

Letter I51b

July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
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Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 1 Project Objectives with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

The following Public Comments pertain to Chapter 1 – Project Objectives:

Chapter 1- Objectives Subchapter 1.2.2 Technical, Economic, and Environmental Characteristics

THIS SECTION NEEDS THE ADDITION OF A FRANK AND SUCCINCT DISCUSSION OF THE PROJECT'S FACTUAL LACK OF LEGAL RIGHT OF WAY FOR ROADS, SEWER, AND RECYCLED WATER. FACTUAL AND QUANTITATIVE DISCUSSION NEEDS TO BE MADE PROMINENTLY APPARENT TO DECISION MAKERS ON HOW OFFSITE IMPROVEMENTS REQUIRED FOR THIS PROJECT WILL BE ACQUIRED. THERE ARE FACTUALLY 30 OR MORE RIGHT OF WAY ACQUISITIONS THAT PROJECT REQUIRES. THE PROJECT HAS MADE LITTLE PROGRESS IN FOUR YEARS ON ACQUIRING REQUIRED RIGHT OF WAY. IT IS HIGHLY LIKELY THAT THE USE OF EMINENT DOMAIN FOR A MINIMUM OF THIRTY AND LIKELY GREATER NUMBER OF SEPARATE TAKINGS OF UNWILLING PROPERTY OWNERS' LAND OR INTEREST IN ROAD AND UTILITY EASEMENTS WILL BE REQUIRED TO MAKE THIS PROJECT FEASIBLE.

I51b-1

The County of San Diego has received hundreds of pages of factual information from multiple Attorneys that demonstrate the absence of many legal rights for the Project's intended use of private roads and right of way for Sewer and Recycled water utility pipelines.

I51b-2

The Valley Center Municipal Water District (VCMWD) has verified that the Project has proposed pipeline routes for which no legal right of way currently exists for Sewer and Recycled Water. To use the Project's preferred Sewer and Recycled Water pipelines for this project, Eminent Domain taking of right of way is required. The Project's Alternate 4 pipeline route is claimed by the Applicant to have full legal right of way. However, as pointed out in Chapter 3 Public Comments, this claim requires substantiation in the three areas questioned.

I51b-3

The County has taken the position that Private Road right of way disputes are between individual private parties. That said, the County of San Diego has certain knowledge that offsite road improvements for the Project will require right of way for at least thirty separate takings of unwilling property owners' land or interest in road easements.

I51b-4

I51b-1 The FEIR adequately analyzes the potential environmental impacts associated with construction of the off-site physical improvements as required under CEQA. With respect to related property rights, please see Global Response: Off-Site Improvements – Environmental Analysis and Easement Summary Table, which describes the respective off-site improvements, corresponding environmental analysis, status of easement rights, and affected properties. Please also see Global Response: Easements (Covey Lane and Mountain Ridge Roads) for additional information responsive to this comment.

I51b-2 See response to comment I51b-1, above.

I51b-3 See response to comment I51b-1, above.

I51b-4 See response to comment I51b-1, above.

The County has been less than forthright in providing Public information on required right of way for Offsite Improvements for assessment of Environmental Impact. Provide the following information:

The County needs to disclose the following information so that impacts are identified and required Mitigation can be implemented.

A). Required Disclosure of Relevant Information regarding legal rights for construction of Off Site Improvements as well as how the Applicant intends to gain legal rights

In the DEIR, the County has not provided adequate disclosure regarding off-site impacts of the Project and its Alternatives to surrounding property owners.

This information is necessary to demonstrate Project Feasibility that the Project can ever be legally built.

For the Project and each of its Alternatives, provide the following information regarding off-site improvements for which Accretive Investments currently holds less than full legal right of way. Please provide evidence that there is adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.

For each impacted parcel, indicate what the Applicant has done to attempt to secure legal rights. Disclose how the Applicant or the County intends to secure the necessary legal rights for these parcels:

<u>Parcel Number</u>	<u>Property Owner</u>	<u>sq ft. Right of Way required</u>	<u>sq.ft.Slope Easement</u>	<u>Total sq. ft. Encroachment</u>
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i) West Lilac Road

Scenario 1 – Construction of West Lilac Road from Old Hwy 395 to proposed new Road 3b to 2.2 C Road Standards as is the General Plan Baseline. No information on offsite improvements has been provided by the County for the full route of this Alternative, which is the present General Plan Mobility Element baseline.

