

Letter B1



Cosmos' Acres
Avocados & Fruit

Michael Karp
12115 Mesa Verde Drive
Valley Center, CA 92082

July 16, 2014

Mark Slovick
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Subject: DEIR Public Comments to the Proposed
Accretive General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA), PDS2012-3810-12-001(SP)

Dear Mr. Slovic:

Once again, I appreciate the opportunity to comment upon the above proposed project. Since reading through the, REIR: Subchapter 2.4--Agricultural Resources, I still have some strong concerns about the effects of this project upon farming in this region.

Where feasible, I cite the passage from the document that concerns me. My comments and requests for additional information and/or study follow (in italics).

2.4.1.1 Regulatory Framework

DEIR: Subchapter 2.4 Agricultural Resources

- Prime Farmland has the most favorable combination of physical and chemical features, enabling it to sustain long-term production of agricultural crops. This land possesses the soil quality, growing season, and moisture supply needed to

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B1-1 This comment is an introduction to comments that follow. No further response is required.

B1-2 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue with respect to the FEIR, no further response is required.

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<p>produce sustained high yields. In order to qualify for this classification, the land must have produced irrigated crops at some point during the two update cycles prior to Natural Resources Conservation Service (NRCS) mapping. The project site does not contain any land designated as prime farmland.</p> <ul style="list-style-type: none"> Farmland of Statewide Importance possesses minor shortcomings when compared to Prime Farmland, such as greater slopes and/or less ability to store moisture. In order to qualify for this classification, the land must have produced irrigated crops at some point during the two update cycles prior to NRCS mapping. <p><i>Comment: It would be wise to update the definition of "prime farmland" in this area of San Diego County. It is clear that many farm operations are now employing greenhouse and nursery operations which require a much lower amount of irrigation as well as existing on-property soil quality. Imported soil amendments and tents are frequently used. A year-round growing season, characteristic of San Diego County, brings this land much closer to "prime farmland" as compared to farmlands in more inhospitable climates.</i></p> <p><i>Comment: In addition, this project will not be build for several-to-many years, particularly in its later phases. The nature of agriculture in America in general and San Diego County in particular will have changed and evolved by that time and so will the classification of the land. The usefulness of all lands in and near the LHR project will have "improved." It would be wise for the developer and those involved in this project to provide a wide-reaching study—regional, State, National & International—to demonstrate how others rate and use their farmlands.</i></p> <p><i>Comment: Does "prime farmland" have a relative definition? The flatness of the mid-west and San Joaquin Valley obviously adds to the number of acres of "prime." So does the drainage aspect of the San Joaquin. However, San Diego county is rolling and hilly, leaving it a poor comparison to US "breadbasket" areas. I would like to see a more detailed report that would redefine "prime farmland" relative to San Diego County. Please include how other entities—regional, State, National & International—view and define their "prime" farmland.</i></p> <p>DEIR: Subchapter 2.4 Agricultural Resources</p> <ul style="list-style-type: none"> Unique Farmland is of lesser quality soils used for the production of the state's leading agricultural crops. Unique Farmland includes areas that do not meet the above stated criteria for Prime Farmland or Farmland of Statewide Importance, but that have been used for the production of specific high economic value crops during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. <p><i>Comments: Under the current trends towards nursery and greenhouse crops, all of the lands in this area would likely qualify as "Unique Farmland." The LHR project could dilute the effect and hamper the production of neighboring farmlands. In addition, since these types of productions are fairly new, it would be unwise and unproductive to consider past use alone, if at all. This area has the potential to continue to grow into a large and thriving industry of locally grown products. Please provide modern and wide-reaching studies—regional, State, National & International—of the characteristics of such operations nationally and internationally as well as the effect of dilution/disruption in urban and suburban proximate areas.</i></p> <p><i>Comment: Rather than rating along the lines of history of having irrigated crops, would not it be more relevant to rate these lands in terms of proximity to other farmlands? Please expand your study to</i></p>	<p>B1-3 The referenced term, "Prime Farmland" is a definition of the State Department of Conservation, Farmland Mapping and Monitoring Program. The definition applies statewide and is referenced in CEQA Appendix G. Also refer to the Global Response: Agricultural Resources, Direct Impacts included in the introduction to these responses to comments which discusses the prime farmland category in the context of San Diego County's particular characteristics.</p> <p>B1-4 To attempt to predict the evolution of agriculture during the timeframe corresponding to the build-out of this project would be speculative. A regional, state, national and international study to determine how others rate their farmlands is not required for purposes of this analysis. The FEIR describes how the County of San Diego rates farmland using the Local Agricultural Resources Assessment (LARA) model in subchapter 2.4.2.1. In addition, refer to Global Response: Agricultural Resources, Direct Impacts for additional details on the agricultural resource assessment criteria.</p> <p>B1-5 The definition of Prime Farmland is based on the soils that are considered candidates for Prime Farmland for each County. Prime Farmland is defined as land that has been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the USDA Natural Resources Conservation Service (NRCS). NRCS compiles lists of which soils in each survey area meet the quality criteria. Factors considered in qualification of a soil by NRCS include:</p> <ul style="list-style-type: none"> Water moisture regimes, available water capacity, and developed irrigation water supply Soil temperature range Acid-alkali balance Water table Soil sodium content Flooding (uncontrolled runoff from natural precipitation) Erodibility Permeability rate Rock fragment content Soil rooting depth <p>The soil criteria for Prime Farmland is specific to San Diego County. See also response to comment B1-4.</p>
