

August 18, 2013

Mark Slovik
County of San Diego
Department of Planning and General Services
5510 Overland Avenue, Suite 100
San Diego, CA 92123
Via email: Mark.Slovick@sdcounty.ca.gov

Subject: Comments on the Proposed Lilac Hills Ranch Master Planned Community Draft Environmental Impact Report, General Plan Amendment, Biological Technical Report, and Water Supply Analysis.

Dear Mr. Slovik,

Thank you for providing this opportunity for the San Diego Audubon Society to submit comments on the proposed Lilac Hills Ranch Master Planned Community and related draft environmental and planning documentation. As you are aware, our organization represents the views of not only our members, but of many thousands of local citizens who care deeply about our region's drinking water, air quality, natural areas, efficient use of natural resources, and sustainable communities. We are opposed to the proposed development because the preferred alternative will adversely affect all of these values, resulting in a decrease in the quality of life for all residents.

Conflicts with the San Diego County General Plan, Valley Center Community Plan, and Bonsall Community Plan

The Project Applicant, Accretive Investments, has petitioned the County to amend the General Plan, by re-zoning 608 acres of lands currently zoned as Limited Agriculture and Rural Residential to Commercial and Residential. The General Plan and Community Plans were updated in August of 2011. The overview of the General Plan states the following in referring to the guiding philosophy of updating the General Plan:

It reflects an environmentally sustainable approach to planning that balances the need for adequate infrastructure, housing, and economic vitality, while maintaining and preserving each unique community within the County, agricultural areas, and extensive open space...This change reflects the County's commitment to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and

protection of existing community character in its extensive rural and semi-rural communities.

The General Plan provides a renewed basis for the County's diverse communities to develop Community Plans that are specific to and reflective of their unique character and environment consistent with the County's vision for its future.

We applaud the County for taking the lead in preparing and implementing the new General Plan and believe it is sincere in stating the guiding philosophy for updating the Plan. With that in mind, we would be shocked by the County giving any consideration to a General Plan Amendment that completely contradicts those values and the commitments they have made to the residents of San Diego County.

Approval of the General Plan Amendment would put 90,000 square feet of commercial, office, and retail, including a 50-room country inn; 903 traditional single-family detached homes; 164 single-family attached homes, 211 residential units; 468 single-family detached age-restricted residential units and associated infrastructure in a rural area with a present population of less than 10,000 people. We believe that if this General Plan Amendment is approved, then the General Plan is merely a formality and subject to change for the needs of any well-funded developer.

Deficient Biological Analysis

The biological report lists 13 species that, while not formally listed, are California Fish and Wildlife Species of Special Concern. These species are Belding's orange-throated whiptail, coast western whiptail, red diamond rattlesnake, coast horned lizard, Cooper's hawk, white-tailed kite (also a California Fully-Protected species), turkey vulture, yellow warbler, yellow-breasted chat, western bluebird, loggerhead shrike, black-tailed jackrabbit, and southern mule deer.

These 13 species are considered Species of Special Concern due to recent decreases in their populations and historical range, which in most places, including San Diego County is due to development in inappropriate locations. The report states for each species in section 3.2.2.2 that indirect impacts to individuals that remain in project open space areas would be the result of edge effects due to the proximity of development to occupied habitat. Accordingly, these indirect impacts would not be considered significant as the number of individuals of these species to remain after implementation of the project is likely low. This claim implies that because their suitable habitat will no longer exist, they will therefore not suffer indirect effects resulting from habitat edges. This seems an odd statement upon first reading, but upon re-reading it for each species it becomes clear that the intent of the investigator is to mask the disclosure of effects of direct impacts, which although they do not require individual take permits are nonetheless significant impacts under CEQA. This would especially be the case for the riparian bird species: yellow-breasted chat and yellow warbler, due to the scarceness of this type of habitat in our arid landscape. Although the least Bell's vireo was not found after focused surveys, this species has been making a comeback as of late and could conceivably nest on the site in the future.