Scenario 2 a – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2C/2.2F dated Oct 31, 2013 with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified. The Oct 31, 2013 study found that 22 parcels were impacted for a total of 4.3 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 2 b – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2 C dated Oct 31, 2013 with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified. The Oct 31, 2013 study found that 22 parcels were impacted for a total of 5.6 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

I51b-4 (cont.)

I51b-5

I51b-6

I51b-7

I51b-8

I51b-9

I51b-5 All of the impacts related to off-site improvements have been quantified, described, and included in the FEIR throughout Chapters 2.0 and 3.0. All off-site improvements associated with each alternative is analyzed and discussed throughout Chapter 4.0 of the FEIR. See response to comment I51b-1, above. See Global Response: Off-Site Improvements – Environmental Analysis and Easement Summary Table which describes the respective off-site improvements, corresponding environmental analysis, status of easement rights, and affected properties.

I51b-6 See response to comment I51b-5, above and Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and Off-Site Improvements – Environmental Analysis and Easement Summary Table for additional information responsive to this comment.

I51b-7 Proposed improvements to West Lilac Road are discussed in their entirety in Chapter 1.0 of the FEIR. Specifically, the project proposes improvements to West Lilac Road from Old Highway 395 to the northeastern project boundary. Impacts associated with these improvements have been considered throughout the appropriate subchapter of the FEIR, and are included in the cumulative impacts section of each subject as well. Please see response to comment I51b-5, above, and Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and Off-Site Improvements – Environmental Analysis and Easement Summary Table for additional information responsive to this comment.

I51b-8 The commenter accurately represents that a redesign of the roundabouts resulted from the Reid Middleton Roundabout Study. The revised design is reflected in the current project description and all impacts located within the footprint of the roundabout are addressed in the EIR. The roundabout redesign would impact off-site areas; however, those areas are within existing Irrevocable Offers of Dedication (IODs) with both slope and drainage rights.

LETTER

RESPONSE

	<p>151b-8 (cont.) The FEIR adequately analyzes the potential environmental impacts associated with construction of the off-site physical improvements as required under CEQA. With respect to related property rights, please see Global Responses: Easements (Mountain Ridge Road and Covey Lane) and Off-site Improvements – Environmental Analysis and Easement Summary Table which describes the respective off-site improvements, corresponding environmental analysis, status of easement rights, and affected properties.</p> <p>151b-9 The commenter is referencing a second alignment study associated with the Reid Middleton Roundabout Study. This design was not selected to be included in the project and is not relevant for inclusion in the project's CEQA analysis.</p>
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LETTER

RESPONSE

Scenario 3 – Impact of improvement from non-compliant 2.2F to 2.2E configuration to improve horizontal curves and provide bicycle lanes in each direction and 8 foot shoulders for West Lilac Road from Easterly boundary of Subdivision (currently near existing Lilac Walk private road intersection) to Covey Lane. This scenario is discussed further in section 2). Direct Impacts to West Lilac Road section of this letter.

I51b-10

ii). Covey Lane/West Lilac Intersection

Scenario 1 – Impact of construction to Applicant's proposed design including Sight Distance Clearance and turn tapers. Please carefully analyze the need for Additional Slope Easements beyond those granted in IOD's.

I51b-11

iii). Mountain Ridge Private Road including Mountain Ridge/Circle R Intersection

Scenario 1 – Impact of improvement to Applicant's proposed design including Sight Distance Clearance and turn tapers.

I51b-12

Scenario 2 – Impact of improvement of Mountain Ridge Private Road to 30 Mph Private Road Design Speed Standards including Sight Distance Clearance and turn tapers.

Scenario 3 – Impact of construction of Mountain Ridge Private Road to Public Road Design Standards including Sight Distance Clearance and turn tapers.

iv). Rodriguez private road. Please further enumerate the all improvements proposed for Rodriguez Road as represented in Master Preliminary Grading Plan TM 5571 RPL 4 Sheet 7 of 12. Provide the legal basis of rights to construct the improvements to Rodriguez Road. Provide a copy for Public Review of document 2013-0021800 Rec. 1-11-2013.

