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

I57-27. cont. is designed with lots of the maximum size would remove virtually all vegetation, whereas a project designated as four units per acre but clustered into attached units would save vegetation and result in fewer biological impacts. As the above example illustrates, density is only one determining factor in assessing impacts. Unless the generalization of the current DEIR language is revised, the reader could be left with an inaccurate view of potential impacts.

I57-28. The DEIR provides limited summaries of potential impacts from development allowed by the Project but no frame of reference to understand the magnitude of those impacts. The DEIR should be revised to discuss what percentage of remaining habitat would be affected in each community planning and subregional area, since an impact of 4,000 acres to a habitat where only 6,000 acres exist is a more severe impact than an impact to 4,000 acres when there are 400,000 acres remaining.

I57-29. The DEIR states that low density development in the Desert, Mountain Empire and North Mountain Subregions would be more likely to impact natural habitat, but fails to discuss whether or not the habitats that would be affected in those subregions are sensitive. So little development has occurred in those areas, or the amount of development being allowed is so small, that it is reasonable to assume that the development may not result in significant impacts at all. To simply conclude that "development" causes "impacts" is overly simplistic.

I57-30. The DEIR's biological resources analysis relies on a report conducted by the Conservation Biology Institute (CBI). The CBI Report concludes that densities of one dwelling unit/40 acres or greater has a more severe impact on biological resources than does lower density development. First, given the reliance on the Report, it should have been included in the DEIR appendices or, at a minimum, available on the County's website, but was not. The Riparian Bird Conservation Plan (CPF 2004) to which this section refers also was not on the County General Plan Update website nor in the DEIR Appendices. Both should be made easily available to the public with a recirculated DEIR should they continue to be relied upon in the environmental document's analysis.

I57-31. Second, the Report itself should disclose that it was prepared for a group of environmentalists, the Endangered Habitats League (EHL), an organization with a clear agenda and bias toward conservation of private property. The report ignores the fact that the greatest amount of acreage in the unincorporated County are federal and State lands (871,504 acres), much of which already is open space. In addition, it also fails to note that the unincorporated county in the General Plan update includes 319,978 acres in open space, per Table 1-1 of the EIR.

I57-32. The CBI Report relies on very few studies – four, in fact – from which it draws "inferences" which may or may not be accurate, conceding that it has found no published studies that explicitly compare effects on species/habitat to development densities above or below a 1 DU/40-50 acre threshold. The studies relied upon are (i) Lizard species in the Sonoran Desert in Tucson; (ii) Bird species in forested areas of Canada; (iii) shrub-steppe and prairies in Colorado;

Comment Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

I57-32. cont. and (iv) shrub oak-sagebrush community in western Colorado, all of which have habitats very unlike those of San Diego County. Nonetheless, from this data the Report reaches the conclusion that the point at which significant biological impacts (a change in species

I57-33. composition) occur is at densities as low as 1DU/40-50 acres. It then extrapolates this to San Diego County, in a conclusion that is neither quantified nor substantiated. The Report also assumes that development would not be clustered but rather would be constructed in the manner

I57-34. which would result in the maximum grading and fragmentation, ignoring the ability to cluster development in a smaller footprint.

I57-35. The data supporting the report shows that the biggest difference in impact occurs between 1 du/10 acres and 1 du/20 acres, not between 1 du/80 acres and 1 du/40 acres, yet the Report lists the dividing line as 1 du/40 acres despite this evidence to the contrary. The Report also

I57-36. contradicts itself by acknowledging that densities greater than 1 du/20 acres and not 1 du/40 acres is never explained. In any event, the Report ultimately concedes that densities of species

I57-37. were generally "not significantly different between high and low density development areas …."

I57-38. The Report's assumption of the acreage of habitat that would be lost with increased densities fails to take into account the fact development must comply with existing County regulations which protect sensitive vegetation types. The Report's assumption that 5,675 more acres of wetland/riparian would be impacted if higher density was approved is unreasonable, and fails to recognize the various local, state, and federal permit requirements that prohibit impacts to wetlands in all but the most limited circumstances.

I57-39. Another flaw involving the riparian habitat impact analysis is the DEIR's conclusion that, since the Project would result in significant impacts to groundwater supply and recharge, the direct hydrological effects would result in potentially significant indirect impacts to riparian habitats. This leap to a finding tying groundwater drawdown to significant impacts to biological resources is not substantiated anywhere in the DEIR.

I57-40. The analysis does not appear to be even remotely accurate or reflective of the actual impacts that would occur. For example, the DEIR's conclusion that impacts to up to 10,321 acres of riparian habitats could be caused by Project implementation is unreasonably high given the existing rules and regulations that would preclude that from occurring. Not even a moderate fraction of that amount of acreage would be allowed to be impacted by future development. This is also true for the 1,841 acres of federal wetlands assumed to be potentially impacted on page 2.4-27. The estimate of impacts to federally protected wetlands is so grossly overstated that it undermines the credibility of the DEIR, and throws into question the validity of all of the impact numbers stated in Tables 2.4-1 through 2.4-6. In any event, impacts at that scale would be significant, in

I57-41. contrast to the "less than significance" finding.

I57-42. The DEIR's analysis of impacts should at a minimum account for the existing regulations that are

I57-43. designed to ensure survival of sensitive species. Also, it should be revised to provide

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I57-43. cont. information concerning the locations where impacts to sensitive species could occur (the table that defines where each sensitive species is found is too broad), and to analyze impacts to each of the sensitive species. As currently drafted, the DEIR analysis fails to adequately quantify impacts to any of the species.

I57-44. A number of General Plan Update Policies focused on management, assemblage of a preserve system and preserve system funding are said to reduce feasibility of biological impacts. First, the DEIR should be revised to recognize the alternative mitigation available under existing rules and regulations. Adoption of a habitat conservation plan may mitigate cumulative impacts to biological resources, but it is not the only way such impacts can be mitigated. Alternatives include project-by-project mitigation as allowed by the state and federal regulations, and has been done for years in areas that have not adopted NCCPs/HCPs. While adopted NCCPs/HCPs are one way to mitigate impacts, they are not the only way to achieve mitigation. Agencies routinely find that biological impacts from development into sensitive habitat have been mitigated absence an adopted NCCP/HCP. The County has sufficient regulations in place (including those discussed in Section 2.4.2.3 of the DEIR) to ensure that biological impacts are fully mitigated through application of the regulations, and through the CEQA process, even in the absence of an adopted NCCP/HCP. Mitigation Measure Bio-1.2 should be revised to recognize that should the Board of Supervisors not elect to adopt the MSCP North or MSCP East, other mitigation can be implemented to mitigate the biological resources impacts under existing local, state and federal regulations.

I57-45.

I57-46. Second, the feasibility of mitigation of all of the impacts by means of the MSCP North and MSCP East plans is questionable, given the extremely low densities allowed by the Project. The densities allowed by the Project, especially outside the far western portion of the County, are so low that they will not result in development at all. With the property owner finding it infeasible to seek entitlements for development, he will not need to provide any of his property for mitigation purposes, and thus the amount of open space assumed to be available via exactions from development projects will not occur, and the funds from developers required to build and fund the preserve similarly will not be available.

I57-47.

I57-48.

I57-49. The MSCP Subarea Plan is one vehicle by which local agencies can obtain coverage for listed species, and is not necessarily a sound mitigation measure to ensure protection and mitigation for impacts to sensitive biological resources; certainly it is not the only vehicle available for such mitigation. Even if adopted, the feasibility of the implementation of the proposed MSCP subarea plans is questionable and, therefore, so is the mitigation. Plans in and of themselves are not adequate mitigation for significant impacts.

I57-50.

I57-51. 8. **Cultural and Paleontological Resources**

I57-52. The DEIR should be revised to include analysis of potential cultural and/or paleontological resource impacts by community or subregional planning area. Historic resource surveys have

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I57-52. cont. been conducted in Ramona, Sweetwater Valley, Fallbrook, Lakeside and Julian, but no mention is made of the impacts development within those community plans would have on those resources.

9. **Geology & Soils**

I57-53. The text in Section 2.6.4 and 2.6.4.1 is inconsistent. Section 2.6.4 states that the geographic scope of the cumulative impact analysis for geologic impacts that are regional in nature, *such as earthquake risk*, is larger than the immediate area of the constraint. However, that geologic scope apparently was not used for the cumulative impact analysis of earthquake risk, at least according to Section 2.6.4.1, which states that the "geographic scope of cumulative impact analysis for seismic-related hazards is limited to the immediate area of the geologic constraint." It is unclear what a "seismic-related" hazard could be if not an earthquake risk. The cumulative seismic risk analysis should be revised to look at the appropriate, regional geographic scope.

10. **Hazards and Hazardous Materials**

I57-54. The DEIR should be revised to consider what effects reducing circulation LOS and allowing certain roads to fail would have on emergency response, evacuation plans, and the transport of hazardous materials.

I57-55. In addition, the DEIR should consider "defend in place" strategies for fighting wildfires and determine whether such mitigation would be feasible.

11. **Hydrology and Water Quality**

I57-56. The DEIR's Water Quality section provides only a cursory analysis of impacts associated with increased agricultural uses in the eastern portions of the County.

I57-57. The DEIR's discussion of surface water quality notes that "multiple policies are proposed under the General Plan Update that would encourage agricultural operations in the County." (DEIR, p. 2.8-32.) The DEIR goes on to state that this development strategy has "the potential to contribute non-point source pollutants such as fertilizers, herbicides, insecticides, or bacteria into surface water bodies." (DEIR, p. 2.8-32.) The surface water analysis further discusses those water bodies that are listed as impaired. Many of these water bodies are in the western portions of the County, and the DEIR focuses on impacts in that area. (DEIR, p. 2.8-32, 2.8-33.) The DEIR does not address the water quality impacts in the north and eastern portions of the County that would be associated with an increase in agricultural land uses encouraged by the General Plan.

I57-58. The DEIR's discussion of groundwater quality states that agricultural uses would contribute nitrates and total dissolved solids to groundwater supplies. However, aside from some

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I57-58. cont. generalized statements, the DEIR does not discuss whether or how the overall shift toward agricultural land uses in the back country will impact water quality.

I57-59. The Project is to limit development in the back-country, and thereby promote agricultural land uses in those areas. The DEIR is required to fully address the environmental impacts of that decision. In this case, that requires fully analyzing the water quality impacts associated with an increase in agricultural operations in the back-country, but such analysis is lacking.

I57-60. Section 2.8.1.1 and Figure 2.8-3 should be expanded to evaluate areas that do not have water supply problems, to assist the reader in evaluating the possible extent of groundwater supply problems in the future.

I57-61. The DEIR's discussion of surface water quality says that the San Juan water sheds addresses "[w]ater quality concerns," and that the San Luis Rey has "[w]ater quality impacts affecting…", but the document should be revised to clarify whether or not the issues addressed in this section are existing or instead if they result from implementation of the General Plan. Also, the DEIR

I57-62. should recognize that, because there are vast areas of the county where little or no information is available about groundwater, there are large areas of the county that do not have, nor may ever have, groundwater quality problems. There may also be large groundwater supplies that are not being used that could, with proper study and use, supply some portion of the population with clean, potable water.

I57-63. The DEIR's conclusion that new development could not be allowed in areas with contaminated groundwater should be modified to recognize treatment of the contamination as a mitigation measure. To the extent the water can be adequately treated to safe levels, development could then be allowed to occur.

12. **Land Use**

I57-64. Proposed policies are cited that all call for project plans to conserve and enhance community character, be compatible with community character, and to consider community character. Yet, the DEIR states that significant development will be designated for these communities that could (for example in Valley Center) result in a "substantial reformation" (Section 2.1.1.3). The DEIR should be revised to consider the impact on existing community character.

I57-65. Although Section 2.9.3.1 of the DEIR states that the Project is not proposing to create large new open space areas, in fact that is exactly what will be created in most of the unincorporated area. Large parcels of undeveloped land that cannot feasibly be developed will result in de facto open space upon implementation of the General Plan Update if it remains as it is today, since so much of the back country will be downzoned so severely that any development would be infeasible.

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I57-66. Multi-modal transportation is unlikely to be viable when the majority of land over which residential uses can occur are Semi-Rural and Rural –densities that do not support multi-modal transportation.

I57-67. The amount of land being down-zoned should be quantified. In addition, the amount of population growth expected to be absorbed in each community should be provided in a summary table showing projected population under the existing community plans and the updated plans. Such information is essential to allowing appropriate assessment of the magnitude of the change being proposed through the Project.

I57-68. Figure 2.9-2 should be revised to show the sphere of influence for the City of Escondido.

13. **Mineral Resources**

I57-69. The DEIR recognizes that an adequate supply of aggregate materials is in the western portion of the County, but that development in the western county area has encroached on existing and potential mining sites. Yet despite the recognition that the best location for aggregate mining is in the west, the Project directs 80% of future development to that same western portion of the County. It seems that directing a larger portion of growth in the appropriate locations in the northern and eastern portion of the County would relieve some of the pressure on mineral resources and allow some of the valuable resources to be mined even the west, where they are primarily located.

I57-70. Also, Policy COS-10.2 discourages development or establishment of incompatible land uses on or adjacent to areas classified or designated as MRZ-2, but earlier the DEIR stated that most of the areas classified or designated as MRZ-2 were in the western portion of the County, which is exactly where the development and establishment of incompatible land uses is being directed.

I57-71. In addition, the information upon which Table 2.10-1 is based is from 2003, and six-year-old data should be updated.

14. **Noise**

I57-72. The DEIR on page 2.11-7 states that, of the County's approximately 2.7 million acres of land, 366,500 acres are in active agricultural use. This is inconsistent with the discussion on page 2.2-4 of the DEIR, which states that, of the 2.73 million acres of county land, 308,991 acres are in agriculture.

I57-73. The wording of the explanation of noise from mining operations should be clarified. As written, it states that frequent vibration occurrences "would have the potential to exceed the threshold for Category 1 …" but "have the potential to not exceed the significance thresholds for Categories 2 and 3." What does "would have the *potential* to *not* exceed the significance threshold" mean – that it is assumed to exceed the threshold but it is possible that it may not?

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I57-74. The table in the DEIR does not include each road segment that would have the potential to result in an increase in noise levels, but rather a general area that would be expected to experience an increase of 3 dBA or greater. This leaves the reader uncertain as to whether all noise impacts from road segments in which noise could be a significant impact really have been analyzed.

I57-75. The conclusion as to the significance of nuisance noise is unclear. Page 2.11-30 says that the Noise Ordinance would reduce potential nuisance noise impacts "to the extent feasible," therefore, presumably, it remains significant and unmitigated. However, in other sections of the DEIR it states that such impacts would be less than significant. Also, if possible the DEIR should update the assumptions used in Table 2.11-18 for Typical Construction Equipment Noise

I57-76. Levels. The source used is 1971 EPA data, but construction equipment has significantly changed since 1971 and those updates to the equipment should be taken into account.

15. **Population and Housing**

I57-77. The DEIR states that growth is being re-directed to areas adjacent to existing development where services are available. However, the Ramona and Rainbow water districts, where the Project directs growth, are known to have very limited ability to provide either water or sewer hook-ups and to have facility breakdowns regularly. The deferred maintenance and facility replacement is now so expensive that it would be cheaper to build new facilities elsewhere. This should be disclosed in the DEIR. Similarly, the County is proposing to allow many major roads in and near existing development to fail, not allowing the improvements that would accommodate the growth. The public infrastructure in many existing developed areas is at capacity and cannot be

I57-78. feasibly be expanded. Parcels in existing towns are generally smaller than those in other areas, and cannot provide the additional capital needed for infrastructure expansion. The fees they pay are insufficient to make up for past funding deficiencies.

16. **Public Services**

I57-79. The DEIR states that travel times for emergency fire response would be required to achieve the standards shown in Table 2.13-14; however, today many fire districts are unable to reach their entire service area in 20 minutes or less and do not meet the required County travel time standards. Is it realistic to expect all new development to meet the standards that much of the existing development does not? If not, then is seems that requiring new development to find a way to meet those standards despite the obstacles that prevent that response time from being met in the County today would preclude at least some of the development anticipated by the Project from occurring.

17. **Transportation and Traffic**

I57-80. A roadway segment evaluation is a very simplistic analysis and based on a comparison of the forecasted daily volume and the roadway segments daily capacity and LOS standards. The

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I57-80. cont. reasoning for conducting a segment rather than a peak hour analysis is that it would be extremely difficult given the magnitude of study area. Although conducting a peak hour analysis would be very difficult for the whole study area, it would be possible to conduct a focused peak hour analysis in the areas where the segment analysis shows deficiencies. This would help better understand and refine the proposed mitigation.

I57-81. Page 6 section 2.2.2 "State Highway Level of Service Standards and Threshold" discuses that State highway LOS and performance is based upon procedures derived from the 2000 Highway Capacity Manual. It states that the procedure for calculating LOS involves estimating a peak hour volume to capacity (V/C) ratio on State Highways and includes a table of State Highway segment level of service definitions for the corresponding V/C's and LOSs. Other than the mention of this requirement, no peak hour analysis is discussed anywhere else except to say they are not doing peak hour analysis. No segment or intersection peak hour analysis is provided. Although this is a General Plan, it still requires that reasonably foreseeable impacts be analyzed, and it is difficult if not impossible to calculate reasonably foreseeable traffic impacts with no peak hour information.

I57-82. It is unclear if the trip generation Table 4.1 includes a reduction in overall trips due to internal capture. The DEIR mentions trip generation rates as applied to the various land use types, but does not reference any trip reductions due to internal or mixed uses. Internal capture is discussed in the vehicle miles traveled section but is not specified in the trip generation section or table shown. Is the trip generation shown before or after reductions for internal trip capture?

I57-83. The DEIR is also deficient for not taking into consideration the fact that many of the alternatives would show fewer traffic impacts if land uses were intensified and placed within close proximity to already existing roads.

I57-84. The traffic impacts to adjacent jurisdictions were also analyzed at a daily versus peak-hour level and therefore provide insufficient information to demonstrate that there will not be significant and unmitigated peak hour impacts to roads both inside and outside of the unincorporated area.

I57-85. The DEIR determined that the General Plan Update would result in 34 roadway segments in adjacent cities operating at levels of service exceeding LOS standards established by their respective cities; however, it also states that specific implementation programs are identified as mitigation. The mitigation proposed, however, only states that impacts could include a variety of options, from roadway segment widening to specific intersection improvements, and that requirements could vary by jurisdiction. This general statement is not adequate mitigation.

I57-86. According to the DEIR, the County intends to accept LOS E/F on roadways based on the segment analysis conducted and without implementing mitigation that would improve the LOS. However, the DEIR fails to make clear whether or not this also means that the County will in the future accept a failing LOS of E or F at the intersections along and at either end of these failing corridors when development occurs in the future and is required to do the more typical peak-hour analysis. If the County intends to require future development to mitigate, or intends not to allow

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I57-86. cont. development that would generate traffic on a failing road to ever develop, then that position should be disclosed.

I57-87. Appendix I to the DEIR bases the decision not to mitigate Old Highway 395 to an acceptable LOS by stating that it is "not appropriate for the County road to solve regional traffic volumes." However, no supporting select link analysis is provided to support the conclusion that the failing LOS is due to regional traffic rather than local traffic – in fact, not even the proportion of regional traffic versus local on Old Highway 395 is provided. As a result, even if one agrees that the County has no responsibility to mitigate regional traffic volumes, the reader is not provided sufficient information on which to determine if indeed the traffic impact results from regional traffic.

I57-88. Moreover, Old Highway 395 would result in sufficient capacity at four lanes, with only some wetland impacts caused by the improvement, which could feasibly be mitigated.

I57-89. The DEIR justifies traffic impacts remaining significant and unmitigated on certain road segments on the basis that the "LOS is only failing in a short segment" or that a segment is only over capacity by a small amount of average daily trips (ADT). This fails to acknowledge and disclose that short segments which operate poorly can create bottlenecks and eventually affect other segments upstream and the flow of traffic. Also, LOS thresholds are created to determined if roadways are under or over capacity and if a roadway is over capacity, it is over capacity, even if by only a small amount. These statements are also used as mitigation for other failing roadway segments on the table provided in appendix I.

I57-90. The DEIR proposes some mitigation which it asserts would fully mitigate impacts to certain road segments, but fails to support that conclusion with any peak hour analysis. The use of only road segment analysis without peak hour analysis is not sufficient to support a conclusion that certain traffic impacts would be mitigated by the proposed mitigation. For example, without peak hour intersection analysis, the conclusion that the proposed operational improvements, such as a right-turn lane, would sufficiently mitigate for impacts to Alvarado Street is unsupportable.

I57-91. The DEIR's conclusions are unsupported for many communities. For example, Ramona is difficult to access, having access only from Highways 67 and 78; it has a run-down, at-capacity water system and an at-capacity sewer system, yet is expected to handle a traffic increase of 31%. This is a very large increase of traffic for an existing village with no available infrastructure.

I57-92. Similarly, Alpine's traffic will increase 40% over existing conditions and 13% over the existing General Plan with the Project, but the DEIR fails to note the status of the facilities required to accommodate that increase.

I57-93. In addition, with the Project Rainbow takes a 79% increase over existing levels and a 20% increase over the existing General Plan. While Rainbow is located adjacent to I-15 and has significant areas of relatively flat land, it also has a poorly maintained water system with no capacity and no sewer system.

I57-94. Likewise, the Project increases traffic in Valley Center by 68% over existing levels and 32% over the existing General Plan. The main road through Valley Center will be held to four lanes and will operate at LOS F. While Valley Center has a water system and a public sewer system, there may be considerable

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I57-94. cont. public opposition to expanding the systems. Thus there is insufficient evidence to support a conclusion that the infrastructure required to support the growth called for in these and other communities will exist.

I57-95. One justification for not mitigating failing road segments is that to do so would have biological impacts that could not be fully mitigated. However, there is no evidence explaining what such impacts would be, or how the mitigation has been shown to be infeasible. In many instances, however, biological impacts can be mitigated. Even impacts to endangered species are not prohibited, nor are impacts to wetlands.

I57-96. For example, Valley Center Road, SR-94, SR-67, Wildcat Canyon Rd., will all operate at LOS E and F due to need to pass through and disturb sensitive habitats. Yet the vegetation types in the central and eastern portions of the County, while not disturbed, are generally not as sensitive as that in the western portion of the County. While construction would require mitigation and revegetation, the impacts should not rise to a level where species would be jeopardized. The DEIR did not definitively evaluate the impacts but rather assumed that the vegetation that would be disturbed by road construction was sensitive simply because it was natural.

I57-97. It did not evaluate construction of alternate two-lane roads that could carry overflow traffic and provide congestion relief. Nor does it appear that the DEIR considered alternative road networks that might have provided more two-lane roads to relieve congestion, which could eliminate the need for four- and six-lane roads that are more environmentally damaging, provide redundancy in the event that one road is blocked, and maintain the rural atmosphere. The DEIR should be revised to analyze a different road network that meets traffic demand but uses a more interconnected road system of narrower roads that would provide more options for route selection and emergency access while retaining a more rural atmosphere.

I57-98. There are at least two reasons for concern regarding the DEIR's treatment of mitigating some of the failing road segments: First, the constraint imposed by the County is a policy or "paper" constraint. Second: the current position is trading the effects of one type of environmental impact for another. In this instance, the County is seeking to avoid biological impacts but increasing impacts that occur due to traffic congestion, air pollution and greenhouse gas (GHG) emissions. The decision to increase air pollution and GHG emissions decreases quality of life for residents beyond those living near the congested road, affects public health and has impacts on the very biological resources that the County is purporting to save by advocating congested roads. The DEIR should be revised to include an analysis of the effects of increased air pollution and greenhouse gas emissions on the biological resources along the deficient road segments.

I57-99. Many of the General Plan Update Policies require a mixture of uses in villages and limit employment generating uses outside of villages. The DEIR should provide the analysis that shows what densities must be built to carry out the policies, and the analyses that shows the jobs-housing balance that would be necessary to provide residents in each community with the

I57-100. opportunity to live and work in the same place. Finally, many community planning groups have

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I57-100. cont. been opposed to higher densities in their towns. What will the County do to ensure that the updated community plans provide for the development called for in this General Plan?

I57-101. In addition, it would be helpful for the DEIR to disclose what the County will require of future development that would generate traffic onto one of the road segments that the County has decided to allow to fail. Would such projects be denied due to the fact their location would necessarily entail generation of traffic onto a failing road segment? Or, would such projects be required to provide mitigation that the DEIR finds to be infeasible, at least at a programmatic level? Would a project proposing to amend the General Plan be forced to bring the road segment that the DEIR identifies and accepts as continuing to fail to a point where the impacts would be fully mitigated (thereby almost certainly making such project infeasible?)

18. **Utilities and Service Systems**

I57-102. Although the DEIR at section 2.16.1.1 states that "the core concept for the County's development directs future growth to areas where existing or planned infrastructure and services can support growth and locations within or adjacent to existing communities," no information about the ability of the various water agencies and suppliers to provide service, nor information about the status of each agency's infrastructure is provided. The reader cannot evaluate the impact of growth nor the accuracy of the Project without this information. Thus, information about the status of each water supply agency's infrastructure system and the ability of each to support the growth that will be accommodated under the County's proposed project and project alternative should be provided in a revised DEIR.

I57-103. Section 2.16.1.2 of the DEIR provides information about wastewater treatment capacity. While information is presented about remaining capacity in various agencies, there is no analysis about whether the remaining capacity is adequate to support the proposed project or the various project alternatives. It is not possible to determine if the proposed project or any of the alternatives actually achieve their stated goals of accommodating growth in existing areas where facilities are available. Such information must be provided in the DEIR on a community planning area basis.

I57-104. For example, Otay could provide additional sewer service to 10,000 homes. What portion of the projected growth would be located in Otay where service exists? Lakeside can serve an additional 2,194 homes or equivalent dwelling units. How much will Lakeside's population increase with the proposed project and alternatives? Ramona and Rainbow have no capacity remaining in their wastewater treatment systems. How much of the projected population would be housed in Ramona and Rainbow under the proposed project and alternatives?

I57-105. In many instances, wastewater treatment is provided by an independent district. The DEIR should provide support for the assumption that the affected districts will expand their facilities to accommodate the County's proposed distribution of projected growth.

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I57-106. What proportion of new development is anticipated to be served by septic or other wastewater disposal systems? Section 2.16.3.1 the DEIR states that "Implementation of the proposed General Plan Update would direct the majority of the anticipated population growth within the unincorporated County into the western portion of the County, which contains areas that already have existing infrastructure…the demand for wastewater treatment would potentially increase … an increase in waste water demand would require the need for new or expanded facilities." Similarly, Section 2.16.3.2 states that "Any future water and/or wastewater treatment projects in the County would be required to conduct environmental review pursuant to CEQA…" Yet, the DEIR does not conduct a programmatic level analysis of the reasonably foreseeable facility upgrades that would be required for implementation of the General Plan Update density, instead deferring analysis of reasonably foreseeable infrastructure improvements to the individual water or sewer districts. While detailed project-level analysis may of course be deferred, the impacts from the reasonably foreseeable infrastructure that the DEIR acknowledges will be required should be included in this DEIR.

I57-107. Although Section 2.16.3.1 of the DEIR concludes that implementation of the proposed project would cause the need for additional wastewater treatment facilities, the Land Use element was predicated on the location of growth where existing infrastructure had the capacity to serve new development. The DEIR concludes that new facilities would be built in areas in and near existing villages, but, with no supporting information, states that new facilities cannot be built to serve new villages as such are too expensive. In fact, the location of needed development of new homes and jobs in existing villages often results in more expensive infrastructure as existing roads and pipelines must be dug up and replaced, resulting in damage to roads and delays for residents.

I57-108. Table 2.16-1 should therefore be revised to include the existing available capacity so one can determine where improvements to water supply and treatment facilities will be needed. Table 2.16-4 should be similarly revised.

19. **Global Climate Change**

I57-109. CEQA contains a substantive mandate to refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal. 4th 105, 134; Pub. Res. Code § 21002. It requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal. App. 3d 30, 41. The core of an EIR is the mitigation and alternatives section…The purpose of an [EIR] is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." *Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal. 3d 553, 564-65 (quoting Pub. Res. Code § 21002.1(a)). The County has

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I57-109. cont. not provided substantial evidence in the record that it is infeasible to mitigate the General Plan's cumulatively considerable contribution to GHG to below a level of significance.

I57-110. Although the County has established the DEIR's threshold of significance to be the General Plan's consistency with AB 32's emissions target of achieving 1990 levels of GHG by 2020, which would require a 33% reduction in County government operation sources of GHG and 36% reduction in other GHG sources within the unincorporated County, the County does not provide substantial evidence explaining why it is infeasible to achieve those reductions. (DEIR at p. 2.17-22). Instead, the County claims that GHG impact mitigation is the responsibility of all levels of government and that because the County has no authority to control other government entities, impacts would remain significant and unavoidable. (DEIR § 2.17.7.1).

I57-111. Although the County promises to formulate a Climate Change Action Plan ("CCAP") that will achieve a 17% reduction in emissions from County operations from 2006 by 2020 and a 9% reduction in community emissions between 2006 and 2020, this is far short of the 33% and 36% reductions needed. (DEIR at p. 2.17-29, CC-1.2). The County provides no explanation of why it cannot include the CCAP's analysis in the DEIR at this time, how it determined that the 9% and 17% performance standards were the maximum feasible levels of mitigation the County could achieve, and what menu of feasible mitigation measures the CCAP will analyze to arrive at these performance standards. As the case law below makes clear, these deficiencies in the DEIR's analysis do not comply with the CEQA's rules for deferring mitigation into the future.

In a recent case, *Sierra Club v. City of Tulare* (2009) Case No. 08-228122 (Exhibit A), the Court overturned the City of Tulare's 2030 General Plan Update for similar inadequacies stating:

The City admits that it was required to identify feasible and "fully enforceable" mitigation measures. However, the City ignores CEQA's prohibition against deferral of the formulation measures unless it can be shown that practical considerations prevent formulations of mitigation measures, in which case the agency can satisfy CEQA by (1) committing to eventually devising such measures, and (2) articulate specific performance criteria at the time of project approval.

...

I57-112. Also, this section appears to use 2050 as a threshold year when the stated horizon year for the proposed project is 2030. The DEIR should be revised to use the same horizon year as the rest of the DEIR or explain why the horizon year used is different from that for the rest of the document.

20. **Growth-Inducing Impacts**

I57-113. The Project seems more growth-accommodating than growth inducing. Also, the Project directs growth into many areas in which there is little if any water or sewer capacity, and construction of the necessary water and sewer facilities is not controlled by the County. Growth is being

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I57-113. cont. planned in groundwater dependent areas where there is little capacity for additional growth, making it unlikely that the Project can actually accommodate its share of the projected growth.

I57-114. It also is unclear how the County has provided "ample" opportunity for residents to live and work in the same community. There are some communities that would experience significant changes in population but no increase in employment opportunities in these areas is discussed in the DEIR. Similarly, there are some areas, such as Tecate, that would have significant growth in employment, but no increase in residential densities surrounding that employment. If only proposing housing, the community plan would force residents to drive significant distances to employment areas, and where proposing significant increases in employment uses but not in housing, those workers will have to drive to and from their homes in some outlying area, increasing the vehicle miles traveled.

21. **Analyzing A Reasonable Range Of Alternatives**

I57-115. The alternatives all focus on limited variations of a single land use pattern – one pushing development to the west and downzoning the north and east. At least one alternative that considered increasing density in villages in appropriate locations in the north and/or east portions of the County should be included in the DEIR.

I57-116. There are many ways in which such an alternative pattern for development could reduce otherwise significant impacts. For example, many people work on tribal lands, in the casinos or associated development, yet there is little opportunity for building homes in the area of the tribal lands in the proposed General Plan Update. As a result, those people who work on tribal lands will continue to be forced to drive long distances in order to access their employment, putting more cars on the road and additional greenhouse gas emissions in the environment that could be alleviated should adequate housing density near such locations be designated.

I57-117. Similarly, the General Plan Update increases the commercial designations in the Tecate community, but not the housing designations, again creating a situation in which workers are forced into long commutes.

I57-118. Of course, such an alternative could also help to provide adequate housing in the unincorporated area to thereby allow the population being forced into Riverside, Imperial and other surrounding counties to live in San Diego, nearer their work, and again reduce vehicle miles traveled and its associated impacts.

I57-119. Moreover, while an EIR may typically evaluate reduced density projects, in some cases, as here, it could and should evaluate increased intensity or density alternatives in certain situations, particularly where increasing the density of a project would reduce indirect environmental effects by alleviating development pressure in other areas. Alternatives need to be environmentally superior to the proposed project in only some respects, not all.

I57-120. No alternative explores future opportunities for developing new sustainable mixed-use communities in strategic locations outside of already-established communities. There is no

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I57-120. cont. evidence supporting the conclusion that expansion of existing infrastructure outside of the western areas of the County that already are developed would be infeasible in all circumstances.

I57-121. The DEIR takes as a given that reducing density is the only means by which to reduce environmental impacts when in fact that is not the case. Reducing future growth is not the only answer. Development can be adapted to the constraints of the environment by reducing the development footprint and designing smaller lot sizes. For years the County has used one-acre minimum lot size as a threshold for septic systems, horse privileges, etc. so it's unclear why one-acre minimum lot size is not a viable alternative for development in the east and northeastern portions of the county. In fact, in many counties in California one-acre lot size would be considered "Rural." By allowing one-acre lots instead of downzoning to 160-acre lots, the County could meet its population targets as well.

I57-122. In addition, the DEIR provides only narrative summaries for the various alternatives, which may or may not accurately describe all of the differences between them. This information would be better presented in a comparative table, by community planning area, that lets the reader more easily compare the differences.

I57-123. It is also necessary to understand changes proposed within a category, for example, the amount of land changed from RL 40 to RL 80, or changes in areas of commercial or industrial uses to residential uses. Again, a comparative table would be make public review much easier. Moreover, the DEIR should address the change in each community that would occur, or whether this change is compatible with existing conditions.

I57-124. The Backcountry Development Alternative would concentrate more growth in the backcountry communities, and the basis of its rejection is not adequately supported. This alternative is rejected in part because it would burden infrastructure, yet in many cases infrastructure is no more or less available here than in the western portion of the County. It is often easier to build new infrastructure than to retro-fit already built areas and try to replace poorly maintained systems. New development is required to build necessary infrastructure to support its development, but not to retroactively solve existing problems that occur in infill areas.

I57-125. Another basis for the alternative's rejection was the conclusion that it would "increase public costs by not being with the SDCWA," but it is unclear how the location of development in or out of the CWA increases public costs. Properly planned groundwater-dependent development could be provided at no public cost, and could reduce pressure on CWA systems that are restricted due to drought and lack of storage.

I57-126. A third basis for rejection is that the alternative would not retain land for agricultural use, and for sensitive resources, but much of the land in the backcountry is not suitable for agriculture and does not supports listed or endangered species. In fact, the most valuable agricultural areas are within coastal climate zones, exactly where the Project directs all the growth. Properly planned backcountry development would result in minimal impacts.

I57-127. Finally, the DEIR rejects this alternative as infeasible on the basis that it fails to locate growth near infrastructure, services and jobs, and does not reflect the actual development capacity. Yet, properly planned development could provide additional job opportunities for the backcountry,

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I57-127. allowing residents of that area to be more self-sufficient and providing opportunities for existing residents to reduce driving -- the most significant generator of GHG emissions.

I57-128. Much of the backcountry is flat and does not support scarce or sensitive biological resources. Small, self-sufficient villages that are well-spaced can reduce traffic, pollution and biological impacts over that generated in large communities, provide more economic opportunity for rural areas and maintain rural lifestyles. Shifting 80% of the forecast population growth into areas west of the County Water Authority line will only put more people in areas where natural

I57-129. habitats have already been substantially reduced and where there are minimal road and other infrastructure capacities. In addition, the transition from one community to another will be reduced or eliminated, making it difficult to tell the difference between, for example, Spring Valley and Valle de Oro. The philosophy used to develop this plan is the same that has resulted

I57-130. in the loss of community identity for most cities in this county, and throughout southern California.

I57-131. The Hybrid Map Alternative would provide 3,000 fewer homes than the proposed Project but would still meet Regional Housing Needs Allocation (RHNA) requirements. The discussion of this alternative in the DEIR analysis does not quantify the changes within a designation. For example, the amount of land designated RL 40 and changed to RL 80 should be quantified. This

I57-132. section does not provide any information on the types of homes that would be lost (large estates vs. suburban vs. multi-family). The DEIR should provide a more detailed comparison of the Hybrid vs. the Referral Map.

There also are concerns with the specific sections analyzing this alternative, as described below.

I57-133. The Biological Resources section concludes that there would be fewer impacts to sensitive species simply because there would be more Rural designated land as compared to the proposed Project. However, no specific analysis is provided by vegetation type or by community plan area. There is no mention of clustering or mitigation. The example used, that a Rural, 20-acre site would only have 5 acres of disturbance (5 acres per house), whereas other designations would use 75-100% of a property, presumably using the same rule of 5 acres disturbed per house, fails to consider: (i) existing regulations that prohibit impacts to sensitive resources; or (ii)

I57-134. clustering could reduce vegetation impacts. How can a reader evaluate the possible impacts of this alternative, or any of the community plans under this alternative, when no information is provided about the amount of each habitat type that will be affected?

I57-135. The Hydrology and Water Quality section concludes that this alternative could have greater impacts than the proposed Project because more units would be located in groundwater dependent areas, including those where groundwater basins are being overdrafted. There are vast areas of the County for which there is little or no data about groundwater supplies. There

I57-136. are also many policies, rules and regulations in place to prevent groundwater overdrafting that

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I57-136. cont. were not in effect many years ago. Finally, there are groundwater basins that are operating well and could easily accommodate additional growth.

I57-137. The Land Use section concludes there would be fewer impacts due to less people, but the Regional Comprehensive Plan (RCP) notes that continued provision of fewer homes than are actually needed in the County will continue to result in the "export" of families to other counties, resulting in more traffic congestion and air pollution as people commute to jobs in San Diego County. This alternative is less compatible than the proposed Project. Were the environmental effects of not meeting the need for housing considered?

I57-138. The Utilities and Service Systems section states that there would be less demand for SDCWA water, and a reduced demand for sewage disposal services due to fewer houses. There would be 4,481 fewer units within the SDCWA service area. There would be an increase in use of septic systems and, presumably, in use of groundwater. Under "Adequate Water Supplies", the DEIR states that the "Hybrid Map Alternative would increase the number of housing units and populations served within the service areas of SDCWA member water districts". The DEIR needs to be consistent.

I57-139. The section also states that more groundwater would be used, resulting in a greater potential for inadequate water supplies and calls this out as a significant impact. This logic is not necessarily true. The County has many rules and regulations in place to ensure that groundwater supplies are adequate. Did the County consider groundwater availability in creating the Hybrid Alternative and shift growth to areas where supplies are adequate?

I57-140. The conclusion that this alternative would better fulfill project objectives than the proposed Project is illogical. This alternative would reduce housing and employment uses in villages and semi-rural areas and disperse more people into rural areas. Less development will not reinforce the local economy, especially when growth in removed from existing communities. This alternative will result in less change, but will not necessarily result in meeting project objectives.

I57-141. The comments on the Hybrid Map Alternative are equally applicable to the Draft Land Use Map Alternative for biological resources, hydrology and water quality and land use, though for land use it is important to note that the discussion for this alternative omitted an analysis of the alternative's compatibility with the RCP.

I57-142. In addition, for population and housing, how and where the densities would be increased to insure that the RHNA would be accommodated now and in the future should be discussed.

I57-143. The concerns regarding the ability of this alternative to fulfill project objectives is the same as described for the Hybrid Map alternative. Less development does not increase economic vitality.

I57-144. The same concerns discussed above also are generally applicable to the Environmentally Superior Map Alternative Description and Setting, including the concerns expressed above for the Hybrid Map and Land Use Map alternatives' Biological Resources, Hydrology and Water Quality, and Land Use noting that the DEIR should add a discussion of compatibility with the

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I57-144. cont. RCP. As for Population and Housing, this alternative would not meet the RHNA and would not accommodate forecasted population, shifting growth to areas outside of the County.

I57-145. This alternative states that it would generate fewer vehicle miles traveled; however, by not accommodating either the forecasted growth or the RHNA, this alternative would actually generate vehicle miles traveled by forcing growth in other areas. The RCP estimates that a certain number of families are actually forced into other areas, such as Riverside and Imperial counties. These people then subsequently commute into San Diego County to work. The additional miles traveled would generate more greenhouse gas and other forms of air pollution. Using the SANDAG numbers or other valid statistics, the DEIR should calculate the amount of additional miles traveled and resulting air pollution and include that in this section.

I57-146. This section does not provide information on the reduction in lane miles, which is provided for the other alternatives. What would the reduction be in actual lane miles for this alternative as compared to other alternatives?

I57-147. This section states the reduction in deficient road segments (58 fewer) but does not include this information for the other alternatives. Please provide this information for all of the other alternatives.

I57-148. Please compare and contrast this alternative with the proposed Project with respect to where deficiencies would be removed and where they would persist.

I57-149. Regarding the Utilities and Service Systems discussion, this alternative does not accommodate forecasted population nor does it provide enough housing for that population. This would force people to move into the incorporated areas or into surrounding counties, resulting in increased impacts to biology, cultural resources, air and water quality, transportation systems, GHG emissions, and groundwater use. There would also be increased impacts to the utility and service systems in those other jurisdictions. Using SANDAG or other valid statistics, the DEIR should calculate the additional impacts that would be transferred to other jurisdictions by this alternative.

I57-150. Similarly, impacts to Global Climate Change would simply be transferred to other areas in San Diego County and surrounding jurisdictions. This transfer of impacts should be accounted for, including effects on those other environments in this DEIR.

I57-151. The Fulfillment of Project Objectives section states that the Environmentally Superior Alternative would fulfill all project objectives to various levels. How can the DEIR conclude that this alternative accommodates a reasonable share of projected growth when it does not accommodate either the forecast population or the RHNA? How can the DEIR conclude that this alternative provides and supports a multi-modal transportation network when it simply shifts regional needs to another area? How can the DEIR conclude that this alternative reduces land consumption, protects natural resources, account for constraints, reduce GHG emissions, and preserve agriculture when it simply shifts impacts to other areas? How can the DEIR conclude that this alternative minimizes public costs of infrastructure and services when it simply shifts the need to other areas? There is little support for the conclusion that the project objectives are met through this alternative.

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I57-152. The No Project Alternative Description and Setting section states that this alternative would result in 109,594 acres of State and Federal land, but why that occurs is not explained.

I57-153. The DEIR states that the No Project Alternative would result in significantly less rural land, but currently uses land use designations (Multiple Rural Use, Estate Residential, and Intensive and General Agriculture) that would allow lot sizes ranging from 4-40 acres depending on a variety of factors. Most planners would regard such lot sizes as "rural". The DEIR should explain what definition was used in determining that the No Project Alternative would "result in significantly less acres of rural lands…" than the proposed Project.

I57-154. The Biological Resources section states that the No Project Alternative would have more biological impacts than the proposed Project, stating that, "Higher density development such as village residential or commercial land uses result in greater direct impacts to biological resources than lower density development such as rural land because more vegetation would be removed or disturbed." The No Project Alternative includes 3,371 acres less Village, 423 acres less Commercial, and 680 acres less Industrial land than the proposed Project. Using the quoted logic, this alternative would actually have less biological impact because it includes significantly less higher density development. Irrespective of density, existing regulations can be used to cluster allowed development and avoid biological impacts.

I57-155. The DEIR should be revised accordingly or explain the logic that was used to arrive at the quoted conclusion.

I57-156. The Cultural Resources section states that, "High intensity development would have a higher potential to impact the significance of cultural resources because it would require more ground-disturbing construction activities than lower density development." This alternative proposes far less high intensity development as stated in the description of this alternative. Significant cultural resources located in low density areas (lot sizes ranging from 4-40 acres) can be avoided through project design. The DEIR should be revised accordingly or should explain the logic used to arrive at the quoted conclusion.

I57-157. The Land Use section states that this alternative would conflict with the SANDAG Regional Transportation Plan (RTP) because the RTP assumptions and revision to the County's road network were not incorporated into this alternative. The DEIR should provide more detailed description of these conflicts. This alternative is represented by the existing General Plan land use plan so reasonably should have been considered in the RTP.

I57-158. The Noise section states that this alternative would result in greater noise impacts, including exposure to noise levels in excess of compatibility guidelines. The "higher densities" included in this alternative are generally on the order of 1 home per 4-40 acres and would be defined as rural under any circumstance. Such densities are not often associated with high noise levels. This alternative includes over 3,000 acres less Village residential densities and over 1,000 acres less commercial/industrial uses than the proposed Project. Such uses are the type of use that generally results in excessive noise levels. It is not likely that this alternative would result in

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I57-158. cont. increase noise impacts over the proposed Project. The DEIR should add an explanation of the logic that was used to arrive at this conclusion.

I57-159. The Transportation and Traffic section states that this alternative would include more miles of road and result in fewer deficient road segments. Yet, the DEIR concludes that this alternative would have a greater impact because the length of deficient roadways is longer than would occur under the proposed Project. How can this be, when the Project allows roads to fail?

I57-160. In the discussion of this alternative's Fulfillment of Project Objectives, the DEIR finds that this alternative would not protect natural resources (Objective 4), but the ordinances that implement this alternative (the Biological Mitigation Ordinance and Resource Protection Ordinance) greatly limit development in any area with natural vegetation.

I57-161. The DEIR finds that this alternative would not minimize public costs of infrastructure and services (Objective 9), but expansion of such facilities are nearly always financed by new development, with no cost to the public. In addition, the newer facilities are substantially less likely to break down and with less costs to operate and maintain. The support for the DEIR's conclusions is lacking.

22. **Conclusion**

I57-162. We look forward to your responses to our comments and to working with you in completing the General Plan Update that properly guides the unincorporated area's anticipated growth in a truly balanced way.

Very truly yours,

Donna D. Jones

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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cc: Henry Rupp, III

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I57-1 The County acknowledges and appreciates this introductory comment.

I57-2 The County does not agree with this comment. The comment states "evidence supporting achievement of some of the DEIR's Project Objectives is lacking"; however, the County is not required to prove that project objectives are being met by the proposed project or any alternatives within the CEQA document. Rather, such findings are to be made as part of the final project approval process.

The comment further states that objectives could be better achieved "by allowing development in appropriate areas outside the County Water Authority (CWA) boundary." Yet the General Plan Update is proposing to allow development in appropriate areas outside of the CWA boundary. In general, the General Plan Update would not prohibit development in any areas of the County.

I57-3 The County appreciates this comment but does not agree that the County's draft documents are unclear when the appropriate documents are referenced. Flexibility in project design is being proposed through a number of different activities that are identified in the draft Implementation Plan. In particular, the Conservation Subdivision Program (5.1.2.D Conservation Subdivision) focuses on flexibility in subdivision design. Details of this program are available on the County's website at: http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html.

Flexibility in road design is being accomplished through the General Plan Update draft Mobility Element and revisions to the County Public Road Standards. The draft Implementation Plan also includes further review and refinement of regulations in the Subdivision Ordinance and Zoning Ordinance to modify regulations where appropriate.

I57-4 The County does not agree with this comment. Some supporting information regarding achievement of project objectives is provided in DEIR Chapters 1 and 4. Additionally, the project objectives are discussed further in Chapter 2, Vision and Guiding Principles, of the draft General Plan and in the relevant goals and policies of the General Plan Update. The County believes that a review of this documentation and other relevant records such as advisory group and hearing minutes provides a clear connection between the proposals of the General Plan Update and its objectives. Additionally, detailed findings will be prepared after reviewing all public comments and drafting a Final EIR. See the following response to comment I57-5 for further discussion on this topic.

I57-5 The County does not agree with this comment. To include such evidence in the CEQA document would not assist in determining potential environmental impacts.

Nevertheless, the County has extensive documentation that demonstrates the factors taken into consideration (including economic factors) and the public participation that was involved with preparation of the General Plan Update project. Formal meeting minutes from Planning Commission and Board of Supervisors' hearings and advisory group meetings are available on the project website at:

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http://www.sdcounty.ca.gov/dplu/gpupdate/hearing.html and http://www.sdcounty.ca.gov/dplu/gpupdate/committees.html.

The commenter seems to suggest that decreased development density in rural lands outside of the existing communities is not consistent with the project objectives. The General Plan Update and its supporting documents clearly indicate that this is an incorrect suggestion. The County believes that the local vitality and economy of its communities is best served by planning for future growth within existing communities near their existing centers. This growth will support existing business and establishment of new business and services while also promoting greater public safety and community interaction.

In addition, the County does not agree that proposed densities will make development or agriculture infeasible. More detailed discussion on these issues is provided in response to comment I57-14.

I57-6 The County does not agree with this comment. Section 2.2 of the DEIR does not identify unsuitable conditions for agriculture in East County. DEIR Figure 2.2-3 shows Prime Agricultural Soils distributed somewhat evenly throughout the unincorporated area. It should be noted that lower density designations in the eastern part of the county are expected to encourage new agricultural uses in those areas, which is discussed in Section 2.2.3.3 of the DEIR. The County further does not agree that "all of the density" is being located in the "most viable agricultural land," and has not seen any evidence presented to support the claim.

I57-7 The County does not agree with this comment. The project does have many components, which is the reason that a programmatic environmental document is necessary. However, the impact analyses throughout Chapter 2 of the DEIR generally focus on the physical environmental effects that may result from build-out of the proposed General Plan Update Land Use Map and Road Network. The use of the EIR and the analysis methodology are described in Sections 1.9 and 1.10 of the DEIR. Since the comment does not provide any specific examples of inconsistencies regarding the project description, the County cannot provide additional response to this assertion. Similarly, the comment states that some of the DEIR analysis is based on the Draft Land Use Map alternative; yet it does not provide any examples of where this occurs in the document. Therefore, no further response is provided.