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	<p>B1-6 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p> <p>B1-7 Please refer to Global Response: Agricultural Resources, Direct Impacts which discusses the County Guideline’s focus on maintaining consistency with CEQA by providing strong nexus with the <i>physical resource</i>, which are the soil candidates which meet the criteria for Prime Farmland and Farmland of Statewide Importance as opposed to an <i>economic resource</i> (the crop itself). In addition, the FEIR evaluates the potential impact to neighboring agricultural land in subchapter 2.4.3.2 of the FEIR. Refer also to Global Reponse: Agricultural Resources, Indirect Impacts for further discussion of the impact of the project on surrounding agriculture.</p> <p>B1-8 The County of San Diego has established a system to rate agricultural resources that is specific to San Diego County. A review of national and international approaches is not necessary for purposes of this analysis. Refer also to Global Response: Agricultural Resources, Direct Impacts for a discussion of the rating systems used to evaluate agricultural resources within the project site. The Global Response provides information supporting the appropriateness of the evaluation relative to San Diego County agricultural types. The need to perform studies at the state, national, and international level is an opinion of the commenter and is not supported by the County or CEQA Guidelines.</p>
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<p><i>include other agricultural areas, nationally and internationally, and how they rate their multi-use farmlands, particularly in proximity to urban and suburban areas as well as the effect of having farmland uses grouped together vs. atomized.</i></p>		<p>B1-9 With respect to the second sentence of the comment, the potential economic changes resulting from a project are not significant effects on the environment under CEQA Guidelines Sections 15064(e), 15131, and 15382. An additional study is not required to support the conclusions in the FEIR. Refer to Global Response: Agricultural Resources, Indirect Impacts for a discussion of the economic viability of agriculture within Valley Center as well as other indirect and “edge” effects that have the potential to impact the ongoing viability of agriculture adjacent to the project site. With respect to the question at the end of the comment, comment does not raise a significant environmental issue and, therefore, no response is required.</p>
<p><i>Comment: Various reports and documents rate Valley Center's agricultural resources as important to the local economy. Please provide a further broad-reaching study depicting the potential disruptive and dampening effect this project will have economically on the VC area and SD County. Please give detailed justification for the likelihood that support of the LHR project contradicts the SD County Board of Supervisor's assertion that VC agriculture is important for the County economy.</i></p>	B1-8 cont.	
<p><i>Comment: It is difficult to know what future ag operations could begin in areas that surround this project. Limitations and restrictions of pesticide use could make many agricultural operations more costly or impossible. Considering current and future uphill ag battles such as the importation of overseas infestations and foreign competition, the existence of LHR in this area could severely inhibit this area economically. A much more detailed study must be done that encompasses any reasonable restrictive scenario, its instrumental and economic impact upon all potential ag operations and, in turn, its impact upon the broader area. Please include regional, national and international scenarios.</i></p>	B1-9	
<p><i>Comment: Are effects of the project considered generally for surrounding areas: immediately, community & regionally? Please provide a study regarding this topic.</i></p>	B1-10	
<p>DEIR: Subchapter 2.4 Agricultural Resources The County has completed a contract with American Farmland Trust to help develop the Farming Program. The Farming Program is intended to create the framework for an economically and environmentally sustainable farming industry for San Diego County. The program, when adopted, will include land use policies and programs to keep land available and affordable for farming on a voluntary basis. It will also include economic development tools to help improve farm profitability.</p>	B1-11	
<p><i>Comment: What is the AFT's evaluation of this project and its effects upon the viability and continuance of this area for profitable farming into the future? Are there implications in this document of the potential effects of the LHR project?</i></p>	B1-12	
<p><i>Comment: With a dense residential and multi-use project, restrictions on pesticide use will undoubtedly become more stringent, possibly crippling agriculture in the surrounding area. A detailed study documenting the likely restrictions on pesticide use for surrounding agricultural operations would be wise.</i></p>	B1-13	
<p>2.4.1.2 Existing Agricultural Resources State pesticide regulations prohibit discharging pesticides directly onto a neighboring property, without the consent of the owner or operator of the property. There are also regulations and label requirements that prevent or minimize “drift” during aerial applications. Drift is the airborne transportation of residual pesticides, during or after pesticide application, via aerial or ground spraying, onto adjoining properties or onto roadways, trails or other routes travelled, by the general public.</p>	B1-14	
<p><i>Comment: This new addition to the REIR underscores the inherent incompatibility of such a large residential project and the conduct of viable agricultural operations. Please demonstrate how State pesticide regulations will not hamstring agriculture in this region.</i></p>	B1-15	
<p>2.4.2.2 Issue 2: Land Use Conflicts Guidelines for the Determination of Significance</p>	B1-16	
	B1-17	
		<p>B1-11 The analysis within the Agricultural Resources Report focuses on immediately adjacent land uses and those within one mile. The need to analyze impacts at a regional, national, or international level is an opinion of the commenter and is not supported by the County or CEQA Guidelines.</p>
		<p>B1-12 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p>
		<p>B1-13 The commenter poses a question regarding the opinion of another organization (the AFT). The AFT did not provide a comment letter within the 45-day public review period for this project and the County cannot respond as to their opinion of the project. This comment does not raise an environmental issue within the meaning of CEQA; therefore, a more specific response cannot be provided.</p>