I51b-13

Property Rights ARE a DEIR Issue. Without the acquisition of land for offsite improvements, this Project IS INFEASIBLE.

I51b-14

Executive Summary Comment DEIR Paragraph S.3 Areas of Controversy page S-4 – Item 2 – Infeasibility of the Project's undefined and infeasible Phasing Sequence

Phasing – The Applicant seeks the utmost in flexibility in developing the Project in Phases of which there are many possible permutations, and no assurance whatsoever of Project performance of Conditions of Development.

I51b-15

The County has endorsed this approach without any assurance of performance by the Applicant, such as bonded indemnification to ensure specific performance.

The Applicant states in the Specific Plan and the County states in the EIR that some Phases may never be built. Mitigations for Traffic Impacts are tied to events that may never happen. This is a serious defect with the EIR. There is no assurance that promised Mitigation will ever occur.

Refer to the following Table 1 – 4 from Chapter 1 EIR Objectives page 1- 34.

I51b-16

I51b-10 See response to comment I51b-9, above.

I51b-11 Please see Global Responses: Easements (Covey Lane and Mountain Ridge Roads) and Off-site Improvements – Environmental Analysis and Easement Summary Table), for additional information responsive to this comment.

I51b-12 Mountain Ridge Road is currently a two-lane private road that provides limited access (access only for property owners with easement rights) from the project site to the County's public road system via Circle R Drive. Mountain Ridge Road does not currently meet the County's Private Road Standards. As described in Chapter 1.0 of the FEIR and shown in Table 1-2, the project proposes to design Mountain Ridge Road as a wider, slower roadway. Additionally, the project proposes a Design Exception Request to eliminate the taper requirement at the intersection of Circle R Drive in order to reduce the off-site impacts of the taper. As shown on FEIR Table 2.5-2 and illustrated in Figure 2.5-2b, no off-site impacts would occur to existing biology as a result of the road design. Additionally, as discussed in Appendix C-1 to the FEIR, sight distance issues do not currently exist due to recent vegetation clearing; however, the project would be required to obtain an off-site clear space easement to ensure sight distance is maintained. Please see Global Response: Easements (Covey Lane and Mountain Ridge Roads).

With respect to the widening of Mountain Ridge Road to Public Road standards, all impacts are discussed in subchapter 4.9 of the FEIR. Under the Mountain Ridge Road Fire Station Alternative, biological resource impacts would be greater than the project. (see subchapter 4.9.2.5).

I51b-13 Rodriguez Road is an existing 40-foot-wide private easement road that would require surface improvements necessary to accommodate secondary emergency access for Phases 4 and 5. Specifically, Rodriguez Road would be improved from its current state as an unpaved road, to a 28-foot graded/24-foot paved roadway within the existing 40-foot easement. Refer to Global Response: Off-site Improvements – Environmental Analysis and Easement Summary Table for additional details about the easement rights and the adequacy of the environmental analysis in relation to easements.

I51b-14 See response to comment I51-13, above.

LETTER

RESPONSE

	<p>I51b-15 The project is designed so that each phase of construction would trigger specific mitigation measures. It is correct that if those phases are never built, the mitigation would not be required. The project's Conditions of Approval would further assure that specific mitigation measures would occur prior to the construction of each phase. As stated in FEIR subchapter 2.3.5, traffic impact mitigation is tied to recordation of Final Maps involving a specific equivalent dwelling unit count for the project, which are determined based on the ADT that would be generated by the specified number of dwelling units. This phases mitigation to correspond to the timing of the impacts. A Final Map cannot be recorded unless the mitigation is completed.</p> <p>Further, consistent with Public Resources Code Section 21081.6(a)(1), implementation of mitigation measures will be ensured through adoption of a Mitigation Monitoring and Reporting Program for the project as part of the CEQA Findings, as well as by the project Conditions of Approval.</p> <p>I51b-16 Project grading is discussed in Chapter 1.0 of the FEIR (subchapter 1.2.1.10). With respect to the net import or export of fill, project construction would be a balanced cut/fill operation as shown on FEIR Table 1-4. Throughout the phasing of the construction, however, there are some areas with a net cut and other areas with a net import. The project will be using those sites with net cut for borrow sites. Phase 3 land will be used as a borrow pit, which will be required to comply with all applicable government regulations and requirements, including provisions of the County Grading Ordinance found at Section 87.101 et seq. of the San Diego County Code. In addition, the County Zoning Ordinance limits the time period for borrow pits to one year, which would prevent any area of the site from being used as a borrow site for an extended period of time.</p>
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**TABLE 1-24
GRADING QUANTITIES BY PHASE (cy)**