I57-8 The County agrees with the general intent of this comment, which asserts that the updates to community plans must also be analyzed in the DEIR. County staff reviewed each draft community plan for potentially significant impacts that are not already evaluated in the DEIR and did not find any. Additional changes to draft community plan text have been made since the DEIR and project components were circulated for public review; however, no new significant impacts have been identified.

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I57-9 The Resource Protection Ordinance (RPO) will still continue to protect steep slopes. Currently, the RPO allows encroachment into steep slopes when certain criteria are met. Additional encroachment allowance would be extended in some cases to projects that would otherwise affect a significant resource on flatter portions of the site. Since on-site preservation would still be required along with application of CEQA guidelines for visual resources, no new significant impacts are foreseeable.

I57-10 No potentially significant impacts associated with the draft Subdivision Ordinance amendment have been identified.

I57-11 The County does not agree with this comment. While it is accurate to state that much of the work that went into drafting a land use map and road network occurred between 1998 and 2006, these project components have been regularly updated with new information so as to remain current. The existing conditions and analyses provided in the DEIR relied on information compiled in spring of 2008 to coincide with the date of the Notice of Preparation (April 2008).

I57-12 The description of RPO in DEIR Section 2.1.2.3 is accurate for the current ordinance and for the ordinance as proposed to be amended. In either case, limited encroachments are allowed within steep slopes. It should be noted that while the RPO helps to reduce potential aesthetic impacts, the DEIR does not rely on this regulation to "avoid significant aesthetics impacts." For each of the four issues analyzed in Subchapter 2.1, Aesthetics, a determination was made that impacts would be significant and mitigation would be required.

I57-13 The County is not required to ensure that a proposed density or "stated degree of intensification" will occur during development of a project. Therefore, further response to this comment is not provided.

I57-14 This comment appears to object to the placement of higher-density designations in western areas where there is agriculture since the existing agriculture in these regions should be retained; and also recommends placing higher-density designations in the rural areas such that agriculture would then be more viable in the rural areas. This comment is based on an incorrect assumption that in the western areas, higher densities are located on agricultural land. In fact, the opposite is the case. Most of the agricultural land in the western area of the County is proposed for lower densities when compared to the residential areas around it. While it is an overall concept to focus future growth in the western portions of the unincorporated area, designating where that growth would occur took into account a variety of factors including agricultural and other environmental resources.

Further, while the County appreciates the difficulties of retaining viable agriculture region-wide, the County does not agree that future development should be focused in rural areas while areas with existing small lots receive no growth. In determining where future residential units should be placed, access to existing infrastructure is a primary consideration. And while the creation of small lots in rural areas may lend itself to additional agriculture, it would also result in substantial adverse

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environmental effects from the foreseeable residential development and associated infrastructure that accompanies such projects. Also, while the comment indicates that evidence supports this claim, such evidence is not provided.

I57-15 This comment does not raise a significant environmental issue. The County's objective to accommodate a reasonable share of projected regional population growth is not a threshold of significance pursuant to CEQA. Moreover, the County does not agree that active participation in the Purchase of Agricultural Conservation easements (PACE) program would conflict with project objectives.

I57-16 The determination of what qualifies as an important agricultural area within a community plan is determined by the respective community planning group. This mitigation measure does not preclude development in areas supporting important agriculture. However, it does allow for the local identification of significant resources and application of appropriate design considerations for development projects that may affect important agriculture. Since the proposed comprehensive General Plan Update allocates densities that are compatible with land constraints, such as important farmland, the County does not agree that mitigation measure Agr-1.5 would further reduce densities assumed by the project.

I57-17 The County agrees and the recommended revision was made for Agr-1.3 in Subchapter 2.2 and in Chapter 7, Mitigation Measures.

I57-18 While the County agrees that the subject of the paragraph, under the subheading "National Emissions Standards for Hazardous Air Pollutants (NESHAPS) Program," is the federal Hazardous Air Pollutants (HAPs) standards, the sentence in question is referring to the state's Toxic Air Contaminants (TAC) control program and the 200 TACs identified.

I57-19 The County does not agree with this comment. The biological impacts analysis is rather specific for a program EIR as it includes an estimate of impacts to habitat. The determination that impacts to certain biological resources would be significant and unavoidable is presented clearly in DEIR Section 2.6.1.1. The lead agency has discretion in making this determination. In this case, the County further supported the determination with a discussion of what measure(s) would mitigate the impact to a level below significant and why it was found to be infeasible to do so.

I57-20 The County took a conservative approach in estimating potential impacts to biological resources (i.e., habitat). Many of the proposed designations are evaluated as being 100 percent impacted. However, some designations, such as rural residential, would likely have partial impacts based on the associated density. This model was overlayed with the GIS regional vegetation mapping, not Multiple Species Conservation Program (MSCP) mapping. The impact acreages were not spread proportionately over vegetation types. Rather, they were mapped in conjunction with the proposed land use map and the regional vegetation map. The rationale used to estimate impacts for different land use designations is provided in DEIR Section

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2.4.3.1 under the subheading "Direct Impacts." Therefore, no changes to the document were deemed necessary in response to this comment.

I57-21 The County agrees with this comment. In order to aid the reader in understanding how much of a given community's habitat would be impacted, the County has added a column to Table C-3 within DEIR Appendix C, Biological Resources Tables, that shows the existing habitat acreages next to the estimated impact acreages for each vegetation type within each community plan area.

I57-22 This comment is not fully understood as written. The DEIR includes an estimate of impacts to biological resources that is appropriate for a programmatic-level review. The estimate of direct impacts is considered to be conservative when compared to impacts generally seen on the ground for various land uses. However, this overestimate is useful since indirect impacts cannot be as easily quantified.

It is not clear what plans the commenter is referring to in the statement: "making it impossible to tell if future plans are covered within the range of alternatives or if there are impacts that were not previously disclosed." Moreover, it is not clear what is meant by "previously disclosed." Therefore, no response to his statement is provided.

The rationale for using certain percentages or acreages for a given land use designation is provided in DEIR Section 2.4.3.1 under the subheading "Direct Impacts." It is not clear from the comment what additional information is needed to support the County's estimates.

I57-23 The County agrees with some of the statements in this comment such as the assertion that the presence of critical habitat does not affect the ability to use private property; that critical habitat is a broad designation; and that critical habitat areas include areas that are already developed. In addition, it is important to note that critical habitat designations do not regulate development unless a federal agency is involved with the action (i.e., situations where federal funding, authorization, or land is involved).

It is for these reasons noted above that the County does not agree that additional detailed species information or quantification of the critical habitat is necessary for inclusion into the impact analysis. To do so would imply that critical habitat designations are a significant factor in determining whether future development under the General Plan Update will adversely affect special status species or their habitat. The presence of critical habitat is not a primary factor in the County's guideline for determination of significance. However, since critical habitat designations often incorporate the best available scientific data, it is appropriate that some of the information be acknowledged in the DEIR and considered along with all other substantial evidence in the record.

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Also in response to this comment, the County agrees that some clarification is needed in the text of the DEIR to avoid confusion. The following change was made in Section 2.4.3.1 of the DEIR:

"However, future development of General Plan Update land uses outside of federal and State-owned parks would have the potential to result in direct~~a significant~~ impacts to designated critical habitat."

I57-24 The County does not agree with this comment. The necessary conservation analysis has not been prepared to support a linkage/corridor map for the future East County MSCP. To include preliminary draft maps within the DEIR would not be appropriate.

I57-25 The proposed Conservation Subdivision Program is a mitigation measure in the DEIR. As currently proposed, it will not be an ordinance but will include some modifications to existing ordinances. As discussed in the DEIR, this measure would reduce the potential impacts to biological resources that were disclosed in the impact analysis because it would allow greater flexibility in subdivision project design to accommodate preservation of natural resources. Despite the reduction in potential impacts; however, Issues 1, 2 and 4 in Subchapter 2.4 of the DEIR would not be mitigated to a level below significance.

I57-26 The County does not agree with this comment. Potential impacts to wildlife corridors are discussed in DEIR Section 2.4.3.4. As noted in the DEIR, not all potential wildlife movement paths have been mapped. The identification of wildlife corridors is an on-going process within a dynamic landscape. However, based on existing known corridors and linkages, the proposed project would have the potential to affect movement paths due to the placement of new development allowed by the General Plan Update and/or the build-out of the Mobility Element road network. A more specific analysis was neither required nor appropriate within a program EIR for a General Plan project.

I57-27 The County does not agree with this comment and re-asserts the findings in the DEIR that higher development densities generally result in greater biological impacts. This conclusion is supported by the study "Analysis of General Plan-2020 San Diego County" (CBI 2005) cited in the DEIR.

The County concedes that in some cases a higher-density project can have less impact than a lower-density project, and that impacts vary case-by-case due to site factors and project design. However, in preparation of a program EIR, the lead agency must make some broad and general conclusions.

I57-28 The County agrees with this comment. Please refer to response to comment I57-21.

I57-29 The section to which this comment refers is evaluating whether or not the project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California

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Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS). In evaluating this question, the scarcity of the vegetation type is secondary to whether or not the vegetation is occupied by a special status species. In the latter case, even a small direct impact to an otherwise abundant vegetation type would be considered significant. The County's approach to evaluating impacts to special status species is discussed in greater detail within the Guidelines for Determining Significance: Biological Resources, which may be accessed at http://www.sdcounty.ca.gov/dplu/docs/Biological_Guidelines.pdf. As also explained in these Guidelines, some habitat types in mountain and desert regions, such as coniferous forest, Colorado Desert wash scrub, desert dunes, and desert sink scrub, are still considered sensitive for reasons other than historical loss, such as limited distribution, the potential to host sensitive species, or the inability to recover from disturbance.

Since the project proposes future development, even at low densities, in areas known to contain habitat supporting special status species, the County must conclude that the project will result in potentially significant impacts in those areas.

I57-30 This comment concerns the availability of two documents referenced in the biology section of the DEIR. The Conservation Biology Institute (CBI) report analyzed potential biological impacts related to the County's General Plan. This study was not included as an appendix to the DEIR since it analyzed previous versions of the proposed project. However, it was made available on the County's website for the duration of the public review period and is still available at http://www.sdcounty.ca.gov/dplu/gpupdate/environmental.html. The link to the report is listed immediately after the DEIR appendices.

The second document, cited as CPF 2004, is a plan that was cited only once in the DEIR (Section 2.4.3.2) to provide a commonly accepted definition of riparian habitats. It is unclear from the comment why this particular document should be included in the County's website or within the DEIR. The County cited 322 different references throughout the DEIR and listed the sources for these references within Chapter 5.0, References. This list also included website links whenever possible. It should be noted that a link to the CPF plan was included in DEIR Chapter 5.0 under California Partners in Flight and the Riparian Habitat Joint Venture.

I57-31 The CBI report clearly states on the cover page that it was prepared for the Endangered Habitats League. In addition, DEIR Chapter 5.0 shows in the CBI reference that it is a report prepared for the Endangered Habitats League.

The County does not agree that the CBI report ignores the quantity of land owned by the state or federal government or the quantity within open space. The report includes a map that shows the distribution of open space and state and federal lands. However, the focus of the study, as stated in the Methods section on Page 8, was to evaluate impacts within single-family residential areas.

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I57-32 This comment questions the studies cited in the CBI report and the inferences made. The County does not agree with the points of this comment. It is a commonly accepted practice to incorporate discussion of various biological studies and their results despite there being differences in study areas. This is because many ecological processes are generally the same for different ecosystems. The CBI report discusses points from numerous studies, more than the four mentioned in this comment. In addition, it is commonly accepted practice to make inferences from the literature review in order to establish a foundation and purpose for the study that is currently being conducted.

I57-33 This comment summarizes the conclusion of the CBI report and states that it is neither quantified nor substantiated. It is not clear from the comment what type of quantification or substantiation is missing from the conclusion. The results have appropriate quantities and the conclusion is supported by the data provided in Section 3 of the study.

I57-34 The County does not agree that the report assumes development would result in the maximum grading and fragmentation. The CBI report acknowledges that development patterns vary and it states on Page 12 that "the total direct and indirect impacts of development at a particular development density within each category are unknown and will depend largely on distribution of housing within each zoning category (e.g. whether the housing is clustered or spread somewhat evenly throughout the development area)...." The CBI report goes on to say that it focuses on general patterns of development densities and uses existing conditions from the year 2000 as the basis for estimating impacts from residential development.

I57-35 The County does not agree with this comment. The CBI report uses regression analysis to graph four fragmentation metrics (Figure 3). Therefore, the results refer to the slope of the regression line. In the four graphs the slope is high in the range between one dwelling unit (DU) per four acres and one DU per 40 acres and low in the one dwelling unit per 80 acres or lower densities.

I57-36 It is unclear what the sentence in this comment means and therefore no response is provided.

I57-37 The County does not agree with this comment. The sentence quoted in the comment is a statement made by CBI in describing the 2001 Odell and Knight Report (see Page 7 of the CBI report). The CBI study found that species abundance and species composition were significantly different between high and low development densities.

I57-38 The County agrees that the CBI report does not account for County regulations or wetland permitting in its analysis. The DEIR utilizes the information from the CBI report and incorporates existing regulations in the analysis to determine significance of impacts to biological resources.

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I57-39 The section to which this comment refers is evaluating whether or not the project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS. The County's approach to evaluating impacts to riparian habitat is discussed in greater detail within the Guidelines for Determining Significance: Biological Resources, which may be accessed at http://www.sdcounty.ca.gov/dplu/docs/Biological_Guidelines.pdf. As explained in these Guidelines, impacts may be significant if the project would draw down the groundwater table to the detriment of groundwater-dependent habitat, typically a drop of 3 feet or more from historical low groundwater levels. This determination is substantiated in the guidelines as follows:

"Studies have found that groundwater reductions adversely affect native plant species. Two of the referenced studies (Integrated Urban Forestry, 2001 and Committee on Riparian Zone Functioning and Strategies for Management et al., 2002) found that permanent reduction in groundwater elevation levels of greater than three feet is enough to induce water stress in some riparian trees, particularly willow (*Salix spp*.), cottonwood (*Populus spp*.) and *Baccharis* species."

The DEIR further finds in Section 2.8, Hydrology and Water Quality, that the project would have significant and unavoidable impacts to groundwater supply. Therefore, it is reasonable to conclude that the project would have significant impacts to riparian habitat. However, it should be noted that groundwater drawdown was not the only factor in determining the significance of potential impacts to riparian habitat.

I57-40 The County agrees that wetland and riparian impacts are likely an overestimate of future impacts. However, the estimates are not "grossly overstated." The DEIR sections referenced in this comment estimate potential impacts prior to application of existing regulations. In an effort to be clear and methodical, the DEIR has the following format for each subject/issue analysis: (1) account for the project description and existing conditions to estimate potential impacts; (2) incorporate all known federal, state, and local regulations and existing regulatory processes that apply; and (3) consider applicable General Plan Update policies. With consideration given to all of this information and any additional substantial evidence, a determination of significance is made.

The estimation of potential impacts prior to regulations or policies was determined using percentages based on proposed land use designations. These percentages reflect average impact acreages known to occur from similar development patterns in the County depending on land use type.

It should also be noted that existing wetland regulations do not prevent or mitigate all potential direct and indirect impacts to riparian habitat that may result from development within the unincorporated County. The General Plan Update accommodates ministerial permits and by-right land uses that would not undergo environmental review with the County. It is too speculative to estimate how much development will be regulated via discretionary permits and how much will be

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completed under allowed uses. It is also inappropriate for the County to try and quantify how much riparian habitat would be regulated by other permitting agencies (e.g., the California Department of Fish and Game or the Army Corps of Engineers).

I57-41 The County does not agree with this comment. The determination for impacts to riparian habitat and to federally-protected wetlands is that impacts would be significant. The County determined that impacts to federally-protected wetlands will be mitigated to a level below significant; however, impacts to riparian habitat would remain significant and unavoidable.

I57-42 It is unclear from the comment which existing regulations related to species survival are missing from the analyses in the DEIR. Section 2.4.3.1 is the analysis of impacts to special status plant and wildlife species. This section accounts for the Migratory Bird Treaty Act, the state and federal Endangered Species Acts, the Natural Communities Conservation Planning (NCCP) Act, the Southern California Coastal Sage Scrub NCCP, and the San Diego Multiple Species Conservation Program.

I57-43 The County does not agree that a detailed impact analysis for each sensitive species is necessary. The existing conditions section of the biological resources subchapter describes each vegetation type, its general regional location, and the types of species (common and sensitive) that it supports. Tables C-1 and C-2 in DEIR Appendix C, Biological Resources Tables, list each sensitive species and its habitat type. Table C-3 provides habitat impacts per subregion or community. Together, this information provides a very thorough overview of potential impacts to special status species. Detailed impact analyses of each sensitive species in the County unincorporated area (nearly 450 plant and animal species) are neither feasible nor necessary to determine the project's overall impacts and identify appropriate mitigation measures.

I57-44 The County does not agree with this comment. Project-by-project mitigation may mitigate some project-level impacts, but does not account for cumulative impacts in San Diego County. Most biological resource mitigation associated with projects still results in an overall net loss of habitat, even at high mitigation ratios. A larger program, such as an adopted NCCP/HCP, is necessary to achieve regional preservation goals and show that core areas and linkages will remain intact and viable despite the incremental losses.

In addition, the commenter assumes that all development under the General Plan Update will be subject to mitigation requirements. This assumption will hold true for most discretionary projects; however, the project must also account for direct, indirect, and cumulative impacts that may result from by-right uses. Thus, regional policies and programs that conserve biological resources are warranted, such as those listed as mitigation measures in the DEIR.

I57-45 Mitigation measure Bio-1.2 requires the County to continue preparation of MSCP plans for North and East County. It does not bind the decision makers to adopt such plans. Since adoption of MSCP plans cannot be guaranteed, the finding was made

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in the DEIR that potential impacts to special status species are significant and unavoidable.

I57-46 The County does not agree with this comment. First, the County does not concur that all impacts to biological resources must be fully mitigated. Through the CEQA process, analysis is conducted to determine whether or not impacts will be mitigated to a level below significance. The County finds that implementation of Multiple Species Conservation Programs, in combination with other regulations, policies, and regulatory processes in place to avoid, minimize and mitigate adverse effects, would reduce potential impacts to biological resources below a level of significance. It should be noted that under MSCP Plans, impacts resulting from ministerial permits can also be accounted for and mitigated via achievement of program goals (e.g., acquisitions, restoration, management, monitoring, etc.). It is this additional assurance that would reduce impacts associated with the General Plan Update to a level below significance.

Second, the County does not agree that low densities undermine MSCP planning. Moreover, the County does not agree that the project is proposing "low" densities. Rather, the General Plan Update is proposing area-appropriate densities based on constraints for given areas balanced with the need for additional housing. The conclusions reached in this comment are speculative and unsupported by substantial evidence. See also responses to comments I57-47 and I57-48 below.

I57-47 The County does not agree with this comment. It is expected that land within lower density designations will be utilized by landowners, for either residential development or agriculture. Thus, the County recognizes development of such areas as foreseeable impacts and estimates that as much as 174,750 acres of habitat may be directly or indirectly affected.

I57-48 The commenter assumes that landowners under the General Plan Update will not seek entitlements (i.e., subdivisions). The County has no response to this assumption since it neither is supported by substantial evidence nor addresses the adequacy of the DEIR. Based on the assumption, the commenter further concludes that the future North County and East County MSCP plans will not be effective since the lack of entitlement process will result in a lack of mitigation land. This is a limited view of the multi-species plans, which are assured through numerous actions on the part of the agencies and through various types of development, with subdivisions being just one type. Please also refer to response to comment O12-6.

I57-49 The comment states that MSCP "is not necessarily a sound mitigation measure...." The County disagrees and has found that MSCP implementation mitigates incremental and cumulative impacts, for discretionary and ministerial actions, over a large region while covering numerous biological resources. There is no substantial evidence that MSCP planning is unsound. The comment goes on to say that MSCP "is not the only vehicle available for such mitigation." The County seeks to include all feasible and appropriate mitigation measures as part of the General Plan Update process. If there are additional or alternative measures that should be discussed in

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the environmental documents, they should be provided to County staff before the Board of Supervisors considers certification of the EIR.

I57-50 The comment questions the feasibility of MSCP implementation. Though it is unsupported by factual evidence, this comment is not at variance with the DEIR since Section 2.4.6.1 concludes that implementation of future MSCPs is not feasible at this time because it is dependent on multiple agencies to adopt and enforce. The comment further concludes, "Plans in and of themselves are not adequate mitigation for significant impacts." Yet, the County finds that plans and programs adopted by government agencies are mechanisms for taking action. Therefore, if the plans or programs outline mitigating measures, as the MSCP does, then they would qualify as adequate mitigation pursuant to CEQA.

I57-51 The County does not agree that additional analysis is needed for cultural resources by community or subregional planning area. All discretionary projects submitted to the County are thoroughly evaluated for cultural and paleontological resources within not only a project area, but also surrounding the project area. In addition, cumulative impacts are evaluated which takes into consideration archaeological and historical resources within a cultural landscape that includes river and creek drainages, potential for food resources, and useable land. Cumulative impacts may include all or portions of a community or subregional area, but often go well beyond the community boundaries.

I57-52 The County agrees with this comment and has added the following text to DEIR Section 2.5.3.1, Impact Analysis for Historical Resources:

"Impacts to communities with high concentrations of historic resources, and communities that have been surveyed for historic resources are at risk for direct and indirect impacts from development. To minimize impacts to historic resources, each Community Plan will include in the Conservation Section, a listing of historic buildings and sites that are important and significant to that community or, in the case of those with historic surveys, reference to the survey will be made. All known historic buildings, or sites have been flagged so that any permit activity relating to a property having known significant historic sites will be required to undergo additional review by an environmental specialist. All discretionary projects will be subject to a rigorous cultural review with the goal of identifying significant historic sites and conditioning their preservation."

I57-53 The County disagrees that the cumulative seismic risk analysis should be revised to take a look at the appropriate, regional geographic scope. While seismic hazards are regional in the effect, from a CEQA perspective of cumulative impacts analysis, the seismic hazard does not increase in significance with added development. As stated in Section 2.6.4, geologic impacts are regional in scope from an earthquake event. As stated in Section 2.6.4.1, the entire County is within an area of high seismic activity. However, the geologic impacts from seismic hazards are limited to the area where development occurs, and seismic impacts as the result of a development do not extend off-site. Therefore, adding additional development within

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the County does not increase the severity of geologic impacts and does not have an additive effect to geologic hazards.

I57-54 The County does not concur that the DEIR should be revised to consider the effects that allowing certain roads to fail would have on the emergency response, evacuation plans, and the transport of hazardous materials. For example, a wider network is available for emergency response and evacuation uses in addition to Mobility Element roads, such as local public roads and emergency evacuation routes that may be gated under normal circumstances. Also, roads are designed to allow regular traffic to move to a shoulder to allow emergency vehicles to pass while minimizing disruption.

I57-55 Defend-in-place strategies for addressing wildfire hazards are considered to be project-specific measures not appropriate for a County-wide General Plan. This is because on-the-ground constraints and availability of resources would be vital information prior to any consideration of this type of safety plan.

I57-56 The DEIR includes analysis of the water quality impacts that may result from implementation of the General Plan Update. The General Plan Update does not propose increased agricultural uses but anticipates various land uses under the proposed designations, including agriculture, residential, commercial, open space, etc. The impact analysis assumes full build-out of the General Plan with all of the foreseeable uses incorporated.

I57-57 The DEIR discussion of surface water quality analyzes potential impacts from all land uses under the proposed project, including agriculture, residential development, commercial development, etc. All potential impacts are disclosed. It is noted in this section of the DEIR that future land uses would be concentrated in the western areas, which is a reasonable statement/conclusion. All impaired water bodies are included in the DEIR (Table 2.8-1) and the analysis in Section 2.8.3.1 Issue 1: Water Quality Standards and Requirements under the “Impacts Following Construction” subheading, acknowledges that the General Plan Update would contribute additional point and non-point source pollutants in their watersheds.

I57-58 The comment asserts that the DEIR does not address water quality impacts associated with the “shift toward agricultural land uses in the back country.” While there are no proposed agricultural designations in the General Plan Update, the reduced densities in the backcountry may be perceived as a shift toward agriculture. However, the analyses in the DEIR rely on a plan-to-ground approach. Therefore, impacts are evaluated as the potential effects of the General Plan designations and road network on the existing conditions of the region. Impacts to water quality were evaluated in this fashion and were determined to be significant and unavoidable.

I57-59 The County does not agree with this comment. The proposed project would allow appropriate development rather than limit development. In comparison to the existing General Plan, development is expected to be reduced in the backcountry. However, this type of plan-to-plan analysis was deliberately omitted from the DEIR

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with the exception of the Alternatives analysis provided in Chapter 4. Adverse effects to water quality were fully analyzed for the proposed project in Section 2.8, Hydrology and Water Quality. Also see response to comment I57-59 above.

I57-60 The County does not agree with this comment. The comment asserts that the DEIR does not address impacts to groundwater resources in areas that do not already have water supply problems. The purpose of DEIR Figure 2.8-3 was to identify current localized groundwater supply problems within the County based on historical groundwater information available. This provides a baseline of existing groundwater conditions. A basin by basin analysis of potential impacts to groundwater resources was separately conducted on 86 basins and the impacts analysis is discussed in DEIR Section 2.8.3.2. Results are presented on Figure 2.8-9. This evaluates the potential extent of groundwater impacts at maximum buildout of the General Plan Update. This would include areas that are currently not having groundwater supply problems and would indicate cumulatively whether there may be groundwater problems as a result of the buildout of the basin.

I57-61 DEIR Section 2.8.1.4 states that the "section defines common water quality contaminants and describes existing groundwater and surface water quality issues within the County's WMAs." Section 2.8.3.1 discusses future land use impacts to surface water quality in two categories: 1) Impacts from Construction Activities, and 2) Impacts Following Construction. Therefore, there is no need for clarifying text as introductory text in Section 2.8.1.4 makes it clear the discussion is focused on existing conditions, and Section 2.8.3.1 focuses on future impacts as a result of implementation of the General Plan Update.

I57-62 The County agrees with the comment that there are vast areas of the County that will likely never be impacted by anthropogenic (human) sources that would cause groundwater impacts. However, the County disagrees that there may be large groundwater supplies within the unincorporated portion of the County that with proper study could be utilized. All major sources of groundwater within the County have for the most part already been identified. While there are large areas of the unincorporated County untapped, the vast majority of these areas are underlain by fractured rock aquifers, which have a very limited supply of groundwater and would not be suitable for providing a viable alternative source of water for the water needs of 2.9 million people in the western region. Therefore, there is no need to add the additional text suggested in this comment.

I57-63 DEIR Section 2.8.3.1 has been clarified to include text to allow for the possibility of treatment through a Department of Environmental Health or State regulated water system to recognize treatment as a mitigation measure in some cases.

I57-64 The County does not concur that the DEIR should be revised to consider the impact on existing community character. The DEIR recognizes that significant density increases in certain areas will change community character. As a result, the DEIR determined that impacts to Visual Character or Quality under Aesthetics will be significant and unavoidable.

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I57-65 This comment is referring to whether or not the General Plan Update will create large new open space areas. DEIR Section 2.9.3.1 analyzes project impacts concerning the Physical Division of an Established Community. While the General Plan Update proposes to create new areas of open space throughout the unincorporated, the County does not concur that the open space areas being created will divide communities, which is the focus of the DEIR analysis. The Community Development Model, one of the Guiding Principles of the General Plan and an important objective in development of the land use map, places rural areas with low densities at the periphery of a community with the intention to provide buffers and separation between communities, rather than divide a community.

I57-66 The County does not agree that multi-modal transportation is not likely to be viable in semi-rural and rural areas. Multi-modal transportation includes pedestrian and bicycle facilities, as well as bus stops, which are considered to be feasible and appropriate in semi-rural and rural areas.

I57-67 The County does not concur that the DEIR should quantify the amount of land where the General Plan Update is proposing to reduce density when compared to the existing General Plan. However, Table 4-7 has been added to Chapter 4 of the DEIR, which provides a comparison of the number of residential dwelling units for each alternative.

I57-68 The County appreciates the comment and has revised DEIR Figure 2.9-2 to show the sphere of influence for the City of Escondido.

I57-69 Balancing the need for construction aggregate with urbanization, and competing/incompatible land uses is a planning challenge for the County. Traditionally, mining for aggregate has been most economical in the western region due to proximity to market, making for inexpensive transportation costs. As urbanization has encroached into primary areas for sand mining, the western region now has very few areas in which a viable sand mine can be permitted. As a result, the shortage of supply has resulted in importation of aggregate from areas outside the western region (Mexico, Imperial and Riverside County). Simply moving growth to areas farther east and north as the comment suggests would encroach on mineral resources in rural settings that may have the potential for future mining sites. The County disagrees that the western region is where mineral resources are primarily located. Much of eastern San Diego County is underlain by geology suitable for aggregate mining of PCC-grade aggregate materials. As costs continue to increase, the market for mineral resources will expand farther east within the unincorporated portion of the County.

I57-70 The State has only mapped mineral resource zones within the western one-third of the County. Therefore, Mineral Resource Zone (MRZ)-2 designations do not extend into the central and eastern portion of San Diego County since they have never been mapped. Based on the geology of unmapped areas within the central and eastern portion of the County, there are many areas that would likely qualify for designation

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as MRZ-2. By limiting urbanization to the western portion of the County, mineral resources are being preserved in the central and eastern portion of the County for potential future use. In addition, any proposed developments on or near areas designated MRZ-2 are required to evaluate impacts to mineral resources by utilizing the County of San Diego Guidelines for Determining Significance - Mineral Resources. The Guidelines were designed to guide projects to minimize impacts on MRZ-2 and other important mineral resource areas of the County.

I57-71 The information within DEIR Table 2.10-1 was the best available information the County could find pertaining to the types of minerals mined in San Diego County. The 2003 information is similar to existing conditions and provides an adequate understanding for purposes of the DEIR of the overall picture of mining in the County. It is possible that a few mines may have closed since then and possibly a few mines have been permitted. An independent study would be required to provide a more up to date table, of which the benefits of a more up to date table would not outweigh the costs to obtain the information.

I57-72 The County agrees that this discrepancy between numbers is an error. The acreage provided in the Noise Section of the DEIR was based on a previous GIS estimate. Section 2.11.1.2 of the DEIR has been revised under the heading: Industrial, Commercial, Extractive, and Agricultural Sources as follows:

"It is estimated that of the County's approximately 2.7 million acres of land, ~~366,500~~308,991 acres are in active agricultural use (AWM 2008)~~(DPLU 2007b)~~."

It should be noted that this change does not affect the outcome of the noise analysis provided in Section 2.11 of the DEIR.

I57-73 The County acknowledges and appreciates this comment. The County agrees that a revision would help clarify this statement with respect to heavy equipment operations and their related vibration levels. The text has been revised by replacing:

"These vibration levels would exceed the significance threshold for infrequent events for Category 1 land uses, but would not exceed the threshold level for the land uses within Categories 2 and 3, as defined in Table 2.11-14."

With the following text:

"With respect to Table 2.11-14, it is more likely that heavy equipment operations may produce vibration impact levels exceeding the threshold of Category 1 land uses than the higher thresholds of Categories 2 and 3 land uses and because of separation distance, event frequency, and other site-specific conditions. Category 1 land uses include research and manufacturing facilities for products with high tolerances required in their design and fabrication."

I57-74 The County found no table in this section of the DEIR that refers to areas or any road segment analysis for noise. If the comment is based on Table 2.11-16 regarding the

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increases in noise levels, the supporting figures and tables would be included in the Noise Technical Report of Appendix F.

Appropriate to this level of program EIR, a generalized analysis of roadway segments was conducted to identify the areas subject to the potential increase based on a worst case scenario described in Section 2.2 of the Noise Technical Report.

I57-75 The County acknowledges and appreciates this comment. The determination of significance for temporary increases in ambient noise levels is provided at the end of Section 2.11.3.4 under the subheading "Summary." It was determined that impacts would be potentially significant. However, mitigation measures are provided in DEIR Section 2.11.6.4 that would reduce impacts to below a level of significance.

I57-76 The County acknowledges and appreciates this comment. A more complete listing than Table 2.11-18 can be found on Page 10-4 of the U.S. Department of Transportation's Federal Railroad Administration High Speed Ground Transportation Noise and Vibration Impact Assessment, which is used as a reference in the DEIR and can be accessed at: www.fra.dot.gov/downloads/RRDev/final_nv.pdf.

I57-77 The County concurs that in order to serve additional growth at intensities specified by the land use map, regional water supply planning is needed to ensure available water supplies. While the DEIR does document issues with the Rainbow Water District to provide services, no issues are addressed for the Ramona Municipal Water District. However, the DEIR determines that the General Plan Update will result in "significant and unavoidable" impact concerning the provision of adequate water supplies. That being said, the County asserts that it is more economically viable to provide services to areas where infrastructure is already in place and higher densities in those areas are appropriate.

I57-78 The County does not agree with these comments. First, with regard to road improvements, the General Plan Update proposes to accept LOS of E/F where road improvements are not feasible. This acceptance is specifically for accommodating future development in the area of the constrained road because the alternative would be to reduce development so that the road has a higher level of service.

No evidence is provided to support the claim that infrastructure cannot feasibly be expanded in existing developed areas or that expansion of existing infrastructure is more expensive than developing new services.

I57-79 The County agrees that some existing development in the unincorporated region does not meet travel time standards. Such deficiencies are discussed in the existing conditions for fire protection services in DEIR Section 2.13.1.1 under the subheading "Travel Times." However, the County does not agree that such deficiencies in existing conditions should be the basis for waiving travel time standards on future

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development projects. To do so would exacerbate a problem that may have adverse effects on people and the environment.

I57-80 The County concurs that for County roads a daily versus peak-hour traffic assessment was conducted for the DEIR. This is consistent with the basis for the County road classifications that are based on the maximum capacity, roadway geometrics, and average daily traffic (ADT) volumes. On the contrary, the assessment of State highways and freeways was based on a peak-hour analysis, to be consistent with Caltrans road planning methods. The County uses ADTs as a basis for analysis of the County road network rather than the peak-hour volumes used for State roads because the County Board of Supervisors has adopted County Public Road Standards which include level of service (LOS) thresholds for County Circulation Element Roads. These LOS thresholds are based upon 24-hour traffic volumes. The assessment of State highways and freeways; however, was based on a peak-hour analysis, to be consistent with Caltrans road planning methods.

The County does not concur that a pear-hour analysis of roads identified as deficient by the project DEIR traffic model is necessary in a programmatic EIR. Although the General Plan Mobility Element is intended to reserve right-of-way for future improvements to roads, a more detailed project level analysis will account for more specific/focused traffic issues where significant impacts may occur. Future developments/projects will be responsible for the mitigation of any deficiencies, as determined through peak-hour analysis.

I57-81 DEIR Appendix G, Traffic and Circulation Assessment, correctly states that the procedure for calculating LOS on State highways involves estimating a segment peak-hour volume to capacity (V/C) ratio. The segment peak-hour volume analysis is presented in the DEIR in terms of LOS to be consistent with the analysis for County roads, which are analyzed based on average daily traffic. The County agrees that intersection analyses are not performed in this County-wide road network analysis. This level of detail is appropriate at a project level of analysis rather than a General Plan level of analysis.

I57-82 The County acknowledges that Table 4.1 in DEIR Appendix G, Traffic and Circulation Assessment, does not specifically address internal capture. Internal capture is not a part of the trip generation model and thus is not included in the trip generation report section of the DEIR. Trip generation reductions due to mixed use and/or proximity to transit are not considered in the DEIR traffic analysis because they would drastically underestimate traffic impacts if applied across the board. While internal capture and trip rate reductions are appropriate when analyzing specific development scenarios, the County traffic forecast model provides a conservative approach when considering internal capture and trip rate reductions, which are appropriate for County-wide analysis.

I57-83 The County does not agree that the DEIR is deficient because it does not show that fewer traffic impacts would occur if land uses were intensified and placed within close proximity to already existing roads. This has been an overall objective of the

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General Plan to focus development where existing infrastructure already exists, preferably in compact patterns of development.

I57-84 The County does not concur that the analysis of traffic impacts to adjacent jurisdictions provides insufficient information to demonstrate that there will not be significant and unmitigated impacts to roads because daily versus peak-hour level analysis was not conducted. On the contrary, the DEIR determined significant and unavoidable impacts to roads in adjacent jurisdictions would result from the General Plan Update.

I57-85 The County concurs with the comment that the mitigation proposed to relieve congestion on 34 road segments in adjacent jurisdictions is not adequate mitigation. As a result, the DEIR determined significant and unavoidable impacts to roads in adjacent jurisdictions would result from the General Plan Update.

I57-86 The County appreciates the comment and has amended Policy M-2.1, Level of Service Criteria, to clarify what will be required of future development that will generate traffic on a road segment that has been accepted to operate at LOS E or F. The following text has been added to the policy.

"When development is proposed on roads where a failing level of service has been accepted, require feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program, consistent with the Mobility Element road network."

I57-87 The County does not agree that it is necessary to perform a select link analysis to verify that regional traffic is contributing to congestion on Old Highway 395. This rationale is based on trip distribution volumes from the zones along Old Highway 395, which do not generate nearly the number or trips forecast for Old Highway 395, along with forecast levels of congestion on Interstate 15.

I57-88 The "Regional Transportation Network Overflow" criterion was not the only rationale for accepting Old Highway 395 at LOS E or F. The rationale was also based on local community preferences. In addition, in most instances the proposed road classification 2.1D Community Collector with Improvement Options or 2.2D Light Collector with Improvement Options provides sufficient right-of-way for a four lane road.

I57-89 The County concurs that a LOS E/F was accepted for certain segments because the "LOS is only failing in a short segment" or that a segment is only over capacity by a small amount of average daily traffic (ADT). This is based on the contention that it is more appropriate to address only the portion of the road that is failing with operational improvements such as turn lanes, rather than to drastically change the character of a community by adding travel lanes to the entire roadway. In addition, in some instances the LOS for road segments was only slightly over the threshold for LOS D; however, other rationale, such as community preference, was also applicable to accepting a LOS E/F classification. This is also coupled with the fact

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that the County traffic model is based on full build-out of the land use map, while this is not normally achieved. Therefore, it does not always make sense to add travel lanes when traffic volumes are only slightly over the threshold capacity.

I57-90 The County does not concur that General Plan Update DEIR Appendix I, Impacted Roadway Segment and Supporting Rationale for LOS E/F Level Acceptance, asserts that it would fully mitigate impacts to certain road segments by proposing operational improvements such as right turn lanes. The rationale discussed in Appendix I is intended to provide the criteria for accepting a road at LOS E/F. While adding right turn lanes would improve traffic flow, Appendix I is not asserting that the impacts would be fully mitigated. Using Alvarado Street in Fallbrook as an example, three criteria are provided for accepting this road at LOS E/F rather than to add travel lanes to the entire segment: (1) Town Center to minimize impacts to existing development patterns; (2) To address Marginal Deficiencies with feasible operational improvements where appropriate; and (3) To comply with the local Community Preference.

I57-91 While this comment states that the DEIR's conclusions for Ramona are unsupported, the comment does not specifically address which specific conclusions. The comment further states, "Ramona is expected to handle a traffic increase of 31%." The comment does not identify where the 31 percent increase in traffic is identified in the DEIR; however, review of DEIR Table 2.15-7 shows that, based on the traffic model forecast for the proposed project, Ramona is anticipated to receive a 27 percent increase in vehicle miles traveled (VMT), along with a 43 percent increase in average daily traffic (ADT). The County concurs that significant growth is anticipated for Ramona, and the impacts of that growth are analyzed in the DEIR.

I57-92 Similar to the previous comment, this comment states that with the DEIR proposed project, Alpine's traffic will increase by 40 percent over existing conditions and 13 percent over the existing General Plan; however, it does not identify where these conclusions are identified in the DEIR. Again, the County concurs that significant growth is anticipated for Alpine and the impacts of that growth are analyzed in the DEIR.

I57-93 Similar to the previous comments, this comment states that with the DEIR proposed project, Rainbow's traffic will increase by 79 percent over existing conditions and 20 percent over the existing General Plan; however, it does not identify where these conclusions are identified in the DEIR. Again, the County concurs that significant growth is anticipated for Rainbow and the impacts of that growth are analyzed in the DEIR.

I57-94 Similar to the previous comments, this comment states that with the DEIR project, Valley Center's traffic will increase by 68 percent over existing conditions and 32 percent over the existing General Plan; however, it does not identify where these conclusions are identified in the DEIR. Again, the County concurs that significant growth is anticipated for Valley Center and the impacts of that growth are analyzed in

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the DEIR. Current projects, consistent with the General Plan Update, are in progress and will provide needed infrastructure to support the projects.

I57-95 Generally, Environmental Constraints are not the only rationale for not widening a road; community preference is usually part of the rationale because communities do not want to lose their rural character. Therefore, in certain instances, while taking this rationale into account, and the fact that the traffic model forecasts are based on full build-out, which is normally not achievable, the County is recommending against adding travel lanes on some roads.

I57-96 As discussed in the previous comment, generally environmental constraints are not the only rationale for not widening a road; community preference is usually part of the rationale because communities do not want to lose their rural character. Also, in many instances, while a classification to add travel lanes is not being recommended, a classification that would provide the right-of-way to construct additional travel lanes is being recommended; such as with Wildcat Canyon Road and State Route 94. In other instances, the County's recommendation is consistent with the SANDAG Regional Transportation Plan Reasonably Expected Revenue Scenario.

I57-97 The County concurs that the proposed project is generally based on a single road network. However, the planning process that led up to the development of this road network evaluated several network alternatives, which included new road connections, such as a new east-west road in Valley Center. More details on this process are available at the General Plan Update web site at (see August 2006 Board of Supervisors hearing): http://www.sdcounty.ca.gov/dplu/gpupdate/hearing.html.

I57-98 The County does not concur that the DEIR should be revised to include the effects of increased air pollution and greenhouse gas emissions on the biological resources along deficient road segments. The DEIR has already determined that three of five (Air Quality Violations, Non-Attainment Criteria Pollutants, and Sensitive Receptors) air quality issues would result in significant and unavoidable impacts, along with both issues under Global Climate Change. In addition, the DEIR determined that the project would result in significant and unavoidable impacts to biological habitat and species.

I57-99 In preparing the draft General Plan, the County has endeavored to achieve a reasonable jobs/housing balance. A separate study was prepared in 2004 by Economic Research Associates that gave input into the General Plan Update process and land use maps (see http://www.sdcounty.ca.gov/dplu/docs/era.pdf). However, the County does not agree that any such analysis is needed within the DEIR. Social and economic issues need not be considered in an EIR. See CEQA Guidelines section 15064(e).

I57-100 The County does not concur that community plans will limit development density. Development density is established by the land use map, while community plans

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more appropriately provide policies and objectives related to the character of development at the density specified by the land use map.

I57-101 Please refer to response to comment I57-86.

I57-102 The County does not agree with this comment. DEIR Section 2.16.1.1 gives detailed information on the status of water agencies and infrastructure in the unincorporated area. Moreover, it is not the intent of the DEIR to determine what effect the project will have on water agencies. Rather, the intent is to determine whether the need for additional or expanded water facilities or the demand for additional water supply will impact the environment. The DEIR clearly and adequately addresses this issue.

I57-103 It is not the intent of the DEIR to compare project build-out with existing wastewater treatment capacity. It is foreseeable that additional or expanded wastewater treatment facilities will be necessary to support the County's General Plan. Pursuant to CEQA, the DEIR addresses whether or not such facilities will result in significant environmental effects.

I57-104 The County appreciates this comment. Table 4-7 Comparison of Alternatives – Future Housing Units has been added to the DEIR to provide a comparison of where future growth will go by community planning area.

I57-105 The County does not agree with this comment. The DEIR must evaluate the potential impacts that will result from expansion or construction of new wastewater facilities. It need not guarantee that independent districts will expand. Districts within the County are responsible agencies under the project and are continuing to provide the County with their updated plans and provisions throughout the General Plan Update process.

I57-106 It is not clear what this comment is suggesting. The County has provided a programmatic assessment of foreseeable environmental impacts resulting from the construction/expansion of infrastructure facilities. The specific deficiency in that assessment is not clearly stated in the comment. Detail regarding needed expansions or new facilities is not available to further analyze environmental impacts. Most projects have few details and those that have some, are still under the discretion of other agencies and must go through their own planning process. Therefore, to further anticipate what specific infrastructure impacts may result from those projects is speculative. There are also many projects that may occur in the future and have no details available. The planning for these projects is under the jurisdiction of the service provider and it would not be appropriate or accurate for the County to speculate on those projects.

I57-107 This comment contains inaccurate paraphrases of the draft General Plan and the DEIR. Growth is not only directed to areas where there is existing infrastructure capacity. Additionally, the DEIR does not state that new facilities for new villages are too expensive. The last statement related to the cost of infrastructure is not

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supported. As none of these statements relate to the adequacy of the DEIR, no further response is necessary.

I57-108 The County does not agree. The information that the commenter is suggesting is not readily available. Further, there is no evidence that the DEIR is deficient without this information. Therefore, no revisions to the DEIR have been made as a result of this comment.

I57-109 The majority of this comment restates case law and the County is in agreement with the citations. At the end of the paragraph, the comment states that the County has not provided substantial evidence that it is infeasible to mitigate the General Plan's cumulative considerable contribution to greenhouse gas (GHG) emissions. The County notes that the ultimate determination of infeasibility will be made by the Board of Supervisors and additional documentation on their findings will be provided at that time. The DEIR is not required to discuss infeasibility. Additionally, while the commenter suggests an inadequacy, no measures are suggested by the commenter for consideration by the County. Numerous policies and mitigation measures are identified in the DEIR (see Section 2.17.6.1) to address GHG emissions and include a commitment to achieve the AB 32 standard. As a result, the conclusion in the DEIR has been modified to be mitigated to a less than significant level.

I57-110 The County does not agree with this comment which is addressed in response to comment I57-109 above.

I57-111 The County does not agree with this comment. The County has not deferred formulation of mitigation measures related to GHG emissions to the preparation of a Climate Action Plan (CAP). To the contrary, the draft General Plan and DEIR include over 160 policies and mitigation measures that relate to GHG emissions. The comment suggests that the County explain why analysis in the CAP cannot be included in the DEIR. The County does not know what analysis the commenter is referring to, but believes that sufficient analysis has been included in the DEIR to comply with CEQA. The comment suggests that the County explain why the 9 percent and 17 percent performance standards are the maximum feasible levels of mitigation. As described in the GHG inventory and DEIR, these performance standards are based on reductions in emissions necessary to achieve AB 32 targets. The GHG inventory also provides a description of measures and corresponding reductions necessary to achieve the 9 and 17 percent standards. As a result, the County has demonstrated that they can be achieved. The commenter also seems to be confusing the relationship of these percent reductions to the 33 and 36 percent changes in emissions referenced in other portions of the DEIR. To clarify, the 9 and 17 percent refer to the reductions in GHG emission that need to occur from 2006 emissions in order to achieve 1990 levels by 2020. The 33 and 36 percent were referring to the reduction necessary from projected 2020 business as usual emissions necessary to meet 1990 emissions. These numbers are generally consistent with the State Scoping plan which states that, "Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 15 percent from today's levels."

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Therefore, the 9 and 17 percent standards are not viewed by the County as "maximum feasible levels." Rather, they are the levels that must be met to reduce impacts to a level that is not significant. With regard to what mitigation measures the CAP will include, the County anticipates that it will begin with the 160 policies and measures that it has already identified and expand on the implementation details for those policies and measures. The County does not believe that additional detail is necessary as part of this programmatic EIR. A copy of the draft CAP will be available in fall of 2010.

I57-112 The County does not agree with this comment. The threshold for GHG emissions is a 2020 standard that is in State law. No other adopted threshold for GHG emissions exists. Use of this threshold does not alter the "horizon year" of the analysis. However, the analysis does focus on this year since that is when the standard is applicable and also because the other analysis from which data is derived only forecast to 2020. The County contends that this approach is sufficiently explained in the DEIR. See also response to comment S1-3.

I57-113 This comment makes a general statement that the General Plan Update directs growth in areas where there is insufficient water/sewer capacity, along with groundwater-dependent areas, while not providing any specific references to which areas these are. Development will not be approved unless water services and sewer/septic are available. In addition, with the exception of Borrego Springs which the County acknowledges has an aquifer with overdraft conditions, the County has taken into account groundwater availability when applying densities to the land use map. Also, additional mitigation is required in Borrego Springs before the densities on the land use map can be realized; such as replacing water-intensive agricultural land uses with less intensive residential land uses.

I57-114 A jobs-housing balance is a socioeconomic consideration that is outside the scope of the DEIR. As stated in Section 15131 of the State CEQA Guidelines, economic or social effects of a project shall not be treated as significant effects on the environment. The purpose of an EIR is not to determine whether a proposed planning document is a balanced plan. The purpose of an EIR is to determine the potential environmental impacts of a project.

It should also be noted that the County does not agree that the General Plan Update does not provide employment opportunities in areas with sufficient growth. The General Plan Update does plan for an overall balance of employment and housing. Although there may be a few exceptions to this general rule, such as Tecate, on a County-wide level the General Plan Update strives to achieve a jobs-housing balance for the unincorporated area. For Tecate, where additional commercial/industrial land uses are proposed without increasing residential uses, this is addressed in response to comment I57-117 below, where the jobs-to-housing balance incorporates Tecate, Mexico. Please also refer to responses to comments G3-59, G3-87, and G3-103.