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	<p>B1-14 Global Response: Agricultural Resources, Indirect Impacts as well as the Agricultural Resources Report (Section 3.2) provides information about pesticide use relative to the proposed on-site land uses and the surrounding off-site agricultural operations. The study is adequate for purposes of this analysis.</p> <p>B1-15 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p> <p>B1-16 Please refer to Global Response: Agricultural Resources, Indirect Impacts which discusses state pesticide regulations, aerial applications, "drift," the potential to cause indirect impacts through restrictions, and the mitigation measures and project design considerations proposed by the project.</p>
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<p>Based on the County of San Diego Guidelines for Determining Significance – Agricultural Resources (County of San Diego 2007c), the project would have a significant impact if it:</p> <p><u>note:</u> The following passage was struck from the original DEIR. If the same proposal for the LHR project still includes a school, the same concern stands. Proposes a school, church, day care, or other use that involves a concentration of people at certain times within one mile of an agricultural operation or land under Contract and as a result of the project, land use conflicts between the agricultural operation or Contract land and the project would likely occur and could result in conversion of agricultural resources to a non-agricultural use;</p> <p><i>The report later goes on to deem the impact of the proposed LHR school as insignificant: "Because the project design locates the school site away from the project boundary (325 feet), and state regulations prevent aerial pesticide "drift" onto neighboring properties; indirect impacts associated with the proposed school would be less than significant. In addition, the future school site would include fencing and security gates to prevent unauthorized ingress or egress and eliminating associated trespass/vandalism conflicts."</i></p> <p><u>Comment:</u> Regulations require schools to be further than 1 mile from ag operations. This school site is 325 feet from an existing operation. Avocado & Citrus are vulnerable to known and unknown (future) infestations. Inhibiting the freedom to spray pesticides, herbicides and fungicides could doom their operation or endanger the vulnerable population using the school site. Please provide more detailed studies concerning the proximity of "vulnerable" sites such as schools and ag operations from regional to international examples and the effects upon the surrounding ag operations and vice versa.</p> <p>Group residential or (GR) would include "Group Care" land uses with units for independent living, assisted living, and dementia care. With approximately 200 units within a 6.5-acre site, this land use type would be considered a sensitive receptor. The GR area borders off-site estate residential land uses to the east. The remaining three sides are internal to the project site: biological open space lies to the south; and SFS (age restricted single-family detached) is to the north and west. The nearest active agricultural operation to the GR would be approximately 2,400 feet to the southeast or 2,900 feet to the east. As shown on Figure 2.4-4, neither of these agricultural operations is subject to aerial spraying. Because of the distance between these land uses and the fact that no aerial spraying has historically occurred; no significant impacts are anticipated.</p> <p><u>Comment:</u> Still, within 1 mile. This would inhibit aerial spraying if a future such ag op were proposed for this area. As requested above, please justify why the County is not requiring LHR to consider possible future uses as well as past.</p> <p>Hazardous Materials Storage, p. 2.4-20 Such regulations would include an on-site ban on aerial pesticide spraying, restrictions on the types of fertilizers that could be used, and limitations on the types of equipment and hours of operation of maintenance activities. All pesticide and hazardous materials storage, on- or off-site would be required to comply with the state requirements and the applicable regulations enforced by the County Agriculture Weights and Measures. Notwithstanding storage protection measures and regulatory compliance, significant impacts could occur along the AAs identified above (Impact AG-12).