Cumulative impacts are also likely to be significant, considering the recent upswing in applications for large-scale developments, which threaten to push Species of Special Concern toward formal listing by state and/or federal agencies.

The report takes the same approach to the discussion of two rare plants: prostrate spineflower and spiny rush. These plants are also CDFW Species of Special Concern and not formerly listed by the USFWS and CDFW as Threatened or Endangered. However, projects such as this one are the primary reason for future listings and therefore we urge the report to call out these impacts as potentially significant and to mitigate by at least doing the bare minimum, which would be collecting individuals or seeds from the site and re-planting elsewhere, preferably in the same watershed and protecting those individuals from further development.

Under Section 3.2.6 impacts to nesting and functional foraging habitat for raptors are considered potentially significant. We agree with this assessment, and urge that the author acknowledge the fact that these effects are significant for raptor foraging and nesting and revise its erroneous and conflicting conclusion in section 3.2.2.2 that the direct and indirect impacts to the same species and others are not significant

The discussion of Cumulative Impacts is clearly flawed. The document compares the effects of other proposed projects in the region that are contemporaneous with this project, as it should. However, the environmental studies for all of the projects generally contain the novel, but nonsensical statement:

*When compared to other projects being considered for this analysis, cumulative impacts to special status species would not be considered significant because the other projects are likely not to impact special status species and mitigation measures for habitat loss from (**Insert Proposed Project Name Here**) will reduce their impacts to below a level of significance.*

So, the approach is basically, “if your 600-acre project results in no significant cumulative impacts, because you say so in your EIR (and there are about eight of them currently out for review in the County), then neither does mine.” The problem is that mitigation rarely compensates adequately for loss of existing habitats, and even more so when it’s compounded by other similar projects. With this many mega-development projects in the works for the back-country, significant cumulative environmental degradation is a certainty, if these types of projects are approved. To make matters worse, the discussion of mitigation is a dodge, as will be discussed in the next section.

Mitigation for Loss of Upland and Riparian Habitats Not Adequately Described

In Section 3.4.2, impacts to upland habitats are claimed to be reduced to less than significant, because mitigation for all habitats not mandated by the Clean Water Act will take place in a “future pre-approved Mitigation Area (PAMA).” There is no mention of where this PAMA will be located, when it will take place, exactly what it will entail and in what ratio, what species will benefit, whether it will consist of preservation, restoration, creation, purchasing of credits in a mitigation bank, or some combination of these or other possible alternatives. An adequate discussion of mitigation is necessary for the reader to make any judgments and for the lead agencies to make any informed decisions that lead towards approval of the proposed project. Without having this section adequately fleshed out, it’s reasonable to conclude that the applicant is just hoping to pull the wool over everyone’s eyes, including those of the decision makers.

Deficiency in the Water Assessment Analysis

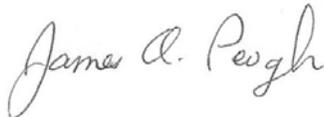
The water assessment analysis technical report arrives at a water demand after project build out that is equal to that of current agricultural and rural residential needs. This analysis relies on laughably unrealistic assumptions based on the efficiency of project water re-use, State Project Water Supplies, future rain forecasts and an aquifer that will continue to be replenished at its current rate, despite the change from mostly open lands to hard-scape and climate change.

Recommendations

San Diego Audubon urges that the EIR be revised to select a Preferred Alternative that conforms to the County General Plan and Community Plans of Valley Center and Bonsall and an honest reduction of all potential impacts to “less than significant” with mitigation. We would also like for any proposed mitigation measures to be fleshed out, as required by CEQA, and not presented in the abstract. If that is not economically feasible for the applicant, then the project should be abandoned.

Please keep us informed of future documents, hearings, and other milestones for this project. For questions or follow up I can be reached at 619-224-4591 or peugh@sandiegoaudubon.org.

Sincerely,



James A. Peugh
Conservation Committee Chair
San Diego Audubon Society