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I57-115 Based on extensive consideration and analysis throughout the alternatives screening process, a reasonable range of alternatives has been considered and analyzed in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)). The alternatives presented in DEIR Sections 4.2 through 4.5 were chosen because they appear to accomplish most of the basic objectives of the project and can avoid or substantially lessen one or more of the significant effects. Increased density in the north and/or east was evaluated in Section 4.4.1, Alternatives Considered but Rejected.

I57-116 This comment describes a casino-focused development alternative, which is already evaluated in DEIR Section 4.1.1 as an alternative the County considered but rejected. The County as lead agency may determine alternatives to be infeasible when they fail to satisfy basic project objectives and/or policy objectives. *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957. See also response to comment I57-115 above.

I57-117 The County does not concur that while the General Plan Update increases commercial designations in Tecate the result will be long commutes. The intent for the Tecate Plan Area is to create a unique community that is integrated with Tecate Mexico rather than one planned without consideration of the existing and planned land uses on the Mexican side of the border. The County plans to coordinate with the Tecate Sponsor Group to create an economically viable plan that does not overburden the traffic load on State Route 94. In developing the plan, the opportunity exists for commercial and industrial support uses within Tecate USA that would be focused entirely on the residents and businesses located in Tecate Mexico.

I57-118 The County does not concur that the General Plan Update would not provide an adequate quantity of housing for the population to live and work in San Diego County. The proposed project and all alternatives allow for sufficient development to meet SANDAG projections for the unincorporated County.

I57-119 Pursuant to CEQA Guidelines Section 15126.6(a), there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

It should be noted that the DEIR evaluates three alternatives that would be considered increased intensity or density alternatives. One is the “No Project Alternative,” which has high-density designations in rural areas. The other two are the SunCal Alternative and the Backcountry Development Alternative, both of which are described in Section 4.1.1 as alternatives that were considered but rejected. See also responses to comments I57-115 and I57-116 above.

I57-120 The County concurs that the General Plan Update does not propose any new communities outside the County Water Authority (CWA) boundary in undeveloped areas of the County. This type of development is not precluded and would be available through the General Plan amendment process. However, several partially developed areas outside the CWA boundary are proposed for enhanced development opportunities, such as Tecate and Cameron Corners.

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I57-121 The County does not agree with this comment. The DEIR includes numerous strategies in addition to reducing density to reduce environmental impacts. One such strategy, the Conservation Subdivision Program, is along the lines of the commenter's suggestion. This program will allow for reduced lot size and flexibility in project design to respond to environmental resources and other constrains while maintaining the ability to achieve planned densities. However, the County also notes that some environmental impacts cannot be significantly reduced without reductions in densities. Issues such as traffic, inadequate fire response, and in some cases, community character, would not be improved. A reduction of density in many areas is warranted under the General Plan Update based on the following: experience with rural projects in the years since the existing General Plan was adopted; GIS data; input from Community Planning groups; input from other agencies/stakeholders; direction from the Board of Supervisors; and based on the objectives that were developed for the General Plan Update.

Also, the County is not proposing specific lot sizes under the General Plan Update. The proposed project includes a density-based land use map and lot sizes will be addressed in the Zoning Ordinance consistent with State law. The proposed Conservation Subdivision Program will allow reduced lot sizes. However, the flexibility in lot size will not waive maximum density requirements set by the proposed General Plan designation.

I57-122 It is not clear from the comment what type of information should be presented in a table. To illustrate the differences among the alternatives, the County has provided land use maps, summaries, and an Areas of Difference study (Appendix L). Also in the DEIR, Table 4-1 shows the distribution of land uses in acres for each alternative and Table 4-2 shows the distribution of land uses in acres for each alternative by community plan area or subregion.

I57-123 The County appreciates this comment and has provided the following comparison tables. DEIR Table 4-2, CPA and Subregion Land Use Distribution in Acres, provides a comparison of the land use distribution between each of the alternatives and the existing General Plan. In addition, Table 4-7, Future Housing Units by CPA and Subregion, has been added to the DEIR to provide a comparison for where future growth will be directed.

I57-124 The County does not concur that it is easier to build new infrastructure to accommodate growth in the backcountry than to retrofit existing infrastructure. As an example, this was shown in a May 2004 Report to the Board of Supervisors which concluded that road improvement costs for the existing General Plan were approximately $5 billion greater than would be required by a land use plan based on the Guiding Principles of the General Plan Update (Planning Report, page 13 at: http://www.sdcounty.ca.gov/dplu/docs/bos_may04_report.pdf). In addition, the more significant physical constraints, along with the distances from existing infrastructure sources would generally make the provision of infrastructure in the Backcountry more cost prohibitive.

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I57-125 The County confirms its assertion that public costs are greater when providing infrastructure and services in rural areas outside of the County Water Authority (CWA) boundary. This is based on the geographic separation of rural areas from urbanized areas which leads to low utilization rates, inadequate response times for emergency services, and the detachment of service delivery professionals from their colleagues. In addition, providing infrastructure and services to areas with a low population density means higher per unit costs of some services and the inability to supply specialized help (for example, for disabled persons) because the area cannot support the services for so few clients. In addition, groundwater supplies are not adequate outside the CWA to accommodate the growth projected within the CWA. Approximately 70 percent of the unincorporated area is underlain by fractured rock aquifers, in which wells often derive their water supply from one or a few tiny fractures. Properly planned groundwater dependent development can be provided, but at levels far less than what would accommodate the growth projected within the CWA. As local droughts occur, groundwater-dependent development has only one source of water to meet its needs. Therefore, it is critical not to over-allocate growth in this portion of the unincorporated County to ensure water supplies are sustainable. The CWA, while currently struggling with ongoing drought and environmental constraints on water deliveries, is working on a long-term diversified water supply portfolio for San Diego County. Growth relying on water supplies from the CWA will benefit from this multi-faceted approach to water supply delivery.

I57-126 The County does not agree with this comment. While more agricultural lands are available west of the CWA boundary, sensitive species and important agricultural areas exist in the backcountry. In addition, the agriculture and habitat found west of the CWA boundary is somewhat fragmented when compared to that found in the backcountry. The County's goal is to maintain large blocks of agriculture and habitat in the rural area rather than subject such areas to uses that would not be compatible.

I57-127 The County appreciates the comment that properly planned development could provide additional job opportunities for the backcountry; however, the County does not concur that additional growth in the backcountry is appropriate based on the responses to comments I57-124 through I57-126 provided above. In addition, just because additional jobs are provided in the backcountry does not necessarily mean that people employed in those jobs will choose to live in the backcountry. The development of additional job centers away from existing job centers would further disperse employment areas.

I57-128 The County concurs that there are many flat areas in the backcountry, and given that criterion alone, could support development. However, plans for locating growth should also consider additional criteria such as availability of infrastructure and services, access, environmental constraints, and location of employment centers. Given all this criteria together, the County does not concur that growth should be shifted to the backcountry.

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I57-129 The County does not agree that additional development cannot be provided west of the CWA boundary without further reducing natural habitats and road capacity. Mitigation measures, such as the Conservation Subdivision Program, are available to allow development to occur while preserving important natural resources. However, as the comment stated, much habitat west of the CWA boundary has already been fragmented; therefore, it is important to limit development in the backcountry to minimize fragmentation in that area as well. Also, as identified in the SANDAG 2030 Regional Transportation Plan (RTP), funds are not projected to be available to fully fund road improvement needs for the entire regional transportation network. The 2030 RTP focuses providing infrastructure improvements in more urbanized areas to maximize efficiencies. As a result, adequate funds are not available to implement necessary road improvements in rural areas. Additional development in this area will increase road improvement needs in the backcountry without sufficient funds to implement improvements.

I57-130 The County concurs that due in part to sprawl forms of development patterns, the distinction between many communities has already been lost, such as with the Spring Valley and Valle de Oro example. As a result, the General Plan Update is not focusing significant additional growth in these communities, as they are already built-out. However, the General Plan Update is planning for significant additional growth in communities such as Alpine, Otay, Ramona, North County Metro, and Valley Center. For these communities, the General Plan Update land use map generally follows the Community Development Model which surrounds areas of development with Rural Lands Regional Category densities to provide a separation between communities.

I57-131 The County does not concur that the DEIR needs to provide a level of detail in its analysis that shows the number of acres for each land use designation by DEIR alternative. This information is available to the public upon request at the Department of Planning and Land Use. It is not included in the DEIR because it is voluminous and does not directly relate to the conclusions of the DEIR. Information has already been provided in Table 4-2 showing the differences in the number of acres for each Regional Category by DEIR alternative; broken down by Subregion and community planning area. The County contends that breaking this information down according to Regional Category is sufficient for the DEIR. As discussed in the response to comment I57-124 above, Table 4-7, Future Housing Units by CPA and Subregion, has been added to the DEIR to provide a comparison for where future growth will be directed.

I57-132 The County does not concur that the DEIR should provide a more detailed comparison of the Hybrid and Referral Maps. As discussed in the response to comment I57-123 above, Table 4-7, Future Housing Units by CPA and Subregion, has been added to the DEIR to provide a comparison for where future growth will be directed. More detailed information is available to the public upon request at the Department of Planning and Land Use.

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I57-133 It is appropriate to conclude that the Hybrid Map alternative will have less biological impacts than the proposed project since it will result in lower density and less development. The basis for this approach is established in DEIR Section 2.4, which explains how impacts are analyzed. In addition, the DEIR cites the Conservation Biology Institute (CBI) 2005 study, which used scientific data to conclude that lower densities in rural areas result in less habitat fragmentation. Less habitat fragmentation results in fewer impacts to sensitive species. Mitigation measures, including the use of clustering, are not specifically discussed in Chapter 4, Project Alternatives, because this chapter describes the potential impacts from the given land use map prior to application of mitigation measures. As noted throughout Chapter 4, the mitigation measures listed in Chapter 7 of the DEIR would need to be applied to the given alternative when impacts are found to be significant.

I57-134 The comment argues that the County's evaluation of biological impacts does not consider existing regulations. This is not true. The methods cited in the comment such as five acres per dwelling unit in rural areas and 75-100 percent impacts in denser areas is based on research as well as existing avoidance regulations (e.g., the Resource Protection Ordinance and the Grading Ordinance). Most biological resources regulations do not prohibit impacts, but require compensatory mitigation for direct and indirect effects to sensitive resources. The County's DEIR would not be adequately disclosing the potential impacts of the project or the alternatives if it went so far as to subtract out the potential future mitigation. In addition, the County's General Plan also allows ministerial development that would not be subject to mitigation or avoidance criteria.

The County does not agree that clustering of development should be considered in the analysis of potential biological impacts for the alternatives. The policies/programs that will allow or encourage clustering are appropriately included as mitigation in the DEIR.

The comment concludes with a concern that Chapter 4, Project Alternatives, does not describe how much of each habitat type will be affected for each alternative. The County agrees that this information can and should be included. Table 4-8, Comparison of Alternatives – Habitat Impacts, has been added to Chapter 4 of the DEIR. This table shows impact acreages for each habitat type under each of the land use map alternatives.

I57-135 The Hybrid Map alternative discussion of impacts to groundwater resources in DEIR Section 4.0, Project Alternatives, has been updated to accurately reflect that less dwelling units would be accommodated outside the SDCWA boundary. Therefore, the Hybrid Map alternative would result in lesser impact to groundwater resources than the project alternative. However, none of the 10 basins (under the project alternative) which were determined to have a potentially significant impact to groundwater resources within the General Plan Update Groundwater Study would be reduced to less than significant by utilizing the Hybrid Map alternative.

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I57-136 The County agrees that the majority of the basins within the backcountry could accommodate additional growth beyond that proposed within the General Plan Update. However, the General Plan Update did not consider maximizing groundwater resource development in planning for any of the General Plan Update alternatives. Groundwater resources are the sole source of water for the backcountry and maximizing groundwater use is not prudent given there is no alternative source of water in these areas. Rather, the General Plan Update focuses population growth in the western areas of the County where infrastructure and services are available thereby reducing the potential for growth in the eastern areas. This development strategy has a host of benefits described within the DEIR. This guiding principle indirectly would result in less groundwater dependent development, resulting in fewer areas with potentially significant impacts to groundwater resources.

I57-137 The County does not concur that the General Plan Update does not meet the need for housing; therefore, the DEIR does not need to consider the effects of not meeting those needs. A lack of available housing units is a regional problem shared by the unincorporated County and the 18 cities. The General Plan Update is consistent with the SANDAG Regional Comprehensive Plan (RCP). The RCP focuses on providing Smart Growth Opportunity Areas (SGOAs) which are characterized as compact forms of development along non-auto-dependent transportation corridors. Consistent with this approach the General Plan Update identifies SGOAs where appropriate.

I57-138 The County agrees that the DEIR section regarding "Adequate Water Supplies" included incorrect information that made it inconsistent with other sections. As such, this paragraph (located within Section 4.2.2.16 of the DEIR) has been revised as follows:

"As shown in Table 4-6, when compared to the proposed project, the Hybrid Map Alternative would reduce housing densities within the service area of the SDCWA by 41,102~~481~~ dwelling units, and would further result in 2,218 less units ~~less~~ outside the SDCWA. Therefore, this alternative would result in a lesser concentration of housing units to occur in areas that import water and as well as ~~a greater number of housing units to occur in areas that are~~ groundwater dependent areas. ~~This would result in an increased potential for inadequate water supplies to occur.~~ As such, impacts would be ~~greater~~ lessened as compared to the proposed project. Impacts would still be considered significant and the mitigation identified in Chapter 7.0 would be required. It is unlikely that impacts would be reduced to below a level of significance; thus, the impact would remain significant and unavoidable."

In addition, Table 4-6 was revised to display the correct housing unit numbers for the various alternatives both within the SDCWA boundary and outside the boundary.

I57-139 The County agrees that the cited section of the DEIR Alternatives Chapter was incorrect. The County has revised this section to conclude that impacts to groundwater would be lessened under the Hybrid Alternative. See response to comment I57-138 above.

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I57-140 The County appreciates this comment. Ultimately, the Board of Supervisors must determine how the County can best meet its objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

I57-141 This comment applies previous comments I57-133 through I57-137 to the Draft Land Use Map Alternative. In a similar manner, the County's responses to those comments would also apply to this comment.

The comment further states that the Land Use analysis for the Draft Land Use Map Alternative does not discuss compatibility with the SANDAG 2030 Regional Comprehensive Plan (RCP). As stated in DEIR Section 4.3.2.9, the Draft Land Use Map alternative would not conflict with land use plans, policies, and regulations. As with the proposed project and other proposed alternatives, the Draft Land Use Map would be compatible with the RCP.

I57-142 The County does not concur that the DEIR should be amended to discuss how and where the densities would be increased to ensure the Regional Housing Needs Allocation (RHNA) would be accommodated. Accommodating the RHNA is not a criterion for evaluation under CEQA for preparation of EIRs. However, the Housing Element Background Report provides a Residential Sites Inventory for accommodating the RHNA. The Housing Element Background Report is available on the General Plan Update web site at: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/draftgp/h_appendix.pdf.

I57-143 The County acknowledges and appreciates this comment. Ultimately, the Board of Supervisors must determine how the County can best meet its objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

I57-144 This comment applies previous comments regarding the Hybrid Map Alternative and Draft Land Use Map Alternative to the Environmentally Superior Map Alternative. In a similar manner, the County's responses to those comments would also apply to this comment.

The comment further states that the Land Use analysis does not discuss compatibility with the RCP. As stated in DEIR Section 4.4.2.9, the Environmentally Superior Map Alternative would not conflict with land use plans, policies, and regulations. As with the proposed project and other proposed alternatives, the Environmentally Superior Map would be compatible with the RCP. In addition, the County does not agree that the Environmentally Superior Map does not meet the Regional Housing Needs Allocation.

I57-145 The County does not concur that the Environmentally Superior Map does not meet the SANDAG forecasted growth or the RHNA. As discussed in response to comment I57-137 above, all project alternatives meet the forecasted growth, as this

Responses to Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

growth is partially dependent on the adopted General Plans for each land use jurisdiction in the County. Also, the RHNA was considered during the preparation of this alternative.

I57-146 The vehicle miles traveled (VMT) for each alternative is provided in DEIR Table 4.2 of the Appendix G, Traffic and Circulation Assessment. Table 4.2 provides a breakdown of the VMT by subregion and community planning area for each alternative, along with a countywide total.

I57-147 Deficient road segments are identified for each alternative in DEIR Tables 6.2 and 6.3 of Appendix G, Traffic and Circulation Assessment. Table 6.2 provides a comparison of the total deficient road segments for each alternative and Table 6.3 identifies the deficient segments for each alternative.

I57-148 The County appreciates the comment. Please refer to response to comment I57-147 above.

I57-149 It is possible that adoption of a reduced alternative may result in environmental impacts within other jurisdictions that accommodate growth. However, analysis of such impacts would be speculative and not suitable for discussion within the DEIR. In addition, each jurisdiction addresses environmental effects associated with its own land use plan.

I57-150 The County does not agree with this comment. Impacts associated with potential future development in other jurisdictions would be speculative and outside the scope of the General Plan Update DEIR. See also response to comment I57-150 above.

I57-151 The County appreciates this comment. It should be noted that the Environmentally Superior Map Alternative contains sufficient housing sites to comply with the Regional Housing Needs Allocation. Ultimately, the Board of Supervisors must determine how the County can best meet its objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

I57-152 This comment pertains to the acreage of state and federal land for the No Project Alternative. The reason for the given acreage is stated in footnote (5) of DEIR Table 4-1, in Chapter 4, Project Alternatives. It is due to the different land use designations and definitions that the No Project Alternative uses to designate public lands versus the proposed project's definitions. Under the No Project Alternative the designation “National Forest and State Parks” is applied to lands within the Cleveland National Forest, including private in-holdings. Under the General Plan Update, the designation was applied only to lands under public agency ownership, and also includes many lands that were previously assigned to Public / Semi Public Lands. Furthermore there have also been recent purchases by Public Agencies that have not been updated in the No Project Alternative. Upon review of these numbers, it has been determined that 109,594 acres is an understatement of State and Federal Lands. The second paragraph of Chapter 4, Project Alternatives, Section 4.5.1, No Project

Responses to Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

Alternative Description and Setting, has been updated to include the corrected number, which is 245,378 acres.

I57-153 The proposed project's definition of Rural Lands is densities of one dwelling unit per 20 acres and lower; therefore, this is the definition that was used in development of that section. Multiple Rural Use, Estate Residential and Intensive Agriculture all allow for densities with one dwelling unit per 4-20 acres, depending on slope, and are consistent with the proposed project's Semi-Rural Land Use Categories.

I57-154 The County agrees that the cited paragraph in the DEIR was misleading. This confusion results when comparing the existing General Plan land use types with those proposed under the General Plan Update. Overall, the No Project Alternative would result in higher densities and greater intensity of development. DEIR Table 4-8 has been added to the revised EIR to show the comparison of habitat impacts among the different alternatives. In addition, the first part of the cited paragraph in DEIR 4.5.2.4 has been revised as follows:

"Table 4-8 shows estimated habitat impacts for the No Project Alternative in comparison to the project alternatives. Compared to the proposed project, the No Project Alternative would result in greater impacts to sensitive natural habitats potentially supporting special status plant and wildlife species, riparian habitat, federally protected wetlands, and wildlife corridors and nursery sites because this alternative proposes overall greater density development. Higher density developments ~~such a village residential of commercial land uses~~ result in greater direct impacts to biological resources than lower density development ~~such as rural land~~ because more vegetation would be removed or disturbed. In many cases…"

I57-155 While existing regulations can allow clustered development for some discretionary subdivisions, this type of approach is seldom used under the existing General Plan and Zoning Ordinance. In any case, the impacts estimated in the DEIR are based on general assumptions and GIS modeling (see Table 4-8 added to DEIR Chapter 4, Project Alternatives). The County did not use project-level detail for the analysis or speculate regarding what areas may have future discretionary applications that involve clustering.

I57-156 The County appreciates this comment and has revised the quoted sentence for clarification as follows:

"On a particular site, high intensity development would have a higher potential to impact the significance of cultural resources on that site because it would require more ground disturbing construction activities than lower density development."

This sentence is used to describe the general potential for impacts from specific types of development. While lower density development may have less potential for impacts to a specific site, in order to provide the same yield as a higher intensity development, a larger area would be required often resulting in greater impacts. The description of the No Project Alternative does not indicate that this alternative would

Responses to Letter I 57, Rodney Company (Represented by Sheppard Mullin Richter & Hampton LLP) (cont.)

be less intense than the proposed project. The No Project/Existing General Plan Alternative allows more density (i.e., more overall units and development) and more sprawling development patterns than the proposed project or other proposed alternatives. As such, potential impacts to cultural resources would be more significant.

I57-157 The County does not concur that the DEIR should provide a more detailed description of the conflicts between the existing General Plan and the SANDAG 2030 Regional Transportation Plan (RTP). The County does not agree that the RTP should include an alternative representing the existing General Plan. Although the General Plan Update is not adopted, the Mobility Element road network was endorsed by the Board of Supervisors in 2006. As a result of the County's commitment to update its General Plan, and the Supervisor's endorsement of the Mobility Element road network, the decision was made to use the General Plan Update road network for the RTP.

I57-158 The No Project Alternative would allow higher density development and the DEIR concluded that this higher future density exceeds all other alternatives and would likely result in more noise impacts compared to the proposed project and the remaining alternatives for that principal reason.

I57-159 The County confirms that based on DEIR Appendix G, Traffic and Circulation Assessment, the existing General Plan would result in more miles of deficient road segments. While the General Plan Update accepts some deficient road segments to operate at LOS E/F, this was not addressed by Appendix G, which identifies all deficient road segments, even if they are accepted at LOS E/F. Therefore, whether or not a road segment has been accepted to fail is not a factor in the analysis.

I57-160 The BMO and RPO pertain to project design and mitigation for certain environmental impacts. They have little direct influence over density. In a case where a property is designated for ten units under the existing General Plan and five units under the General Plan Update, the existing General Plan will likely result in greater impacts to natural resources even with implementation of the BMO and RPO. The difference in density on lands between the existing General Plan and proposed project is the primary reason for the DEIRs conclusion regarding this objective.

I57-161 The County does not agree with this comment. Expansions of infrastructure with a direct nexus to new development are often funded by new development. However, expansions required from the cumulative impact of growth, system improvements, and general maintenance are often born by the general public or rate payer. While new infrastructure may have less short-term costs and maintenance, in the long-term it results in an overall increase in maintenance and these are the costs that the public or rate payer must support since the developer is no longer involved.

I57-162 This comment provides concluding statements for which a response is not required.

Comment Letter I 58, Sack, Ursula

To: County of San Diego, Department of Planning and Land Use

From: Ursula Sack, Ph.D., private citizen

Re: Comments on the draft Environmental Impact Report (EIR) for the County's General Plan Update

I58-1. The best alternative for the County's General Plan Update can be found in its name: the "Environmentally Superior" alternative. This proposal meets the goals of planning for future population growth, while providing protection for the environment and the county's open spaces in semi-rural and rural areas. The Environmentally Superior alternative takes a long-term view of land planning, and provides for the needs of ourselves, our children, and our grandchildren. It provides protection of agricultural land, open space, and species habitats, which is necessary so that San Diego citizens will have access to locally grown food, greenbelts between communities, open space networks that provide outdoor recreational opportunities, and a healthy environment to live in. Once those lands are lost to development or other environmental degradation, they cannot be recovered.

I58-2. An area that is of interest to members of my local community serves as an example of good land use planning under the Environmentally Superior alternative. It is a 445.5 acre area in the southwest region of Bonsall, south of Gopher Canyon Road and east of East Vista Way, designated as BO3 in the EIR Appendix L--Project Alternative Areas of Difference (pages 3.10 to 3.14). This acreage consists of productive agricultural lands bordering open space which consists of coastal scrub with riparian habitat that is part of the San Luis Rey River watershed. The agricultural acreage is designated "Farmland of Statewide Importance," "Prime Farmland," "Unique Farmland," and "Farmland of Local Importance." The open space includes wetlands and critical biologically sensitive habitat (which could be preserved for use as mitigation lands).

I58-3. The Environmentally Superior plan saves this land by designating it as Rural Lands-20 "to reduce development pressure to agricultural" land, whereas the referral map designates it as semi-rural (SR-2, 2 dwelling units per acre) which provides a strong incentive for conversion of the land for development.

I58-4. The Environmentally Superior land use plan is the most responsible choice for the benefit of current and future San Diego County citizens. We know that a healthy environment, locally grown food, and open space are critical for the health and well-being of our local communities as well as our global community. How can we not preserve precious land like this?

Thank you,

Ursula Sack, Ph.D.
2392 Vista Grande Terrace
Vista, CA 92084

Responses to Letter I 58, Sack, Ursula

I58-1 The comment provides support for the Environmentally Superior Alternative, studied in the General Plan Update Draft EIR, and does not raise a significant environmental issue for which a response is required. The comment will be forwarded to the Board of Supervisors, who ultimately will decide which land use alternative should be adopted.

I58-2 The County agrees that Farmland and Biological Sensitivity constraints exist on the Area of Difference BO3; however, no change to the DEIR is required as a result of the comment.

I58-3 The County acknowledges that BO3 is designated RL20 on the Environmentally Superior Map Alternative, and SR2 on the Referral Map, and that the Environmentally Superior Map Alternative would result in decreased unit yield were a development project to be processed. These comments will be included in the Final EIR, which will be available to the Board of Supervisors, who ultimately will have the ability to decide which land use alternative should be adopted.

I58-4 Similar to comment I58-1, this comment indicates support of the Environmentally Superior Alternative, and does not raise a significant environmental issue for which a response is required.

Comment Letter I 59, Sage Community Group (Lilac Ranch - Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq.

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August 21, 2009

VIA E-MAIL AND U.S. MAIL

Mr. Devon Muto
Land Use/Environmental Planning Manager
Department of Planning and Land use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Lilac Ranch Project – General Plan Update Issues

Dear Mr. Muto:

I59-1. This letter follows up on our recent telephone discussions relating to the Lilac Ranch project in Valley Center, which is being processed by Sage Community Group on a parallel track with the County's General Plan Update. Lilac Ranch includes applications that were initiated in 2003 for a General Plan Amendment (GPA 04-008), a Specific Plan (SP 04-007), a Rezone (R 04-016), and a Tentative Map (TM 5385RPL). Sage has participated in regular meetings and presentations to the Lilac subcommittee of the Valley Center Planning Group as well as with the Planning Group itself. We believe that they have appreciated our efforts to work with and respond to their concerns.

I59-2. As you know, the County approved Lilac Ranch's Plan Amendment Authorization (PAA) for its GPA prior to the deadline set by the Board of Supervisors for Update pipelining. Lilac Ranch is hopeful that it will be able to complete processing of its applications before final Board of Supervisors action on the General Plan Update. However, it is possible that the Update would be approved earlier.

I59-3. Three of the General Plan Update maps ("Land Use Plan," "Referral," and "Hybrid") show the Lilac Ranch property proposed for the "Semi-rural Residential (SR-2)" Land Use Designation, with some "Rural Lands (RL-20)" in the sensitive areas around Keys Creek. These maps are not at as fine a grain as the current application, which is in its 3rd Screencheck and reflects extensive analysis of and conformance to the RPO.

I59-4. Also, the detailed text for the SPA as set out in the current Valley Center Community Plan anticipates a golf course project. This text is inconsistent with the project as presently proposed and is proposed to be changed as a part of Lilac Ranch's pending GPA 04-008.

Comment Letter I 59, Sage Community Group (Lilac Ranch - Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

PSH PRAIRIE SCHWARTZ HEIDEL, LLP

Mr. Devon Muto
August 21, 2009
Page 2

I59-5. We appreciate the issues in concurrent processing at the General Plan and Specific Plan levels of entitlements. As the General Plan moves forward, we will continue on the understanding that:

I59-6.
- The General Plan Update land use designations for Lilac will accommodate the densities and other land use standards as proposed in our Specific Plan (SP 04-007). In fact, the language in the current draft Specific Plan, which has undergone several reviews by County staff, says the uses and densities established by this General Plan Amendment / Specific Plan (GAP 04-008 / SP 04-007) are consistent with the GP 2020 draft (dated June 2005), which anticipates the densities and development plan set forth in this General Plan Amendment / Specific Plan"; and

I59-7.
- The Valley Center Community Plan language will conform to those densities and development plan as well.

I59-8. The current Lilac Ranch application was filed in 2003, and the owners of the land, the Wolfsheimers, have been engaged in the planning process in Valley Center for many years. Lilac Ranch has proceeded in good faith reliance and expended millions of dollars on the assumption that the Lilac Ranch project would be accommodated in the General Plan Update. You have described a process under which wording specific to Lilac Ranch that would be included in the General Plan Update text. We stand ready to assist with that effort.

I59-9. In conclusion, we assert that the intent of the work advanced to date has been in reliance upon the General Plan Update and, as appropriate, the Valley Center Community Plan Update fully accommodating the Lilac Ranch project. This would allow the Planning Commission and the Board to consider it when the Update hearings are held and final action is taken.

Thank you for your courtesy and consideration. Please let me know if you have any questions or need more information.

Very truly yours,

William J. Schwartz, Jr.

WJS:mam
cc: Mr. Dustin Steiner
Mr. Eric Gibson
Claudia Anzures, Chief Deputy County Counsel
Sage Community Group

Responses to Letter I 59, Sage Community Group (Lilac Ranch - Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq.

I59-1 The County thanks the commenter for his remarks and coordination with the Valley Center Community Planning Group. This comment does not raise an environmental issue for which a response is required.

I59-2 The County agrees that Lilac Ranch's Planned Amendment Authorization was applied for before the Pipelining Policy date, and also acknowledges that the project could be before the Board of Supervisors before or after the General Plan Update.

I59-3 The County agrees that the Referral, Hybrid and Draft Land Use Maps show the property as a combination of Semi Rural 2 and Rural Lands 40, applied to reflect constraints with the information available. This comment does not raise an environmental issue for which a response is required.

I59-4 The County acknowledges that the text in the draft Valley Center Community Plan for the Lilac Ranch area should be updated, and will refine the current draft Valley Center Community Plan to reflect the project. However, the determining factor of units allowed under the General Plan Update will be the land use map adopted by the Board of Supervisors, not the Community Plan text description of the current project. Additional information should be incorporated into the comprehensive update of Valley Center's Community Plan, expected after adoption of the General Plan Update.

I59-5 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I59-6 The County disagrees with the unsubstantiated claim that the General Plan land use designations will accommodate the proposed Specific Plan, which is processing a concurrent General Plan Amendment. The rough estimated yield for the site under the General Plan Update is approximately 260 units; however, it would need to be studied further due to the slope dependency of the Semi Rural 2 designation. Although the information was not included in the letter, the current project in process is 360 units.

I59-7 The County acknowledges that the Valley Center Community Plan should be updated. However, the Land Use Map Designations, which are ultimately up to the Board of Supervisors to adopt, will be the determining factor in what development plan and yield is allowed under the proposed project.

I59-8 The County thanks the commenter for participation in the General Plan Update, and will contact the commenter if additional information is needed for inclusion in the Valley Center Community Plan.

I59-9 This comment summarizes the commenter’s position and does not raise a significant environmental issue for which a response is required.

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1)

S H A P O U R I & A S O C I A T E S
Project Management Services
E N G I N E E R I N G • A R C H I T E C T U R E • P L A N N I N G

August 28, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Draft EIR Comment Letter – San Diego County General Plan Update DEIR; Log No. 02-ZA-001; SCN #2002111067

Dear Mr. Muto:

I60-1. Thank you for the opportunity to review the County of San Diego General Plan Update Draft Environmental Impact Report (EIR). I commend the efforts of the County in this challenging task, however, I have several major concerns regarding the approach and content of the EIR, particularly as it relates to land use analysis. Specifically, my concern is the EIR has not adequately analyzed existing land uses and land use patterns within the Pala/Pauma Community Planning Area.

I60-2. Under both CEQA and State General Plan Law all existing land uses that impact a jurisdiction, regardless of the jurisdictional lines, have to be considered in land use analyses leading up to land use designations and recommendations. Upon reviewing the Land Use Analysis (Section 2.9) portion of the EIR and Existing Land Use Figure 2.9-1, I am concerned that the uses within the Pala/Pauma Valley Community are not depicted correctly or analyzed appropriately. Section 2.9 Land Use states, "This section of the EIR addresses existing land uses in unincorporated San Diego County and the impacts of the General Plan Update to on site and surrounding land uses". [emphasis added] As such, excluding the tribal lands from the analyses would in effect place a "large void" in the description of the "physical environmental conditions" and "the baseline physical conditions" by which the lead agency would make its impact determinations.

I60-3. Furthermore, upon a thorough review of the Pala Band of Mission Indians reservation lands, it appears that the area meets the classification requirements of the "Village" category, defined as "areas where a higher intensity and a wide range of land uses are established or have been planned." (GP Update Land Use Element, Page 3-7). This is further substantiated in the County's Comments Letter to the Pala Casino Draft Tribal EIR, dated January 11, 2007, "The Pala Casino and Hotel is a major urban facility and is classified as a high rise per the California Building Code." [emphasis added] While I understand that tribal lands are not located within the County's jurisdiction and

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

I60-3. cont. therefore are not given land use designations, these areas should be analyzed in the land use element. It is my professional opinion that the Rural Lands designations adjacent to this major urban facility and other high intensity uses, are not compatible and should be reevaluated with the appropriate baseline environmental conditions. I have attached photographs and community land use map for to further illustrate my position.

I60-4. Therefore, I would like to request that the County re-evaluate this area to determine more appropriate land use destinations. A similar example is Pechango Casino within the City of Temecula. The City of Temecula's General Plan Land Use Element states, "Maintaining a variety of complementary land uses within the City remains a high priority." (City of Temecula GP, LU-9) They continue to work with the Pechanga Band in this respect, as directed in their land use policies. Currently, the City of Temecula has designated Low Medium Density (3-6 Du/Ac) near the casino to achieve a harmonious site plan. I strongly believe that the County should consider a similar approach, which would positively contribute to the jobs-housing balance and alleviate traffic impacts in the area.

Inconsistencies within the Draft EIR

The following discussion highlights some inconsistencies within the County of San Diego GP Update Draft EIR.

Chapter 2, Page 2.1-55:

> "The Merriam Mountains, Warner Ranch, Star Ranch, and Harmony Grove Meadows projects all propose large residential developments in relatively undeveloped areas of the unincorporated County and have the potential to impact the rural character of the project areas."

I60-5. For reasons stated above, I believe this statement is not true in the case of Warner Ranch. Land uses surrounding Warner Ranch include the major urban facility Pala Casino, Resort and Spa, which recently underwent expansion and associated road improvements along Highway 76. Other nearby existing or planned developments include Gregory Canyon Landfill, Rosemary's Quarry Mining Operations, Pala Raceway, Orange Grove Power Plant, Acorn Gas Station and Mini-mart, fire station, sewer treatment plant, Vivian Banks School and various residential development ranging from 2,000 to 3,000 square feet in size. Please see attached Exhibit B-Surrounding Land Use Map, for details. The Warner Ranch project can provide much needed housing and alleviate traffic impacts in the area while maintaining a large open space preserve to buffer surrounding uses and preclude growth inducement. Development would be appropriately situated on the flatter portions of the site, with surrounding steeper slopes and rolling terrain providing additional protection against the potential for growth inducement where it is not warranted.

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

I60-5. cont. In addition, the Warner Ranch project is subject to its own CEQA review and discretionary process. The current General Plan Update EIR has not and did not include the required background studies and analysis to render a determination or declaration as stated above. We request that the paragraph exclude a reference to Warner Ranch.

Chapter 2, Page 2.1-23:

I60-6. "Pala/Pauma Valley Subregion. Due to its relatively remote location and rugged topography, much of the CPA is either undeveloped, parkland, or in agricultural production. Land uses are rural and agricultural, with open space buffers providing a visual separation between communities…"

This description of the subregion, and Table 1-12, excludes a considerable number of existing uses, as described above.

Chapter 4, Page 4.4

I60-7. **"**During project planning, some stakeholders expressed the opinion that the General Plan Update should include residential designations to increase housing stock near casinos to provide housing for casino employees. Casinos that are located in the north and east County regions include those located on the Viejas Reservation in the Alpine Community Planning Area (CPA); Sycuan Reservation in the Crest/Dehesa Subregional Planning Area (Subregion); Pala, La Jolla, and Rincon Reservations in the Pala/Pauma Valley Subregion; and San Pasqual Reservation in the Valley Center CPA. Under the proposed General Plan Update, semi-rural residential, village residential and commercial land use designations are located in proximity to these reservations and therefore housing would have the potential to be developed near these casinos."

I60-8. I completely agree with the approach to locate increased housing stock near casinos. However, this does not seem to be the case with the Pala Casino and Pala/Pauma Valley Subregion, which is specifically listed in this paragraph. I would like to request that this area be re-evaluated to include more housing stock and a Village land use designation adjacent to the casino, in an effort to meet the Community Plan goal of providing more housing and locate residences adjacent to existing retail and commercial uses as appropriate.

Chapter 4, Page 4-8

I60-9. The Hybrid Map Alternative would result in significantly less acres of semi-rural residential land uses and significantly more acres designated for rural lands than the proposed project. Compared to the proposed

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

I60-9. cont. project (see Table 4-2) the Community Planning Areas (CPAs) that would experience substantial increases in the rural lands designations under the Hybrid Map Alternative include Pala/Pauma Valley Subregion (+3,765 acres); North Mountain Subregion – remainder area (+3,357 acres); Valley Center CPA (+1,152 acres); San Dieguito CPA (+707 acres); and Fallbrook CPA (+305 acres).

I60-10. This seems to contradict the alternatives and approach cited above, Page 4-4. The Pala/Pauma CPA has been recognized as an area that should include residential designations to increase housing stock near casinos to provide for a better jobs-housing balance. The Hybrid Map Alternative does the opposite by placing Rural Land designations (1Du/20, 40 acres) immediately adjacent to the casino.

I60-11. In conclusion, I believe that a re-evaluation of the Pala Band of Mission Indians reservation and designation of the Warner Ranch site as "Village" will encourage a jobs-housing balance at the community level, enabling residents to live and work in the same area. This change can potentially decrease demand on inter-regional transportation facilities by allowing for the development of a variety of housing types, some of which can be occupied by Pala Casino, Resort and Spa employees. It is not our intent to advocate for massive development where it is not warranted, but rather to accurately assess small established communities that are clearly in need of appropriate housing. Warner Ranch can provide this need to all of Pala/Pauma Community, while preserving a significant open space buffer (approximately 350 acres in size).

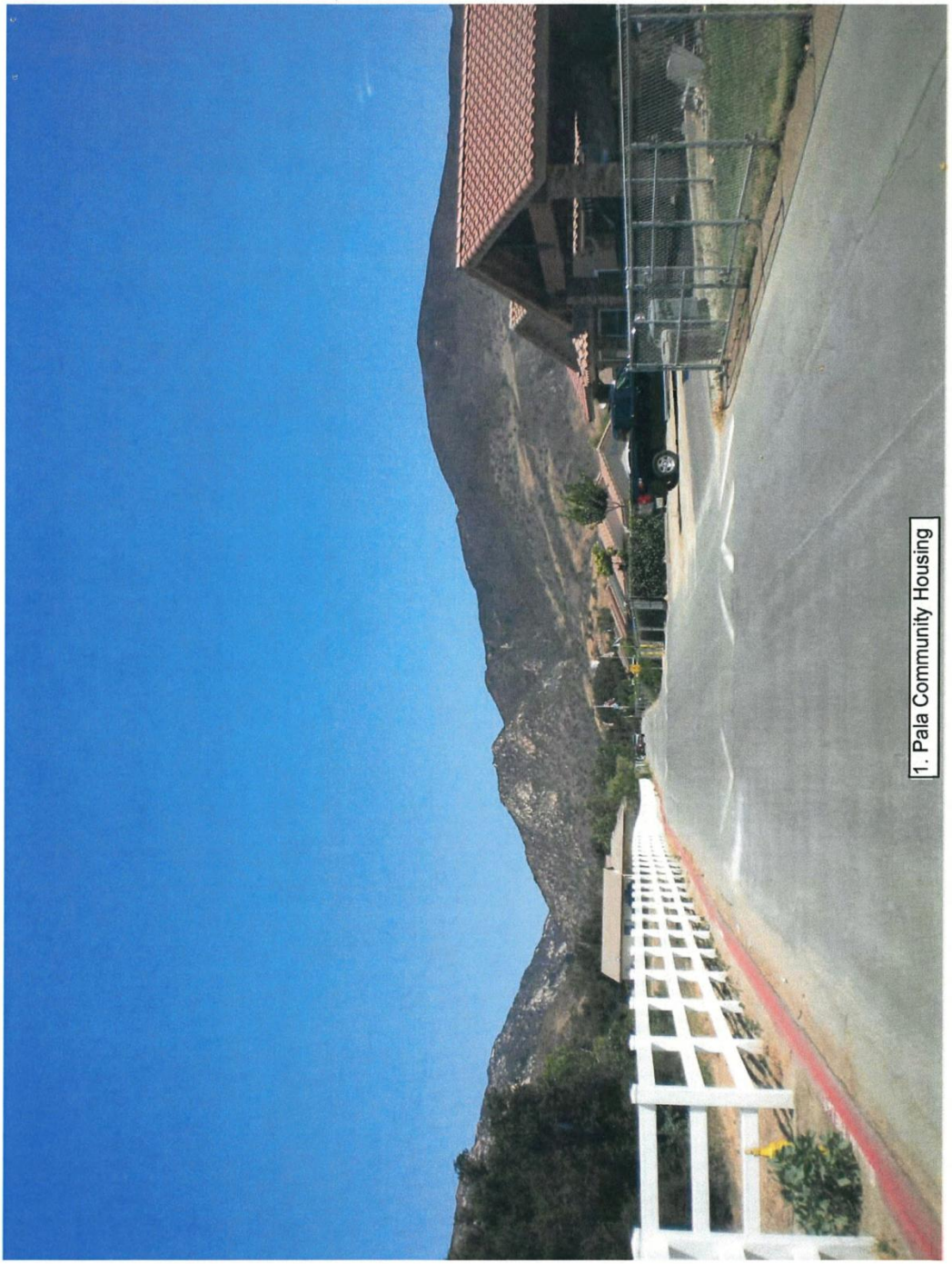
I60-12. Thank you for your time and consideration in this important matter. I would appreciate the opportunity to meet with you to discuss our comments further in an effort to resolve the issues identified in the EIR. In addition, please do not hesitate to contact me directly should you have any questions or require any further information.