Phase	Cut	Fill	Net
1	715,000	860,000	(145,000)
2	635,000	830,000	(195,000)
3	1,815,000	1,260,000	555,000
4	295,000	420,000	(125,000)
5	610,000	700,000	(90,000)
TOTAL	4,070,000	4,070,000	-

The Project represents that it requires no import or export of soil for all Phases in total. The Project requests any possible Phase implementation sequence. It is clear that Phase 3 is the source of fill dirt for all of the other four Phases and is required to be at least partially graded concurrently with the first and any other Phase. Please identify how the Project intends to implement Phase 1 without grading on Phase 3. Also, will Phase 3 be used as a quarry for fill dirt for an extended period?

The County of San Diego is deficient for not recognizing this most basic disconnect. The net result of this is a Significant Impact of Project Feasibility.

This example of infeasibility or vastly different Environmental Impacts is repeated over and over again with every Infrastructure aspect: Roads, Sewers, Waste Water, etc.

The timing of implementation of Mitigation is also required to be defined with much more rigor than the County has employed. Road Improvement from Significant Impacts are 'triggered' by attainment of a threshold number of Residential Units. The County of San Diego should recognize that certain Commercial Land Uses are far greater drivers of Traffic Impacts than Residential.

Another related defect of this "Phase Game" is that the sum of the Traffic related analyses, for example, have analyzed fewer than 50% of the possible permutations of Phase execution that the County has endorsed in this EIR.

Left with the unbounded Phasing strategy the Applicant proposes, the Project as implemented will have vastly different Environmental Impacts than those analyzed in this EIR.

The Project needs to be required to adopt a defined Phasing Plan sequence with only a few allowable Phase Alternates in order that the proper Environmental Impacts can be assessed.

1.6 Project Inconsistencies with Applicable Regional and General Plans

151b-16
(cont.)

151b-17

151b-18

151b-19

151b-20

151b-17 The comment does not raise a specific 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.

151b-18 The phasing plan discussed in FEIR subchapter 1.2.1.10, as well as Section 5 of the Traffic Impact Study (Appendix E), describe the traffic trips for both the equivalent residential dwelling units and the commercial uses, if any, in each phase of the project. Pursuant to Section 5 of the Traffic Impact Study (Appendix E) and subchapter 2.3.5 of the FEIR, the phased traffic mitigation measures therefore relate both to residential and commercial traffic trips generated in each phase. Further, the commercial uses for the project generate only 33 percent of peak hour traffic trips at project build-out. As a result, the recommended mitigation measures are appropriately tied to the approval of a specified number of residential dwelling units associated with final maps, because the commercial uses within each Final Map have been translated into equivalent residential dwelling units. Therefore, the timing appropriately considers both residential and commercial uses.

151b-19 The Specific Plan, Section IV Implementation includes a Community Phasing Plan, starting on page IV-1. Construction of the project is anticipated to occur over an 8- to 10-year period in response to market demands and to provide a logical and orderly expansion of roadways, public utilities, and infrastructure. The five phases of the project are shown in Figure 15a of the Specific Plan and phasing would be implemented through the recording of Final Maps. Actual construction of dwelling units could occur in any order (additional discretionary permits are required for Phases 2, 3, 4, and 5). For example, Phase 3 may be constructed after Phase 1, followed by Phase 2, etc. However, the applicant would be required to meet various requirements prior to approval of each Tentative Map or Tentative Parcel Map such as landscaping, street improvements, parks, open space dedications, and satisfying the mitigation measures included in the FEIR. As a result, regardless of the order of phasing, the environmental impacts would be fully mitigated prior to the impact occurring. The County has not identified any different environmental impacts that would occur due to the unspecified phasing order. See also response to comment 151b-18.