</p>	<p>B1-17 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p> <p>B1-18 The commenter's statement that regulations require schools to be further than one mile from agricultural operations is not accurate. As discussed in subchapter 2.7 of the FEIR, the California Education Code (CEC) establishes the law for California public education. The CEC requires that the DTSC be involved in the environmental review process for the proposed acquisition and/or construction of school properties that will use state funding. The CEC requires a Phase I ESA be completed prior to acquiring a school site or engaging in a construction project. Depending on the outcome of the Phase I ESA, a Preliminary Environmental Assessment and remediation may be required. The FEIR goes on to state "Moreover, prior to the siting of a school, the local education agency is required to consult with local officials to identify facilities within one quarter mile of the proposed site that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes. Where such facilities are present within one-quarter mile of a proposed school site, the local education agency is required to make a finding either that no such facilities were identified; or that they do exist, but the health risks do not or will not constitute an actual or potential endangerment of public health at the site or that corrective measures will be taken that will result in emissions mitigation to levels that will not constitute endangerment. Therefore, based on conformance with the described requirements for hazardous materials, the project would result in less than significant impacts related to the location of the proposed school site." Lastly, the Agricultural Resources Report (bottom of page 72) discusses the agricultural uses within one-mile of the school; and discusses potential health concerns, the applicable regulations, and the features of the project design used to preclude significant impacts in Section 3.2.2.1.</p> <p>B1-19 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p>
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	<p>B1-20 As discussed in the Agricultural Resources Report (Section 3.2.2), aerial applicators are required by law to use all precautions to prevent pesticide “drift” into a neighboring property; these are required regardless of the type of land use occurring on the adjacent parcel. Notwithstanding, these regulations in place to protect people and the environment from aerial pesticide spraying, the project would not prohibit the use of aerial spraying as a part of normal agricultural practices in the surrounding area. There are numerous guidelines in place that can make aerial spraying feasible, without drift, even in proximity to residential use. Aerial spraying under the appropriate meteorological conditions (e.g., low wind), using equipment that is properly calibrated to release an appropriate droplet size (larger droplets can minimize drift) and at the appropriate height (altitude) can be conducted to ensure drift would not occur, as required by the regulations cited above. As a result, the project would not prevent existing or future uses from application of aerial pesticides provided they are applied in conformance with applicable regulation. As with schools, there are no existing regulations in place which would prevent group residential being placed within one mile of active agriculture. As discussed in Section 3.2.2.5, there are no records of aerial spraying occurring nearer than 2,900 feet to the east of the Group Care facility; however, in the event that the nearest agricultural operation to the group care site makes the decision to utilize aerial spraying in the future, the spraying would occur 600 feet from the boundary of the group care site. Any future agricultural uses that are different from what has been in the area in the past would be speculative, and analysis is not required.</p> <p>B1-21 The on-site retained agriculture would be maintained by a professional operator. The Specific Plan will specifically prohibit interim on-site agricultural operations from applying pesticides. Aerial spraying is further addressed within the Global Response: Agricultural Resources, Indirect Impacts.</p>