Sincerely,

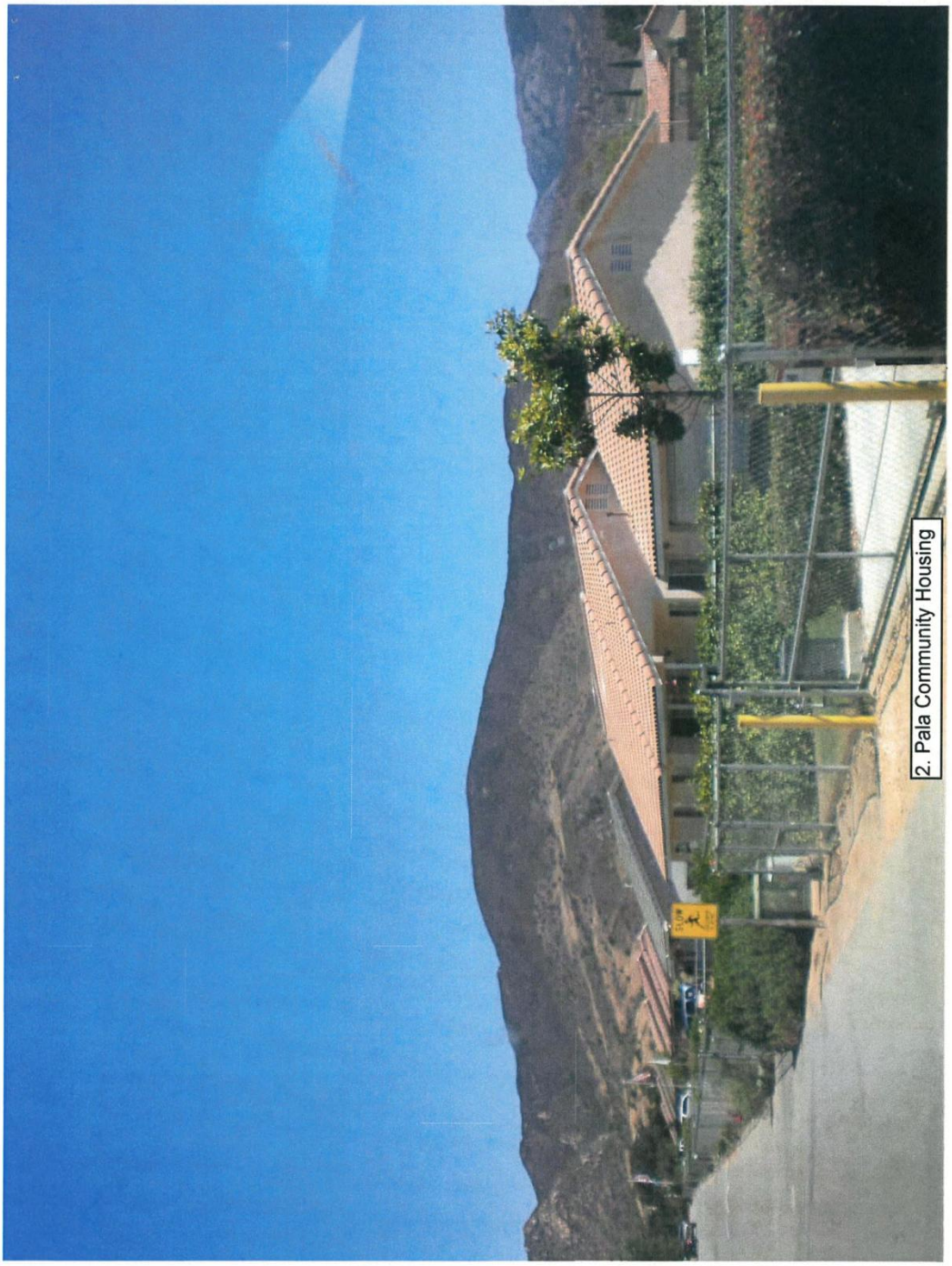
Ali Shapouri, AICP
Principal Planner
Shapouri & Associates

Attachments: Seventeen (17) Pala Community Photographs- Existing Conditions
Six (6) Pala Community Exhibits

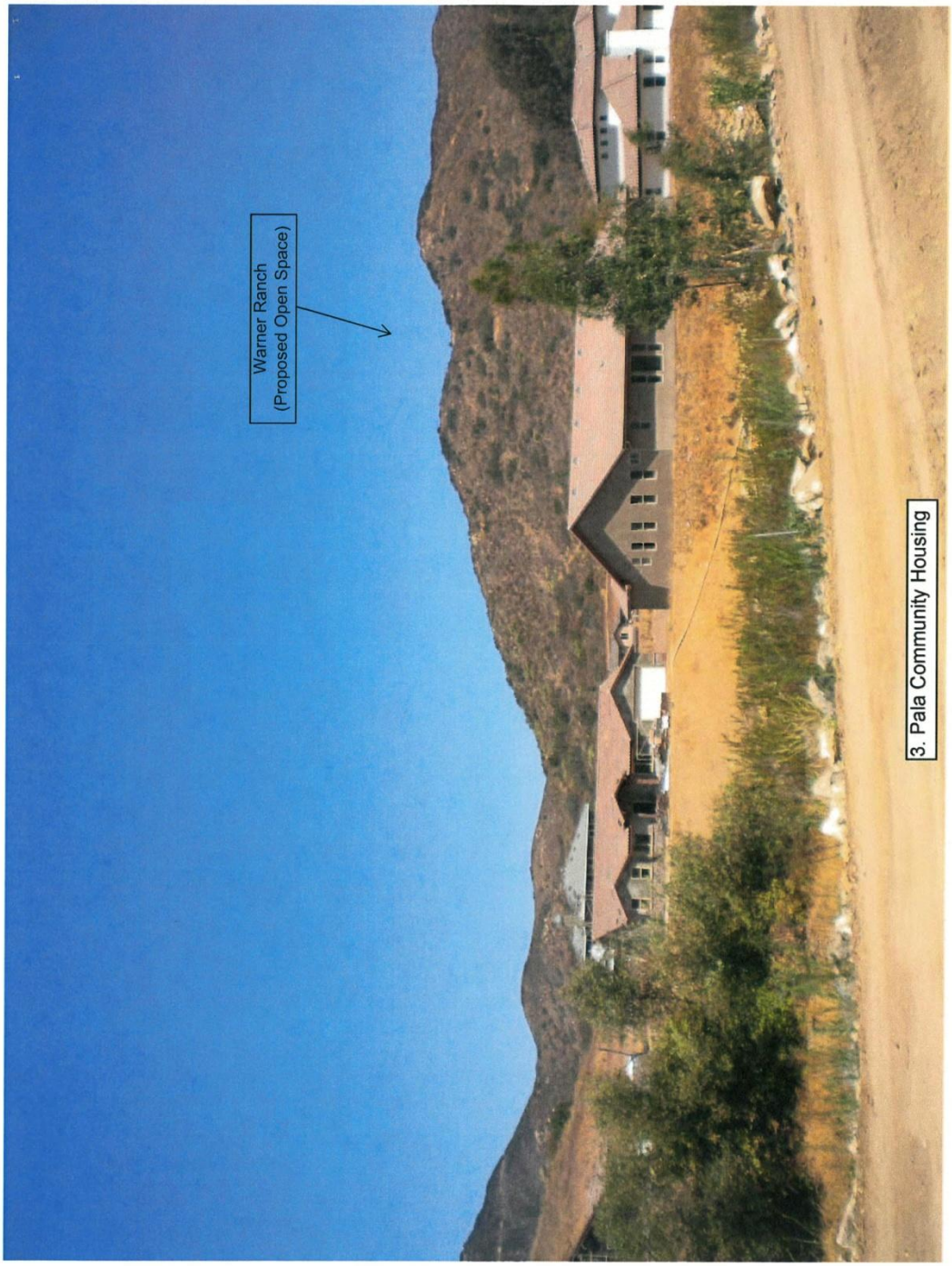
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



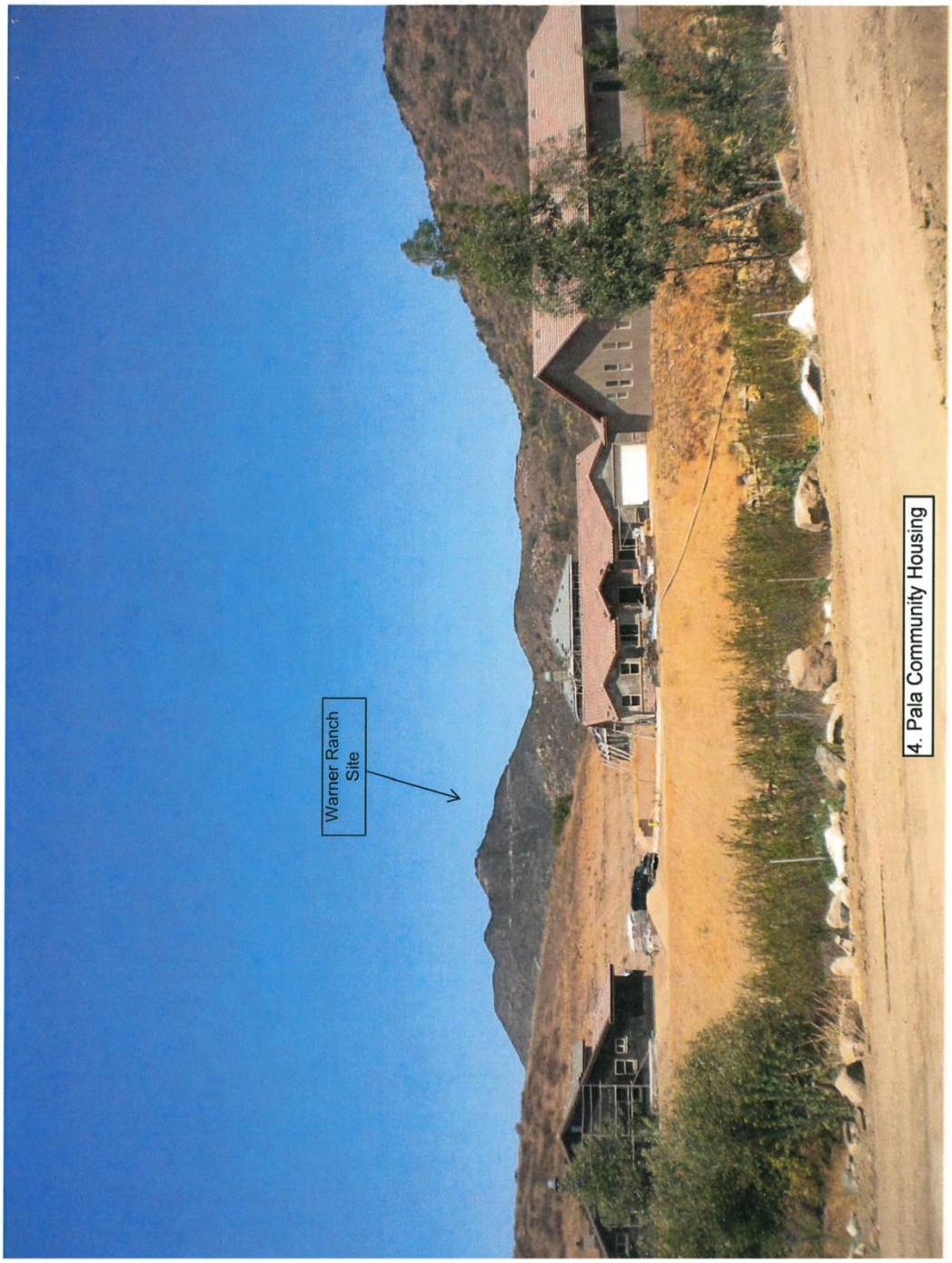
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



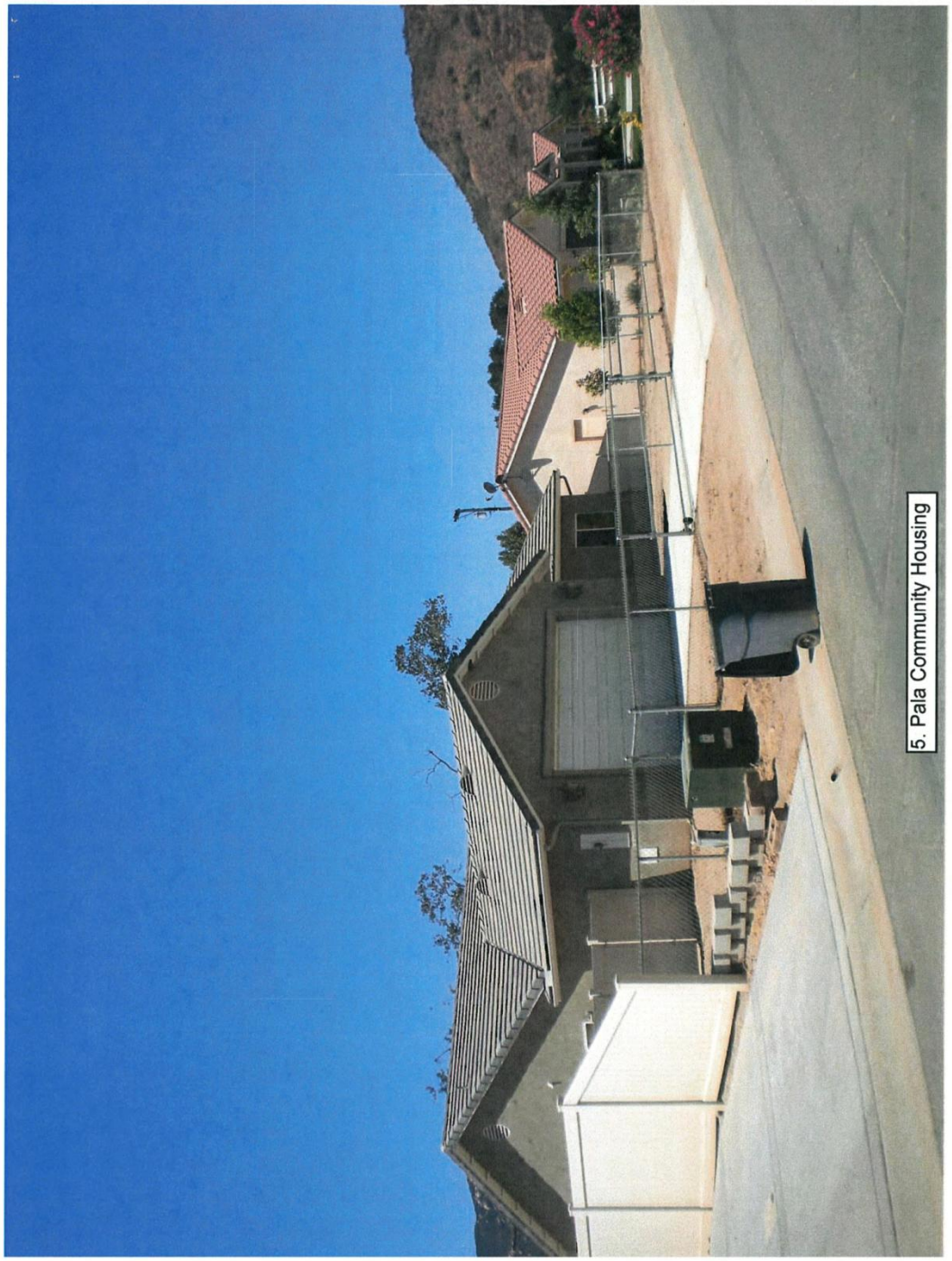
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



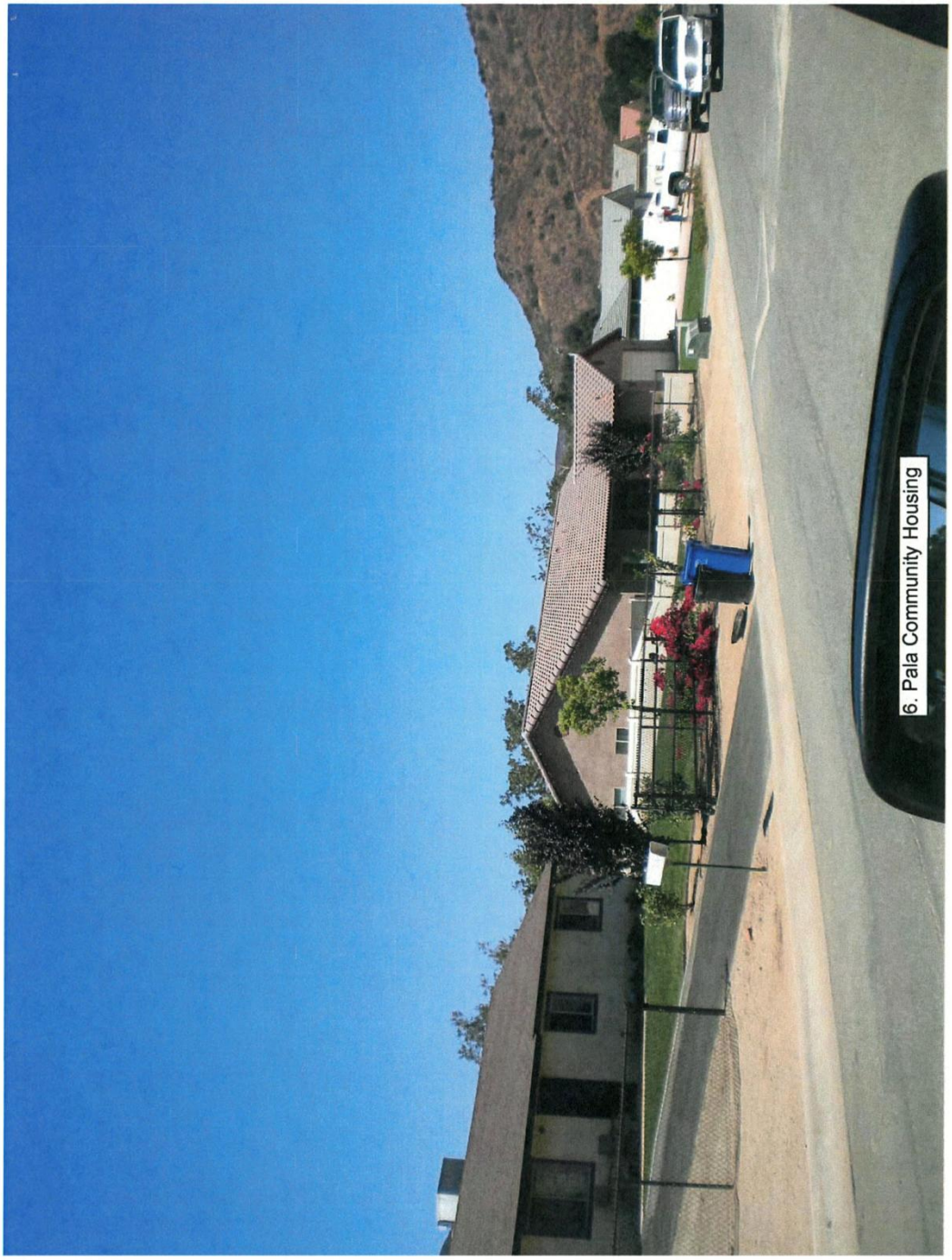
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

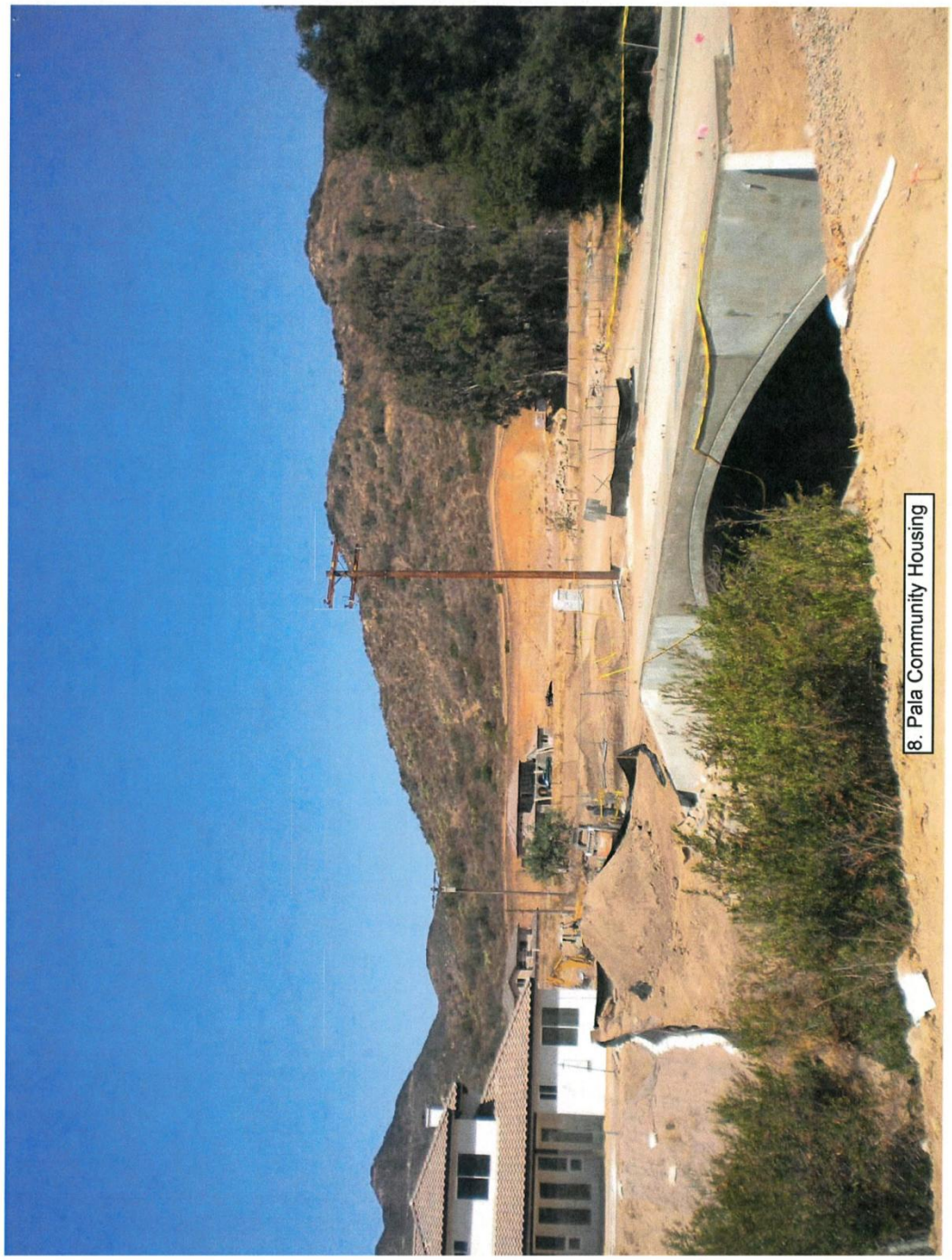


Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



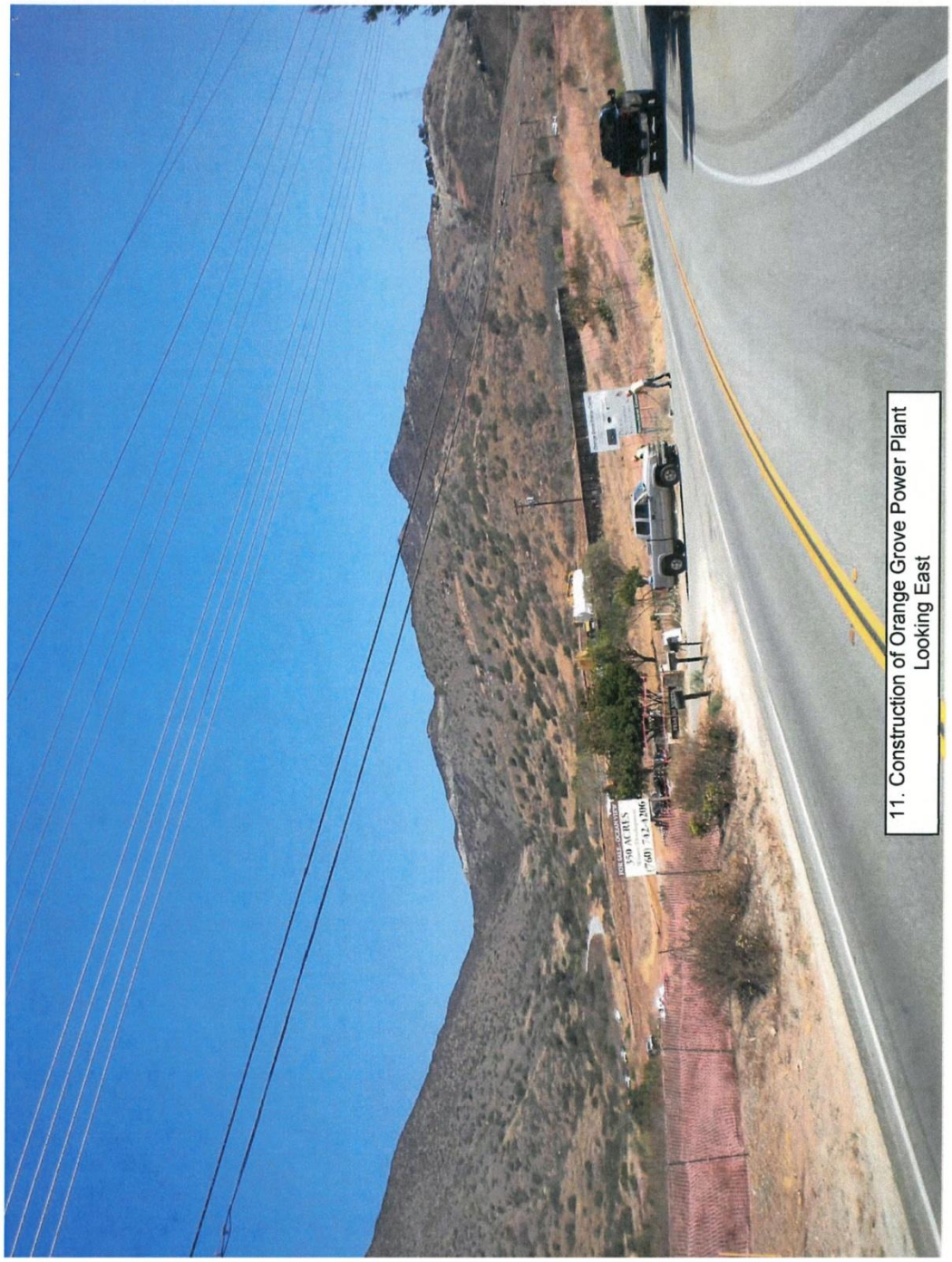
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

9. Pala Gas Station and Mini Mart

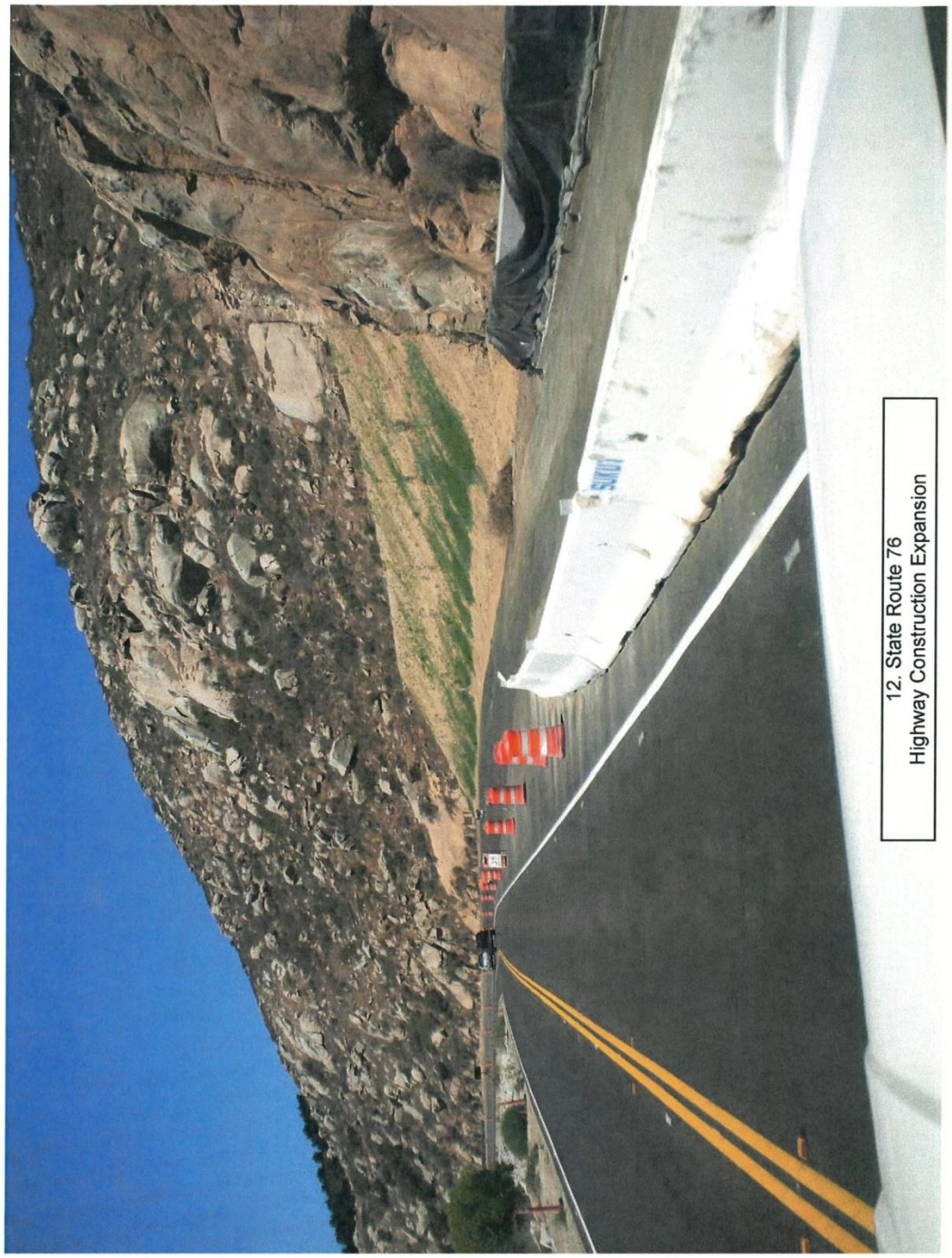
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

10. Construction of Orange Grove Power Plant
Looking West

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

13. State Route 76
Highway Construction Expansion

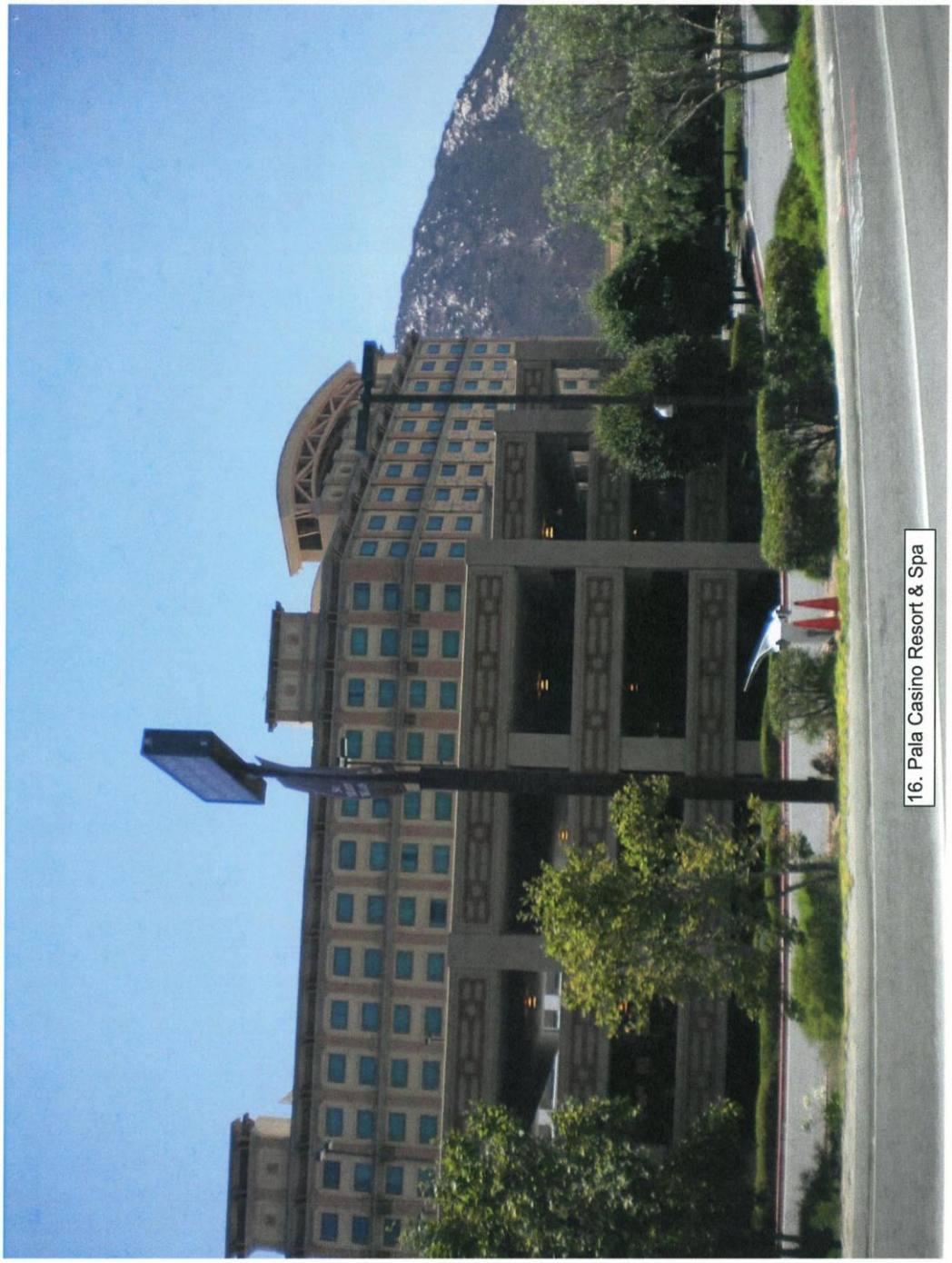
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

14. Pala Casino Resort & Spa

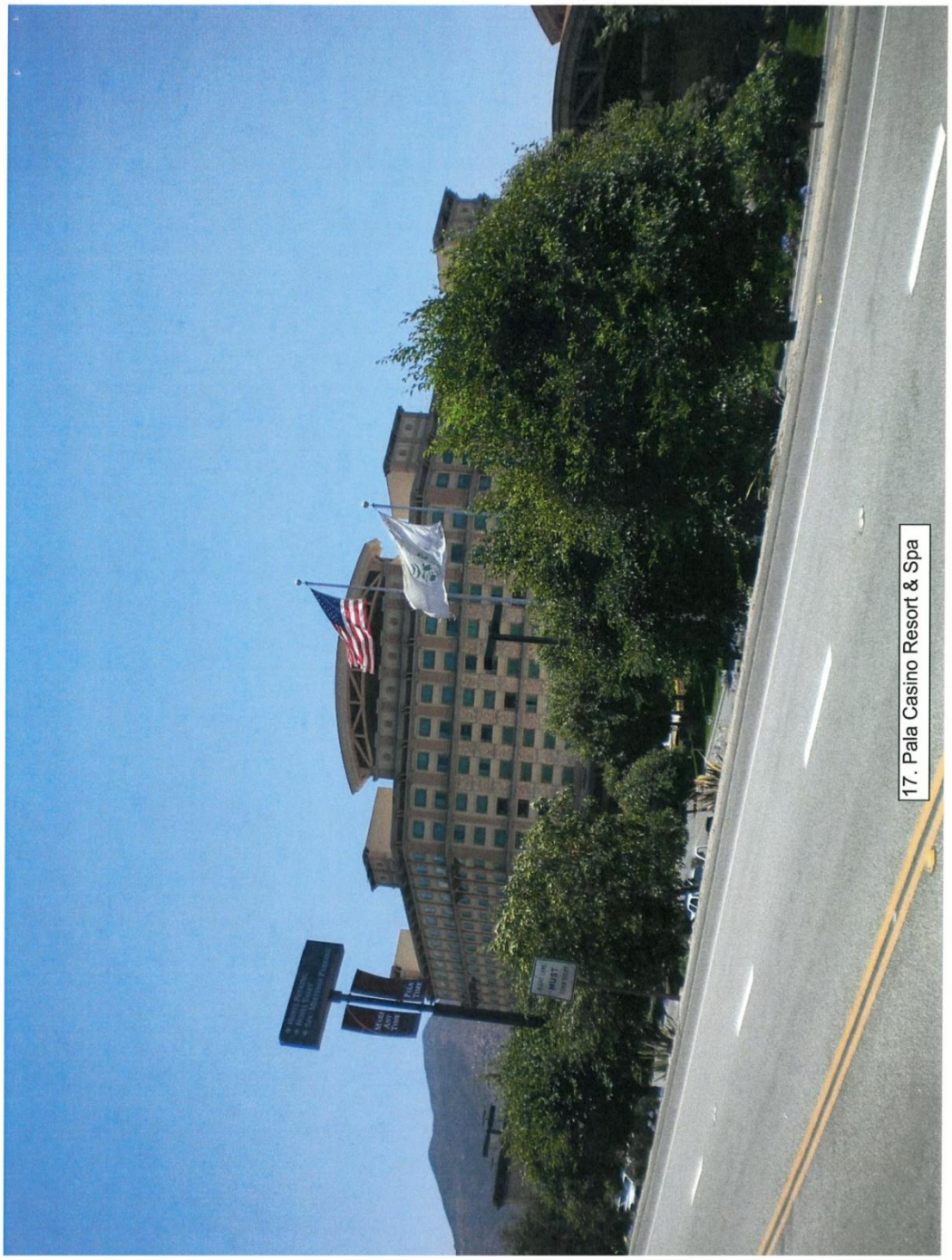
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

15. Pala Casino Resort & Spa

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

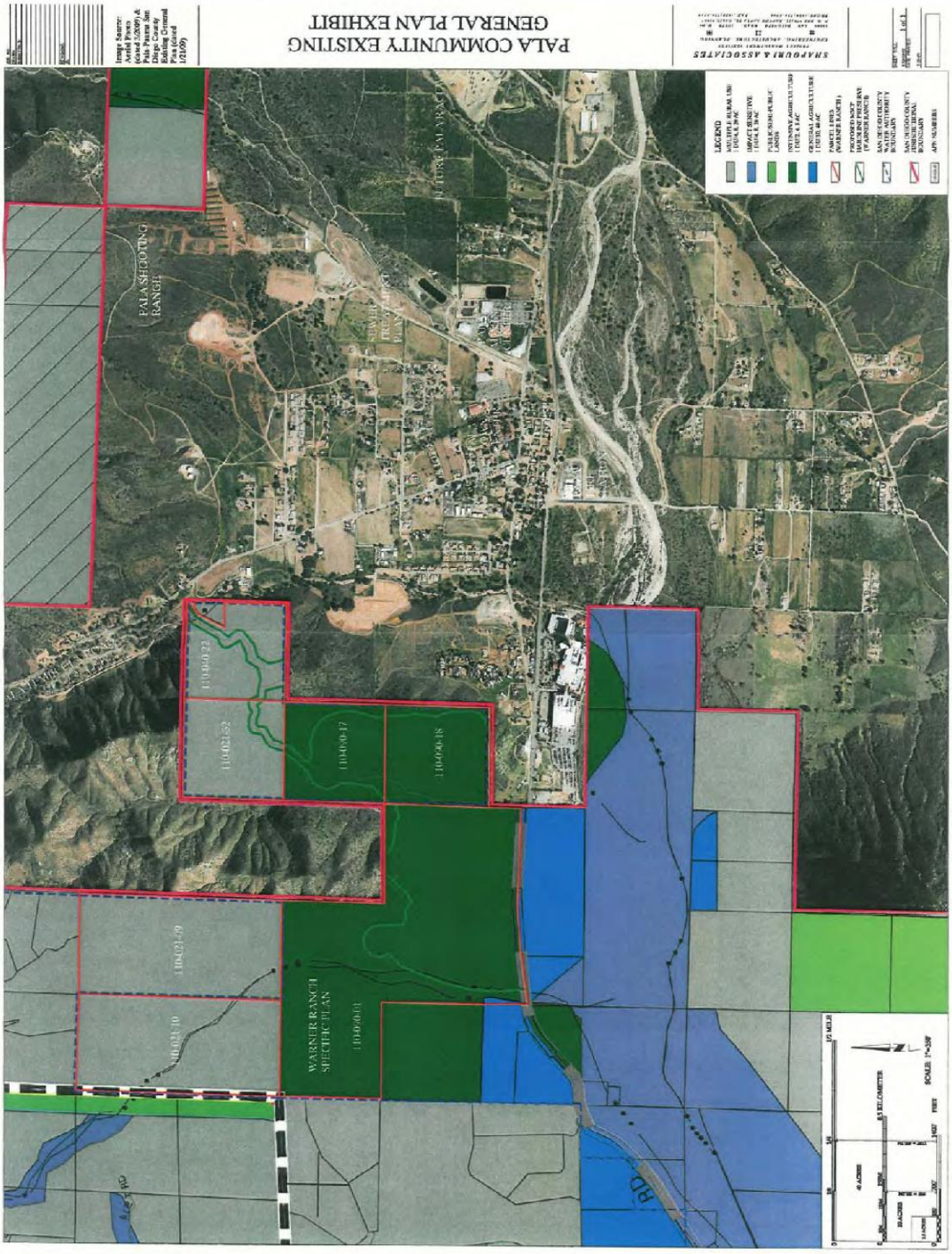


Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

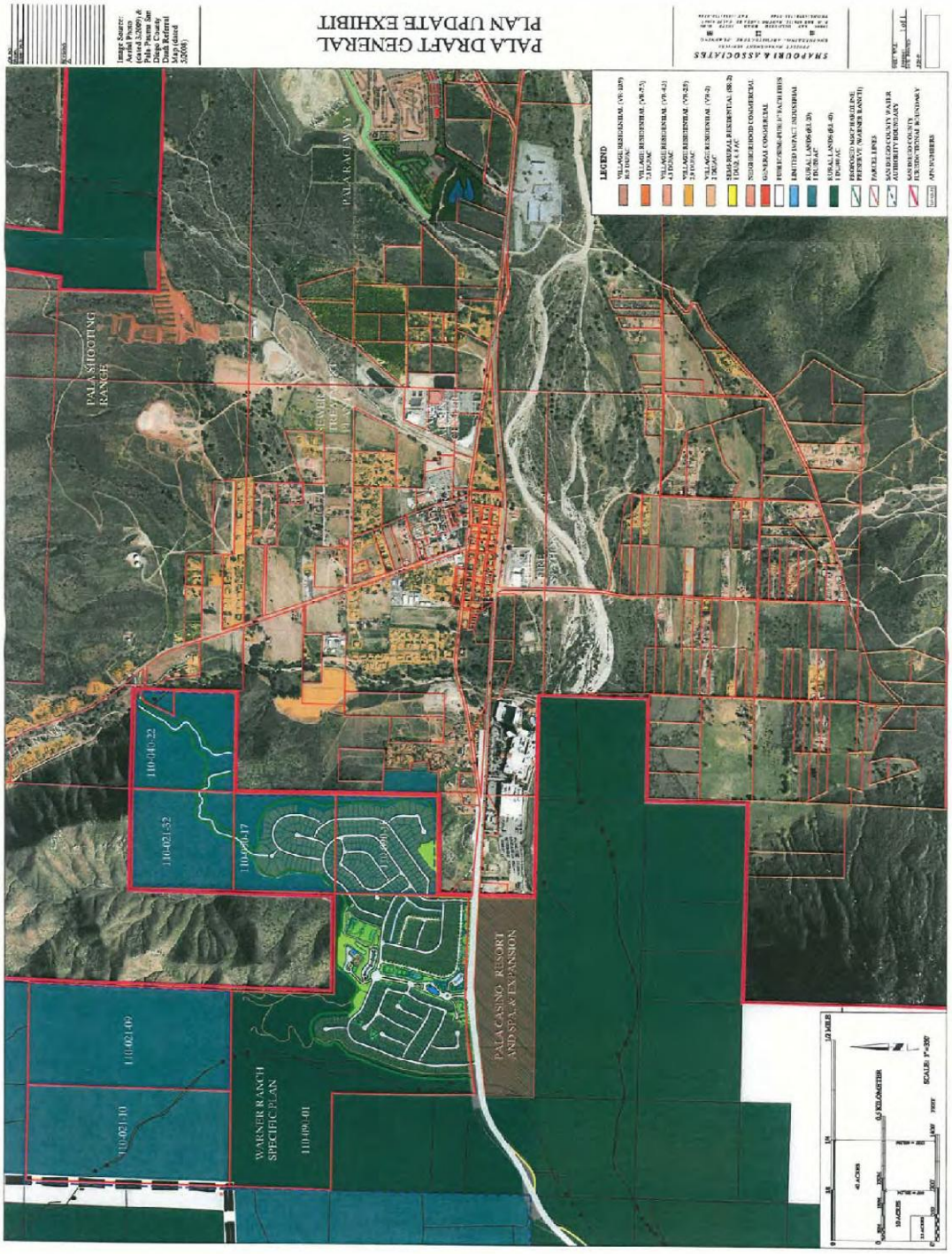


17. Pala Casino Resort & Spa

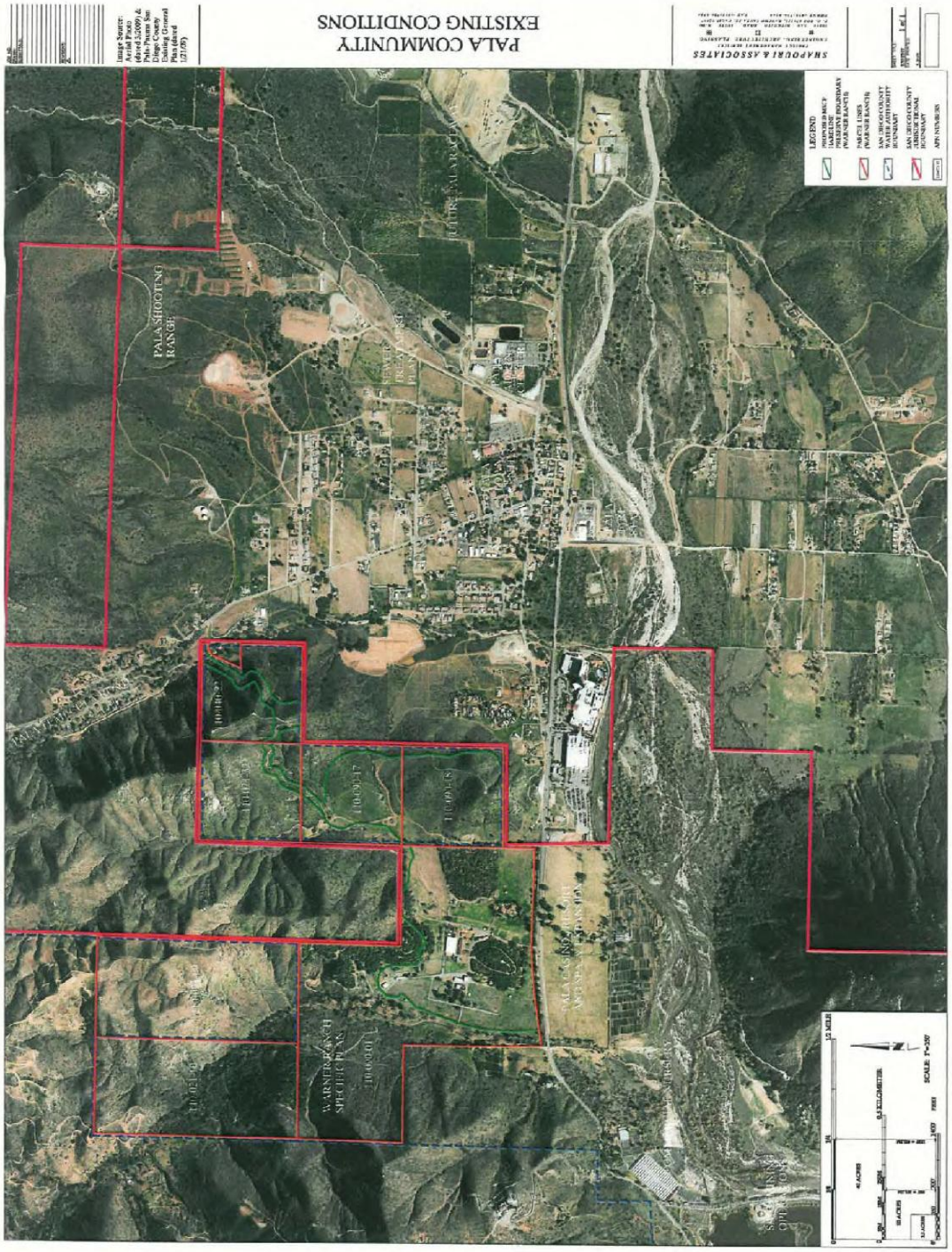
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



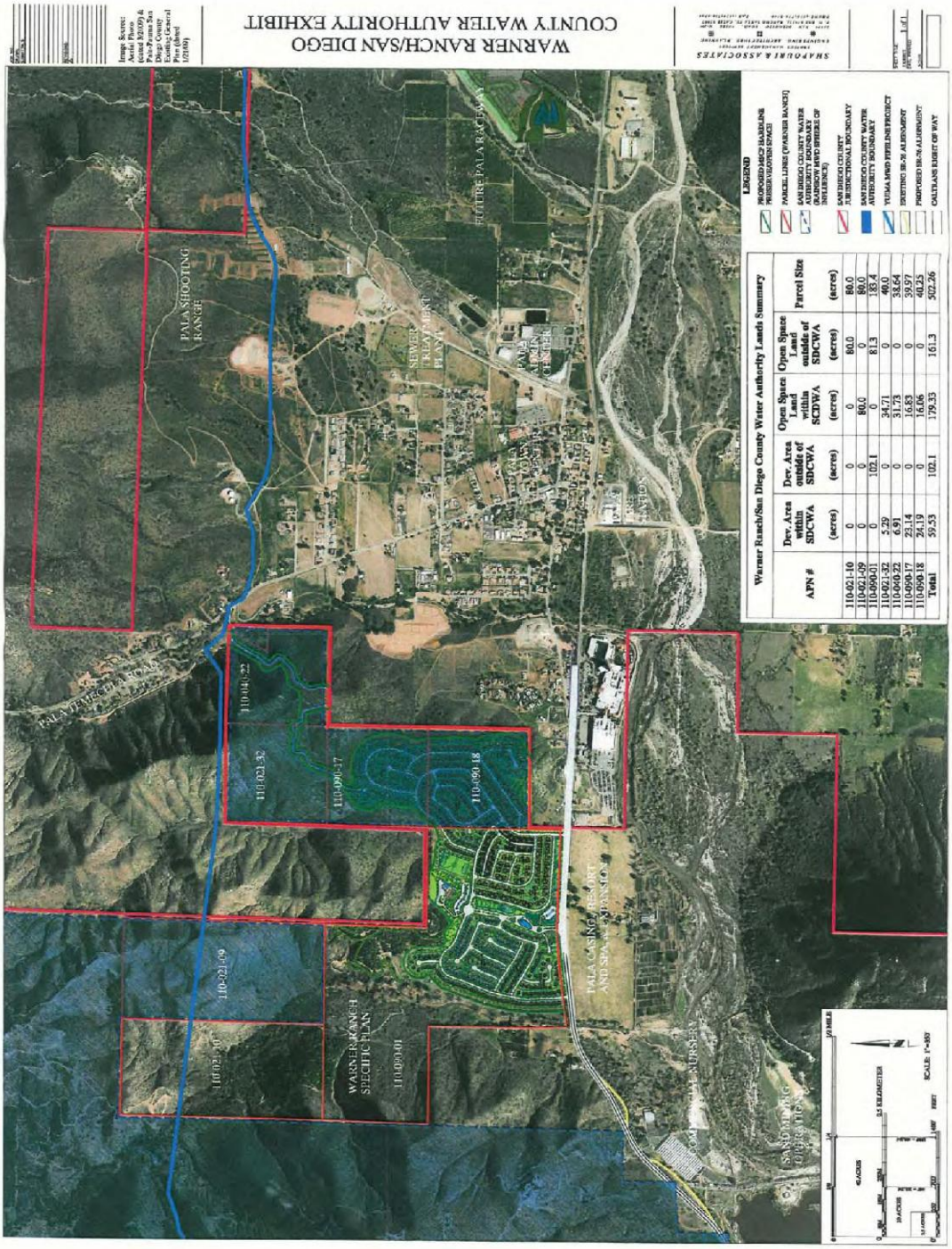
Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

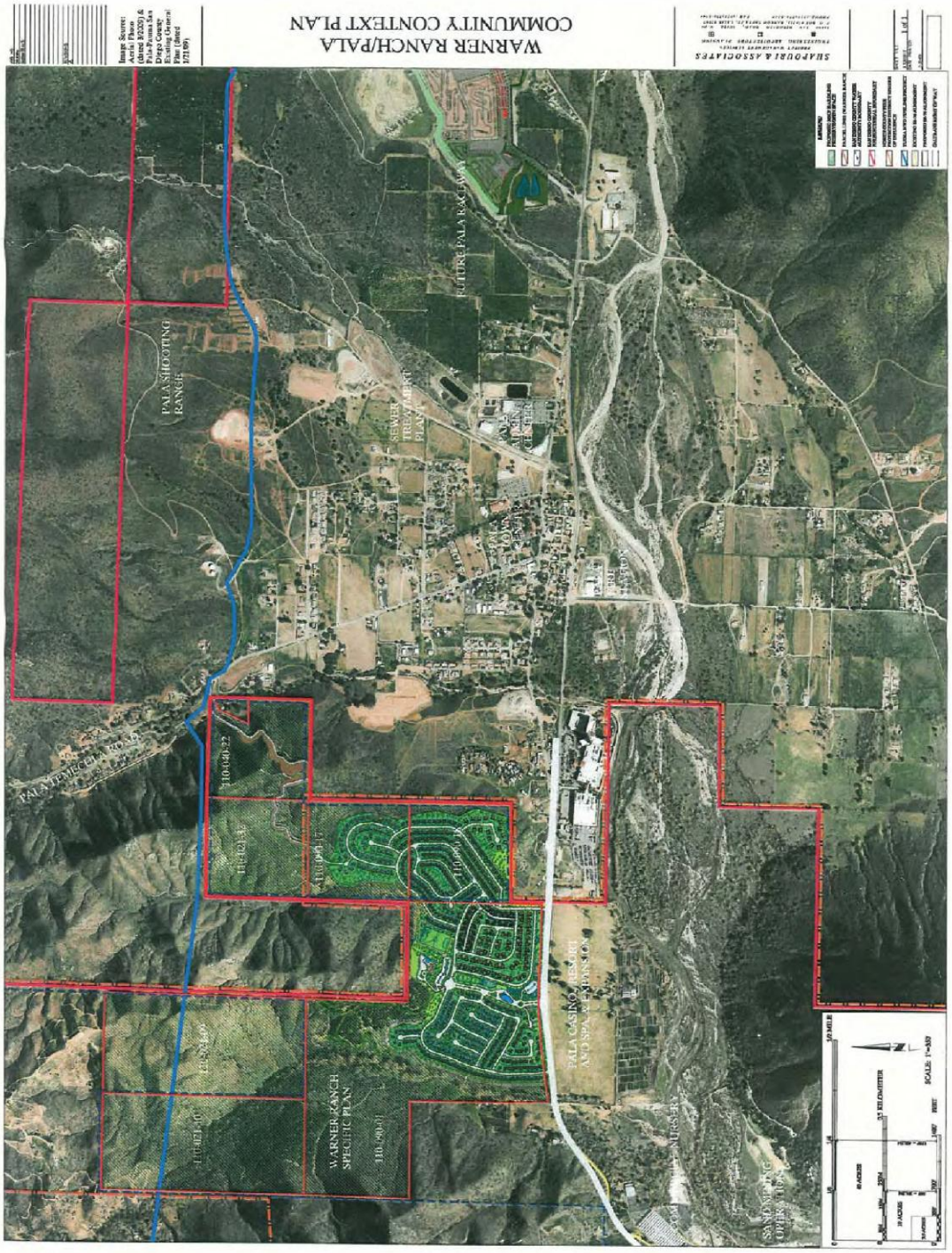


Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

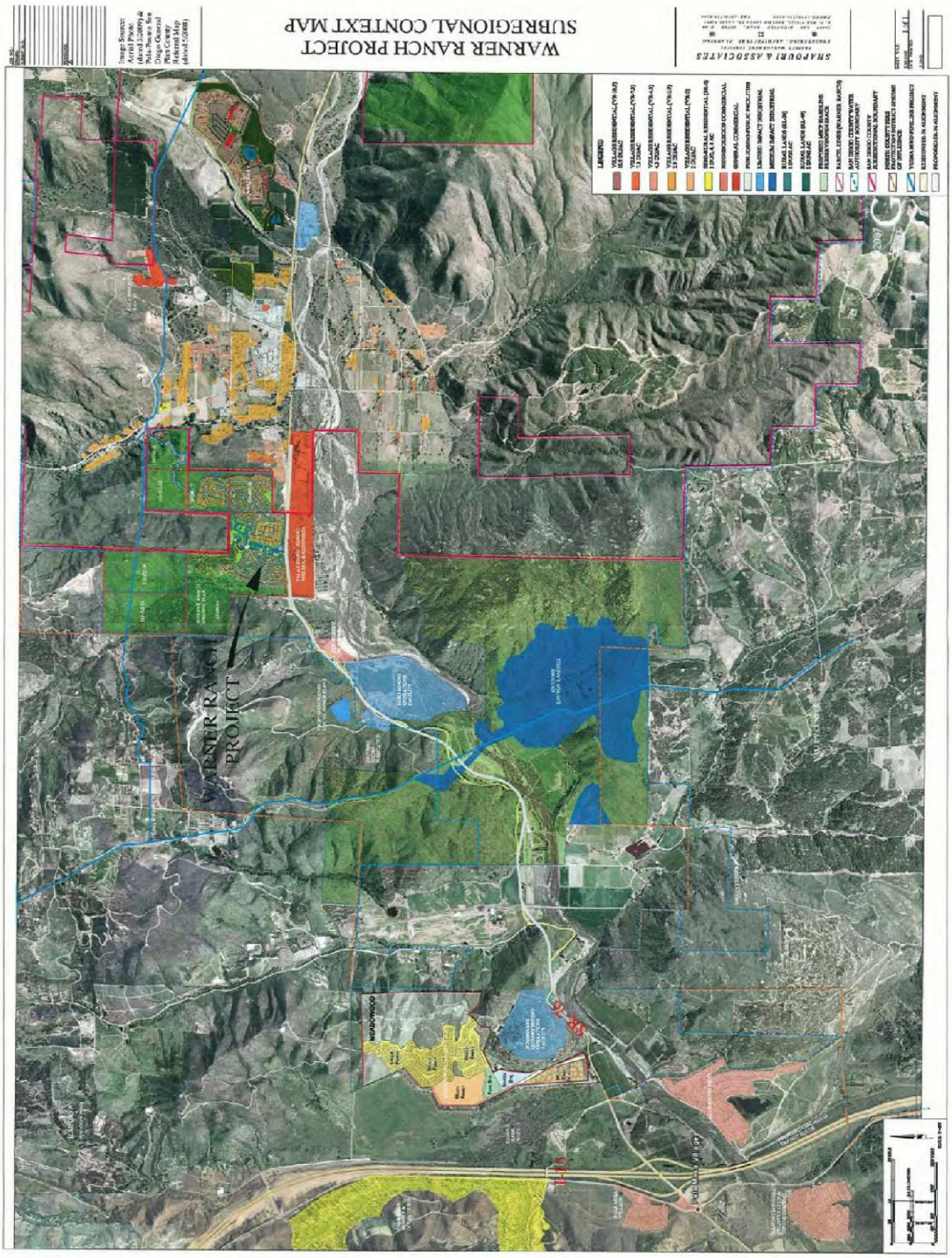


Warner Ranch/San Diego County Water Authority Lands Summary					
APN #	Dev. Area within SDCWA (acres)	Dev. Area outside of SDCWA (acres)	Open Space Land within SDCWA (acres)	Open Space Land outside of SDCWA (acres)	Parcel Size (acres)
110-021-10	0	0	0	80.0	80.0
110-021-09	0	0	80.0	0	80.0
110-090-01	0	102.1	0	81.3	183.4
110-021-32	5.29	0	34.71	0	40.0
110-041-22	6.91	0	51.73	0	58.64
110-090-17	23.14	0	16.85	0	39.99
110-090-18	24.19	0	16.06	0	40.25
Total	59.53	102.1	179.35	161.3	502.26

Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)



Comment Letter I 60, Shapouri and Associates August 31--- Shapouri, Ali (Letter 2)

S H A P O U R I & A S O C I A T E S

Project Management Services

E N G I N E E R I N G • A R C H I T E C T U R E • P L A N N I N G

August 31, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Draft EIR Comment Letter (2) – San Diego County General Plan Update; Log No. 02-ZA-001; SCN #2002111067 – Comments Regarding San Diego's Aging Population

Dear Mr. Muto,

I60-13. I appreciate the opportunity to review the County of San Diego General Plan Update Draft Environmental Impact Report (EIR). This letter is provided to express my comments and concerns regarding San Diego's aging population; I believe this growing demographic has not been adequately addressed in the EIR. The US Census Bureau has reported that the baby boomer generation will become senior citizens starting in the year 2011. California will be one of the top three states with the largest senior population and San Diego, in particular, will be one of the cities taking on a majority of this population. By the year 2030, it is expected that 19 percent of the San Diego County's population will be older than 65. As a resident of the San Dieguito Community, I have observed both a present and growing need for senior housing in our community. The General Plan Update is the perfect opportunity to address this overwhelming need that is expected to grow over the next 15-20 years. My comments to the EIR in this regard are as follows.

EIR Comments

I60-14. The Land Use (2.9) and Population and Housing (2.12) sections of the EIR should address the growing needs of seniors in the community. Currently, the only reference to the senior population I found is on page 2.12-4, which reads as follows:

> "Elderly persons are considered special needs residents because they may not be able to care for themselves, desire to live alone, have difficulty maintaining their homes, or prefer smaller homes or rental housing. Many elderly persons are also living on fixed incomes, which may require

Comment Letter I 60, Shapouri and Associates August 31--- Shapouri, Ali (Letter 2) (cont.)

spending increasingly larger proportions of income on housing, health care, and food.

According to 2008 SANDAG data, approximately 12 percent of the residents in the unincorporated area were age 65 and older in 2008 (SANDAG 2008c). According to 2000 Census data, approximately 31,258 households in the unincorporated area were headed by elderly persons in 2000 and the majority (88 percent) lived in owner households. Compared to other household types, a larger proportion of elderly households, particularly renter-households, were impacted by lower incomes.

I60-14. cont.

The elderly population is expected to increase in the next couple of decades. Associated with this change is an increase in a variety of senior housing needs, which include retirement communities, independent living, assisted living and nursing homes, shared housing, and other housing-related services."

While the EIR recongnizes the critical need for senior housing, it does not analyzeor provide for an approach to address this existing and future need. Specifically, in the San Dieguito Community Plan Area there is a high concentration of aging population that the existing General Plan Land Use Designations do not accommodate. Often time, aging seniors are forced to leave the community due to difficulties in maintaing their large 1 and 2-acre minimum lot size properties. This in turn causes them to lose existing social ties and in some instances, forcing them to live separate from their loved ones. Due to this lack of much needed retirement community living, smaller age-restricted homes and Continuing Care Retirement Communities (CCRC's) are needed. CCRC's are particularly beneficial since they are designed to maintain and improve seniors' health through the provision of a wide range of facilities and amenities in a comprehensive approach. These facilities provide resources for customized needs, amenities and memory and assisted care, allowing seniors to peacefully age in place.

I60-15.

I strongly believe that the General Plan EIR and Community Plan Amendment should discuss this need as well include provisions allowing various housing products for seniors, such as age restricted smaller homes, active senior housing, CCRC's, assisted care, dementia care, and skilled nursing homes. Based on my research of other communities and General Plans, the provision of these housing types can be accomplished through land use performance criteria and implemented through the Use Permit process. The County General Plan Update presents the opportunity to address the significant growing needs of the aging population, which are overwhelmingly evident as seen through various market studies and demographic anayses.

I60-16.

I60-17.

Comment Letter I 60, Shapouri and Associates August 31--- Shapouri, Ali (Letter 2) (cont.)

I60-18. Thank you for your consideration in this very important matter. I would appreciate the opportunity to meet with you to discuss these comments further. In addition, please do not hesitate to contact me directly should you have any questions or require any further information.

Sincerely,

Ali Shapouri, AICP
Principal Planner
Shapouri & Associates

Responses to Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1)

I60-1 The County does not agree with this comment. More detailed responses to the specific comments are provided below.

I60-2 It is not clear in this comment what the particular concern is or what is being identified as a specific deficiency with the DEIR. It appears that the commenter's concern is that the Land Use Analysis portion of the DEIR (Section 2.9) and the Existing Land Use Figure (Figure 2.9-1) do not show the specific land uses that exist on the tribal lands in the Pala/Pauma area. The County notes that the description of the Pala/Pauma area in DEIR Section 2.9.1.2, Community and Subregional Planning Areas, does make reference to the tribal lands, casinos, and resort development. While County staff is familiar with the existing extent and variety of uses on the tribal lands, it is not necessary to include a more detailed description of them here. This level of detail is not required by CEQA and would not improve the analysis. The three issue areas addressed in the Land Use section of the DEIR are 1) physical division of an established community; 2) conflicts with local plans, policies, and regulations; and 3) conflicts with Habitat Conservation Plans (HCPs) and Natural Communities Conservation Planning (NCCPs). The suggested detail is not necessary for these analyses.

I60-3 The County agrees that a small portion of Pala Band of Mission Indians reservation lands would meet the classification of “Village.” However, it is not necessarily the presence of the Pala Casino and Hotel that would support that classification. Rather it is the small community to the immediate north of the casino which contains some areas of single family village residential densities (four to six dwelling units per acre) and some community serving commercial and civic uses. The comment suggests that these lands be analyzed in the Land Use Element, seemingly referring to the draft General Plan. The County clarifies that these lands were taken into consideration in the development of the draft land use maps for the General Plan Update. The Pala community is located outside of the County Water Authority boundary. The surrounding area lacks substantial infrastructure and services and contains sensitive biological habitat and steep slopes. The proposal to designate lands as Rural Lands Regional Category adjacent to the reservation lands was done with recognition of the tribal developments and a clear policy that the surrounding area was not desired as a location for significant future growth. The County does not agree with the suggestion that the Rural Lands designation is incompatible with the Pala Casino and Hotel. In fact, resorts often are located in remote locations. Additionally, for most of the existing communities outside of the County Water Authority, the Draft Land Use Map quickly transitions to Rural Lands from the existing land uses (Pauma, Julian, and Boulevard are all good examples).

I60-4 The comment references the City of Temecula and its General Plan, neither of which is within or applicable to the County of San Diego or consistent with the General Plan Update.

I60-5 The determination that the listed projects could potentially impact the rural character of the project area is based on the fact that they propose large residential developments in areas where large residential developments do not exist. While the

Responses to Letter I 60, Shapouri and Associates August 28 --- Shapouri, Ali (Letter 1) (cont.)

County recognizes that potential impacts may be mitigated through siting, design, buffers, and other techniques, those details will be determined as part of the individual projects. The purpose of the quoted statement in the DEIR is to recognize the potential impact of cumulative projects that are not part of the proposed project. The County does not agree that the statement is not true, especially because it characterizes the impact as "potential."

I60-6 The County disagrees that DEIR Chapter 2.1, Aesthetics, needs to include a detailed list of existing land uses on tribal lands. Section 2.1.1.5 Community Character, under the Pala/Pauma Valley Subregion subheading is intended to provide general characteristics of the entire Subregion, rather than a detailed description of a specific area, such as a tribal reservation. DEIR Table 1-12 Projects on Tribal Lands in San Diego County describes planned expansion projects on tribal lands and is not intended to include existing land uses.

I60-7 The County disagrees that increased housing stock should be located adjacent to casinos due to development constraints and because it would not meet five of the ten project objectives, as discussed in DEIR Chapter 4, Project Alternatives, in Section 4.1.1 Alternatives Considered but Rejected, under the heading "Casino Focused Development Alternative".

I60-8 The County disagrees that more housing stock and a Village land use designation should be applied next to the casinos, for the reasons discussed in response to comment I60-7 above.

I60-9 The County acknowledges that the Hybrid Map Alternative would result in an increased number of acres in rural lands, when compared to the proposed project. This comment does not raise an environmental issue for which a response is required.

I60-10 This comment is implying that the proposed project should increase its housing stock adjacent to casinos, as described in DEIR Chapter 4 Project Alternative, under the subheading "Casino Focused Development Alternative." This alternative is included under Section 4.1.1 Alternatives Considered but Rejected for the reasons discussed in response to comment I60-7 above.

I60-11 The County does not agree that the Pala/Pauma Subregion is recognized as an area that should include residential designations to increase housing stock. To the contrary, it is identified as being outside of the County Water Authority boundary, lacking essential infrastructure and services, and containing sensitive biological habitat and steep slopes. All these characteristics and others support lower residential densities for this planning area.

I60-12 The County appreciates the commenters input but does not see a need to reevaluate the proposed project as requested.

Responses to Letter I 60, Shapouri and Associates August 31--- Shapouri, Ali (Letter 2)

I60-13 This comment suggests that the growing need for senior housing has not adequately been addressed in the EIR. It is not clear to the County how this is a CEQA-related issue and the commenter provides no specifics. To the extent required by State law, senior housing has been addressed in the proposed project which contains a number of programs to support senior housing.

I60-14 Accommodating senior housing is not an issue that requires analysis under CEQA; therefore, further response is not necessary.

I60-15 The County appreciates the information from the commenter and notes that the General Plan does support senior housing. Additionally, it supports a mixture of housing types in the unincorporated communities.

I60-16 Senior and other special needs housing is not an issue that requires analysis under CEQA; therefore, further response is not necessary. The County notes that many of the needs are addressed in the draft Housing Element and numerous zones in the County Zoning Ordinance accommodate age restricted housing and group care housing. The San Dieguito Community Plan is currently undergoing a comprehensive update that will occur separately from the General Plan Update. The County recommends that the commenter coordinate with the San Dieguito Community Planning Group, which is currently leading the community plan update planning process to recommend including a discussion concerning the need and provision of various housing products for seniors.

I60-17 The comment states that the General Plan Update “presents the ideal opportunity to address the significant growing needs of the aging population”; however, does not provide any specifics to respond to. Therefore, without specifically identifying the areas of concern, the County cannot address this assertion in greater detail.

I60-18 This comment provides concluding remarks and does not raise a significant environmental issue for which a response is required.

Comment Letter I 61, Shotwell, Keala

From: Keala [mailto:keala.lawson@cox.net]
Sent: Monday, August 24, 2009 4:02 PM
To: DPLU, gpupdate
Subject:

Dear Devon Muto,
Re: Draft General Plan

I61-1. I support the draft General Plan Community Plan Policy LU 1.9.5 regarding home horse boarding in Harmony Grove. I think it is important to allow those who keep horses at home the opportunity to board a few extra horses to help cover the costs of keeping their own animals. This will help to prevent the abandonment of pet horses and to preserve the rural nature of Harmony Grove. Many of us moved to this valley for the simple fact that horse keeping is a way of life for our families.

Keala Shotwell
2903 Eden Valley Lane
Escondido, CA 92029

Responses to Letter I 61, Shotwell, Keala

I61-1 This comment is in support of the Elfin Forest and Harmony Grove Community Plan Policy LU 1.9.5 within the San Dieguito Community Plan and does not raise a significant environmental issue for which a response is required.

Comment Letter I 62, Star Ranch, Barry DeVorzon

STAR RANCH
★ COMPANY, LLC ★

August 30th, 2009

Devon Muto
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: General Plan Update and EIR Review – Star Ranch, Campo, CA

Dear Mr. Muto,

I62-1. I am writing to you, in response to the General Plan Update and EIR effort that you are spearheading, to offer my comments as a landowner whose land is directly affected by your planning efforts. To give you some background, I have owned The Star Ranch, a 2,160 acre ranch in Campo, CA for over 40 years. I have continuously paid my taxes and run my ranch as a horse and cattle operation for those same 40 years. In all of those years, however, I have been unable to participate in any of the planning or governing activities for the area in which I am the dominant landowner because, like the majority of other large landowners in the back country of San Diego, I do not reside on my ranch. I am able to plan for many things concerning my ranch, with the exception of how it is allowed to be used or developed. I plan to pay for cattle, feed, ranch hands, a ranch manager, utilities and property taxes. I plan to support the local sports teams and give to the local fundraising events. I even plan to allow my ranch's barn to be used (for free) as the main gathering place for all of the local gatherings, fundraisers and dances. I am not allowed to plan, however, for what actually happens to my ranch.

I62-2. For 40 years, the planning for my land has been in the hands of other resident landowners, renters, squatters and transients who have been able to register to vote in Campo. I have been subjected to their whims and ideals for how MY land should be planned – and I have no vote in what happens. It seems that this trend is destined to continue because, without consulting me or taking my input, my ranch is now being "planned" for a reduction in density of 90%. This

I62-3. planning has been going on for over a decade now and the taxes I pay every year have funded the $15,000,000 effort to devalue my land.

I62-4. My concerns about the General Plan Update "plan" are many. I am concerned that the back country will suffer an economic blow it will never recover from, if its density is reduced by over 50%. I am concerned that the "plan" going forward is in direct conflict with what the San Diego

I62-5. voters want and have voiced multiple times at the polls (Prop B in 1998 and Prop A in 2004). I

I62-6. am concerned that the County is planning to add density to the coastal areas, already under water

Comment Letter I 62, Star Ranch, Barry DeVorzon (cont.)

I62-6. cont. restraints and rationing, when we have plentiful groundwater in many areas of the back country. I am concerned that large landowners, the majority of whom live out of the area, will no longer be able to afford to keep their ranches, which are increasingly unprofitable ventures, if the possibility of developing some or all their land under the same laws and plans that were in effect when they bought it, is taken off the table without some offsetting compensation. I am concerned

I62-7. that this plan, if allowed to process as it is now, will wreak havoc on the County's budgets, citizens and most importantly, our resident's peace of mind that they have a government which operates fairly and openly.

As I mentioned, the issue of large minimum parcel sizes has been sent to the voters twice in the past decade. Both times it was soundly defeated. Although I am simply a song writer in Montecito, and have never professed to be an economic or political expert, I wonder about the issue of fiduciary responsibility. It has cost over $15M and taken more than a decade to attempt

I62-8. to push through a plan which the voters in San Diego have clearly stated in TWO separate elections that they do not want. What type of government clearly ignores the will of the voters that elected them? Is this a fair and open government process? Additionally, where is the fairness to the landowners whose land is being devalued? There is clearly a lack of due process for the taxpayers who do not have the right to vote about what happens for their land.

The Department of Planning and Land Use has said that because CEQA does not require an economic analysis to be done, reviewing the impacts that this blanket devaluing of land will have is unnecessary. I have no words to express what a tragedy I think it is that in this day and age, with all of the technology and information available to us, we wouldn't take any time to at least inform ourselves about what the consequences of this action are going to be. Although I think it is truly reprehensible to march forward totally in the dark, while there is a torch in the form of

I62-9. information available to us, I see that legally there is not much I can do about it. I find myself in a different boat altogether when it comes to the situation regarding my personal ranch. I have done an "economic analysis" involving very simple addition and subtraction and see that should this plan go through and new laws govern my land, my land will be worth 90% less than it is now. Considering that my ranch, like many other ranches throughout the county, loses money every month, I have no choice but to stem the flow of money and develop homes. Whether it is forty homes or four hundred, the only next step available to me is to develop. Although I have stated many times throughout the years that I am concerned about the lack of fairness to all residents, landowners and voters throughout San Diego County when it comes to the GPU, I am specifically concerned about the fairness of the process to me. I have spent upwards of three

I62-10. million dollars and six years working with the County, scrambling to meet deadlines, funding County planner reviews, hiring consultants and doing surveys, studies and plan drawings.

Throughout this whole process, I have operated under the assumption that the County would hold firm to its promise that since I submitted my plan before the cut-off deadline of August 6th,

I62-11. 2003, my plan would process independently of the General Plan Update process. No fewer than 10 times over the past few years, however, I've been told that although in theory, that is what is happening, in reality County is not letting anything process now that does not conform to the as-yet-to-be-implemented General Plan Update. It is as if the GPU has been signed into law without

Comment Letter I 62, Star Ranch, Barry DeVorzon (cont.)

I62-11. cont. ever having been seen by the Supervisors. This is not only unfair, but may be illegal. And so, unlike the shameful situation of pushing a plan through without any economic data, it appears I actually might have a legal case here.

I62-12. I implore you as a taxpayer and landowner to take a look at the consequences that will occur should you push this plan through. This is not a plan that the citizens of the County want, that our budget can stand or that the landowners can handle. As a large landowner and project applicant, I also ask that you honor your commitments to let any projects through under the promises made to them when they were submitted while you figure out this debacle of a General Plan.

Sincerely,

Barry DeVorzon
Owner, The Star Ranch
31310 Highway 94
Campo, CA 91906

Responses to Letter I 62, Star Ranch, Barry DeVorzon

I62-1 This comment is introductory in nature and does not raise a significant environmental issue relative to the General Plan Update for which a response is required.

I62-2 This comment does not raise a significant environmental issue for which a response is required.

I62-3 This comment does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue. The comment references the cost of processing the proposed project, and alleges a 90 percent reduction in development potential. While the General Plan Update does reduce development potential, the 90 percent reduction in development potential claim is unsubstantiated. A portion of the property referenced, located in the Campo / Lake Morena Planning Area, is decreased to Rural Lands densities. Other portions are being increased in density to Rural Commercial, Semi-Rural 2 and Village Residential densities. Areas of the site that are proposed for Rural Lands designations were determined to have significant environmental constraints.

I62-4 The claim that the backcountry will suffer an economic blow is unsubstantiated. In addition, the issues raised in this comment are not related to an environmental issue pursuant to CEQA. See also responses to comments I26-1, I26-3, I29-1 and I57-99.

I62-5 This comment states that the reduced densities proposed by the General Plan Update are not supported by the citizens of the County of San Diego. The County does not agree. In 1993, voters Countywide approved the Forest Conservation Initiative (FCI), which drastically reduced densities throughout the eastern portions of the County near the National Forest. While the Rural Lands Initiative (Prop A), which would also have reduced density in the backcountry was defeated in 2004, the County does not agree that this defeat shows that the General Plan Update differs from voters' desires. On the contrary, the County believes that the voters were aware that the General Plan Update was also proposing to lower densities, but is proposing to do so as a result of a comprehensive planning process, rather than based on arbitrary decisions that Prop A would have imposed.

I62-6 The County does not agree with this comment. Groundwater supply was carefully evaluated in the General Plan Update Groundwater Study (Appendix D of the DEIR) and densities in the project were assigned accordingly. However, it should be noted that water supply was not the only constraint considered during design of the proposed project. In addition, the County does not agree that the General Plan Update adds density to the coastal areas. The proposed project would accommodate a reasonable share of the region's projected growth, focusing population growth in the western areas of the County where infrastructure and services are available.

I62-7 The County acknowledges the concerns expressed by the commenter. However, this comment does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required.

Responses to Letter I 62, Star Ranch, Barry DeVorzon (cont.)

I62-8 This comment provides the commenter's opinion regarding the General Plan Update process. It does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required. See also response to comment I62-5.

I62-9 The County agrees that an economic analysis is not required pursuant to CEQA. The remainder of the comment does not raise a significant environmental issue for which a response is required.

I62-10 This comment provides the commenter's opinion regarding the General Plan Update process. It does not address the adequacy or accuracy of the DEIR and does not raise a significant environmental issue for which a response is required.

I62-11 The County does not agree with the implied conclusion of this comment, that it is processing projects only in conformance with the unapproved General Plan Update. Without substantial evidence or further reasoning for the given conclusion, no further response can be provided.

I62-12 The comment provides concluding statements and does not raise a significant environmental issue for which a response is required.

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq.

PSH PRAIRIE SCHWARTZ HEIDEL, LLP

WWW.PSHLAWYERS.COM

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OMAR T. PASSONS

WRITER'S EMAIL:
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August 31, 2009

VIA E-MAIL AND U.S. MAIL

Mr. Eric Gibson
Director
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Re: Star Ranch Project in Campo/Lake Morena Planning Area -- Coordination with General Plan Update

Dear Mr. Gibson:

I63-1. We are taking this opportunity to express the concerns of our client, Star Ranch, on the General Plan Update and the draft EIR presently out for public review. We also are commenting on the need for the Update to take into account the pendency of the Star Ranch project's applications for a General Plan Amendment, Rezone and Tentative Subdivision Map of its property in the Campo/Lake Morena Community Planning Area.

I63-2. Star Ranch filed an application to amend the Campo/Lake Morena Community Plan under a Plan Amendment Authorization (PAA) 03-016. That PAA application was deemed complete on the August 6, 2003 deadline set by the Board of Supervisors. A tentative map (TM 5459 RPL), a General Plan Amendment (GPA 05-008), a Specific Plan (SP 05-002) and the Draft Environmental Impact Report (DEIR) have since been filed and remain in active process with the County.

I63-3. Star Ranch is hopeful that it will be able to complete processing of its applications before final Board of Supervisors' action on the General Plan Update. However, it is possible that the Update would be approved earlier. We are, therefore, seeking a change in Update designations under which the County will accommodate the Star Ranch project in the General Plan Update in the event that Star Ranch is not heard and acted upon by the Board of Supervisors prior to final action on the Update.

I63-4. The Draft EIR is in error in outlining on pages 1-25 and 1-26 the "Pipeline Policies" based on the Board of Supervisors' direction of August 6, 2003. At page 1-25 the text states:

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

PSH PRAIRIE SCHWARTZ HEIDEL, LLP

Mr. Eric Gibson
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> "Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies were approved; one for new Plan Amendment Authorizations (PAAs) and new specific plans and one for TMs or Tentative Parcel Maps (TPMs)."

In addition, at page 1-26, the Draft EIR states:

> "The policy developed for new PAAs and specific plans provides that applications submitted and deemed complete on or before July 23, 2003 be processed under the provisions of the current General Plan while applications deemed complete after July 23, 2003 be subject to the provisions of the General Plan in effect when the project is approved or disapproved."

I63-4. cont.

While the staff's second recommendation for that Board of Supervisors' action did set July 23, 2003 as the cutoff date for pipelining, the action of the Board of Supervisors was as follows:

> ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board of Supervisors closed the Hearing; directed the Chief Administrative Officer to review the extent of the problems and inconsistencies that are posed by subdivisions and come back to the Board in 60 days with a report of possible solutions; **changed dates reflected in the second recommendation to read August 6, 2003, and took action as recommended**." (Emphasis added.)

We are attaching for your information a copy of the Minute Order of the Board of Supervisors dated August 6, 2003 (Item 3).

I63-5.

The Star Ranch team worked diligently with County staff and the community during the early meetings and hearings on General Plan 2020 in the 2002-2003 time frame. None of the resulting General Plan Update's proposed maps will accommodate the Star Ranch project. Star Ranch's proposal has been to provide the land for a significant portion of the Village of Cameron Corners, and the density and necessary services and amenities to make Cameron Corners a reality. The Star Ranch property and the Cameron Corners Village situation were identified by the Board of Supervisors as a unique circumstance and were the subject of Referral No. 169 with the staff directed to work with the Star Ranch ownership and the community to resolve the situation. However, it is the view of the Star Ranch ownership that staff made no serious effort to resolve differences which resulted in the current General Plan Update proposals limiting the size of the Cameron Corners Village area and restricting the densities which would be allowed in the Village. General Plan policies which provide for concentration of development adjacent to maximum infrastructure were apparently ignored in this case. Accordingly, the Star Ranch project would become economically infeasible, not to mention the fact that, as a practical matter, Cameron Corners would not develop into a viable Village as proposed.

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

PSH PRAIRIE SCHWARTZ HEIDEL, LLP

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I63-6. It is also the view of the Star Ranch ownership that the Draft EIR misinterprets the requirements for addressing global warming because, due to the very low residential densities proposed for the East County area, commutes are maximized rather than minimized forcing residents of the backcountry area to drive long distances to and from their places of employment. In addition, as the backcountry area builds an economic base, including Border Patrol facilities, park service facilities, and employment at East County gaming facilities, the restricted amount of residential density requires employees of the growing economic base to commute from the urbanized area of the County and from the County of Imperial.

I63-7. One concern about the sufficiency of the Draft EIR is the lack of serious analysis of the cumulative impacts of projects presently in process which propose amendments to the existing General Plan. Individual projects taken alone may have minimal impacts, but the impacts become cumulatively considerable when taken as a whole.

I63-8. This concern is matched by the additional concern about the Update policy which focuses development into the areas served by the County Water Authority. Star Ranch has raised in the past the concern that projects served by imported water may be seriously impacted by restrictions on the amount of water that may be available due to supply and environmental constraint considerations. The situation is further exacerbated by recently adopted State legislation which will reduce dramatically future use of carbon polluting energy associated with the transport and treatment of imported water. The Star Ranch groundwater supply is sufficient to accommodate the project's proposed uses with water left over.

I63-9. Making proper use of the groundwater resources in the County should be a goal of the Update. Rather than providing more flexibility in implementing appropriate use of groundwater, the Update unduly restricts that use by its emphasis on diminishing densities in the backcountry areas. This issue will be discussed in more detail in the companion letter sent by the Star Ranch ownership itself.

I63-10. Another concern for Star Ranch is the apparent failure to address the "State mandated" requirement to maintain a reasonable supply of housing, at all levels of affordability, to support the projected need throughout the rural areas of our County. The categorical ten and twenty-fold density reductions in privately owned lands, dropping densities to 1/40 and 1/80 acres, essentially precludes any market base housing from being developed anywhere in our rural areas to meet the housing needs forecast over the next 20-30 year planning horizon. It just costs more to build the house than it would be worth to sell, so it will not happen. The practical effect of this density reduction is a wholesale moratorium on new housing in rural lands for the foreseeable future.

I63-11. There is a nexus apparent in the reduced densities proposed by the General Plan Update and the companion East County MSCP program which contemplates designating virtually all of the backcountry's "reduced density" properties for total habitat preservation." This raises the

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

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I63-11. cont. issue of a potential taking given the fact that the reduced densities would lower the economic value of the properties involved to a fraction of current value under the existing General Plan. This is of serious concern when the County in the future will be looking to acquire much of the property for MSCP purposes.

I63-12. The County has processed the Star Ranch applications for a number of years recognizing the plan it proposed insofar as it changes the General Plan and calls for the adoption of a Specific Plan. Star Ranch proceeded in good faith reliance and expended millions of dollars on the assumption that the project would be accommodated in the General Plan Update or allowed concurrent process approval without additional jeopardy. Star Ranch could well suffer serious financial consequences if the General Plan Update's proposed designations are implemented. Rather, the density reductions would appear to be more in the nature of a taking and a de facto moratorium on development in the backcountry area. The density reductions are a significant disincentive to private investment in this area, and the lack of public funds for such purposes virtually guarantees decades of nondevelopment.

I63-13.

I63-14. In conclusion, we assert, based on the above, that the Draft EIR should be modified to take these comments into consideration and that the Star Ranch proposal must be more clearly and fully recognized in the General Plan Update text and maps. This will allow the Planning Commission and the Board of Supervisors to consider the project when the Update hearings are held and final action is taken on the Update.

Thank you for your courtesy and consideration. Please let me know if you have any questions or need more information.

Very truly yours,

William J. Schwartz, Jr.

WJS:mam
Enclosure
cc: Mr. Barry DeVorzon
Mr. Doug Paul

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Draft Environmental Impact Report for the Valley Center Road Widening Project, SCH No. 1999021081, on file in the Department of Public Works has been completed in compliance with California Environmental Act (CEQA) and State and County CEQA Guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors.

2. Find that there are no changes in the project or in circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified EIR, dated February 2000, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was prepared.

3. Approve the real property contract for a portion of Assessor's Parcel Number 188-260-64 from David and Glory Jensen for $37,000.

4. Authorize the Director, Department of General Services, or assignee, to execute all escrow and related documents necessary to complete the purchase.

ACTION:
ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board of Supervisors withdrew this item at the request of the Chief Administrative Officer, on Consent.

AYES: Cox, Jacob, Roberts, Horn
ABSENT: Slater

3. **SUBJECT:** **NOTICED PUBLIC HEARING: PIPELINING POLICIES FOR GENERAL PLAN 2020 (DISTRICT: ALL)**

OVERVIEW:
General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the county. In several areas of the County, General Plan 2020 proposes to change land use designations and densities from those in the existing General Plan. Because of this, some applications for General Plan Amendments or Tentative Maps that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue in a timely manner, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with a draft policy to resolve

Comment Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

conflicts for applications that are currently in process. This issue is commonly referred to as "pipelining". Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies are recommended; one for Plan Amendment Authorizations or Specific Plans, and one for Tentative Maps or Tentative Parcel Maps. If approved, the recommendations listed below would establish pipelining policies to be used in connection with General Plan 2020.

FISCAL IMPACT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
Find that the proposed action is exempt from the California Environmental Quality Act as specified under sections 15061(b)(1) and 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated July 16, 2003, on file with the Department of Planning and Land Use.

Determine that applications for new Plan Amendment Authorizations or new Specific Plans must be submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, in order to be processed under the provisions of the current General Plan. Applications for Specific Plans submitted after July 23, 2003, shall be governed by the General Plan in effect at the time the Specific Plan is approved.

Determine that applications for Tentative Maps or Tentative Parcel Maps that are submitted and deemed complete by the Department of Planning and Land Use on or before August 6, 2003, will be processed under the provisions of the current General Plan. Applications for Tentative Maps or Tentative Parcel Maps that are deemed complete after August 6, 2003, shall be governed by the General Plan in effect at the time the Tentative Map or Tentative Parcel Map is approved or disapproved.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board of Supervisors closed the Hearing; directed the Chief Administrative Officer to review the extent of the problems and inconsistencies that are posed by subdivisions and come back to the Board in 60 days with a report of possible solutions; changed dates reflected in the second recommendation to read August 6, 2003, and took action as recommended.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. SUBJECT: GENERAL PLAN 2020 INTEREST GROUP MEMBERSHIP (DISTRICT: ALL)

OVERVIEW:
General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the

Responses to Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq.

I63-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I63-2 The County agrees that the Star Ranch Planned Amendment Authorization was submitted before the pipeline date and that the associated projects are filed and remain in process with the County.

I63-3 The General Plan Update proposed project has been prepared by working with residents, community and interest groups and ultimately will be presented to the Board of Supervisors for adoption. County staff does not support any increase in densities for the Star Ranch development based on analysis in the DEIR.

I63-4 The County agrees with the comment and has made the appropriate revisions to the Project Description in DEIR Section1.12.2, as suggested.

I63-5 The County disagrees with the claim that it did not make a serious effort to resolve differences in the community. The County hosted numerous hearings, worked with a Subcommittee of the Planning Group and developed the land use map that is shown in the proposed project. This process was presented to the Board of Supervisors at a Hearing in May of 2005, where the current land use plan was endorsed by the Board of Supervisors. The County disagrees with the claim that the proposed project is "limiting the size of the Cameron Corners Village area and restricting the densities which would be allowed in the village." The Cameron Corners Rural Village in the proposed project contains additional residential density over the No Project Alternative. .

I63-6 The County agrees that residents in rural areas of East County generally commute long distances to places of employment. However, the County does not agree that maintaining existing density or increasing density or intensity would alleviate emissions impacts. On the contrary, this approach would result in more commuters and greater emissions coupled with less natural vegetation to absorb carbon dioxide.

The County has taken border patrol and gaming facilities into account in its planning. It is not clear what park service facilities the comment is referring to. However, it should be noted that County park services are being evaluated as part of the emissions inventory and Climate Action Plan that the County is developing. As such, measures will be implemented to minimize potential climate change impacts associated with County facilities and services.

I63-7 The comment is unclear on how it claims the cumulative impacts are insufficient, so no response can be provided. Cumulative Impacts were analyzed as discussed in DEIR Section 1.14.1, with consideration given to past, present, and probable future general plan amendment projects. Moreover, determinations regarding cumulative impacts are discussed under each subject area in Chapter 2 of the DEIR.

Responses to Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

I63-8 The County does not agree with this comment. Water availability is discussed in Section 2.16 of the DEIR. The shortage in water supply, including the impacts of the state activities and current drought, are both addressed.

I63-9 The County does not agree with this comment. Groundwater resources are utilized appropriately in the General Plan Update; however, due to the limitations of groundwater recharge, groundwater dependant areas will not support a significant amount of the population that San Diego expects to occur in reasonable planning horizons. This issue is addressed in more detail in response to Comment I63-6.

I63-10 The County does not agree with this comment. State housing requirements are highly regulated on 5 to 8 year cycles, requiring an inventory of Low, Very Low, Moderate and Above Moderate Income. The County has worked with the State Department of Housing and Community Development with three submissions of the Housing Element, where recent comments from the state have been primarily concentrated on the amount of Low and Very Low income housing accommodated, generally considered 20 dwelling units per acre and higher densities. The County has continually shown that the proposed project accommodates a sufficient amount of housing for Moderate and Above Moderate incomes, and is in line with regional growth forecasts for additional housing units.

I63-11 The County does not agree with this comment. The draft East County MSCP is in preliminary stages but does not propose to place any private lands within designations that mandate “total habitat preservation.” The County does not agree that the proposed project or other draft plans would result in a potential taking. The General Plan Update would result in lower densities in some areas when compared to the existing General Plan. This change is appropriate for a comprehensive update of the County’s General Plan and is based on sound planning principles. The project does not propose any changes that would prohibit reasonable economic use of private lands. The comment further contends that the County proposes to reduce densities in East County so as to gain a monetary benefit in the future when seeking to acquire preserve lands. The County does not agree with this assertion for the following reasons: lands with lower General Plan densities do not necessarily have lower economic value, especially if such lands have high mitigation value; at the present time, the County does not have a plan regarding where lands would likely be acquired for the East County MSCP if it is adopted; and the proposed General Plan Update was prepared using sound planning principles and in-depth analysis of existing conditions and constraints.

I63-12 The County recognizes that Star Ranch is a separate discretionary project from the proposed project, and as such has allowed the Star Ranch project to process as a pipelined project on a separate track from the General Plan Update to be reviewed based on its own merits. However, processing a discretionary Plan Amendment Authorization, regardless of how much money is spent on the project, is not a guarantee that it will be approved. Ultimately it will be up to the Board of Supervisors to approve or not approve the Star Ranch General Plan Amendment, and associated Specific Plan and Tentative Map.

Responses to Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

The applicant submitted Specific Plan, Tentative Map, General Plan Amendment, and Rezone applications on October 21, 2005 (Star Ranch Specific Plan). The submittal date for Star Ranch was more than one year after the Board of Supervisors endorsed a draft Land Use Map for the Mountain Empire Subregion, the proposed location for Star Ranch. When the Department of Planning and Land Use issued the Star Ranch Scoping Letter on February 22, 2006, the letter contained a list of major project issues, planning and environmental comments, estimated project schedule, and a fact sheet on the General Plan Update. One of the major issues identified in the Scoping Letter was the proposal's lack of consistency with the General Plan. In addition, the estimated project schedule demonstrated that the project could be presented before a decision making body by January 23, 2008. The fact sheet informed the applicant of the potential effect of the General Plan Update on the major subdivision, and it noted that "all privately owned parcels located within the unincorporated areas of the County are potentially subject to changes to the maximum residential density allowed by the current General Plan." Thus, it appears that written documentation adequately warned the Star Ranch applicant regarding the risk related to consistency with the current as well as the draft General Plan.

The Star Ranch applicant has had four years to process the project, as measured from the date of issuance of the scoping letter. That timeline exceeds the estimated project schedule by over two years. The applicant is responsible for ensuring that the estimated timeline and other outstanding issues are addressed. Unfortunately, the County has received no comprehensive submittal since the issuance of the original Star Ranch Scoping Letter in February of 2006, which prevents the County from processing the project in accordance with the estimated project schedule. The Star Ranch project was re-scoped on August 15, 2008 with issuance of an updated Scoping Letter. The applicant was notified in the updated letter, and in meetings since then, that if the General Plan Update is adopted prior to completion of the tentative approval process for Star Ranch, then the Star Ranch project and its associated documents would need to be updated to address conformance with the General Plan Update. The applicant has been routinely informed of the pending General Plan Update since the issuance of the original Scoping Letter in February 2006. Therefore, the County questions the statement in the comment that Star Ranch proceeded "on the assumption that the project would be accommodated in the General Plan Update or allowed concurrent process approval without additional jeopardy."

I63-13 The County agrees that the density reductions (when compared to the existing General Plan) are intended to reduce development in the backcountry area and focus development where infrastructure and services are currently available. One rationale for limiting development in the backcountry is described in the Chapter 2 of the draft General Plan under Guiding Principle 9, which discusses how in national studies it has been determined that residential development does not pay for itself, and the costs for providing infrastructure in semi-rural areas is greater than in high density areas.

Responses to Letter I 63, Star Ranch (Represented by Prairie Schwartz Heidel, LLP), William J. Schwartz, Esq. (cont.)

I63-14 The County disagrees that the DEIR should be modified and that the Star Ranch proposal should be included in the General Plan Update. The General Plan Update and the Star Ranch project have always proceeded on separate tracks and the County has intended for each to be judged on its own merits as a separate project. . The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

Comment Letter I 64, Starkey, Rodney and Alameda

Rodney and Almeda Starkey
BAR SR Ranch
3485 La Posta Truck Trail PINE VALLEY 91962
(619) 478-5108

Devon Muto
San Diego County
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
August 31, 2009

RE: **1. Comments on the Areas Of Differences (AOD) for #164 in Appendix L in the Draft Environmental Impact Report to the San Diego County General Plan Update previously known as General Plan GP2020, page 12.8, APN # 528-170-01.**

We are opposed to the downzoning of our property on all the maps. We would ask for reconsideration to existing or Semi-rural 10.

I64-1. **Brief History:**
The Starkey family has been involved in the planning process since before the year 2000. We are opposed to the downzoning of our parcel 528-170-011 in the Mountain Empire Subregion. This 162 acre parcel is currently zoned 1du/8acres. We have consistently requested Semi-rural 10. We have no Planning group or representative from the county informing us of the many changes/documents/ and deadlines. Last year we found out that the County of San Diego placed our property on the referral and hybrid maps as 1/80. We were quite dismayed after all the time and effort we had put in the process, we once again had to request changes. In April 2008 LeAnn Carmichael, of the County called and stated

I64-2. they had corrected the maps. There have been many new changes in staff, direction and consulting firms and the public has been severely hindered in participating in the process. We have written many letters through the years and we would ask that you review all of them.

Motions made on this parcel to date:

I64-3. September 12, 2003 Planning Commission: Motion 4-1-0 for density 1/20
Board of Supervisors 1/20 on the referral map
Board of Supervisors 1/10 on the circulation map

Request for extension:

I64-4. We attended the NOP meeting on April 28, 2008. At that meeting a project schedule was handed out and it showed that public review and hearings would begin in October 2009. (enclosure) Many scheduled their vacations and did not anticipate these documents to be out for review and therefore, we would request additional time to review these documents. It has taken the county over 10 years and because the DEIR was released for

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-4. cont. review before the scheduled time we would ask for additional time to review the DEIR and the General Plan.

General Plan and the NCCP/HCP (MSCP)

I64-5. The General Plan and the MSCP are two separate dynamic processes with different goals and regulations and should not be interwoven. The general plan is designed to balance environmental, social, economic and political concerns in the unincorporated area of San Diego County. With State and Federal funding in question, The General Plan relies too heavily on the implementation of the MSCP (NCCP/HCP) and any mention of the MSCP should be removed from the General Plan since the process is very controversial and is still in flux.

Summary:

In closing, we could not review all the material presented given the time constraints. We are enclosing the following comments:

I64-6.

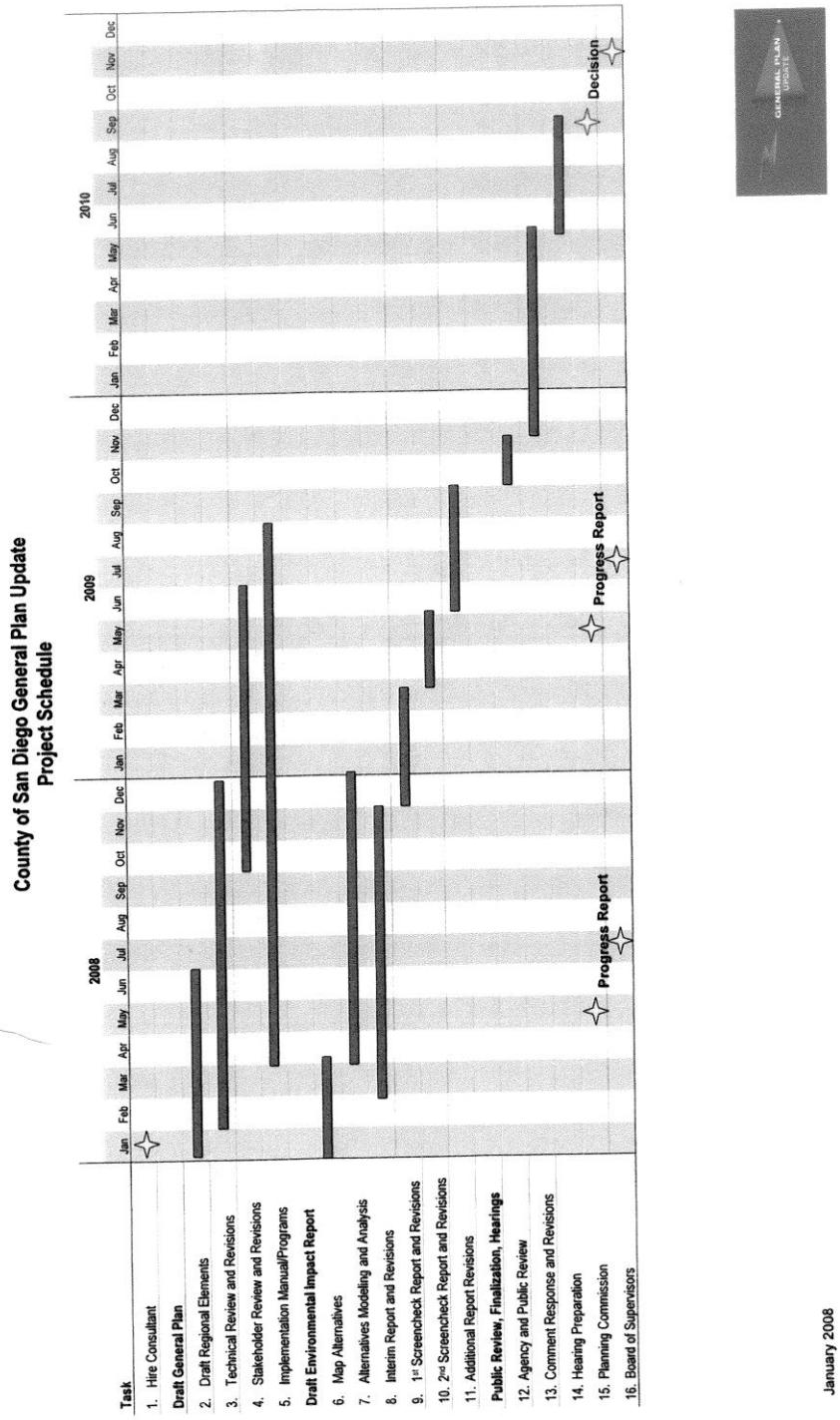
1. On our parcel; APN #528-170-01 (AOD) Areas of Difference in the Appendix (15 pages)
2. Comments on the Agricultural section (7pages)
3. Comments on the inadequacies found in the Draft Environmental Impact Report regarding the dangers of wildlife corridors and the significant negative impacts especially to the Agricultural industry and to the security of our Food Supply.(6 pages)

If you have any further comments or questions please contact us.

Sincerely,

Rodney and Almeda Starkey

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)



Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

AREAS OF DIFFERENCE

ME3: Site Analysis

Property Description	Site Analysis		Land Use Alternatives
Referral Name [#]: Starky [164]	Prevalence of Constraints ● – high; ◒ – partially; ○ - none		Referral Map: RL-20
Location/Description: • 146.9 ac (1 parcel) • Outside CWA boundary • North of I-8 and east of La Posta Truck Trail Existing General Plan: (17) 1 du/ 2, 4 ac	Steep slope (greater than 25%)	○	Hybrid: RL-20
	Floodplain	○	Draft Land Use: RL-40
	Wetlands (also Vernal Pools)	◒	Environmentally Superior: RL-80
	Critical Biological Resource Areas	○	
	Agricultural Lands	◒	
Context: This AOD is comprised of undeveloped land bordered to the west by rural residential land.	Other: Fire Service Deficiency – The response time in this region is greater than 23 minutes and is not consistent with a RL-20 designation.		CPG Recommendation: No CPG/CSG

Project Description: (Please note corrections)

I64-7. 1. Who prepared the description of APN #528-170-01? Please provide all names and exactly their task.

I64-8. 2. Why are some parcels under the heading Referral name: have n/a, no property owner's name or APN#? This needs to be corrected

I64-9. 3. Under referral Name for #164 it spells our name as "Starky" this is wrong it is spelled Starkey

I64-10. 4. What documents did you use for location/description? APN# 528-170-01 is 162 acres not 146.9 acre. Where did this acreage number come from? Was this taken from a proposed county or NGO plan?

I64-11. 5. Under the existing general plan we are (18) 1du/8 acre.