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<p><i>Comment: The restrictions upon proper cultural practices for grove management would endanger the viability of these LHR on-site ag operations. If these operations would cease (i.e. kill or damage the trees) because of these onerous restrictions, wouldn't the usefulness of these zones as barriers for this and other use conflicts be removed? Please study this possibility carefully and provide a respectful answer that this important matter deserves.</i></p> <p>Pathogens/Diseases, p. 2.4-20 <i>Comment: The shot-hole borer is currently moving towards San Diego County from the north. It is lethal to citrus trees and has no cure, only careful ag cultural practices to prevent and manage its spread. The general public knows little about its spread or prevention. This makes management of these and any potential future pests nearly impossible. Please provide a study which compares its spread to ag operations from adjacent urban vs. rural and ag areas.</i></p> <p>Nighttime Lighting p. 2.4-20 <i>Comment: How could future possible ag lighting practices be affected by LHR? Please provide studies demonstrating various scenarios: effects of lighting incompatibilities from both directions.</i></p> <p>2.4.3.1 Issue 1: Direct Conversion of Agricultural Resources, p. 2.4-23 As discussed in the General Plan EIR, agricultural acreage within the County has been in decline since at least 1984 due to pressures on agriculture, such as high land values, urban/agricultural interface conflicts, and high economic costs (water costs). While the types of farming occurring in San Diego (small acreage - high value crops) allow San Diego farmers to continue economically viable operations; agriculture is a vital part of the San Diego County economy. Further, the cumulative loss of farmland is a concern to both the state and nation.</p> <p>2.4.3.3 Issue 3: Indirect Conversion of Agricultural Resources, p.2.4-26 Cumulative impacts related to farmland conversion could also result from edge effects, including trespassing, pilfering of crops, and damaged farm equipment. The pressure, inconvenience, and increased costs of operating remaining farms in areas converting to other uses may render continued farming infeasible or, at least, heighten the attractiveness of selling other farms for development.</p> <p><i>Comment: The economic engine for this region has great potential, but is fragile. Dilution of actual land uses could further endanger the feasibility of the potency of this engine. Wouldn't it be wiser to encourage other uses that are compatible with agriculture instead of inhibitory ones such as the LHR project? Compatible uses could be: ag, solar wind generation, breweries and wineries, and other food-processing and production operations.</i></p> <p><i>Comment: Considering the importance of agriculture to the entire region, could a study of ag vitality comparing the saturation of ag-compatible vs. ag-conflicting actual and potential land uses be undertaken?</i></p> <p>Sincerely,</p> <p>Michael Karp Owner of Cosmos' Acres Farm</p>	<p>B1-21 cont.</p> <p>B1-22</p> <p>B1-23</p> <p>B1-24</p> <p>B1-25</p> <p>B1-26</p> <p>B1-22 As acknowledged by the commenter, "little is known about its spread or prevention...makes management of these and any potential future pests nearly impossible". The agricultural components which would continue on the site after build-out would be managed by professionals hired by the HOA consistent with the Specific Plan, which prohibits the application of pesticides. Because of the unknown nature of this particular pest, the necessity of further studies at this juncture would be speculative, and further are not required pursuant to CEQA.</p> <p>B1-23 Please refer to Global Response: Agricultural Resources, Indirect Impacts which discusses nighttime lighting and potential incompatibility impacts to adjacent agricultural operations. With regard to impacts on future residential uses, the combination of agricultural buffers, LBZs, fencing, and the two rows of trees (M-AG-2, 3, and 4) along the project boundaries that border an agricultural operation would serve to mitigate any potentially significant impacts to below a level of significance.</p> <p>B1-24 The comment restates information contained in the FEIR, but does not raise an environmental issue within the meaning of CEQA; therefore, a specific response is not required.</p> <p>B1-25 Global Response: Agricultural Resources, Indirect Impacts addresses both economic viability and the edge effects mentioned in the first part of this comment. With regard to the statement about "wiser" uses than those proposed, this expresses an opinion of the commentator. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.</p> <p>B1-26 Global Response: Agricultural Resources, Indirect Impacts addresses a broad spectrum of agricultural compatibility-related issues as well as proposed mitigation measures and project design considerations. Given the depth and breadth of information provided in the FEIR, the Agricultural Resources Report, and the Global Response, further studies comparing saturation of uses is not warranted and no further response is required pursuant to CEQA. However, this comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.</p>
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