Context:

I64-12. It states that the AOD is comprised of undeveloped land bordered to the west by rural residential. This needs to be corrected. Our ranch is not undeveloped, The majority of this parcel is in irrigated agriculture with pumps and irrigation pipes, apiary center, cow-calf operation with shelters, and aquaculture. We have two residential properties (one approx 7 acres) adjacent to the north of our ranch. Our ranch is an inset into the La Posta Indian Reservation and is not in FCI. This area of the reservation has been used for mining aggregate and is shown on their land use map, to be used for commercial and industrial use. DPW approved the county maintained road, La Posta Truck Trail for #400 double

I64-13. trailer sand trucks/day for there mining operation. It has been discussed in prior years by the Interest group, the Steering committee, Planning groups and members of the Board of Supervisors that property in and around Reservations should be considered differently and should not be downzoned. The parcel adjacent to our southern border is also owned

I64-14. by The La Posta Tribe. This land has also been mined in the past for aggregate. Cleveland National Forest is adjacent only at our western boundary. As shown in the maps enclosed we have existing parcelization near our ranch. TMP 20109 is adjacent to our 60 ft. easement into our ranch from the county maintained road La Posta Truck Trail. The county has portrayed our ranch as rural yet our proximity to Interstate 8, the largest

I64-15. employer/job center in the back country namely the multi-agency Border Patrol station, cottage industries, La Posta diner, and other existing subdivisions exemplifies semi-rural not rural. Please reconsider our request to semi-rural 10.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-16. Page 2 Areas of Difference: (Draft EIR Appendix L) **Site Analysis: Starkey #164** Define partial constraints for wetlands? Who did the wetland delineation? Please name the people by name at DPLU and their expertise or the consulting firm and the persons names involved with their curriculum vitae. When were these tests performed and what criteria were used? What is the definition of vernal pool?

I64-17. What is meant by partial constraints to Agriculture? What personnel were involved with making this assessment and what are their qualifications/curriculum vitae?

I64-18. Food-producing land should not be considered development nor should it be hindered by development. It is folly to reduce the national self sufficiency in food supplies. More attention needs to be spent to expand food agriculture not diminish them by excessive regulations or limit expansion due to wildlife conservation unless the landowner applies for such programs. Wildlife conservation is not synonymous with food agriculture. They are not compatible and pose certain health and security risks. We need to protect the

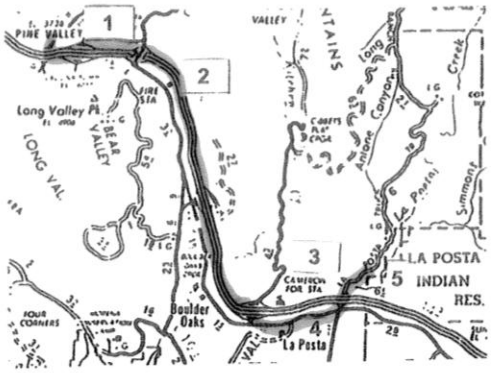
I64-19. economic viability of agriculture in this country. This General Plan is inadequate in addressing these issues.

I64-20. **Other: Starkey #164 We do not agree with the county's assessment for fire service for our property. How was this determined and by whom? Please provide the date when surveys were done, circulation route, time of day and how many times survey was done?** Our ranch is known as Agriculture of State wide importance. As such we have several $100,000 invested in irrigation equipment, we have a lake and ample water to put out fires in this region. Our ranch is certainly not fire service deficient. Through the past 30 years we have provided the local communities, Caltrans, the sheriff and fire departments with the water they needed to put out fires throughout the county. The most

I64-21. recent was the military helicopter that crashed in Fred Canyon in May of this year. For 2 days straight helicopters came every 5 minutes to get water to extinguish the fire, since fire crews could not enter due to threat of live ammunition still viable at crash site. (Picture below) This picture shows a Sheriff helicopter removing water from the Starkey Lake for the fire in Fred canyon. Picture taken by Dr. Starkey on 5-6-09

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

1



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3

4

I64-22.

Fire Service For Referral #164
The DEIR states that the response time is 23 minutes. This is false. The Starkey family has a business in Pine Valley and travels to town most every day. It takes 10-15 mins.

#1 Pine Valley Fire Department
On August 13, 2009, Dr. Starkey left Pine Valley Fire Station, traveled east on I-8 East at the speed limit, exited at Kitchen Creek off ramp, traveled east on old Highway 80 to the BAR SR ranch gate Travel time was 13.5 minutes. (See Map)

#2 **Glencliff Fire Station**
On August 14, 209, Dr. Starkey drove from Glencliff Fire station to ranch gate. Travel Time was 11 minutes.

#3 Cameron Fire Station
On August 18, 2009 Dr. Starkey drove From Cameron Fire station to the BAR SR Ranch gate in less than 5 minutes.

#4 Border Patrol Station
On August 18, 2009, Dr. Starkey drove From the New Border Patrol Station which Is a multi agency facility and has a Heliport that CBP Air San Diego uses. Travel time from the Border Patrol Station To the BAR SR gate was less than 5 mins.

#5 Bar SR Ranch

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Discussion of Areas of Difference:
Map Alternatives and Fulfillment of Guiding Principles

#1 Support reasonable share of projected population growth

I64-23. One can see from the SANDAG 2030 forecast table below that the lack of accessible housing in East County is a major concern to the region's residents and employers. Has the "Housing Element" pursuant to Section 65585 of the Government Code been reviewed for compliance with state law and what were their findings? Isn't it mandatory that the housing element obtain approval from the state? The lack of housing threatens not only the area's overall value of life in East County but its economic vitality as well.

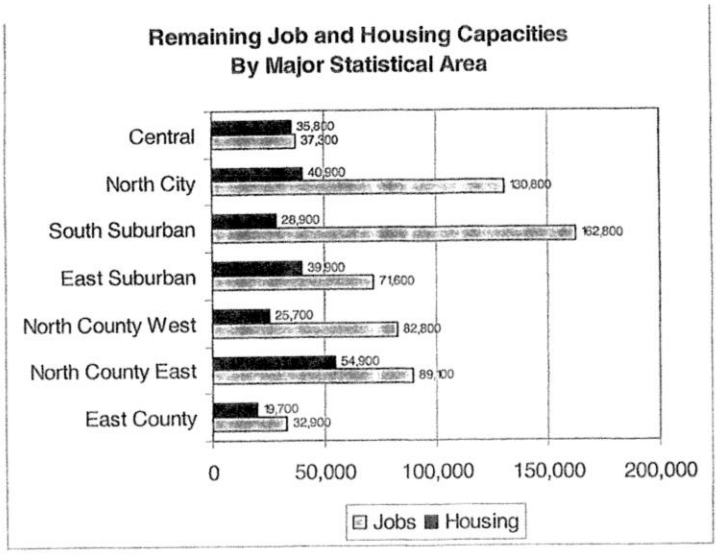
Reconsideration of #164 as existing or SR-10.

I64-24. The map alternatives for the Guiding principles #1 for referral #164 in the Draft EIR is inadequate and unacceptable. We have seen great changes in how we view growth management post 911. In the last few years the Navy base on La Posta Road has enlarged it's facility and military activities. We also have one of the largest employers in East County at La Posta. This government employer is of "Vital Statewide Importance"

I64-25. It is the United States Border Patrol with it's multi-agency cooperation with CBP Air and Marine San Diego. This Government Facility employs 300-500 officers and support staff .Not only does it provide Homeland security from illegal immigrants and drug trafficking but also it provides training for new recruits. We must provide provisions for growth in this area for our government employees. The lack of housing must be corrected.

I64-26. Many supervisors and employees drive from areas as far away as Chula Vista and from other counties such as Imperial Valley. The purpose of this plan was to promote "Smart Growth." Instead of downzoning in this area of East County we need to at a minimum keep the existing zoning and to recognize that La Posta should be considered a place to locate a new village in the near future. The General Plan must account for the growth of military and Homeland security training facilities. The housing element must be reviewed as frequently as needed.

I64-27. The general plan must be flexible so we can support this new population growth in this sector of East County. The DEIR is inadequate in addressing the Housing element and population growth which is vitally important in this area.



Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Discussion of Areas of Difference: #164
Map Alternatives and fulfillment of Guiding Principles

I64-28. **#2 Guiding Principle states "Reduce land consumption and promote sustainability" in Appendix L and In the DEIR it states on page S-2 "Promote sustainability by locating new development near existing infrastructure, services and jobs"** The two statements are different, which one is policy #2?

I64-29. East County has only 23% of it's land in Private ownership (see table below) As a small business owner the proposed downzoning in all these plans pose enormous economic constraints that do not promote sustainability for businesses in East County. This is why Map Alternatives LU & ES are unacceptable. We need to encourage communities near transit corridors. Interstate-8 is a major transit corridor used by truckers, tourists and residents in the area. Referral Parcel #164 is near this major corridor. Interstate-8 is also

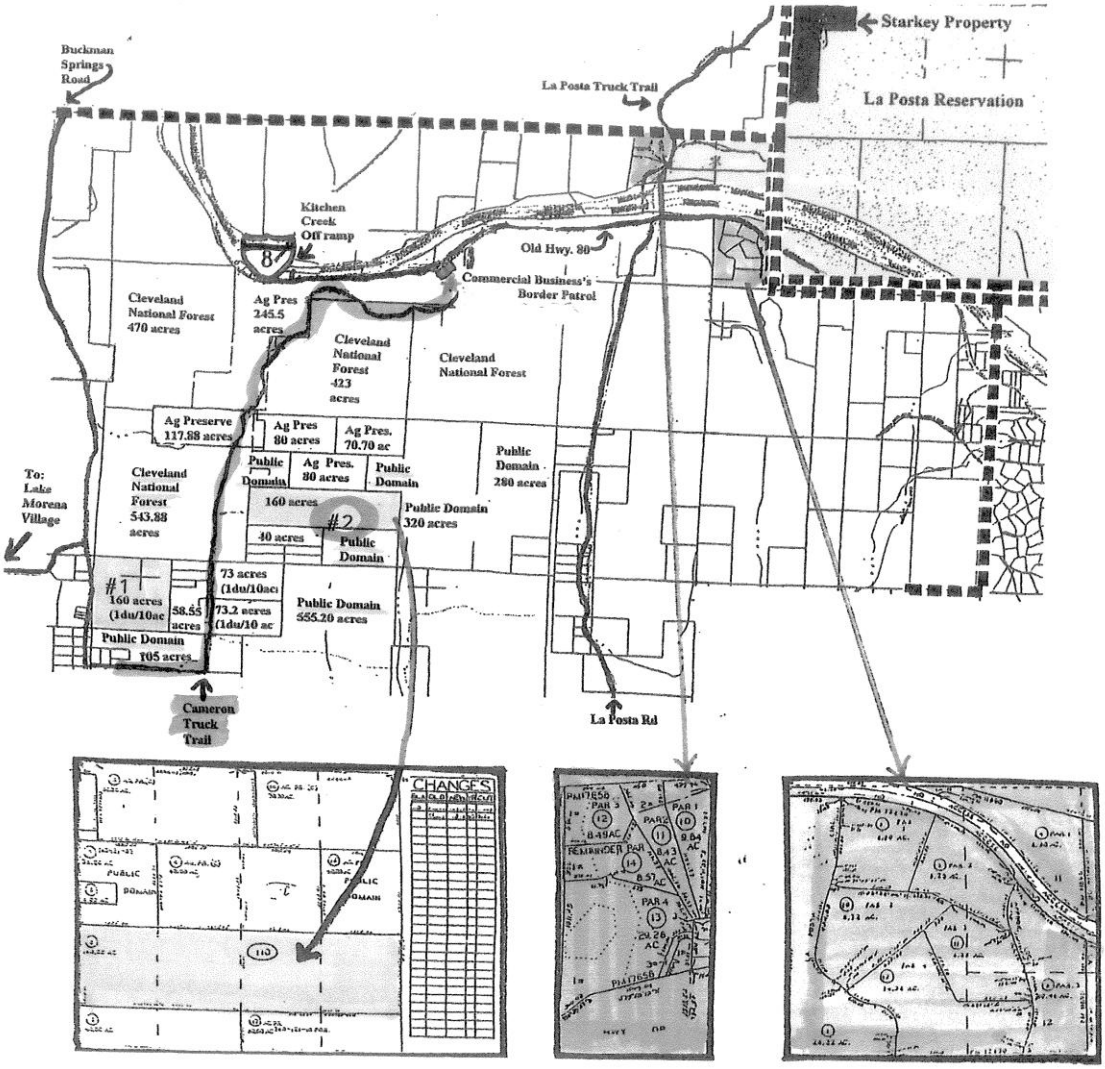
I64-30. part of Operation Stonegate (OPSG) which means that Interstate 8 has 7/24 sheriff protection. With OPSG, USBP and CBP Air San Diego around the corner of our ranch we feel more secure. Many communities do not have (OPSG) available to them.

I64-31. Our ranch is accessed through La Posta Truck Trail, a county maintained road. This county road was approved for 400 sand trucks by DPW and is the access road to little La Posta Reservation and the Cuyapaipe Indian Reservation. With permission you can access S1 in the Laguna Mountains in case of emergencies. As a comparison to referral parcel #164 there are at least 2 160 acre parcels near by who use Cameron Truck Trail to access their property. Cameron Truck Trail is not a county maintained road. In March 2005, In The newspaper The Mountain Pioneer, on page 5, An article entitled "Bumpy roads cut Back Country residents off from mail delivery" It stated that "residents on Cameron Truck trail, were informed recently that poor roads have caused mail service to be discontinued to their residences on narrow dirt roads not maintained by the county" These properties have more constraints such as steep slope and surrounded by public lands (see prior letters) and they received 1du/20 acres on all the maps. The landowners of these parcels were members of a planning group and did not go through the grueling process as the Starkey family. We believe the process has been unfair and that there has definitely been a conflict of interest demonstrated throughout the process. We believe #164 should be considered as SR-10.

EAST COUNTY LAND OWNERSHIP

Ownership	Acres	Percent of Study Area
BUREAU OF LAND MANAGEMENT	144,091.82	9.30%
CALIFORNIA DEPARTMENT OF FISH AND GAME	7,181.80	0.46%
CITY	17,780.83	1.15%
COUNTY	11,691.03	0.76%
FIRE DISTRICTS	11.16	0.00%
INDIAN RESERVATIONS	96,713.27	6.28%
MILITARY RESERVATIONS	1,168.91	0.07%
NGO	4,992.21	0.32%
OTHER FEDERAL	289.67	0.02%
OTHER SPECIAL DISTRICTS	2,068.07	0.13%
PRIVATE	352,127.41	22.74%
SANITATION DISTRICTS	20.64	0.00%
SCHOOL DISTRICTS	539.04	0.03%
STATE	16,462.79	1.06%
STATE (CAL TRANS)	3,717.36	0.24%
STATE PARK	566,218.24	36.56%
U.S. FOREST SERVICE	276,843.89	17.88%
WATER DISTRICTS	46,860.37	3.03%

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)



Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Discussion of Areas of Difference: #164

Map Alternatives and fulfillment of Guiding Principles
#3 Reinforce the vitality, local economy and character of communities
While balancing housing, employment and recreational activities

I64-32. On October 1, 2003 The Board of Supervisors gave the Starkey's referal#164: Semi-rural 10 for the traffic referral. We believe our parcel fits SR-10 because on page 1-5/6 it states "that estate style residential lots and agricultural operations are directed to semi-rural areas. Semi-rural category serves as a buffer." In our specific case we are adjacent to the La Posta Indian Reservation with their history of mining and published land use plan of commercial/industrial adjacent to our ranch. Downzoining around a reservation should not be recommended especially since #**164 is not in FCI.**

I64-33. **Semi-rural designation for #164 is consistent with the plan since it is near an employment center along a transit corridor with a serious problem of a jobs/housing imbalance.** (As discussed earlier) La Posta has historically been a commercial center. Before Interstate 8 was built there was a gas station and a store and since Interstate 8 has been built it is a major trucking route from east to west. La Posta still remains a commercial area with a restaurant and now a multi-agency USBP. This employment center can be considered a new opportunity for economic growth in East County that provides jobs (that are not minimum wage jobs) which is especially needed in this area of East County, which is near the poorest region in the county. All four maps are inadequate This area of East County should remain as 1du/8 acres or SR10. "Smart growth advocates for a variety of households to be appropriately located near employment centers and along transit corridors. On September 11, 2008 we wrote a letter asking for reconsideration of #528-170-01 to SR10 and how we believed that at least the Hybrid Alternative Map should list our property as SR10 which considers "the housing element, road network, and other refinements' like the Board of Supervisors recommendation of #164 for SR10 under the traffic referral. Our request was denied by Mr. Devon Muto.

I64-34. The County of San Diego did not provide the real description of the land use around our ranch in the appendix. We have prepared a map (below) showing the subdivisions (most having less than 1du/10 acres) which are not represented on the maps accurately) reservations, cottage industries and job centers in our area. Please also note that we have 2 casino's in our area " La Posta Casino and the Golden Acorn Casino". Most residents want to have the opportunity to work in the communities where they live and aspire to have their family members and children stay close and work in the communities where they were raised.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-35. **Parcilization:** From the beginning of the planning process the maps never showed the exact sizes of the parcels in existing subdivisions giving the public the wrong idea of the true parcilization in the area.

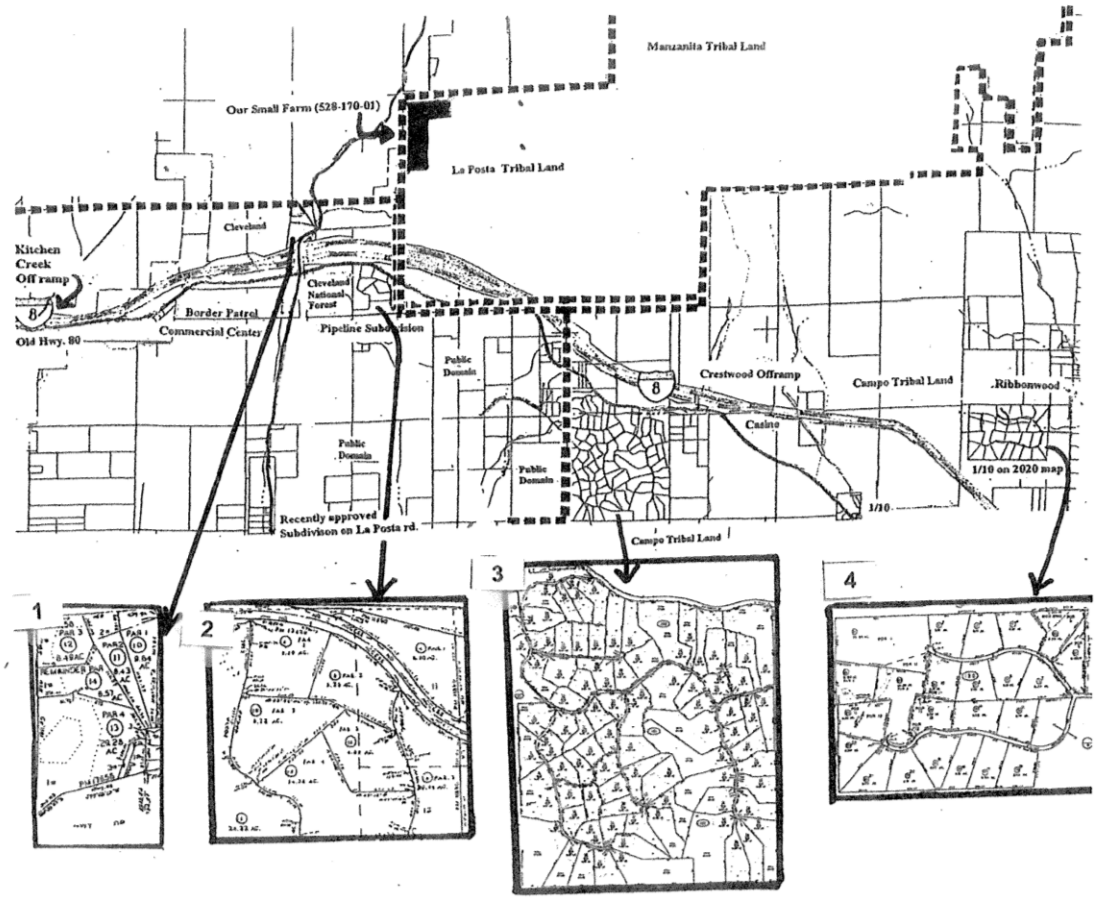
I64-36. #1 TPM 20109 approved in 1996. This subdivision is north of interstate 8 and most of the parcels are less than 10 acres yet on the map it is shown as 1/40 giving the wrong idea of the area. This land owner has several residences and a commercial business on his property.

#2 La Posta Circle: Most parcels in this subdivision are less than 1du/10 acres and again not shown on the map accurately and is shown on the map as 1/40.

#3 This subdivision (Over 100 parcels and most are less than 1du/10 acres). However this subdivision is shown on the map as 1/20. Why has the county not illustrated accurately what is on the ground?

#4 This subdivision has parcels 1du/10 acres near tribal lands; north of I-8 and is shown on the map as 1du/10 acre. This subdivision north of I-8 is illustrated as 1du/10 acres.

Reconsideration of Parcel 528-170-01:



Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

MONDAY, JULY 14, 2008

Campo Border Patrol Station Closes - and A New Station Opens

While we sure miss the Border Patrol Station at Campo, the agents tell us they are pleased with the new facility, which covers approximately 45,000 sq ft. and is state of the art.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Areas of Difference: #164
Map Alternatives and Fulfillment of Guiding Principles

I64-37. **#5 Acount for Physical Constraints and Natural Hazards of the Land**
In the past you have discussed many constraints; first it was access, then slope, then Species now it is the creek beds and agriculture.

Agriculture a constraint?
I64-38. Since we have been Agriculture of Statewide importance for over 25 years and every inch of our property has a function to our agricultural operations please explain why agriculture, food producing agriculture should be considered a constraint?

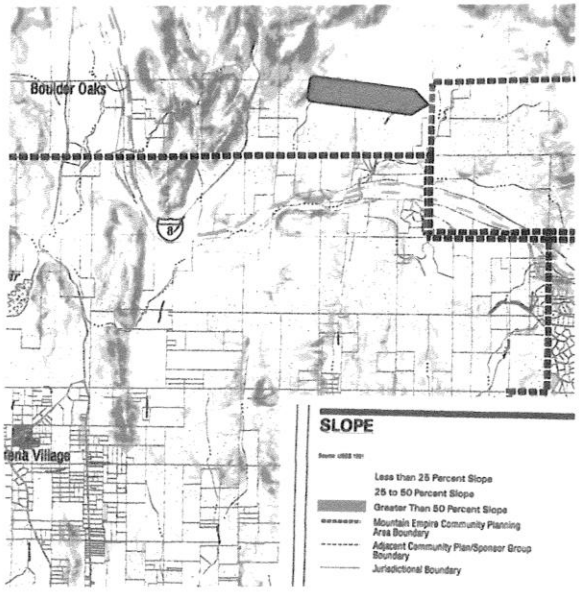
I64-39. Please find enclosed my letter on the San Diego County Farming program and how Food agriculture should take precedence over Habitat. We need to safeguard our food production in this county. Why is the Agriculture on our property not shown as it appears on the Department of Conservation FMMP map?

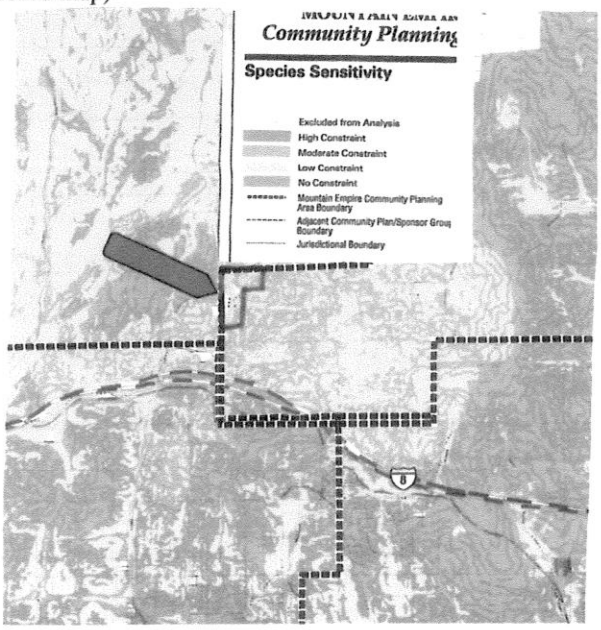
I64-40. Food, Animal and Crop agriculture is not compatible with wildlife preserves (corridors/linkages due pests and infectious diseases)

I64-41. Scientists have long known the dangers of corridors such as wildfires, pests and infectious disease. The DEIR is inadequate in discussing the dangers and risks of linkages and corridors.

I64-42. The Slope for most of the property is less than 25%. The county RPO defines steep slope as one which is in excess of 25% slope, and has a rise and fall of at least 25 ft. The majority of this parcel would not qualify as steep slope. The majority of this parcel is flat irrigated cropland. (See enclosed map).

I64-43. The majority of this property as shown on the map for species sensitivity is of low constraint. This property for approximately 25 years has been completely disturbed by cultivated and irrigated crops. It is completely fenced, under cultivation, irrigated and is low to moderate for species sensitivity.(See enclosed map)





Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

A. STARKEY, D.V.M.

P.O. Box 594
Pine Valley, CA 91962
Telephone: (619) 473-8757

County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 91123
May 30, 2008 Hand Delivered

RE: Public Review Comments on the San Diego County Farming Program Plan

I attended several meetings regarding the San Diego Farming Program Plan. I believe this document does not address the most commonly expressed concern of the farmers in San Diego. The most common concern expressed by the farmers at the workshops was that "Habitat Conservation is trumping Agriculture in San Diego especially in the area of the Multiple Species Conservation Program/ PAMA/ Reserve design / Linkages etc. which is still a work in progress and maybe ultimately challenged in court and should not be so documented in the San Diego County Farming Program. This document stresses habitat conservation over the ability of this county to produce food. In a time when starvation threatens the very essence of human survival in the world there must be more emphasis on food security, production, and sustainability. There needs to be more incentives for food production. Having the reputation of feeding the world is a cause that California and San Diego County should be known and proud of.

It is our belief that this document is not farmer friendly but wildlife friendly. Commercial agriculture can not be profitable if placed in PAMA/Reserve area/MSCP. Food Agriculture, Animal Agriculture and Crop Agriculture should be exempt from PAMA/ Reserve area/ MSCP unless the farmer wants his property to be voluntarily placed in the reserve/ PAMA area. ie (a voluntary Participant). Board of Supervisors, Policy I-123 should be placed in this document, respected and followed.(enclosed)
I64-44. The area within PAMA/Reserve area/MSCP where agricultural parcels are located are not designed for a farmer friendly environment and inhibits fair competition, productivity, expansion and lowers market value of his land. The incentives listed in this document are mainly for habitat conservation and not for increased Agricultural improvements in productivity, technology, expansion or food production. This document suggests more County empowerment, control and intrusion with its proposal for implementing an "institutional Framework." I would ask that there be a redirection of priorities when it comes to food Agriculture, one that benefits the farmer's profitability and protects and secures food production in our county, our country and the world.

Thank you for the opportunity to express my concerns. Please keep us on the mailing list if this document is presented for review by the Planning Commission or the Board of Supervisors. Please also notify us if it there is an attempt to make this document a policy or if there is an implementation Manuel being prepared for the San Diego Farming Planning Program.

Sincerely,
A. A. Starkey
Dr. A. Starkey DVM
cc: William Pabarcus, Esq.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Areas of Difference: #164
Map Alternatives and Fulfillment of the Guiding Principles
Page 2 #5

I64-45. **Natural Hazards: ("Corridors provide avenues for parasites, disease and fire")**
The issue of wildfires is an issue of great importance and emotion in recent years for San Diego. Yet for nearly 20 years credible published scientists have discussed the dangers of wildfires in big reserve systems. A notable scientist stated that "Dr. Noss and an entire cadre of resource professionals who whole-heatedly believe their cause is just and right; yet their weakness is a foundation of action based professional opinion rather than hard scientific facts." A good example is the northern spotted owl whose problem was not suitable habitat, but fire hazard. They did not listen and lots of owls went up in smoke.

I64-46. We need to create landscape changes that reduce fire, insect and infectious disease hazards. This means that we need to re-examine the whole ecosystem religion and address the hazards inherent to connecting corridors and regional linkages. This omission makes the DEIR inadequate and revisions to the policies and text need to be corrected.

I64-47. As to referral #164 we have ample water, designed defensible infrastructure to the structures and barns, we also have irrigated crops and little flammable vegetation, we disagree with the county Map Alternatives. The County believes the ES designation is the best, in actuality it is the worst. We again request SR10 as the best for this section.

Areas of Difference:#164
Map Alternatives and Fulfillment of the Guiding Principles
#8 Preserve Agriculture (See comments under Agriculture for further discussion)

I64-48. The determination by the county is once again wrong as to agriculture. It is important to achieve the highest market value on agricultural land so we can get bank loans and lines of credit so we can buy seed or other equipment for the next years harvest. The preferred density for agriculture is SR10. The majority of farms in San Diego are less than 10 acres.

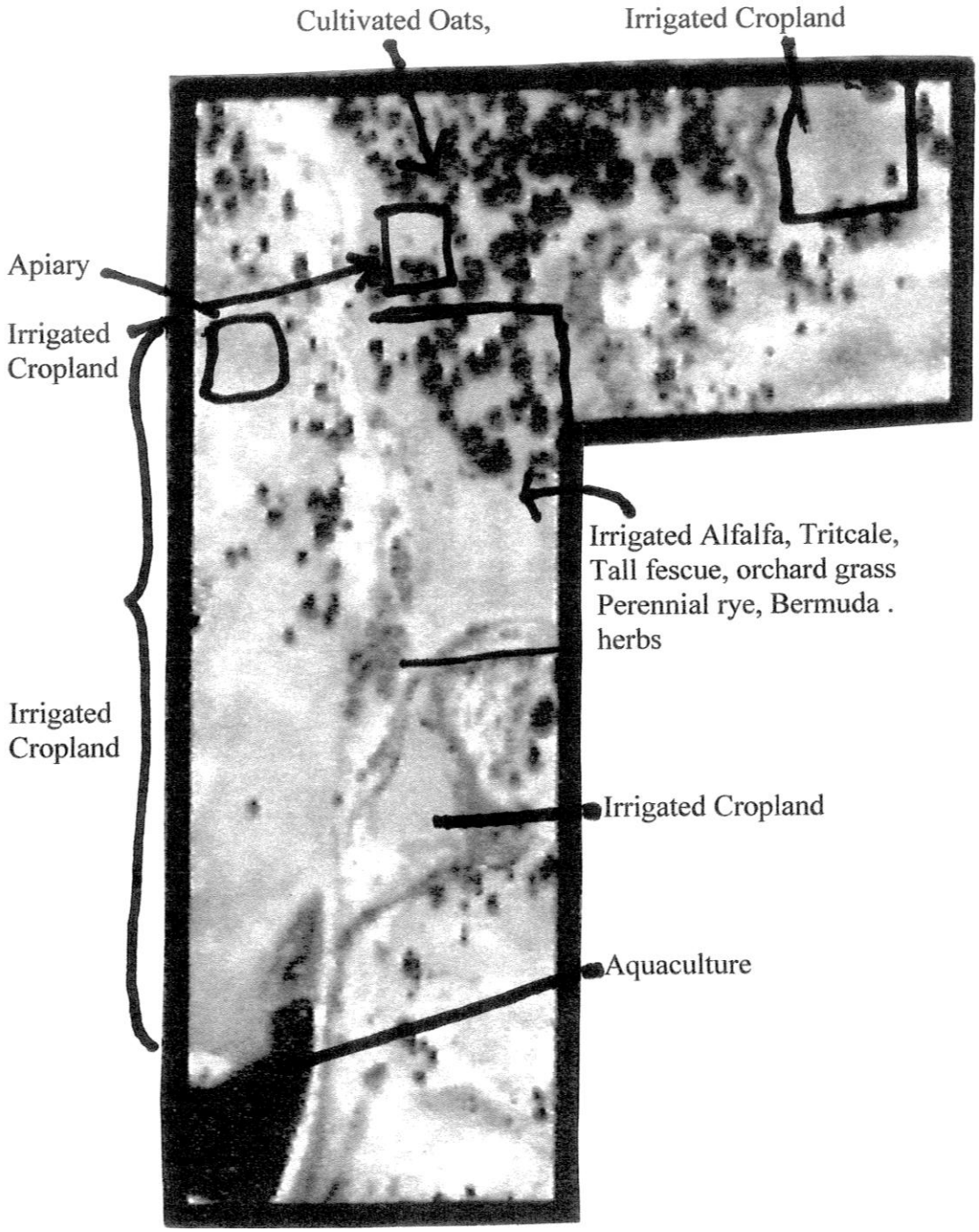
Areas of Difference: #164
Map Alternatives and Fulfillment of the Guiding Principles
#9 Minimize Public Cost of Infrastructure and services

I64-49. Please refer to prior sections for discussion on services and land use in our immediate area (multi-agency USBP (employment center), I-8: major transit, corridor, freeway commercial, Ample water, Agriculture of State wide importance, police protection, etc)

I64-50. **The best Map Alternative is SR10 or existing due to the transit corridor and the nearby Job center and available services associated with the USBP.**

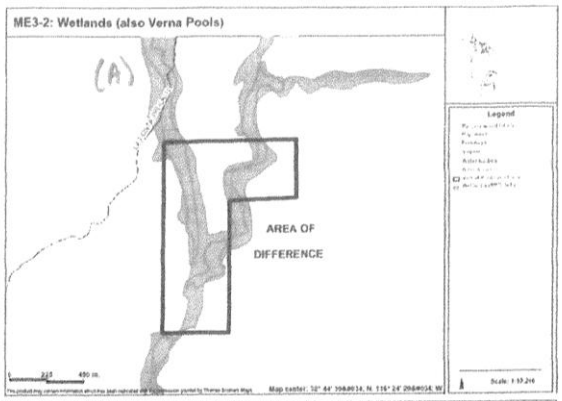
Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-51. **Parcel APN #528-17-01**
Aerial Photo:
When and how was this aerial photo taken?
Why has the structures and improvements been removed from the photo? Who edited this photo? (ie, pens, shelters, trucks, pumps, irrigation pipes, bee hives, dam etc…
This photo is very misleading.

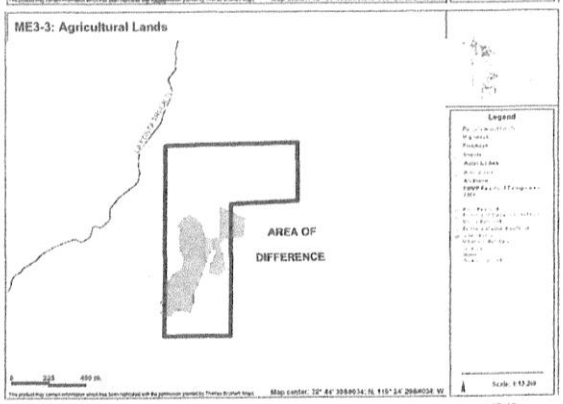


Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

AREAS OF DIFFERENCE



I64-52.



MOUNTAIN EMPIRE 12.10

ME-2 The creek bed on the Left (A) has been dry for many years.

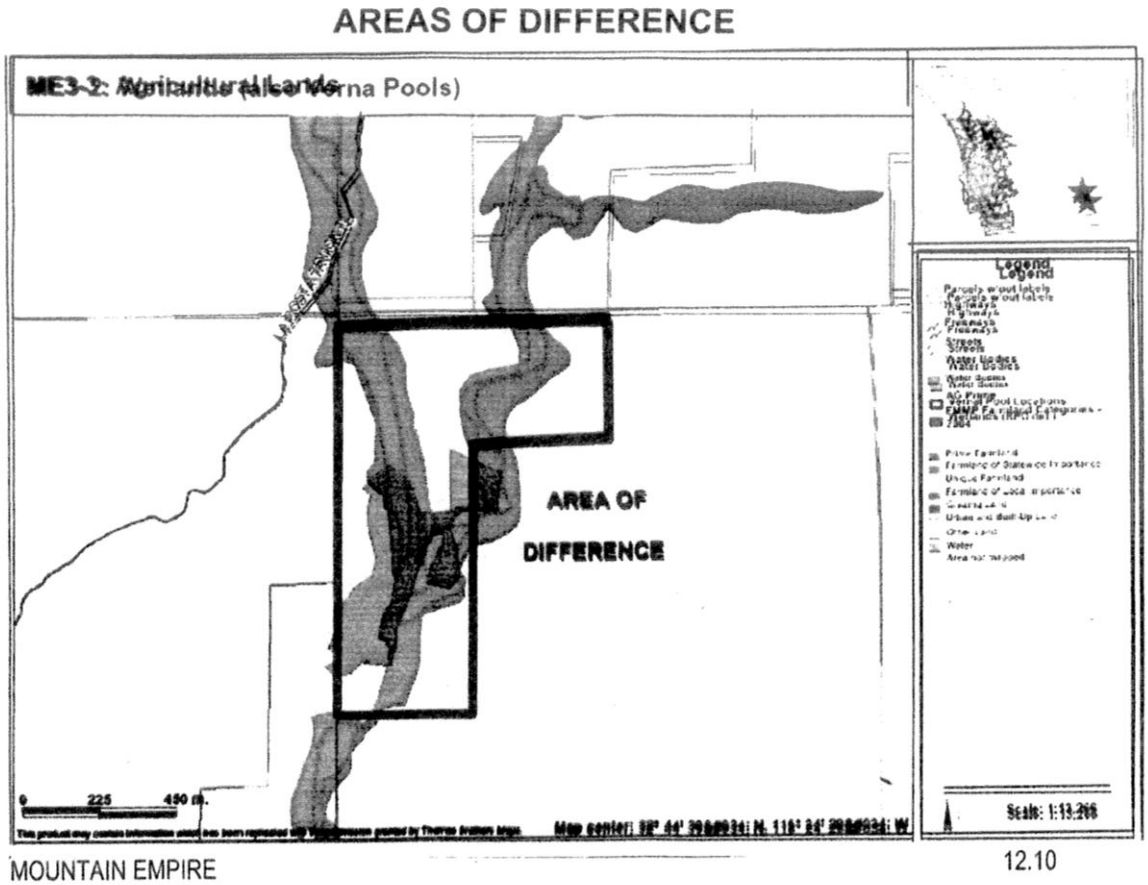
The creek bed on the right is currently dry most months of the year since they damned the creek in Upper Thing Valley several years ago

The distance of the noted creek beds (wetlands) is incorrect. They are 10-100ft not the The 200ft or more noted on These maps. Who prepared These maps, how were the Measurement obtained?

I64-53.

ME-3 This map is also incorrect: The irrigated lands does not correlate with the FMMP of the State. We have lands of Irrigated Agricultural lands of statewide importance not of local importance noted on the FMMP maps from the state. Who did this map? What data was used and who made the decision? Obviously there is no irrigated agricultural lands on the adjacent Indian Reservation, this map is incorrect.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)



This fiqure is an overlay of #2 and #3 (Something is very wrong)

I64-54. This fiqure is an overlay of ME2 and ME3. You will note that the creek beds and the irrigated cropland are not correct. It shows the irrigated cropland in the creekbeds. These maps are incorrect and very misleading. Look at the aerial map and compare. Who is responsible for these maps? What are there names, consulting firms, date of When these overlays were done? Please explain and correct.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

August 29, 2009

Mr. Devon Muto
Chief, Department of Planning and Land Use
County of San Diego
5201 Ruffin Rd. Suite B
San Diego, Ca. 92123-1666

Re: Comments on the General Plan Update Draft EIR (7 pages)

The following comments and questions will pertain to the 2.2 Agricultural Resources section of the Draft EIR.

I64-55. On page 1 - Agriculture Resources 2.2.1.1 you state 68% of San Diego County farms are between 1 and 9 acres with an average of 4 acres. Where and how did you arrive at those figures? Did you make a survey as to how many of these farms are food producing farms? Isn't the FMMP program set up mainly for food farmland resources? Table 2.2-1 states 80% of county inventoried. What part of the county and agriculture commodities were left out?

I64-56. On page 2 - County Identified Ag Resources you state grazing lands as either grazing lands or field crops. Table 2.2-4 you list alfalfa as being dry farmed under field crops. Where and by whom did you get your information on alfalfa? What economic degree, expertise, back ground did this organization or individual have? Any farmer will tell you that it is not economical to dry farm alfalfa it has to be irrigated and harvested several times to make a profit. Put bluntly did an environmentalist write this section ?

I64-57. On page 2 FMMP Identified Ag Lands - you identify 407,600 acres of agriculture land. Of this 407,600 acres how much of it is in food producing agriculture? And if you don't know, why not as this is important?

I64-58. On page 2 Ag Soils - you rate soils in San Diego county as poor with only 6% considered prime agriculture land. On table 2.2-1 the total Important Farmland for 2006 is 207,352 acres. If farmers are growing on 207,352 acres of Important Farmland how is that 6% of 407,600 acres?

I64-59. On page 3 Prime Farmland - are you saying that the FMMP categories of soil are different than that of the Williamson Act categories of soil? If you are only using the Williamson act soils why?

I64-60. On Table 2.2-4 - you state grazing lands represent a category of low value. But on table 2.2-6 the economic value of livestock and poultry is approx. 93 million dollars. Your analysis doesn't make sense that a land of low value can produce 93 million dollars. However, it would make sense if you were trying to acquire the land for pennies on the dollar, right?

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-61. On page 4 & 5 Ag Trends - you list all the trends as urbanization, profitability, size, water, etc. You left out one of the most important items affecting farming and ranching. Habitat conservation, open space preserves, mitigation ratios in the MSCP (PAMA, FCA, etc). Kiplinger, a well respected group in the United States, has reported that the loss of farmland in the USA is due to Development and Habitat. Profitability- If a farmer is put in PAMA due to the MSCP program he cannot go from grazing to growing apples without mitigating 75% of his land for Habitat. The Small Business Regulatory Fairness Act requires an economic analysis be done. Since you have incorporated the MSCP in the General Plan I do not see a section where an economic analysis must be done before you try to take 75% of a farmer or ranchers property for habitat, thus taking away a farmers quality of life to earn a profit and provide food for his family and the nation. This Draft EIR is inadequate due to the above.

I64-62. Page 6 Water- with all your figures you left out the most important part. The environmental groups empowered by the ESA cut off the water due to the smelt. Shouldn't your EIR recommend that food production have priority over the MSCP? And if not why? Shouldn't food production be exempt from the MSCP? And if not why not?

I64-63. Page 6 Farm Size- you state that 671 citrus farms operated on 2 acres or less. Did it ever occur to you that this was not farming but a tax write off?

I64-64. Page 7 Organic Farming- What is the definition of biological cycle, ecological production management system, off farm inputs, and ecological harmony?

I64-65. Page 8 Williamson Act Lands- how many of the 80,504 acres are just in private lands? Of the 40 parcels that are in the process of non renewable how many acres are in non renewable? Can you provide me with a sample Williamson act contract? This might be why only 2 parcels have signed up in the last 25 years. Why do you think only 2 have signed up?

I64-66. Page 9 Farmland Protection Act - doesn't this act conflict with the MSCP program? If you are put in PAMA (FCA, etc) the mitigation for changing agriculture operations is 3 to 1 thus converting agriculture land for habitat, a non agriculture use. And you can never go back to agriculture (a direct quote from Fish and Wildlife).

I64-67. Page 9 Williamson Act – How many acres in San Diego County under the Williamson act are only for open space?

I64-68. Page 9 CFCP- Is it not a fact that once a landowner grants a conservation easement on his land that the easement can be bought, transferred, sold, by the easement holder to another entity, NGO, etc?

I64-69. Page 10 OSSA- Can you provide a copy of a sample Farmland Security Zone contract?

I64-70. Page 10 FRPP- USDA provides funds to NGO's and local government to purchase conservation easements. The local government appoints NGO's to MSCP steering

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-70. cont. committees, General Plan stakeholder committees, LUEG group etc. The NGO's through these committees implement their agendas and influence the General Plan and the MSCP. Some of these NGO's have as their mission statement to purposely hold land and conservation easements and managing them for their habitat values. Is this not a conflict of interest?

I64-71. Page 11 BOS Policy 1-38 establishes criteria to cancel a contract including cancellation by eminent domain. What does that mean? When would that come into play? Give me an example.

I64-72. Page 11 BOS Policy 1-133 this policy is in conflict with the MSCP plans. How can you encourage farming with mitigation ratios as high as 3 to 1? Also why is not BOS policy I-123 included in this draft EIR? That policy encourages voluntary participation in the MSCP. Would you not agree that because of BOS I-123 a land owner if he wants to opt out of the MSCP can? And if not why?

I64-73. Page11 County of San Diego Farming Program- Please reply to Dr. Starkey's Public Review Comments on the San Diego County Farming Program Plan dated May 30, 2008. Especially to the part of "Institutional Framework". This was delivered on May 30, 2008 signed for on waybill 51431.

I64-74. Page12 Ag Clearing Permit Requirements – What is the mitigation for an agriculture clearing permit in PAMA, FCA or outside PAMA or FCA? If it is different then one farmer would have an advantage over another right? If there is no mitigation, then is there a fee and if so how much?

I64-75. Page 12 Guidelines for Determination of Significance – You have brought the MSCP into the General Plan Draft EIR. You state that the General Plan would have a significant impact if you converted farmland to non agricultural uses. Habitat is a non agricultural use and requires an economic analysis. Habitat and food agriculture are not compatible wouldn't you agree? Wouldn't it be advisable given all you have said about maintaining agriculture in San Diego County to exempt all food agriculture from the MSCP and the clearing requirements? And if not why not?

I64-76. Page 12 LARA Model - does LARA take precedent over LESA and the FMMP. You state you are using LARA but in the next paragraph 2.2.3-1 you state you are using FMMP which is incorrect. Case in point The Starkey Property (referral 164) LARA classifies it as grazing with a very small section of Farmland of Local Importance (no irrigation) thereby devaluing the land as described in Specific Plan Area page 2.2-17. The FMMP map or LESA classifies the Starkey property as mostly land of Statewide Importance. Your LARA model is totally incorrect as the Starkey property has been in irrigated farming for over 25 years. Your LARA label on the Starkey Property gives the impression that you are trying to devalue the land. Would that be a correct analysis? How could you make such a mistake in your LARA model on the Starkey Property? Please explain in full. What year was the LARA model done on the Starkey Property and by whom? Example- You have Starkey farm as LARA (no irrigation). When you learn

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-76. cont. that it is irrigated the county could force the Starkey's to mitigate because you feel a land use change based upon a false classification in LARA was done. This could happen could it not?

I64-77. Page 13 Conversion of Ag Resources - again you state the conversion of agriculture resources to non agriculture land uses would result in a direct impact to agriculture by significantly reducing or eliminating the productive capacity of the land. By exempting food agriculture from the MSCP through the General Plan wouldn't that coincide with your above statement? If not why not?

I64-78. Page17 Open Space - On line 4 of this paragraph the sentence reads " the open space (conservation) designation would primarily be applied to lands dedicated to open space that are owned by jurisdiction, public agency or conservancy group. The sentence should read "designation would only be applied etc. Otherwise open space could be applied to food producing land and take it out of production. Don't you agree open space and farmland of food production are not compatible? And if not why not? What scientific analysis and by whom do you have supporting the why not theory?

I64-79. Page 17 Open Space - Line 11 same paragraph states " however, biological preservation generally occurs in areas separate from those with existing agricultural resources". This sentence should read " however, biological preservation only occurs, etc". Don't you agree that biological preservation is not compatible with food agricultural production? And if not why not? And what scientific analysis and by whom do you have to support the why not theory?

I64-80. Page 18 Open Space first sentence - "Therefore the designation of an open space (conservation) use over an existing agriculture resource would not represent a direct conversion". My question then is why put the designation of open space on a food agriculture resource in the first place? There seem to be a hidden agenda that you are not forthright about—right?

I64-81. Page 18 Federal, State and local Regulations - Paragraph 2 line 3 you state "through this process mitigation measures are required for projects that would result in a potentially significant conversion of agriculture land". What mitigation ratios and measures are applied when you convert food agriculture land for project Habitat? Fish and Wildlife representatives have publicly stated that once agriculture land has been put into habitat it can never go back to agriculture. This proves that food agriculture is not compatible with habitat. Once again I say exempt food agriculture resources from the MSCP plans. What do you say to that? Do you not have a hard position to defend if you do not agree given all you have said in this chapter? Explain?

I64-82.

I64-83. Page 18 Proposed General Plan Update - First paragraph line 2 states "Conservation and open space Elements that would preserve existing agriculture resources" should read Conservation and open space elements that would exempt existing agriculture resources. Would not that be a better way of describing it? If not why not?

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-84. I have found the definition for Open Space Preserves but I could not find the definition of Open Space, Open Space Elements, Open Space Network, and Community Open Space. Can you please define these for me?

I64-85. Page 19 Proposed General Plan Update - Policies LU-7.1 and Policies LU-7.2 you state would protect agriculture land with lower densities land use designations. Once again you do not understand farming or ranching. By lowering the density of Agriculture lands you take away the ability of a farmer to secure funding to further his agriculture production. The only asset a farmer has is his land. He needs a high value to secure lines of credit, loans, etc from lending institutions. You are, in effect, putting all farming operations in San Diego County at risk or bottom line out of business. If you do not agree I certainly would like an explanation.

I64-86. Page 19 Farming Program - You state the Farming Program would provide economic incentives to create habitat and recommend PACE. By giving a farmer economic incentives do you not create a nexus on that agriculture operation? Yes or No. Why would a farmer take agriculture land out of production for habitat? Economically it makes no sense. In order for a farmer to make a profit he needs all his land in production at some time or another. You stress the PACE program. You state PACE prohibits

I64-87. certain types of development. The County has classified new agriculture (changing of crops) as development. Why would a farmer put his quality of life at risk when they could prohibit his raising of a different crop to earn a profit? Recently an environmental group came out endorsing PACE. Upon examining the PACE provisions carefully the farmer that signed on would give up all water rights, ditches, ditch rights, springs and spring rights, reservoir and storage rights, wells and groundwater rights and other rights in and to the use of water historically used on or otherwise appurtenant to the property. Also the landowner would give up his mineral rights. Upon examining the purpose of the environmental group that endorsed PACE they were formed to hold land conservation easements (which could include PACE) and managing them for their habitat values. This same group influenced the making of the general plan. The document headed PACE had at the top of the page DRAFT—For Internal Review Only-- Apparently the county does not want the public to know about the provisions. Wouldn't you agree? Also does not the environmental group pushing PACE have a conflict? If not why not? Also, can

I64-88. you name one farm operation that would give up their water rights and still believe they could farm? The farmers in the delta in Northern California learned that lesson didn't they? Incidentally the motto in Imperial County is "Crops grow where water flows". Maybe San Diego County's motto should read " Water flows controlled by Enviros"

I64-89. Page 24 Impact Analysis second paragraph - You state "Farming and residential uses are fundamentally incompatible". The sentence should read " Farming, residential uses, and habitat conservation are fundamentally incompatible".

I64-90. Page 24 Last Paragraph - Please define "confined animal factory"

I64-91. Page 25 Last Paragraph - You state that "Trails adjacent to agricultural lands can result in increased trespassing, theft, and potential disease to crops" . You need to add another

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-91. cont. serious sentence to read " The trespass of Mexican cattle and the entry of illegal immigrants from Mexico poses very serious animal health problems for cattlemen along the US Mexico border, including the possible outbreak of Foot and Mouth disease, BSE, Brucellosis, Tuberculosis, or other animal diseases which would cause a loss of billions upon billions of dollars. The General Plan and the MSCP plans promote corridors and linkages. The General Plan Draft EIR and the MSCP is insufficient as it does not address the potential harm that could occur as these diseases would rapidly spread through the corridor and linkage systems. There would be no way to quarantine just as there is no way to stop a wildfire that we have seen the past years. Wildlife could spread the disease all through California and beyond. There is a serious flaw in the corridor and linkage theory that is not addressed in this EIR. Don't you agree? And if not why?

I64-92. Page 26 Federal State Local Regulations – The last sentence is correct when it says that communities with agricultural easements experience a decline in agricultural services. That is because a farmer can not survive farming under easements such as PACE, which was discussed previously. Don't you agree? Also don't you agree that these easements can be transferred to others who may not have the farmer's best interests at hand? If you disagree please state why.

I64-93. Page 27 Direct Conversion - You state that agriculture resources are in decline in the San Diego region due to conversion. Besides development you left out habitat conversion. The draft EIR is deficient because of this fact and needs to be addressed.

I64-94. Page 30 LU-7.1 Again lowering the density lowers the ability to get funding for agriculture operations.

I64-95. Page 30 COS-6.4 As long as it is voluntary.

Page 30 Agr-1.4 As long as it is voluntary. Frankly PACE is a death sentence for a farmer as discussed before.

I64-96. Page 33 Conversion of Ag Resources- You state that the proposed General Plan Update would result in the direct conversion of 55,963 acres of agriculture resources to non agriculture land uses. Does that include acres of habitat conservation? If not what do you estimate that to be?

I64-97. In summary I object to the time limit given to address the issues in the Draft EIR for the San Diego County plan update. The county has been working on the General Plan for almost 10 years and it is well over a foot high. Yet you only give the public really 45 days to comment. It took us over a week to procure the hard copy. The County also distributed a time line when the General Plan would come up for public review. That time line was the first of October. Many of us scheduled vacations in August leaving us little time to comment. Was this change done purposely? I was unable to comment on the Biological Resources Element (DEIR), San Diego County General Plan, and the Implementation Plan and I feel my public review rights were taken away.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Sincerely,

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Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

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August 31, 2009

RE: **Comments on the inadequacy of Connectivity Conservation (corridors & ECMSCP) in the Draft Environmental Impact Report for the San Diego County General Plan Update dated July 1, 2009**

The Starkey family has been involved in the General Plan from the very beginning and has seen many changes in policies, staff and lack of transparency. One of the most alarming trends that the public is witnessing is that high ranking government employees and a few non-governmental organization advisors to the Board of Supervisors have personal political agendas. This can be seen in the Draft EIR and associated documents where wildlife conservation takes the lead in most of the project objectives and does not promote safe and economically sustainable communities especially in the backcountry. There has been a consorted effort by conservationists to influence the decision makers, namely (the Board of Supervisors) with their agenda knowing that there is both academic and scientific debate over certain concepts that could lead to devastating consequences to San Diego.

I64-98. In 2006 Dr. Reed Noss the lead scientist for the MSCP stated that they are using a "seat of the Pants" approach. Much of the discussions by resource professionals on Corridors and Linkages are based on opinion rather than scientific fact. Dr. Reed Noss has participated in seminars where the Pros and Cons of wildlife corridors have been discussed. In an article written by Dr. Reed Noss entitled Arguing Over the Little Things He states that "Conservation biologists need to give more emphasis to areas in which they agree than area where they differ". The reason he gives for this statement is because "Decisionmakers will not come to us for advice if we are embroiled in academic disputes" However, without scientific input and debate San Diego County will be placed in jeopardy. Using uncertain, unproven opinions vs. scientific fact could lead to devastating consequences.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

I64-99. **The DEIR is inadequate in discussing the possible negative significant impacts of wildlife corridors and the NCCP/HCP/MSCP (Connectivity Conservation) to society, the economy and the health of the Agricultural industry.**

I64-100. In the DEIR, under the chapter" Biological Resource" It discusses both Wildlife movement corridors (2.4.1.4) and the HCP/NCCP/MSCP (2.4.2.3; 2.4.3.5 etc.)
On Page 2.4-39 It states that the there needs to be continued "preparation of the MSCP, East County". There is controversy on the East County MSCP and the significant negative impacts of this plan and therefore the DEIR needs to revise or remove these sections.

I64-101. The DEIR is inadequate because it does not discuss the potential risks and harm of Wildlife corridors to Food Agriculture, the economy, public health and safety. The DEIR is inadequate because it does not discuss the potential disadvantages that wildlife corridors/linkages could cause by increased wildlife immigration to a reserve that could potentially result in devastating consequences. Some examples are but not limited to:

1. Facilitate the spread of infectious disease, zoonotic diseases
2. Transboundary disease, foreign animal disease, emerging and exotic animal disease
3. Agro terrorism and Bioterrorism
4. Spread of exotic predators and competitors
5. Spread of pests
6. Spread of wildfires
7. Decrease the level of genetic variation among subpopulations
8. Out breeding depression
9. highly contagious disease could pose a great threat to a metapopulation
10. Disease could spread by direct contact, transmission vectors, alternate hosts, reservoir populations etc.

Enclosed is some of my comments and concerns on the dangers of Corridors (Connectivity Conservation) to food security in the San Diego County Border region.

Sincerely,
Almeda Starkey DVM
Almeda Starkey D.V.M.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

The Dangers of Connectivity Conservation (Corridors) to Food Security In the San Diego County Border Region post 911

The County of San Diego is in the process of preparing the East County Multiple Species Conservation Plan which is a connecting habitat reserve with wildlife corridors in the eastern part of San Diego near the Mexican border. The plan is proposing a Binational Linkage Preserve that links the United Stated with Mexico. These corridors could allow for highly contagious diseases to decimate wildlife populations and have catastrophic consequences to the Food Animal Industry in the United States. One out of six jobs in the United States is Ag-related. Our economy is dependent upon agriculture representing an estimated $140 billion US industry. In 2006, California had $7.61 billion in livestock and poultry and $4.6 billion in milk and cream sales. Agriculture is the fifth largest component of San Diego's economy $5.1 billion (2006). Livestock and poultry (eggs and milk) is at $50 million and livestock and poultry is at $16 million. Most of the livestock producers have their ranches in the eastern part of San Diego County.

I64-102. The security of our food supply in the United States is at risk from Agroterrorism, Bioterroism, Transboundary diseases, Foreign Animal Diseases, Emerging and Exotic Animal Diseases. Supervisor Ron Roberts of the San Diego County Board of Supervisors stated that "San Diego is an appealing target and is especially vulnerable due to it's proximity to the border." (1)

Biosecurity is an important aspect of disease prevention in any agricultural production system. The term biosecurity generally includes two components: prevention of the introduction of pathogens and toxins onto the ranch and the efforts to control spread of disease. Quarantine strategies and management practices to control exposure of livestock to infectious pathogens from other risk groups such as neighboring herds in Mexico and wildlife reservoirs. Dr. James A. Roth, DVM, PhD director of the Center for Food Security and Public Health states that "emerging diseases among wildlife are a major concern in the United States; they are on the increase and cause significant animal suffering. Some are zoonotic and some may spread to food animals and cause significant economic losses" (2)

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

According to Dr. George Hess PhD of the Forestry Department of North Carolina State University, "The possibility of disease should be considered during the planning stages of reserve networks."(3) He further states that "increasing movement among populations could further enhance the spread of disease. Disease epidemics are often exacerbated by movement among populations and have decimated both free ranging and captive wildlife populations."(4) Many scientists (such as Dr.Hess, Dr.Simberloff, Dr.Cox, Dr.Scott, and Dr.Haddad) understand the consequences, costs and risks regarding the transmission of contagious disease in connecting reserves with corridors.

The East County MSCP is quite unique in that 75% of the 1.6 million acre study area is public land. These public lands form a relatively unfragmented matrix.
This plan is promoting Las California Binational initiative which is a linkage incorporated in the reserve design. This is a binational wildlife linkage which is a reserve design linkage that would connect San Diego to the interior of Mexico. These suggested linkages are avenues for ecological and economic catastrophes from wildfires, vectors and contagious disease. One example of a contagious Foreign Animal Disease that could be introduced into the United States is Foot and Mouth disease. Foot and Mouth disease could wipe out both the livestock industry and certain wildlife populations.

I64-102. cont.

Biosecurity of San Diego's Livestock industry is a major concern with it's proximity to the Mexican Border. The southern border is very porous, meaning entry of people and animals (livestock and wildlife) from Mexico, Brazil, Uruguay and Argentina. Many come across undetected bringing with them the possibility of transboundary, exotic, foreign and emerging infectious diseases. It was reported through Congressman Duncan Hunter's office that eighty-three people from Argentina were apprehended last year. Many countries including Brazil, Uruguay and Argentina have a history of having Foot and Mouth disease. Foot and Mouth is a highly infectious viral disease that can affect all Cloven-hoofed animals including cattle, swine, deer, goats and sheep. This disease is spread in aerosols (one animal to another) or on contaminated fomites such as tires, boots, handkerchiefs and other clothing. In a Veterinary Education Class given in May 2008 by Homeland Security and the Western Institute for Food Safety and Security Dr. Jerry R. Gillespie DVM Showed a video that illustrated the ease of bringing Foot and Mouth into the United States. Dr. Jerry Gillespie stated that the Veterinary profession should not consider if but when and how this disease will hit the United States. Veterinarians and livestock producers recognize the threat this disease poses the United States. One only has to look at the 2001 Foot and Mouth disease outbreak in the United Kingdom. 6.5 million animals were culled for disease control at an estimated cost of $10 billion. This did not include the distress, bereavement, fear, loss of trust and the undermining of the agricultural community after the Foot and Mouth epidemic was over.

Comment Letter I 64, Starkey, Rodney and Alameda (cont.)

Foot and Mouth disease is highly contagious. This virus has a short incubation period and sheds the virus prior to the appearance of clinical signs. This virus has multiple routes of transmission and has an extended survival in the environment. Senator Mike Enzi and Senator Johnson has introduced the Foot and Mouth Prevention Act of 2008. Senator Mike Enzi states that "in protecting our nation's beef supply, there is a continued need for vigilance when it comes to animal health threats."(5)

The issues of bioterroism, agroterrorism, global food crisis, Food security and public health should take precedence, these habitat programs should not be based on scientific opinion or "empirical generalizations" which means "to guide actions in situations where case-specific data are lacking and uncertainty is high", (6) which is the rational used by the lead conservation biologist Dr. Reed Noss in the East County MSCP but rather scientific fact. We must consider the consequences of such a plan and the cost and risks associated with the transmission of contagious disease and the lack of establishing a quarantine arrangement.

I64-102. cont.

With the rise of emerging infectious disease the role of the Veterinarian in protecting health and our food supply is more important than ever post 911. Food Animal Veterinarians are in short supply in the United States and this is true in San Diego. The Veterinarian maybe the first doctor to encounter a new disease and recognize its potential risk. This is why the Food Animal Veterinarian instructs their cattle producers regarding biological risk management, recognition of Foreign Animal Disease and how to biosecure their ranches. The Food Animal Veterinarians in San Diego attended a Homeland Security/ Food Security & Public Health course in order to ensure that our food animal producers know how to identify certain animal diseases, such as Foot and Mouth, Tuberculosis, Brucellosis and how to report them.

Unfortunately, Tuberculosis was confirmed in Fresno, California in 2008. Tuberculosis is found in both humans and animals (livestock and wildlife). The origin of this infection is still under investigation but it is believed to have come from Mexico. The herds have been quarantined and euthanasia of test positive cattle has been implemented. (7) "Quarantines are universally suggested by Veterinarians and epidemiologists as a means to reduce the risk of spreading disease."(8)

Food Animal Veterinarians in San Diego discuss with their producers how to prevent entry of these harmful agents. This includes operational security measures such as buffer zones, barriers, signage (examples enclosed) patrols, surveillance, testing, prevent contact with Mexican cattle, establish TB screening for employees (humans infected with bovine TB can transmit disease to cattle) and other protective measures to biosecure our food supply. Contagious disease and Biological risk management plans have not been discussed in the current proposed Habitat Reserve Network for San Diego County.

Responses to Letter I 64, Starkey, Rodney and Alameda

I64-1 The County acknowledges and agrees that the parcel APN 528-170-01 in the Mountain Empire Subregion is currently designated at one dwelling unit per 8 acres in the Zoning Ordinance and that the property owner has requested a density of one dwelling unit per ten acres for the General Plan Update. This comment letter will be part of the Final EIR; therefore, the commenter's preference for one dwelling unit per ten acres is documented and this information will be made available to the County Board of Supervisors. The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project.

I64-2 While it is true that the property owned by this commenter is outside the areas represented by a community planning or sponsor group, the County disagrees that the County has failed to provide notice on the project planning documents and timelines for the public to provide input. The County further disagrees that the "public has been severely hindered in participating in the process" due to changes in staff. In addition, the County disagrees that there has been a change in the direction for the project. The General Plan Update has been an open public planning process and information about the project has been communicated to the public through monthly email notifications, along with an extensive project website.

I64-3 This comment is a summary of motions made at previous hearings and does not raise a significant environmental issue for which a response is required.

I64-4 The County's progress on the project is ahead of the estimated schedule provided on April 28, 2008. While CEQA requires a 45-day public review period for Environmental Impact Reports, the County extended the review period for the General Plan Update DEIR to 60 days. The County does not agree that additional time should be added to the CEQA public review period; however, the County welcomes public comments and testimony can be accepted until and during the public hearings for the project. In addition, comments that were received after the 60-day public review deadline have been addressed and responded to as part of these Responses to Comments (refer to comments filed under "Late Letters").

I64-5 The County agrees that the General Plan and Multiple Species Conservation Program (MSCP) are two separate plans, and therefore, does not propose to combine them. However, the County does not agree that the General Plan relies heavily on the MSCP or that discussion of the MSCP should be removed from the proposed General Plan Update. The MSCP is a Habitat Conservation Plan that has been adopted for the southwest areas of the unincorporated County. It is essential that the MSCP be considered during preparation of the General Plan Update and in other planning processes at the County in order to prevent conflicts between plans and in order to achieve the various goals and objectives within different plans.

I64-6 This comment is a summary of the attachments to this letter and does not raise a significant environmental issue for which a response is required.

I64-7 This comment does not raise a significant environmental issue for which a response is required. However, it should be noted that the Areas of Difference (AOD) Report

Responses to Letter I 64, Starkey, Rodney and Alameda (cont.)

was compiled by numerous planning and GIS staff at the County Department of Planning and Land Use (see Chapter 6.0 of the DEIR).

I64-8 This comment does not raise a significant environmental issue for which a response is required. In Appendix L: Project Alternatives Areas of Difference, the "Referral Name" section of the analysis refers to specific property owner land use designation requests that were analyzed by staff and presented to the Board of Supervisor during hearings in 2003 and 2004. At those hearings, the Board identified specific densities for those parcels and directed staff to create a second land use map with those densities to evaluate under the project EIR. Those properties in the AOD not based on property owner referrals are identified as "N/A."

I64-9 This comment does not raise a significant environmental issue for which a response is required; however, the spelling correction is appreciated and Appendix L: Project Alternatives Areas of Difference has been corrected.

I64-10 This comment does not raise a significant environmental issue for which a response is required; however, the acreage correction is appreciated and Appendix L: Project Alternatives Areas of Difference has been changed to reflect the correct parcel size of 162 acres.

I64-11 This comment does not raise a significant environmental issue for which a response is required; however, the density correction is appreciated and Appendix L: Project Alternatives Areas of Difference has been corrected identifying the existing General Plan density as one dwelling unit per eight acres.

I64-12 This comment does not raise a significant environmental issue for which a response is required; however, the description of the property correction is appreciated and Appendix L: Project Alternatives Areas of Difference has been corrected identifying the parcel as "developed with two residential dwelling units along with irrigated agriculture land uses."

I64-13 The comment contends that "property in and around Reservations should be considered differently and not be downzoned". The County disagrees because early in the General Plan Update planning process a conscious decision was made to focus development in accordance with the General Plan Update Community Development Model and to limit development in areas without sufficient infrastructure. The County contends that a low density designation is warranted due to the remote location of the subject property, which is surrounded by the National Forrest and tribal reservation, located within high and very high fire threat hazard zone designations, and contains a large portion of lands with environmental constraints (wetlands and sensitive biological resources).

I64-14 This comment does not raise a significant environmental issue for which a response is required; however, the County acknowledges that the parcel on the southern boundary of the subject parcel is owned by the La Posta tribe and that this parcel has been previously mined for aggregate. See also responses to comments I64-1 and I64-13 above.

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I64-15 This comment contends that due to existing parcelization in the area and in the vicinity of Interstate 8 (I-8), the subject parcel should be considered as semi-rural rather than rural. The County does not agree with this assertion. Although there are scattered areas of semi-rural parcels to the south on I-8 and a few at the I-8 interchange, the subject parcel is located in a rural area with either large privately-owned rural parcels, the National Forest, or the La Posta Indian Reservation. See also response to comment I64-1 above.

I64-16 In DEIR Appendix L, Project Areas of Difference, a constraints analysis was conducted to determine if a property was encumbered by wetlands, as identified in the County GIS database. Based on the GIS data available, the County identified that a portion of the subject property referenced by ME3 in Appendix L was constrained by wetlands (see Appendix L Figure ME3-2). These environmental features are considered to be constraints to development in the planning process due to CEQA Guidelines Appendix G as well as other state and local regulations protecting wetland resources. The County staff who prepared the DEIR are listed in DEIR Chapter 6, Preparers and Persons Contacted. The comment further asks for a definition of vernal pool. Vernal pools were not identified as being located on the subject property and were not shown in the constraints analysis for ME3 in Appendix L. However, in response to the comment, the Environmental Protection Agency provides a definition on its website at the following link: http://www.epa.gov/owow/wetlands/types/vernal.html. Below is an excerpt from the definition provided on this website:

"Vernal pools are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the West Coast. They are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall. These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland."

I64-17 As discussed in response to comment I64-16, in DEIR Appendix L, Project Areas of Difference, a constraints analysis was conducted on areas of difference between alternatives. Using the GIS data available, the County identified that a portion of the subject property referenced by ME3 in Appendix L was constrained by agricultural lands of state and local importance (see Appendix L Figure ME3-3). These environmental features are considered to be constraints to development in the planning process due to CEQA Guidelines Appendix G as well as other state and local regulations protecting agricultural resources. As discussed in the above response, the County staff members involved with making this assessment are identified in DEIR Chapter 6, Preparers and Persons Contacted.

I64-18 The County disagrees that DEIR Appendix L, Project Areas of Difference, considered "food-producing land" development or hindered these types of land in favor of development. On the contrary, by referring to agricultural lands of state and local importance as constraints, the intention was to recognize these areas by assigning the appropriate development density that was compatible with the constraints. Therefore, in the instance of ME3, a range of Rural Lands densities was assigned

Responses to Letter I 64, Starkey, Rodney and Alameda (cont.)

from RL20 to RL80 so that the constraints could be avoided, or in the case of the agricultural lands, so that these lands could be protected from development other than agricultural uses.

I64-19 Please refer to response to comment I64-18 above.

I64-20 The County Department of Planning and Land Use prepared the latest fire service travel time study for the commenter's property on October 7, 2009, using the Network Analyst extension of Environmental Systems Research Institute's (ESRI's) ArcMap software. This software helps to dynamically model realistic network conditions and solve vehicle routing problems that include turn restrictions, speed limits, height restrictions, and traffic conditions at different times of the day.

I64-21 This comment asserts that the subject parcel is not fire service deficient because the property contains a lake with ample water to put out fires in the region, as has happened in the past. The County does not concur with this assertion. Although the availability of water on the property is a benefit to responders, the fire service deficiency is based on the time it would take for responders to reach the property.

I64-22 The County disagrees with the methods the commenter used to determine travel times. The larger issue regarding the commenter's property and the assertion that this property meets travel time guidelines assumes that any fire station in the immediate area can be considered for travel time analysis. Unfortunately, the three closest fire stations to the subject property (Cameron, Cottonwood, and Glencliff) are all staffed and maintained by the Forest Service. The US Forest Service is only responsible for wildfire protection in Federal Responsibility Areas (e.g. Cleveland National Forest) and many stations are only staffed part-time throughout the year. Though they might respond to other emergencies if available, they are not legally obliged (nor does the County have any contractual agreements with them) to respond to structural fire or medical aids.. This leaves the fire stations at Pine Valley and Lake Morena as the closest to the subject parcel.

Performing a travel time analysis (using Network Analyst as discussed in response to comment I64-20) from these two qualifying stations indicate that travel time guidelines are NOT met for the subject property. These results have been confirmed when comparing the results of a secondary analysis using the "National Fire Protection Association 1142 (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting" equation (see page 1142-37). This equation calculates the average time (in minutes) for a fire apparatus to travel a distance using an average safe constant speed factor.

I64-23 The comment questions whether the State has reviewed the General Plan Update draft Housing Element to determine that there is adequate housing in East County. The draft Housing Element has been submitted to the State Housing and Community Development Department (HCD) for approval. The State's approval will be based on the County's ability to identify housing sites with densities of 15 dwelling units per acre in areas where infrastructure and services are already available, per the requirements of the Regional Housing Needs Assessment (RHNA). While there are

Responses to Letter I 64, Starkey, Rodney and Alameda (cont.)

no specific mandated population targets, other than the RHNA, the General Plan Update land use map has been evaluated alongside SANDAG's regional population forecasts and would accommodate sufficient future dwelling units countywide, including multi-family units as required by the RHNA at 15 units per acre or higher. However, very little of this housing is planned for rural East County due to the lack of existing infrastructure and inability to support housing at densities of 15 dwelling units per acre or greater.

I64-24 This comment infers that the land use map designations for the subject parcel are "inadequate and unacceptable." The County does not agree with this assertion. The DEIR land use map alternative designations for the subject parcel range from one dwelling unit per eight acres for the No Project Alternative to one dwelling unit per 80 acres for the Environmentally Superior Map Alternative. In addition, the Referral and Hybrid Map alternatives analyze the property at one dwelling unit per 20 acres and the Draft Land Use Map alternative analyzes the property at one dwelling unit per 40 acres. As discussed in response to comment I64-1, this comment letter will be part of the Final EIR; therefore, the commenter's preference for one dwelling unit per ten acres is documented and this information will be made available to the County Board of Supervisors. The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project.

I64-25 This comment states that the land use map must provide provisions for growth to accommodate the jobs in the area, such as the 300-500 jobs at the United States Border Patrol station. The County does not agree that the DEIR land use map does not accommodate the employment and provide for growth in the Subregion. The DEIR proposed project land use map for the Lake Morena/Campo Subarea would accommodate approximately 750 additional dwelling units, while the Mountain Empire Subregion would accommodate nearly 4,000 additional dwelling units.

I64-26 The County does not agree that the General Plan Update land use map does not "promote smart growth" due to a lack of housing in the La Posta area. Nor does the County agree that another village is necessary at La Posta. The land use map includes rural villages at Campo and Lake Morena. The County also does not agree that just because housing is available near the government facilities at La Posta that the personnel who work at those facilities will choose to live in the area. Simply adding jobs and housing together in one area does not constitute smart growth, which seeks to develop walkable neighborhoods with moderate (15 du/acre+) densities in close proximity to jobs, services and other amenities.

I64-27 The comment states that the DEIR is inadequate in addressing the Housing Element and population growth in the area. The County does not agree that the General Plan Update Housing Element is inadequate (refer to responses to comments I64-23 and I64-25 above).

I64-28 The General Plan Update Guiding Principles are identified in Chapter 2, Vision and Guiding Principles of the draft General Plan. They are shown in an abbreviated form in DEIR Appendix L: Project Alternatives Areas of Difference. The DEIR Section S.3

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Project Objectives are similar to the draft General Plan Guiding Principles, but not necessarily the same.

I64-29 Please refer to responses to comments I64-24 and I64-25.

I64-30 The County agrees that communities should be located near transit corridors. While Interstate 8 is a major transportation corridor for automobiles and trucks the County does not consider Interstate 8 a transit corridor since transit services are so infrequent. Transit corridors are located in more urbanized areas. Generally, due to the lower densities, transit services in the Mountain Empire Subregion where the subject parcel is located are considered "lifeline" transit service by transit agencies since they are more infrequent than services in urbanized areas. Most transit services in this area consist of a limited number of routes which operate only a few days a week and are located up to 15 miles from a town center that contains the closest basic services and emergency response facilities. The County acknowledges that Interstate 8 may be protected by sheriff services. As discussed in response to comment I64-1, this information will be included in the Final EIR, which will be available to the Board of Supervisors when determining which land use map to adopt for the General Plan Update.

I64-31 This comment does not raise a significant environmental issue for which a response is required, but contends that the General Plan Update planning process has been unfair and there has been a conflict of interest because members of the community planning group received densities of one dwelling unit (DU) per 20 acres on all maps. The County does not agree that there was a conflict of interest during the General Plan Update planning process or that some parcels are designated at one DU per 20 acres on all maps. Environmental constraints were not the only factor considered when determining density. Existing land use patterns and parcelization also was a key consideration. As discussed in response to comment I64-1, this comment letter will be part of the Final EIR; therefore, the commenter's preference for one dwelling unit per ten acres is documented and this information will be made available to the County Board of Supervisors. The County Board of Supervisors has the approval authority for the proposed project and will consider all information in the Final EIR and related documents before making a decision on the project.

I64-32 Please refer to responses to comments I64-1 and I64-13.

I64-33 Please refer to responses to comments I64-1 and I64-30.

I64-34 The County disagrees that DEIR Appendix L: Project Alternatives Areas of Difference misrepresents the area around the subject parcel. The description of the area immediately surrounding the subject parcel is accurately depicted. Please refer to response to comment I64-1.

I64-35 The comment states that the General Plan Update maps never showed the exact sizes of the parcels in existing subdivisions and gave the public the parcelization in the area. The County does not agree with this statement. In many instances, the land use maps show the existing parcelization and in many instances land use

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designations were determined according to existing parcelization. The proposed project land use map, which shows the parcelization of subdivisions, is available on the County's website at the following link:
http://www.sdcounty.ca.gov/dplu/gpupdate/docs/ref/gp5drm08cpamtnempire.pdf

I64-36 The County acknowledges that isolated areas with subdivided parcels were not always designated with densities consistent with existing parcel sizes. The primary intent is to avoid further parcelization in those areas. However, the County disagrees that the land use maps give the public the wrong idea of the true parcelization in the area" because the proposed land use map includes existing parcelization. Refer to the link to the County website identified in response to comment I64-35 above.

I64-37 The County does not agree with this comment. Various constraints to development have always been accounted for in the planning process and projects are evaluated pursuant to local, state and federal policies and regulations.

I64-38 Agricultural resources are a constraint to development because they are considered to be valuable resources in California. Under the California Environmental Quality Act, projects are evaluated for potentially significant impacts to important agricultural resources.

I64-39 The County appreciates this comment and acknowledges the letter addressing the County of San Diego Farming Program. The County does not place greater importance on either agriculture or species habitat. The objectives of the proposed project are to balance these resources with appropriate development.

I64-40 It is not clear what maps are being compared to the Department of Conservation Farmland Mapping and Monitoring Program (FMMP) maps in the comment. The County uses FMMP maps to identify prime agricultural soils and Prime Farmland, and Farmland of Statewide or Local Importance. According to the FMMP, the subject property contains Farmlands of Statewide and Local Importance, all of which are located within the southern 79 acres of this property.

I64-41 The comment questions the compatibility of wildlife preserves, linkages, and corridors with agriculture. The County does not agree with this comment. County staff has worked with the wildlife agencies and the Farm Bureau to incorporate agriculture as an important component within the County's habitat conservation programs. The County does not agree that linkages and corridors are primary sources of pests or infectious disease. However, the County agrees that wildfire is a significant issue related to planning and conservation as discussed in Section 2.7 of the DEIR.

I64-42 The County concurs with this comment. The comment does not raise a significant environmental issue for which a response is required.

I64-43 Based on the County records and GIS data, there have not been any species surveys for the area discussed in the comment. As such, the County cannot confirm

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or refute this statement. It should be noted that species constraints were not identified as a constraint in DEIR Appendix L, Project Areas of Difference.

I64-44 The comment is the May 30, 2008 letter from Dr. Starkey to the County commenting on the San Diego County Farming Program Plan. The issues raised in the letter are not related to the General Plan Update or the DEIR; therefore, no response is required.

I64-45 This comment provides background on the issue of wildfires in reserve systems and does not raise a significant environmental issue for which a response is required.

I64-46 It is not clear which components of the project are of concern with regard to corridors and linkages or their effects related to fire and health hazards. The General Plan Update includes the following policies that may be related:

- LU-5.3 Rural Land Preservation. Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi Rural Land Use Designations.

- LU-6.7 Open Space Network. Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.

- COS-1.1 Coordinated Preserve System. Identify and develop a coordinated biological preserve system that includes Pre-Approved Mitigation Areas, Biological Resource Core Areas, wildlife corridors, and linkages to allow wildlife to travel throughout their habitat ranges.

The County does not agree that these policies have significant effects related to hazards that have not already been analyzed in DEIR Section 2.7.

I64-47 The comment describes conditions for Referral #164 and disagrees with the reduced alternatives presented in the DEIR. The comment goes on to request an SR-10 designation for Referral #164. This request is acknowledged. Please refer to response to comment I64-1.

I64-48 While there is no preferred density for agricultural production in the County, higher densities will yield more development impacts to agriculture and other natural resources. If the goal for this area is to preserve agricultural production, a low density designation is appropriate at this location. Agriculture is permitted in all Zoning Districts. See also response to comment O12-5.

I64-49 This comment summarizes points in previous sections of the letter and does not raise a significant environmental issue for which a response is required.

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I64-50 This comment recommends an alternative and does not raise a significant environmental issue for which a response is required. Please refer to response to comment I64-1.

I64-51 The aerial photo in question was taken in 2006. It was not edited but was printed large scale to cover a large area. As such, many of the site features are not easily discernable. The County acknowledges the uses and facilities described in the comment. The comment does not raise a significant environmental issue for which a response is required.

I64-52 The comment does not raise a significant environmental issue for which a response is required. However, the County acknowledges the comment that one of the creeks has been dry and that the other is dry most of the year. It should be noted that the maps provided were prepared by the County GIS using modeling to approximate certain features. GIS data is generalized based on best available data and created for use at a higher scale.

I64-53 The comment does not raise a significant environmental issue for which a response is required. It should be noted that the maps provided were prepared by the County GIS using input from Farmland Mapping and Monitoring Program (FMMP) and using modeling to approximate parcel boundaries and site features at various scales.

I64-54 While the GIS figures are not intended to exactly reflect specific features of a site, the County finds that the maps provide enough information for regional planning. In the case of Referral #164 (ME3 on DEIR Appendix L: Project Alternatives Areas of Difference), the important information reflected in the maps is that there is a potential creek on the site (though it may be periodically devoid of surface flow) and that there is irrigated cropland on the property. Additional site-specific information is appreciated but not essential to preparing the DEIR Appendix L.

I64-55 The statistics cited in this comment were taken from the USDA Census of Agriculture 2002 and also are found in the County of San Diego 2008 Crop Statistics and Annual Report (page 5), which may be accessed at the link below: http://www.sdcounty.ca.gov/reusable_components/images/awm/Docs/stats_cr2008.pdf.

Those statistics were developed by the County Department of Agriculture, Weights and Measures. As discussed in DEIR Section 2.2.1.1 Agricultural Resources, the FMMP maps agricultural lands based on a minimum of 10 acres and the property's soils characteristics and land uses. The 20 percent of the County that is not completely inventoried (DEIR Table 2.2-1) typically contains large public land holdings, such as National Forests, that are not covered by modern soil surveys.

I64-56 The statement found in DEIR Table 2.2-4 refers to fact that “most field crops in the County are dry land farmed.” It further identifies that these crops are actively grown during the “wet winter months.” Further, alfalfa was referenced in the next sentence as one of several typical field crops. It should be noted that alfalfa possesses a long root system, which allows the plant to access groundwater. A list of County staff who

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prepared the DEIR is provided in DEIR Chapter 6, Preparers and Persons Contacted.

I64-57 Of the 407,600 acres of agricultural lands identified on DEIR Table 2.2-3, Existing Agriculture Resource Distribution in the County, 117,575 acres would be food producing. This was determined by subtracting the "grazing lands" category from the total. As identified by the definitions provided in DEIR Table 2.2-4, County Agricultural Resource Categories, the remaining categories shown on Table 2.2-3 would be food-producing types of agriculture.

I64-58 The statement that "only six percent of the region's soils is considered prime agricultural land" found in DEIR Section 2.2.1.2, Agricultural Soils, is correct. Please note that DEIR Table 2.2-1 is a listing of acreages for the FMMP land uses, such as Prime Farmland and Farmland of Statewide Importance. These categories are based on both soils and land uses on properties located within the State of California, and in the case of the DEIR, properties located within San Diego County. This table is not identifying the total number of acres relating to Prime Farmland Soils, Statewide Significance Soils, etc. A comparison of Figures 2.2-1 and 2.2-3 show clearly that the Prime Farmlands FMMP designation does not necessarily fall within the Prime Agricultural Soils locations.

I64-59 The Williamson Act defines Prime Farmland and that definition matches the definition of many of the Prime Farmland Soils within the FMMP. However, there are Prime Farmland Soils and Statewide Significance Soils that meet those definitions within the FMMP, which are not defined within the Williamson Act, as stated in DEIR Section 2.2.1.2 Agricultural Soils, under the "Prime Agricultural Soils" subheading.

I64-60 Grazing lands are low value agricultural uses when compared to the other types of agriculture in the County. For instance, only approximately 9,800 acres, nursery and flower crops yield $1,042,461,078. Grazing does not yield this value for similar total number of acres. Further, as stated in the DEIR Table 2.2-4, grazing operations do not require value added infrastructure, such as irrigation systems or other infrastructure.

I64-61 The County does not agree with this comment. The referenced Small Business Regulatory Fairness Act relates to Federal Government regulatory promulgation and does not apply to County actions. The County does not agree that habitat conservation significantly affects agricultural trends, and therefore, does not address it in DEIR Section 2.2.1.5, Agricultural Trends. In addition, the project is not proposing a habitat conservation plan that would regulate conversion of grazing land to orchards. The existing MSCP Subarea Plan in the southwest portion of the County has provisions for this type of permit whether it is located in or outside of the Pre-approved Mitigation Area (PAMA), none of which involve 75 percent preservation or 3:1 mitigation ratios.

I64-62 DEIR Section 2.2.1.5, Agricultural Trends, under the subheading "Water," identifies that water availability to agricultural operations has been cut-back. One of the reasons for this reduction, along with drought conditions, is the fact that water

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supplied from the Bay Area has been reduced due to recent court decisions (e.g., *NRDC v. Kempthorne; Pacific Coast Federation of Fishermen's Associations v. Gutierrez*). With regard to food production in the MSCP, it should be noted that the regulating ordinance for the MSCP, the Biological Mitigation Ordinance, includes an exemption for projects that propose agriculture outside of PAMA. Also see responses to comments I64-72, I64-74, and I64-75 below.

I64-63 This comment is a reiteration of a statistic in DEIR Section 2.2.1.5, Agricultural Trends, and does not raise a significant environmental issue for which a response is required.

I64-64 This comment pertains to the definition of Organic Farming as was provided by the National Organic Standards Board. The definition cited does not affect the DEIR analysis or conclusions. However, for additional information about this definition, please refer to the National Organic Standards Board website at: http://www.ota.com/standards/nosb/index.html.

I64-65 The County used the GIS mapping application to estimate the number of acres of Williamson Act Contract lands that are privately owned. Of the 80,504 acres under contract, approximately 59,837 acres are in private lands. A sample Williamson Act Contract may be reviewed at the Zoning Counter at the County Department of Planning and Land Use. The County can only speculate as to why only two properties have requested Williamson Act Contracts between 1980 and 2005. It should be noted that funding for Williamson Act Contracts will be removed in the near future. Therefore, it is unlikely that property owners will request new Contracts.

I64-66 The Farmland Protection Policy Act minimizes conversion of agriculture to a non-agricultural use. The MSCP does not require or facilitate the conversion of agriculture to non-agricultural uses such as development or habitat. If a property in PAMA contains agriculture, the MSCP does not require that it be converted to habitat. The MSCP does contain mitigation ratios for proposed impacts to existing habitat, but the ratios range from 0.5:1 to 2:1. A ratio of 3:1 is mentioned in case of a rare instance where a project proposes impacts to a biological resource core area, but will provide mitigation in a non-biological resource core area. To date, this has not occurred in the County's MSCP.

If agricultural lands were fallowed and left to revert back to habitat lands, then they would be treated as habitat under the MSCP in the event that a project application was filed. Lands are still considered to be agriculture if they have been farmed during three of the last five years (Biological Mitigation Ordinance Section 86.503(a)(10)(b)). If lands have completely reverted back to habitat, then an agricultural clearing permit would need to be processed to farm the land again. The County does not agree with the statement that it could never go back to agriculture, unless the land was already preserved within open space under a previous agreement or acquisition.

I64-67 The comment is referring to DEIR Section 2.2.2.2 State under the "California Land Conservation Act (Williamson Act)" subheading. In the description provided, the

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term open space refers to undeveloped land. The majority of the Williamson Act Lands in the County would meet this definition with the exception of some residences on these lands.

I64-68 Whether an easement on a property can be transferred to another entity depends on the easement language, the parties named, and the provisions for transfer. Easements recorded under the California Farmland Conservancy Program (CFCP) would be administered and managed by the California Department of Conservation.

I64-69 A sample Farmland Security Zone contract may be found at this website: http://www.cfbf.com/issues/landuse/contract.cfm

I64-70 Although the comment is not fully understood, it appears to take issue with the County's involvement with stakeholder groups and/or advisory groups during policy development such as the preparation of the General Plan Update or MSCP. The County is fortunate to have many diverse interest groups involved with these processes and welcomes the input of all stakeholders during policy making. It is not a conflict of interest to allow varied interest groups to be involved with these public processes. Rather, a conflict of interest would occur if the decision makers had a personal stake in the outcome of the project.

The Farm and Ranch Lands Protection Program (FRPP) provides funds to governments or organizations that have agricultural protection programs for the purchase of conservation easements. As such, the US Department of Agriculture would be supporting already identified goals for the protection and conservation of agriculture. Organizations or stakeholders working to achieve habitat conservation would not necessarily be involved, or at the very least, would not be in conflict with the FRPP.

I64-71 According to Board Policy I-38, all or a portion of the contract lands could be cancelled through eminent domain for the following two reasons: (1) The erection, construction, alteration, maintenance, or repair of any gas, electric water or communication facilities by any public agency or to the acquisition of any such easement by any public agency; and (2) The establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the Circulation Element of the San Diego County General Plan adopted by said Board prior to the date of the contract. Any other governmental action that takes the total Williamson Act Contract property would fall under this eminent domain provision.

I64-72 The County does not agree that Board of Supervisors (BOS) Policy I-133 conflicts with MSCP plans. The MSCP and the Biological Mitigation Ordinance do not require mitigation for lands that are already in agriculture. Moreover, these documents include an exemption for projects that propose new agriculture outside of Pre-approved Mitigation Areas. BOS Policy I-123 is discussed in the DEIR within Section 2.4.2.3. The County does not agree that BOS Policy I-123 allows a property owner to “opt out of the MSCP.” BOS Policy I-123 does not address whether a property is or is not located within the boundaries of the MSCP. The boundaries of the County's

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MSCP Subarea Plan were established in 1997. Rather, BOS Policy I-123 provides a mechanism for a landowner whose property is already located in the Subarea Plan boundaries to receive the third party benefits of the program without having to process a development permit. This may be needed for on-going activities that are allowed by right, such as existing agriculture.

I64-73 This comment does not raise a significant environmental issue. The San Diego Farming Program Plan supports the implementation of the Purchase of Agriculture Easements (PACE) initiative which could provide an effective mechanism to address equity and property protection issues that will arise during the implementation of the proposed General Plan Update and MSCP plans. In a typical PACE program, landowners sell conservation easements to a government entity or qualified private or non-profit conservation organization. The proceeds provide farmers with liquid capital and return on investment without selling their property. The ability to extract equity is a powerful incentive that offers farmers an attractive alternative to development. In addition, this permanently maintains the value of the property at the level appropriate for farming, not development. Please refer to Section C.2.4 of the Farming Plan for more information regarding this issue.

I64-74 It is not clear from the comment what the acronym FCA indicates. Mitigation for impacts within PAMA in the County's MSCP Subarea Plan depends on the types of habitat. The ratios are provided in Attachment M of the Biological Mitigation Ordinance (BMO) (located on the County's website at: http://www.sdcounty.ca.gov/dplu/mscp/bmo.html). Agricultural projects proposed outside of PAMA can be exempt from mitigation pursuant to Section 86.503(a)(10) of the BMO. As of September 2009, the fees to obtain an agricultural clearing permit are: $1,150 for Department of Planning and Land Use processing, $795 for review by the Department of Public Works, and $630 for stormwater management.

I64-75 The County agrees that habitat lands are considered to be a non-agricultural use. The County does not agree that habitat or non-agricultural uses require an economic analysis in the DEIR. Social and economic effects need not be considered in an EIR. See CEQA Guidelines section 15064(e).

It is not clear what the commenter is asking with regard to habitat and agriculture being compatible. While active agriculture and native habitat cannot typically occupy the same space or be considered the same use for planning purposes, the two types of uses may be considered compatible for planning purposes.

Projects that propose agriculture may be exempt from MSCP requirements if they are not located within PAMA. Agricultural projects proposed within PAMA require evaluation in order to ensure that potential impacts do not jeopardize the formation of the preserve system in the County's MSCP Subarea Plan. Also see responses to comments I64-62 and I64-72.

I64-76 The Local Agricultural Resources Assessment (LARA) Model is similar to the Land Evaluation and Site Assessment (LESA) Model, but is only applicable to the County of San Diego. The County of San Diego uses the LARA Model to determine if a

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property is an important agricultural resource, as defined by the LARA Model. This Model is primarily used during the County's review of proposed development applications to determine the significance of potential impacts on agricultural resources which may be generated by that proposed development, as required by CEQA. This is the same way the LESA Model is used, except it applies to lands outside of the County of San Diego, as well as within this County, prior to March 19, 2007 (the enactment of the LARA Model). The LARA Model does not classify lands and properties for agricultural purposes. Classification of land is undertaken by the Farmland Mapping and Monitoring Program (FMMP), a division of the California Department of Conservation.

The comment suggests that LARA Modeling was used to classify the subject property as grazing, with a section of Farmland of Local Importance. This is incorrect. The FMMP designates properties with these types of categories, based on its mapping program. This comment contains a further inconsistency in stating that the LESA Model classifies that same property as Farmland of Statewide Importance. That category is an FMMP classification, which is based on the property's soil characteristics and existing land uses. The County has not completed a LARA Model assessment for this property since the property owner has not submitted a development application to the County. Without a project application, there is no reason to analyze potential impacts to agricultural resources.

It should be noted that the LARA Model bases the important agricultural resource determination on the following required property characteristics: soil resources, water resources and the property's climate or sunset zone. The LARA Model would not be utilized to review devaluations of land or whether there is a change to a farming operation caused by irrigating, or not irrigating, land on the property.

I64-77 The County's MSCP or any other Habitat Conservation Plans must not directly conflict with the County’s General Plan. However, the MSCP includes an exemption for agricultural projects located outside of PAMA. The exemption is applied through Section 86.503(a)(10) of the Biological Mitigation Ordinance, which is the implementing ordinance for the MSCP. Also refer to responses to comments I64-62, I64-72, I64-74 and I64-75 regarding agricultural projects in the County's MSCP Subarea Plan.

I64-78 The Open Space (Conservation) designation is not proposed over any known active food-producing agriculture for the proposed project or for any of the project alternatives. It is proposed over some lands that qualify as grazing lands; however, those lands are under the jurisdiction of other agencies and would not be subject to the County's General Plan. During evaluations of such lands, the Open Space (Conservation) designation was deemed to be the most appropriate given the existing uses and surrounding conditions. The County agrees that active food-producing agricultural uses would not be suitable for the Open Space (Conservation) designation.

I64-79 The County does not agree that the sentence should be re-written to state, “biological preservation only occurs in areas separate from those with existing

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agricultural resources," as this statement could not be made with certainty. There may be instances where biological conservation and active agriculture coincide. However, the County is not proposing either biological preserve or Open Space designations over food-producing agriculture as part of the General Plan Update.

I64-80 The Open Space (Conservation) designation is not proposed over any known active food-producing agriculture for the proposed project or for any of the project alternatives. It is proposed over some lands that qualify as grazing lands; however, those lands are under the jurisdiction of other agencies and would not be subject to the County's General Plan. During evaluations of such lands, the Open Space (Conservation) designation was deemed to be the most appropriate given the existing uses and surrounding conditions. Also refer to response to comment I64-78.

I64-81 The section of the DEIR discussed in the comment is referring to the County's Guidelines for Determining Significance: Agricultural Resources, which can be accessed at http://www.sdcounty.ca.gov/dplu/docs/AG-Guidelines.pdf. Projects that would impact agricultural resources, whether for development or for habitat restoration, would be subject to these guidelines. The guidelines discuss standard mitigation and design considerations that are included in such projects. Avoidance is the primary consideration before mitigation measures are applied. As further discussed in the guidelines, a minimum ratio of 1:1 is required as mitigation for impacts.

I64-82 The MSCP includes an exemption for agricultural projects located outside of PAMA. The exemption is applied through Section 86.503(a)(10) of the Biological Mitigation Ordinance, which is the implementing ordinance for the MSCP. Also refer to responses to comments I64-62, I64-72, I64-75, and I64-77 regarding agricultural projects in the County's MSCP Subarea Plan.

I64-83 Certain General Plan Update goals and policies promote the preservation of existing agricultural resources. The comment recommends that the goals and policies be modified to exempt existing agricultural resources rather than preserve them. The County does not agree with this comment. It is not clear from the comment what the proposed exemptions would involve or why preservation of agriculture in the County is not a valid goal as written.

I64-84 The term "open space" by itself has many definitions and uses. If it occurs this way in the DEIR without more specific context, the County would assign its most general and broad definition: undeveloped land. The Open Space designations proposed within the General Plan Update are described in the Land Use Element under "Land Use Designations."

Open Space Elements may refer to an element of a General Plan. The General Plan Update includes the Conservation and Open Space Element which is comprised of the goals and policies relating to the conservation, management, and utilization of natural and cultural resources; the protection and preservation of open space; and the provision of park recreation resources.

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Open space network is a term used to describe the product of joining or piecing together areas of preservation within the County to make an overall system that can be monitored and managed.

Community open space is a term used to describe an area of open space that is shared among landowners or inhabitants of a given development project.

I64-85 Land Use Policies 7.1 and 7.2 are found in the proposed Land Use Element of the General Plan Update. Policy LU-7.1, Agricultural Land Development, refers to lowering the density of agricultural lands to protect those lands and permit continued farming. The reduced density would limit adjacent properties from converting to residential uses that could interfere with farming operations. The lower densities would also allow agricultural operations to contain sufficient land to continue those operations. Please note that Policy LU-7.2, Parcel Size Reduction as Incentive for Agriculture, refers to reduction of parcel sizes, for compatible development, to create an incentive for continued agricultural production. This provision relates to the Conservation Subdivision Program, which allows smaller lots and expanses of land for continuing agricultural.

I64-86 The County appreciates the comment. The reference to habitat creation has been retracted, as it is not one of the identified initiatives of the Farming Program. Please see DEIR 2.2-19 Farming Program for revision.

I64-87 The Farming Program was formulated through a series of listening sessions with agricultural stakeholders in the fall of 2005. The PACE program is one of the initiatives that was identified to promote the economic viability of farming in the unincorporated County. While the specific provisions of the program have not been developed and/or adopted by the County, the program will not prohibit farmers from raising different crops. The County does not agree that provisions of the PACE program were not meant for public review. As stated previously, the specific provisions of the program have not been developed and/or adopted by the County and the document noted in the comment was distributed for public review.

It is unclear to the County, what “environmental group” the commenter is referring to; however, the County does not agree with the comment. The PACE program was identified as one of several initiatives of the Farming Program. The Farming Program was developed with extensive public input from County farmers and agricultural stakeholders.

I64-88 The specific provisions of the PACE Program have not been identified or adopted by the County; however, the program will not restrict water rights or impede the agricultural viability of properties participating in the program.

I64-89 The County does not agree with the recommended wording change. The section to which this comment is referring specifically quotes The Farmland Protection Action Guide published by the Institute for Local Self Government. As such, the County does not have the authority to change the wording.

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I64-90 Pursuant to other comments, this term has been revised throughout the document to state “confined animal feeding operation.”

I64-91 The County does not agree that the DEIR should include analysis of impacts that may result from trespass of Mexican cattle, entry of illegal immigrants, or effects of linkages and corridors. The General Plan Update would not directly influence these events or occurrences. While the project does promote the preservation of linkages and corridors, these are natural features that already exist in the environment. There is no substantial evidence that preservation or management of wildlife linkages or corridors results in the spread of disease.

I64-92 The statements and questions in this comment are not fully understood. Purchase of agricultural conservation easement (PACE) programs compensate property owners for restricting the future use of their land and are meant to support individual farm owners. The County does not agree that agricultural easements can be transferred to other entities and/or undermine the farmer's interests.

I64-93 The County does not have any evidence to suggest that the conversion of agriculture to habitat is a contributing factor to the regional decline of agricultural resources. In addition, the DEIR does not need to address this issue because the General Plan Update is not proposing this type of conversion.

I64-94 Policy LU-7.1 refers to lowering the density of agricultural lands to protect those lands and permit continued farming. The reduced density would limit adjacent properties from converting to residential uses that could interfere with farming operations. Also see responses to comments I64-85 and O12-5.

I64-95 Draft Conservation and Open Space Element Policy COS-6.4, Conservation Easements, supports the acquisition or dedication of easements; however, does not make them a requirement. The PACE program will also be a voluntary program.

I64-96 The General Plan Update does not propose to convert agricultural resources to habitat. Also refer to responses to comments I64-78, I64-79, and I64-93.

I64-97 The County's progress on the project is ahead of the estimated schedule generated in 2008. While CEQA requires a 45-day public review period for Draft Environmental Impact Reports, the County extended the review period for the General Plan Update DEIR to 60 days. Electronic copies and paper copies were made available to the public; however, purchase orders of hardcopies through the County printing center took several days to process. The County does not agree that additional time should be added to the CEQA public review period. It should be noted that the County welcomes public comments and testimony up until and during the public hearings for the project. Also refer to response to comment I64-4.

I64-98 This comment does not raise a significant environmental issue for which a response is required.

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I64-99 The County does not agree that the DEIR should include analysis of impacts that may result from wildlife corridors or from NCCPs, HCPs, or the MSCP. The primary source of impacts to the environment, as analyzed in the DEIR, is development that may occur as a result of the land use designations mapped on the Land Use Maps and the new or expanded roads shown on the proposed Road Network. Also refer to responses to comments I64-78, I64-79, I64-93, and I-64-96.

I64-100 The County does not agree that discussion of the East County MSCP should be removed from the DEIR. The comment states that there are significant negative impacts associated with the East County MSCP. The County cannot determine at this time what, if any, significant impacts the East County MSCP would have on the environment. A separate environmental analysis pursuant to CEQA and NEPA would need to be prepared prior to implementation of the Plan. However, the County can state with confidence that such a plan would mitigate potential impacts that development may have on sensitive species and habitat. As such, its discussion in the General Plan Update DEIR is warranted.

I64-101 The County does not agree that the DEIR should include analysis of impacts that may result from wildlife corridors. The primary source of impacts to the environment, as analyzed in the DEIR, is development that may occur as a result of the land use designations mapped on the Land Use Maps and the new or expanded roads shown on the proposed Road Network. Also refer to responses to comments I64-78, I64-79, I64-93, I64-96, and I64-99.

I64-102 This comment targets the potential effects of the East County MSCP. The General Plan Update is not a habitat conservation plan. While the project does include policies related to conservation, the potential impacts to the environment resulting from the General Plan Update primarily stem from land use designations mapped on the land use maps and the new or expanded roads shown on the proposed Road Network. Also refer to responses to comments I64-78, I64-79, I64-93, I64-96, I64-99, and I64-101.

Comment Letter I 65, Suncal Companies, Sam Veltri

SunCal Companies

CORPORATE OFFICE
2392 MORSE AVENUE
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August 28, 2009

Mr. Devon Muto
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
Via US Mail and electronically to gpupdate.DPLU@sdcounty.ca.gov

Subject: DEIR; Log No. 02-ZA-001: Sch. No. 20002111067; San Diego County General Plan Update

Dear Mr. Muto:

I65-1. The following comments are submitted in response to the Notice of Availability of a Draft Environmental Impact Report and General Plan Update dated July 1, 2009. The comments herein pertain to the Draft Environmental Impact Report and the attendant Draft General Plan and Draft Community and Subregional Plans that are a part of this procedure

SunCal possess real property rights in a 1250 acre property located in Jacumba and referred to as the Ketchum Ranch in the development application filed with the County of San Diego, Department of Planning and Land use. SunCal appreciates this opportunity to provide comments.

I65-2. 1. The adoption of the DEIR will result in contradictory requirements upon Ketchum Ranch resulting from inconsistencies found between the documents referenced above. Figure LU-1, page 3-13, Regional Categories Map, Draft General Plan identifies the Ketchum Ranch within a semi-rural category. The definition of semi rural on page 3-12 includes the application of density ranges for slope dependant land with slopes of 0% to greater than 50% of 0.5 du/ac to 1du/10gross acre. The slope categories apply to all of the land and by imposing this guideline the criteria limit the potential yields on 3 of the 4 proposed land use plans under consideration for adoption by the Board of Supervisor.

I65-3. 2. The DEIR fails to define 'in place" regarding existing adopted Specific Plan areas (SP) designations. On page 2.9-34, Community Plan and Specific Plan, the DEIR states that the Community Plan will be modified to avoid conflict with the General Plan update and that SP designation will apply to areas that SP designations are "in place". Chapter 3 page 3-17 of the Draft General Plan indicates also that SP designations previously adopted will remain. Currently the Mountain Empire Subregional Plan identifies the adopted Specific Plan (SP) designation for the Ketchum Ranch and the DEIR should define "in place" as consistent with the adoption and designation in the current Mountain Empire Subregional Plan.

I65-4. 3. Part XX, Mountain Empire Subregional Plan, Chapter 2, Specific Plan Areas, page 5 (pagination appears out of order) incorrectly describes the current development application for the Ketchum Ranch

Comment Letter I 65, Suncal Companies, Sam Veltri (cont.)

SunCal Companies

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I65-4. cont. property. As note in item 2 above, the Mountain Empire Subregional Plan (MESP) designates a (SP) designation for the Ketchum Ranch property and the document should clarify if the land plan described in the Mountain Empire Subregional plan is also adopted. The Ketchum Ranch plan application currently submitted to the DPLU is not as described in the MESP.

I65-5. 4. Goal LU-7, page 3-27 and 3-31 of the Draft General Plan states that agricultural uses should be preserved as a resource or to contribute to the character of the area. Preservation of agricultural area is an economic consideration which can not be sustained if infeasible or unsubsidized therefore resulting in no contribution to the character of an area. The statement should include, "where feasible" and permit alternative uses subject to normal rules and regulations. DEIR Hydrology Section 2.8-3 Groundwater Hydrology Issues states that large scale agriculture may cause shortages of water. Section 2.16, page 14 of the DEIR characterizes groundwater users and the consumptive use as including "irrigation of landscaping and/or agricultural crops, watering horses or other livestock."

I65-6. 5. The DEIR, section 2.8, pages 4-5 predisposes a need for large lots due to clustering of groundwater demand or aquifer types. Further, in discussing the groundwater and future development of the area within Part XX, Mountain Empire Subregional Plan, page 4 states that:

"The availability of groundwater varies from community to community but, generally future development will require large minimum lot sizes to ensure long term availability of groundwater."

Large lots and dwellings in semi rural and rural areas accommodate increased households, greater landscaped areas, and the potential for the consumptive uses mentioned in Item 4 above. Conversely, the DEIR states that on pages 2.8-2, 3, & 4 that specific types of aquifers and water resources of certain local areas such as that of the Ketchum Ranch project have large water production. The does the assumption towards lower density, large lots does not take into consideration efficiencies brought about by infrastructure systems for recycled water. Therefore, the DEIR should state that final decisions regarding density, lot sizes and land uses are determined at the time that more detailed groundwater information and analysis is obtained.

Sincerely,

Sam Veltri

Responses to Letter I 65, Suncal Companies, Sam Veltri

I65-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I65-2 It is not clear what contradictory requirements or inconsistencies are being suggested as the comment does not elaborate on this issue. The County does not agree that contradictory requirements or inconsistencies exist.

I65-3 The purpose of the discussion in the DEIR with regard to Specific Plans is to determine if any conflicts with adopted Specific Plans would occur from the proposed project. The use of the term “in place” is meant to refer to approved and implemented Specific Plans, and this has been revised in the DEIR for clarification. The DEIR was not referring to all previously designated Specific Plan Areas, as suggested by the comment, nor does the draft General Plan indicate that all previously designated Specific Plan Areas will remain. DEIR Section 2.9.3.2, Issue 2: Conflicts with Land Use Plans, Policies, and Regulations, under the subheading “Specific Plans” has been revised by replacing “in place” with “that have either already been approved or implemented.”

I65-4 The text included in the Mountain Empire Subregional Plan was from the existing community plan. Chapter 2 of the Mountain Empire Subregional Plan has been revised, under the Ketchum Ranch subheading by including the density allowed on the General Plan Update Proposed Project “(1.7)” and removing the discussion about the two phases of the plan.

I65-5 The County appreciates these comments and clarifies that the implementation of its goals to preserve agriculture is directed further in policy and can be balanced with implementation of other goals and policies. That County does not interpret the draft General Plan to require the absolute preservation of all agriculture and, therefore, does not believe that the addition of “where feasible” is necessary to add to Goal LU-7, Agricultural Conservation.

I65-6 The County agrees that density, lot sizes, and land use are determined on a case-by-case basis when discretionary actions are presented to the County's decision makers and those actions are accompanied by groundwater analyses when necessary. However, the County also notes that the decisions are guided by and must be consistent with the County's plans and policies such as the General Plan, community plans, Zoning Ordinance, and Groundwater Ordinance. The County believes that this is clearly explained in the County's documents and State law and further explanation is not necessary.

Comment Letter I 66, Tomlin, Travis

August 13,2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I66-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

x Travis Tomlin x

Responses to Letter I 66, Tomlin, Travis

I66-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to Comments I2-1 through I2-4.

Comment Letter I 67, Venable, Kenneth

21 August 2009

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

I67-1. I have reviewed the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

I67-2. The draft environmental document for the General Plan Update will drastically strip the back country of most of its density (value) and severely limit necessary enhancements to our rural villages. Implementation of the changes being proposed to the General Plan will further depress property values and businesses will continue to close leaving us in the back country with even more dependency on long drives to town for basic goods. These drastic down-zoning provisions of this General Plan Update are simply a bad deal intended to appease the radical environmentalists at our expense and the back country.

I67-3. This plan will destroy the economic and social fabric of our fragile mountain communities and this will affect all of us in ways that no one fully comprehends. The heads of healthcare organizations and school districts believe these radical land use revisions will have severe consequences on our access to healthcare, community services and quality education in the back country.

I67-4. Moreover, it is my opinion that the draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

I67-5. While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I67-6. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**."

Comment Letter I 67, Venable, Kenneth (cont.)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

I67-7. Until such an analysis is performed and the significance of these impacts is accounted for, the Draft EIR has not adequately met CEQA requirements. As a home and land owner in San Diego County I am requesting that a proper and complete environmental as well as an economic analysis be conducted on the effects of the implementation of the changes to the General Plan.

Thank you,

Ken Venable

Ken Venable

Responses to Letter I 67, Venable, Kenneth

I67-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I67-2 The County does not agree with this comment. Please refer to response to comment O12-5.

I67-3 The County does not agree with this comment. The densities proposed in the General Plan Update are based on ground-truthing research, sound planning principles, and extensive public input. The planned potential for housing and jobs in an area does not necessarily result in economic benefit, access to services, and sustainability. However, higher densities as allowed by the existing General Plan may be continued under the No Project Alternative. Ultimately, the Board of Supervisors will determine which land use map will be implemented. The Board will consider all information in the Final EIR and related documents before making a decision on the project.

I67-4 Please refer to response to comment I2-1.

I67-5 Please refer to response to comment I2-2.

I67-6 Please refer to response to comment I2-3

I67-7 Please refer to response to comment I2-4.

Comment Letter Responses to Letter I 68, Vick, Mary

August 13, 2009

AUG 19 '09 PM

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

San Diego County has been trying for years to update their General Plan. This latest push (GP2020) is another example of the Horse built by Committee.

Bureaucrats down town take little time to really understand what the folks in the rural areas need or want. They rely heavily on the less than capable Community Planning Groups to provide the requisite input, disregarding the citizens most likely to be impacted by changes in the General Plan.

I68-1. The truth is, Community Planning Groups operate on their own agenda, often with little regard for the communities they represent. Every election brings folks with different ideas about how any particular community ought to look.

My gripe with the proposed General Plan Update is the Down Zoning that takes place. It's unfair (and maybe illegal) to change the zoning on somebody's property, especially if they've owned it for years with the intent of splitting it and developing all or parts of the split. That's just plain stealing land.

If I'm negatively impacted by the General Plan Update with regard to my property owners rights, I will seek compensation from the County for the losses I suffer.

Please take another look at what you're doing and see if there isn't a logical approach that minimizes impacts to property owners. The proposed General Plan Update should be a document that helps citizens, not a document that impacts their lives in a negative way.

Thank You for the opportunity to comment.

Sincerely,

Mary Vick

Mary Vick
PO Box 4
Campo, Ca 91906

Responses to Letter Responses to Letter I 68, Vick, Mary

I68-1 This comment letter is the same as an earlier comment letter (Letter I 42). Refer to responses to Comments I42-1 through I42-4.

Comment Letter I 69, Weber, Thomas

August 27, 2009

TO: Devon Muto, Division Chief San Diego County DPLU
FROM: Tom Weber, gad fly

RE : DRAFT BORREGO SPRING COMMUNITY PLAN (corrected text Sept 6th)

Comments on the Effectiveness of the Process Used to Write the Text:

I69-1. The new process used in writing this draft has certainly produced a much better product than the draft plan produced seven years ago after endless meetings and effort. Also, County consultant editing has made it far more readable and realistic.

The current text was produced in a very tight time frame by a group that had worked for more than a year on getting the County to approve a Desert Conservation District (later called "initiative"). In at least one format, that proposal would have created a local board, like an historic district board, to approve all new development and building in Borrego consistent with standards they identified as correct for the desert environment. They did not hold any public meetings on this new community plan draft text, but relied for public input on the extensive town meetings they held on that earlier project.

In contrast with this new effort, the draft plan they are replacing was done seven years ago under the supervision of County staff with decisions made by those attending well-publicized town hall meetings. The planning issues and every word of that text were resolved at those meetings where everyone attending was allowed to vote – whether a Borrego resident or not. The meetings came shortly after the Borrego Water District had adopted a Ground Water Management plan that identified farming as the major (75%) cause of groundwater overdraft. Needless-to-say, it was turmoil and the meetings were stacked by special economic interests. Every controversial idea and every word was argued and voted on. There was very limited progress and the meetings were avoided by most local residents. It might be called a text reflecting the views of farm owners, most not from Borrego, and their non-English speaking employees from Ocotillo Wells. Fortunately, time, illness, a few deaths and the aging of some farmers has changed the make up. And the anger I created as the Borrego Water District manager with the Ground Water Management Plan has also dissipated with time.

I69-2.

Having an academic background in political science, American history and urban planning, I find the process used in writing this current draft fascinating. We can't go back to the pre-1970s period when staff and a few prominent persons did these plans in closed meetings. However, we obviously achieved little in the town hall voting approach of the previous draft. Maybe the method used to produce the current draft plan is a prototype for future efforts. Get public input, as they did in previous meetings on the desert conservation district effort, and then go off with knowledgeable citizens and write the plan and send the draft directly to County staff and the decision makers. In Borrego I saw that approach work before in dealing with school budgets. A committee of local businessmen got public input and then worked with the school administrators to put a budget together that went directly to the approving body.

Comment Letter I 69, Weber, Thomas (cont.)

COMMENTS ON SPECIFIC ITEMS IN THE DRAFT TEXT:

I69-3. **Need to Proof Read Again:**
There are many typos such as "tack" rather than track on page 30. The final draft, when marks-ups are gone, needs careful proof reading. (This memo took for efforts at that.)

Need to Specify Flood Control Planning in Implementation (page 104):

I69-4. I would agree with the text that there is a need to undertake County-initiated special studies to resolve some of the continuing and increasingly serious land use and economic issues of the valley. In addition to those identified in the final section – basically, ag. land, town center development, resource conservation – I would add flood control. The problems of flood control were largely ignored in assigning densities in the plan map. A local architect, Stuart Resor, once wrote an opinion in the "Borrego Sun" that we should study all the areas along the creeks and rivers and use them for open space and connecting trails. That was a good idea and what they are trying to do in coastal communities. Since the current plan map was approved six years ago, Borrego has had proof of the flooding issue. We need to relook at the densities assigned to some areas that have flooded in recent years or will flood. This particularly includes areas along the Palm Canyon Creek to the Sing and Coyote Creek from the state park in the north to the Sink areas. The Steering Committee has voted to not allow development in flood fringe areas. This should be used to study densities in these area in Borrego as they do flood.

I69-5. The solution to flooding as been just elevating housing pads, which is the solution when you allow such development, doesn't resolve the issue of flooding. Flooding, even if it does not enter a residence, makes access impossible, and destroys septic systems, landscaping, roads and utilities. It burdens government entities with the costs of dealing with these natural events. There is more than enough land in Borrego to develop without using these impacted locations. It was an effort of land owners to get more money for their property from future land speculators or from government when it buys these lands for flood protection. As these areas will probably never be developed, it also makes the projections for valley development excessive and that adds impact fees for circulation element roads to all other property owners in the valley that have land that they can develop, particularly along Palm Canyon Drive.

Densities adjacent to the State Park in the Citrus Lands

I69-6. Also, I would agree that we need to better study the map's assignment of densities adjacent to the state park particularly in the citrus area. The map gave the whole citrus area estate density with the idea it would convert to low water use estates and thereby save the groundwater. I initiated that idea when I was the BWD general manager, but I never thought that the plan would just blanket the whole area with 1 unit per 4 acres. Instead, it should have greatly reduced density on the land next to the state park or along the creek. Again, why impact the plan and other future development with the fees these unusable densities create?

Comment Letter I 69, Weber, Thomas (cont.)

Studying a Need for Land for a Research Park Adjacent to the Airport
As for zoning for a research park area adjacent to the airport, is that really needed? A Borrego architect, the local representatives of the land speculators who own land north of the airport, has promoted that idea for years with drawings of airport runway expansion and a thousand acres research park. He was the " land planner" on this draft. His ideas impress those who believe all is possible as he says that a university could build it.

I69-7. Actually, it is just an effort to create more value in speculative land. It is dishonest for government documents to do this and only inflates the public facility needs for the whole valley. It inflates the need for circulation element roads, water lines, sewer planning, utility planning. It creates huge impact fees for those who want real development such as in the town center. Inflated plans are not free. They are wasteful and expensive to others. If some university, as he suggests, will build a billion dollar research park in Borrego, I am sure that most would support the effort – but let's first see someone with the ability and money come forward. Lack of useable land is not the issue in Borrego. Isolation is!

The Various References to the Community Park Site:
The community park has been a particular interest to me as when the BWD manager I initiated the effort to use the park funds to purchase that site in order to preserve the
I69-8. vision to the churches, provide a display area for low water plants and trees and a safer place for families to recreate. I have pointed out previously that the text is incorrect in stating that the park site is ten acre (page 11 and others). It is 16 or 18 acres. There are two adjoining parcels, one is 10 and the other is smaller. Also, it is a misstatement, page 18, to say that the "community is served by an agency responsible for maintenance, operation, and planning of community parks".

Seven or eight years ago when the BWD first was considering assuming water provisions to the BSCC, it was pointed out that they had a park site in their specific plan and a small golf course at Club Circle. To facilitate assuming responsibility for a taking over the
I69-9. water function, the Board of the BWD, on my recommendation, agreed to ask LAFCO, and it may have included the state legislature as well, to expand BWD authority for additional services, including park maintenance. Those powers were granted, but the BWD Board has never implemented any of those services although it has annexed the BSCC and Club Circle area. Providing park maintenance by a local entity is necessary to use County collected local park funds for park development.

The Economic Base of the Town:
Tourism is identified on page 10 as the economic base for the community – maybe to a hotel owner or gift shop owner who probably wrote this section, not to someone from the
I69-10. hardware store, auto repair shop, real estate office, restaurants, gardening service, golf course, medical facilities – on and on. Tourism is essential to the functioning of the economy and according to County-paid consultants the only way to expand the local economy. At the present time, however, the real economic base is money spent by retired

Comment Letter I 69, Weber, Thomas (cont.)

I69-10. cont. residents (imported money) and by those associated with governmental entities. That is the major economic problem of the town. In simple terms it is the snow birds, park employees, other public agency employees and government subsidies that mainly support the Borrego economy. County-contracted consultants, who have studied the community, have identified that expanding tourists' stays in the valley is essential to providing a larger and more stable economic base to serve all. Until that can be done, the community will not have the commercial services it wants or needs. That is the correct statement.

I69-11. **Town Center Design:**
All the work done or proposed on the town center is well presented, perhaps as those people participated in this writing. All should applaud the effort they have put forth over the last few years. Such planning has been needed since Day One in the Borrego Springs. We all have our own ideas and I have expressed mine and those of other so many times that I will not repeat them.

I69-12. The reference to the town center architecture, however, is just not factually accurate even though we all wish it were. That is the reference to the "vitalized town center" having it "original mid-century architecture … beautifully restored". In fact, the town center is an amalgam of architectural styles with the most prominent structures, The Center and the new front of The Mall, being built in the 1970s and 80s. There is some mid century architecture, not changed or restored due to economic conditions, that does create a special ambience of a small "Village in the (state) Park" as is used in the text . As for vitalization, the business economy is in the worst condition it has been in my three and half decade in Borrego and I once managed The Mall so business owners talk with me.

I69-13. As for the idea to limit future commercial development to areas close to Christmas Circle, the existing community plan map adopted in the 80s tried to do that by designating the area of Palm Canyon Drive from Country Club west to Holberg Road for higher density residential. It was envisioned to be an area of high quality condos and apartments. Unfortunately, mobile homes and modular home development is allowed by right on residentially designated lots and that is the only development that we got. Even now the retirement housing proposed, adjacent to the Borrego Inn, is low value units. This was the situation that led the sponsor group, in the draft plan map approved six years ago, to extend commercial development along Palm Canyon Drive to Hoberg Road. Those responsible for guiding future development in the town center should remember this lesson in their efforts. Maybe some kind of design control down the entire Palm Canyon Drive in the new zoning would help avoid this situation.

I69-14. **The Reference to Euclidian Zoning:**
I have worked in urban planning for 40 or more years. I have never seen the term "Euclidian zoning" used except in graduate school books as a footnote about early zoning. It sounds silly and confusing. Just say what they mean.

Comment Letter I 69, Weber, Thomas (cont.)

The Population Figures:

I69-15. The draft states that the existing community plan would allow a population of 16,000 and this new draft plan 8,000. What is the basis for this? It needs to be stated. Working on planning in Borrego since the 70s, I believe that the current adopted plan map mainly from the 70s would probably support 75,000 due to the 1 unit per 4 acre designations.

I69-16. The 13,000 to 16,000 potential projected population figure (during the life of the plan) that was stated in the previous draft was done after a detailed study of all legal lots, developed and undeveloped, and approved specific plans and other factors. The potential full development was then reduced to 75% to reflect the time frame of the plan. I have explained all that in previous memos and public meetings, apparently ignored. SANDAG projections for growth of thirty thousand or more are based upon their computer modeling that is better in urban areas. I started as a planner for that regional agency. The plan could say "that population projections based upon 75% build-out of unused lots and approved development plans would to allow 13,000 to 16,000 population or more, but the actual building activity in Borrego has been so slow and is projected to be even more difficult in the future due to impact fees, ground water concerns and flood issues. Therefore, a better population estimate may be of half of that figure – 8,000." But then how do you justify in other sections of the plan promoting research parks and more commercial? A plan has to have consistency in its parts.

There is a reference to Rams Hill / Montesoro proposing 150 new units. Well, the Rams Hill specific plan allows 1,426 units (a population of about 3,000) with only 300 used and the BSCC specific plan allows about 1,100, I believe, with even less used. Both are adopted and vested. Is the planning group proposing to change the state law to limit these projects? When you add just those two approved projects to the current base you are way ahead of 8,000 and that doesn't include build out on the expanse of vacant lots created in the past or the desired conversion of the farm land to low water use estate development. So you just can't have a few citizens say the correct figure is 8,000 unless some explanation is given. If they do limit development to this number, it also requires changing the whole plan text and map to make the land uses and roads consistent and compatible with this lower figure.

Reducing Use of P designator on Undeveloped land in the Valley:

I69-17. This plan emphasized the need for more control over growth to avoid more subdivisions that are only speculative lots sales efforts, to reduce water use and to make future developments more desert sensitive. However, it seems to me that in the current zoning tool chest, the only realistic means that the community has to achieve any of these goals in future development is more use of the P designator, not less! If the plan proposes to eliminate the most effective tool that current zoning allows, then it should be very clear in stating how it will implement the plan programs. Does this assume future County approval of the "conservation initiative". It has already been shown to be a no sell at the County? They need to clearly state how they will care out their policies.

Responses to Letter I 69, Weber, Thomas

I69-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I69-2 This comment compares the preparation of the current draft Borrego Springs Community Plans with a previous draft and does not raise any significant issues for which a response is required.

I69-3 The County agrees with the comment, and will undertake a thorough review of the Community Plan before the next review cycle

I69-4 This comment does not raise a significant issue for which a response is required.

I69-5 The County acknowledges the Alluvial Floodplain in the Borrego Springs Community Plan and has included policies for the study of methods for flood control in both the Land Use as well as the Town Center and Christmas Circle Special Study Areas. The issue raised concerning land use densities assigned to areas that have flooded in recent years will be included in the Final EIR through the inclusion of these comments. Therefore, this information will be available to the Board of Supervisors when it determines the appropriate densities that should be adopted as part of the General Plan Update.

I69-6 Ultimately, the Board of Supervisors will determine which land use map will be implemented as part of the General Plan Update, and the densities assigned to the "Citrus Lands" have been identified for future studies in the draft Borrego Spring Community Plan. The comment that the assigned densities increase development fees is not substantiated. Under the General Plan Update proposed project, the build-out population would be 16,140, which is substantially lower than the 32,770 estimated for the Existing General Plan.

I69-7 The County does not agree that because the Community Plan encourages certain types of development in a particular location, this represents "just an effort to create more value in speculative land." The draft Borrego Springs Community Plan includes policies to encourage expansion of commercial and industrial lands adjacent to the airport, including the potential for a research park; however, the land use map does not designate a significant area as industrial land. A General Plan Amendment would be required for such a research park, and the County disagrees that, as written, the policy would create speculative value.

The County contends that it is appropriate for a community plan to encourage a particular type of development in a certain area to provide additional clarity beyond the land use designations that are assigned by the land use map. The County disagrees that this alone inflates the value of the land, as many other factors need to be considered when assessing land value.

In addition, the County also disagrees that this has inflated the need for Circulation Element roads and other infrastructure. For example, the Mobility Element road network for Borrego Springs is composed entirely of two-lane roads, many of which were classified as four-lane roads under the existing General Plan. Therefore, the

Responses to Letter I 69, Weber, Thomas (cont.)

General Plan Update has reduced the need to make road improvements in Borrego Springs, rather than inflate it.

I69-8 The draft Borrego Springs Community Plan has been revised to change the park to 16 acres.

I69-9 The comment is referring to a portion of a community vision which is part of a Vision Statement drafted by the Borrego Springs Community Planning Group to describe how it would like Borrego Springs to look in the future. The Borrego Springs Community Planning Group has included in this section that it would like to see an agency for maintenance and operation of community parks, and has included policies to support the development and operation of the park site. The Borrego Springs Water District is mentioned as a possible entity; however, the County of San Diego cannot mandate that the Borrego Springs Water District take responsibility for the park site.

I69-10 The comment is noted, although it does not raise an environmental concern for which a response is required under CEQA. Revisions will be considered; however, the cited section is background to the draft Community Plan, and supporting policies do mention a need for expanded tourism.

I69-11 The County appreciates the comments in support of town center planning.

I69-12 The comment references the vitalized town center as described in the Community Vision chapter of the draft Borrego Springs Community Plan, under the “Business Core Vision” subheading. As discussed in response to comment I69-9, the vision statement is intended to represent an idealized future-state, rather than reflect how things are currently.

I69-13 This comment lacks sufficient detail to generate a response. The area discussed in the comment is designated Rural Commercial under the General Plan Update and could only be modified with a General Plan Amendment.

I69-14 The comment is acknowledged and revisions were made to clarify the intent of the section.

I69-15 The Borrego Springs Community Plan includes a population target of 8,000 as a community supported target. The 16,000 estimate for Borrego Springs is based on the County of San Diego's population model forecast for build-out of the proposed project. The estimate for the build-out of the existing General Plan is 32,770. Additional discussion on the 8,000 population target is included in the response to comment I69-17.

I69-16 The 16,000-person population estimate for Borrego Springs in the DEIR, mentioned in the comment, is based upon existing population and the addition of future population as allowed from the build-out of the General Plan Update. The comment states that a more reasonable population estimate may be lower, due to the economic conditions in the Borrego Springs Valley However, the population

Responses to Letter I 69, Weber, Thomas (cont.)

estimates included in the DEIR for analysis are based upon full build-out, not necessarily on economic conditions.

The population number of 8,000 was developed as a target for the community, which supported this target as a number that was realistic given the economic conditions in the Borrego Valley. Yet it was also acknowledged as a potential population base that would support additional services. The County does not propose to limit build-out of the proposed project based upon these policies. Rather, the County is acknowledging the fact that many undeveloped lots currently exist and the unlikelihood that the build-out scenario would occur in the project horizon. The discussion has been revised to clarify the intent of the statement.

I69-17 The comment states that an increased use of the "P" designator should be encouraged, which is contrary to Policy LU-1.6.1 in the draft Borrego Springs Community Plan. The Community Plan suggests that the application of the "P" designator should be reviewed, in order to not have excessive requirements for development; however; the plan also includes the Town Center area for special study and suggests the inclusion of design review requirements. These design review requirements can be more effective and efficient at regulating development without the extensive requirements for Planned Residential Developments.

The reference to the "conservation initiative" is assumed to be the Conservation Subdivision Program. This program is intended to be an additional tool in implementing the General Plan Update, not to replace design review.

Comment Letter I 70, Westfall, Gordon A.

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

I70-1. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is perfomed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

GORDON A. WESTFALL,

Cc: County Supervisors

Responses to Letter I 70, Westfall, Gordon A.

I70-1 This comment letter is the same as an earlier comment letter (Letter I 2). Refer to responses to Comments I2-1 through I2-4.

Comment Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer

WESTON-VALLEY CENTER, LLC
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August 31, 2009

Mr. Devon Muto
San Diego County Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Comments on Environmental Impact Report
General Plan Update
Log# 02-2A-001

Dear Mr. Muto:

I71-1. Weston Valley Center L.L.C. would like to take the opportunity to comment on the Environmental Impact Report prepared for the San Diego County General Plan Update.

I71-2. Specifically Weston would like to comment on the Mobility Element as it relates to the Valley Center Community Planning Area and the lack of an Extension of Fruitvale Road to the west of Cole Grade Road.

I71-3. It is Weston's contention that without Fruitvale Road Extended to the West of Cole Grade Road, there will be significant, unmitigated impacts to the traffic circulation in the Northern Village Area of Valley Center.

I71-4. Weston is the owner/developer of property located in the southwest quadrant of the intersection of Valley Center and Cole Grade Roads. The development plan is for a shopping center and specific plan for in excess of 500 residential units. When completed, this project will represent the core of the Northern Village and the only shopping center in Valley Center.

Weston's contention of significant, unmitigated impacts to the traffic circulation in the Northern Village is based upon two premises:

I71-5. A. Extending Fruitvale Road to the west of Cole Grade Road where it can connect with a north/south road which would, in turn, connect to Valley Center Road is essential for the proper circulation within the Weston Development as well as the entire Northern Village Area.

I71-6. B. The proposed Mobility Element for Valley Center does not adequately address this issue.

The basis for these contentions is listed below.

Comment Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

A. Extension of Fruitvale Road:

I71-6. cont. The County's work in the Valley Center Community has identified deficiencies in the planned circulation system near the center of this community, particularly in the area of Cole Grade Road and Valley Center Road intersection. In this area there is a need

I71-7. for additional east-west and north-south facilities to relieve the burden that would otherwise exist on the presently constructed roadway system.

I71-8. Weston has agreed to help resolve this issue by constructing its portion of Indian Creek Road north and south through its property and providing two east west roads between Indian Creek Road and Miller Road. The logical connection of Indian Creek

I71-9. Road to the north would be to an extension of Fruitvale Road. However, the proposed Mobility Element for Valley Center does not include this extension.

2. The current proposed Mobility Element for Valley Center does not adequately address this issue.

I71-10. The current proposal shows a local public road extending west from Cole Grade Road along the alignment of Horse Creek Trail to where Indian Creek Road is to connect from the south. This proposal is illogical and will not assist in the overall circulation of the area.

I71-11. a. There is no irrevocable offer of dedication existing for a road between Indian Creek Road where it leaves the Weston Property and Horse Creek Trail, nor is there a discretionary permit currently proposed for this area. This means it could be decades before the dedication of this connection may occur, if ever. In the meantime Indian Creek Road will be a dead end and there will be no relief for the intersection at Cole Grade and Valley Center Roads.

I71-12. b. There is presently no traffic control at Horse Creek Trail and Cole Grade Road, but The Mobility Element Map is suggesting a 4 way stop at this intersection, but there is an existing traffic signal at Fruitvale and Cole Grade Roads Thus there will be about 800 feet between the 4 way stop at Horse Creek Trail Road and the signal at Fruitvale. This 4 way stop could be eliminated by simply extending Fruitvale Road and have much better traffic control at the existing signal.

I71-13. c. There are already irrevocable offers of dedication along the northerly side of what would be the extension of Fruitvale Road to Indian Creek Road. In addition there is a discretionary permit in progress along the south side of the Fruitvale Road Extension so that an offer of dedication could be required and the road built in the near future. Thus, with Weston's project, the connection would be made to both Miller Road through the Weston property and also to Valley Center Road. This situation would assist in relieving congestion from the Cole Grade Road/ Valley Center Intersection.

Comment Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

I71-14. Thus the problem of congestion at Cole Grade Road and Valley Center Road will not, even in part, be mitigated by the currently proposed Mobility Element. It is unlikely that the local public road proposed to help relieve that congestion will be built in the near future.

I71-15.

I71-16. We feel that this problem could be resolved easily by showing an extension of Fruitvale Road as the connection to Indian Creek Road—where a traffic signal and partial dedications already exist, and with the immediate and realistic potential of obtaining the entire dedication and improvements for an alternative access between Cole Grade and Valley Center Roads.

I71-17. For further information, please see the attached letter from KAO Corporation.

Sincerely,

James Chagala for

Herbert Schaffer
General Partner

Comment Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

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August 28, 2009
JA3554X

Herb Schaffer
Weston Valley Center, LLC
10960 Wilshire Blvd.
Suite 1960
Los Angeles, CA 90024

SUBJECT: Comments on Environmental Impact Report General Plan Update
Log #02-2A-001

Dear Mr. Schaffer:

I71-18. In response to your request to offer comment on the pending GPU and how it affects Valley Center circulation we offer the following comments.

I71-19. The County's work in the Valley Center Community has identified deficiencies in the planned circulation system near the center of this community. Particularly, in the area of Cole Grade Road and Valley Center Road, there is a future need for additional east-west and north-south facilities to relieve the burden that would otherwise exist on the presently constructed roadway system. Weston expects to be providing some of this improved circulation

I71-20. system, namely, by constructing 1) Indian Creek Road, which runs from Valley Center Road northerly to Weston's northern property line, 2) an east-west road from Cole Grade Road and School Bus Drive to Indian Creek Road, and 3) two east-west roads from Indian Creek Road to Miller Road.

I71-21. To compliment what Weston will be providing and to help achieve the County's goals of lessening the future congestion in the heart of Valley Center, particularly on Valley Center Road (38,000 plus ADT), as reported in the EIR's technical study, we recommend that the County reflect additional planned roadways in the proposed Community Plan circulation system. Particularly, extend Fruitvale Road westerly of Cole Grade Road to connect

I71-22. with a new internal north-south road, create new east-west roads to Miller Road, and take advantage of the existing intersection on Cole Grade Road and thereby achieve good intersection spacing. The County already has

I71-23. a limited number of irrevocable offers of dedication that can be taken advantage of to help complete portions of this system. For instance, a half-width easement already exists for an extension of Fruitvale Road west of Cole Grade Road, and the County is currently processing a discretionary permit on the portion adjacent to the south.

I71-24. We are concerned that without taking full advantage of all the opportunities to define a proper system of supporting roads in this area both the opportunity for adequate circulation will be lost, and that unnecessary congestion and delay will continue to prevail on Valley Center Road in this area and Cole Grade Road.

I71-25. Therefore, we recommend that the County utilize this present opportunity for proper planning in the Valley Center community. Rather than depend on the uncertain likelihood of trying to extend future Indian Creek Road north of Fruitvale Road to Horse Creek Trail there is a choice that would be faster. The existing projects now

I71-26. being processed in this area that can offer improvements or I.O.D.'s should be conditioned to deliver circulation

Comment Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

KOA CORPORATION
PLANNING & ENGINEERING

I71-26. cont. improvements like Fruitvale. By doing this the County can include a more detailed local circulation system in the heart of this community in order to allow the connection of Cole Grade Road to the future Indian Creek Road and to Miller Road.

Sincerely,

J. Arnold Torma
Principal Engineer

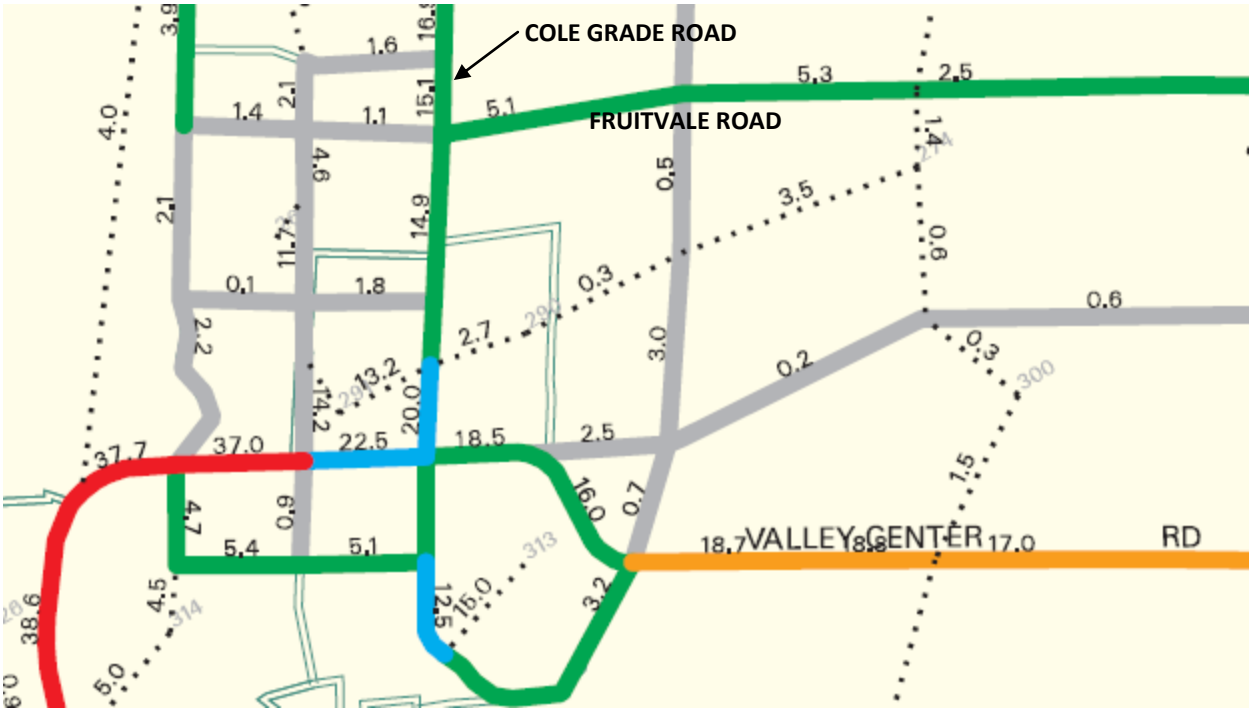
Attachment: Valley Center Area Circulation

Responses to Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer

I71-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I71-2 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I71-3 The County agrees that the General Plan Update would result in significant and unavoidable traffic impacts to the Valley Center Community Planning Area (CPA). The County does not concur that because Fruitvale Road will not be extended west to Miller Road that significant, unmitigated impacts to traffic circulation in the Northern Village of Valley Center will result. As shown in the figure below, traffic modeling performed for the General Plan Update DEIR of build-out of the proposed project attracted only 1.1 to 1.4K average daily traffic (ADT) on a continuation of Fruitvale Road west of Cole Grade Road, which is not enough to significantly reduce traffic congestion on Valley Center Road in the southern portion of the Northern Village.



Traffic volumes (in thousands of Average Daily Trips) resulting from the General Plan Update DEIR traffic model based on build-out of the proposed project (Referral Map)

I71-4 This comment provides background information on a development planned in the northwest quadrant of the intersection of Valley Center and Cole Grade Roads. This comment does not raise a significant environmental issue for which a response is required.

I71-5 As discussed in response to comment I71-3 above, the County does not concur that extending Fruitvale Road to the west is essential for proper circulation in the

Responses to Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

Northern Village. New Road 11 serves as an alternate connection between Miller and Cole Grade Roads, while also providing connections to north-south roads within the Northern Village. No changes have been made as a result of this comment.

I71-6 The County disagrees that the draft Mobility Element does not adequately address traffic circulation in the Northern Village of Valley Center; however, the County agrees that more detailed planning is required for the Northern Village. The General Plan Update DEIR traffic forecast model identified deficiencies in the planned circulation system, particularly along Valley Center Road from Indian Creek Road west to Lilac Road. These deficiencies are based on full build-out of the land use maps, along with SANDAG trip generation rates by land use type. However, this countywide model does not include many proposed local road connections that would contribute to relieving congestion on roads in Valley Center. The local road network should be more comprehensively planned and evaluated in more detailed town center planning and/or the Valley Center Community Plan. Also, the traffic generation rates forecast for each land use type used by the traffic model are based on SANDAG regional averages that are often skewed toward more urban land use scenarios; as such they are often overstated for rural communities such as Valley Center. Given these variables, the traffic congestion shown by the project DEIR traffic model may be overstated. No revisions to the project were made based upon this comment.

I71-7 The County concurs that additional north-south and east-west road connections, along with reductions in land use intensity will relieve the burden on the road network. New Roads 11 and 17, along with additional road connections necessary for the individual development projects will contribute to relieving the forecast levels of traffic congestion on Valley Center roads.

I71-8 This comment describes traffic improvements that are proposed for the development described in comment I71-4 and does not raise a significant environmental issue for which a response is required.

I71-9 The County concurs that an extension of Indian Creek Road to an extension of Fruitvale Road would be a viable connection; however, its ability to relieve traffic congestion on Valley Center Road is questionable due to the limited amount of ADTs that the DEIR traffic model is forecasting for the extension of Fruitvale Road (refer to response to comment I71-3).

In addition, that option is not feasible since a development project is currently underway which will preclude this connection and will not provide an irrevocable offer of dedication (IOD) that would allow for Fruitvale Road to be extended west of Cole Grade Road. Although the General Plan Update Mobility Element does not continue Fruitvale Road to the west, a connection south of Fruitvale Road is proposed to connect Cole Grade and Miller Roads (New Road 11). In addition, this proposed road connection would connect to Indian Creek Road, which would provide additional connections to Valley Center Road. As such, no revisions to the project were made based upon this comment.

Responses to Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

I71-10 The County concurs that Figure M-A-23 does not adequately show connections between Miller and Cole Grade Roads. This figure has been revised to more clearly show New Mobility Element Road 11, which will connect Miller and Cole Grade Roads. In addition, the Mobility Element matrix for Valley Center has been revised to specify New Local Public Road 17, which will connect Valley Center Road with New Road 11. Also, the draft Mobility Element is a countywide document that does not consider the level of detail of a specific development project, such as the commenter's. Therefore, as discussed in response to comment I71-6, more detailed planning is necessary.

I71-11 The County concurs that there are currently no irrevocable offers of dedication between Indian Creek Road north of the commenter's property to Horse Creek Trail. This connection will need to be provided by future development in this area. The County does not concur that this will make Indian Creek Road a dead end because there are opportunities for local roads within the Weston development to connect this road to both Miller and Cole Grade Roads. This should provide sufficient connectivity for the Weston project currently being proposed.

I71-12 The County does not concur that the Mobility Element Map (Figure M-A-23) is suggesting a four-way stop at the intersection of Horse Creek Trail and Cole Grade Road; although previous planning documents that led up to the recommended Mobility Element may have shown a four-way stop at that location. The Mobility Element does not provide direction for where traffic signals or stop control should be provided, as this is left to project-specific analysis.

I71-13 The County concurs that although there is an IOD along the northerly side of what would be the extension of Fruitvale Road to Indian Creek Road, there is not an IOD along the southern side. In addition, a project has been approved to construct a church facility on this site without the IOD; therefore, the opportunity to continue Fruitvale Road west to Indian Creek Road is no longer available to relieve traffic congestion at the Cole Grade Road / Valley Center Road intersection.

I71-14 The County does not concur that the proposed Mobility Element will not at least partially mitigate traffic congestion at Cole Grade and Valley Center Roads. The County contends that New Roads 11 and 17, along with additional project-specific road connections will reduce project-specific trips on Cole Grade and Valley Center Roads as they will provide parallel routes of travel. In addition, New Road 3 is proposed to the north to connect Cole Grade Road to Interstate 15 via Old Highway 395. This will reduce traffic on Valley Center Road that would need to access Interstate 15 via connections to the south. No changes have been made as a result of this comment.

I71-15 The County disagrees with this comment, which states that the local public roads proposed in the Mobility Element of the General Plan Update are unlikely to be built. Section 2.15.6.1, Issue 1: Unincorporated County Traffic and LOS Standards, includes multiple General Plan Update policies and mitigation measures that require roadway improvements to occur concurrent with development, in addition to establishing methods for obtaining funding for such roadway improvements. These

Responses to Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

include: Policy LU-12.2, Maintenance of Adequate Services; Policy M-2.1, Level of Service Criteria; Policy M-3.2, Traffic Impact Mitigation; Policy M-5.2, Impact Mitigation for New Roadways and Improvements; and mitigation measure Tra-1.8. As such, the General Plan Update already includes multiple policies that help ensure the proposed local public roadways will be improved concurrent with development.

I71-16 The County concurs that it would be beneficial to extend Fruitvale Road to the west, but as explained in response to comments I71-6 and I71-13, this is not feasible option due to an approved project and the lack of an irrevocable offer of dedication. The County contends that New Roads 11 and 17 serve the purpose of providing alternative access between Cole Grade and Valley Center Roads.

I71-17 This comment refers to the KOA Corporation comments addressed in responses to comments I71-18 through I71-26 and does not raise a significant environmental issue for which a response is required.

I71-18 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

I71-19 The County concurs that the project DEIR traffic model forecast identifies deficiencies on Valley Center roads. As addressed in response to comment I71-6, the traffic congestion shown by the project DEIR traffic model may be overstated.

I71-20 This comment refers to roads that Weston-Valley Center LLC proposes to construct as part of a development project proposed in the Northern village of Valley Center to the north of Valley Center Road and west of Cole Grade Road. This comment did not raise an issue for which a response is required.

I71-21 The County concurs that additional roads need to be included in the vicinity of this project to facilitate the amount and intensity of development being planned for this area. In addition to New Mobility Element Roads 11 and 14 and New Local Public Road 17 that are included in the General Plan Update Mobility Element, the Valley Center Community Plan is currently being revised and will identify additional local public roads in the area to increase road connectivity and provide alternate routes of travel.

I71-22 The County concurs that it would be beneficial to extend Fruitvale Road to the west, but as further explained in response to comments I71-6 and 13, this is not a feasible option due to an approved project and the lack of an irrevocable offer of dedication.

I71-23 Please refer to response to comment I71-13.

I71-24 The County appreciates the concern that a proper system of supporting roads is necessary for the North Village in Valley Center. The information in these comment letters will become part of the Final EIR. As such, the Board of Supervisors will have this information when making a decision for what road network to adopt as part of the General Plan Update.

Responses to Letter I 71, Weston-Valley Center, LLC, Herbert Schaffer (cont.)

I71-25 The County does not concur that proper planning for roads in Valley Center is not adequately being addressed by the General Plan Update Mobility Element, along with the update of the Valley Center Community Plan.

I71-26 The County concurs that existing projects now being processed, along with future development projects, should include IODs to provide circulation improvements to the local circulation system in Valley Center.