LETTER

RESPONSE

	<p>I51b-19 (cont.) The project's phasing plan is discussed at FEIR subchapter 1.2.1.10. The remainder of this comment expresses the opinions 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>I51b-20 The County acknowledges your comment and opposition to the project. 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, this comment mischaracterizes the analysis of the FEIR and statements found in the FEIR. The FEIR frames the General Plan consistency analysis in subchapter 1.4 under "Environmental Setting," and describes its current land use planning context including current General Plan land uses and applicable community plans. (See FEIR, Chapter 1.4.) Subchapter 1.6 describes the General Plan Amendment (GPA) required for approval of the project and that which is analyzed by the FEIR. Subsequent analysis of the physical environmental impacts that would occur from implementation of the GPA are illustrated in Chapters 2.0 and 3.0, as well as in the Land Use Planning section, subchapter 3.1.4 (See FEIR, Chapter 3.0 and Appendix W.) Subchapter 3.1.4.2 summarizes that the project proposes land uses and densities that are not currently consistent with the adopted land use designation of Semi-Rural S-R4 (VCCP Land Use Map) and Semi-Rural SR-10 (BCP Land Use Map). In order for the project to be approved and implemented, the General Plan Regional Land Use Map would need to be amended to change the adopted regional category (Semi-Rural) designation of the project site and to redesignate the entire 608-acre site as "Village" (as shown on Figure 1-1 of the FEIR). In addition, the VCCP land use designation for the project would need to be amended to Village Residential (VR 2.9) and Village Core (C-5) and the BCP land use designation will need to be amended to Village Residential (VR 2.9) (as shown on Figure 1-2). Amending the General Plan Mobility Element road classification of West Lilac Road is addressed in subchapter 1.6 of the FEIR (See also subchapter 2.3, Traffic with respect to West Lilac Road and Road 3).</p>
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LETTER

RESPONSE

	<p>I51b-20 (cont.)</p> <p>The Regional Categories Map and Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. (Chapter 3.0) The General Plan states that it is intended to be a dynamic document and must be periodically updated to respond to changing community needs. (General Plan, page 1-15.) General Plan Policy LU-1.2 permits new villages that are consistent with the Community Development Model and meet the requirements set forth therein. Therefore, the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map. Please refer to Global Response: General Project Consistency with General Plan Policy LU 1.2 and Appendix W for a thorough discussion on related topic.</p> <p>With regard to consistency with the General Plan Guiding Principles, it should be noted that all of the goals and policies of the General Plan are based upon these principles which are set forth in Chapter 2 of the General Plan. (General Plan, p. 2-6.) The FEIR analyzes whether the project meets the 10 Guiding Principles by its analysis of the appropriate policies that implement those principles throughout each of the subchapters of the FEIR and in Appendix W to the FEIR.</p> <p>Responses to the referenced letter are found in Letter O3 (Johnson General Plan 2013).</p>
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This section of the DEIR needs to include an unbiased evaluation of the Project's General Plan and Community Plan Consistency as of today, prior to a Board decision on the Project.

In this section and Chapter 3.1.4 Land Use Planning, the County has accepted the proposed advocacy position of the Applicant without any test of reason. This County states that indeed the Project as proposed is inconsistent with dozens of major General Plan Policies. But if the Board approves the General Plan Amendment, by definition the Project would comply with the General Plan, because the approval of the Board's amended the General Plan.

This circular logic does not observe the fundamental tenant of CEQA – to assure that decision makers prior to making a land use decision are informed of the Project's Environmental Impacts, and have taken all possible measures to Mitigate Impacts.

Factually disclose to the Lead Agency Decision Makers an unbiased evaluation of the General Plan and Community Plan policies included in August 2013 Public Comment contained in the letter Ltr 8-13-13 re General Plan and Community Plan Inconsistencies (Attachment 1).

Waste Water Growth Inducement Chapter 1.8.4.3

The County makes the Statement that the Project is a part of an existing Sewer Service Area. Please provide a copy of a current map which depicts the Project as part of the current Lower Moosa Sewer Service Area.

Growth Inducement Ch 1.8.4.3 – The County's statement below from page 1-48 is misleading and lacks disclosure of several relevant facts:

"Likewise, the Lower Moosa Canyon WRF is operating under an existing MUP that would accommodate modifications to allow wastewater from a maximum of 1,250 equivalent dwelling units to be treated."

There are several misleading statements in this incomplete statement that the County has made or inferred here:

1). While the County issued in 1996 a Major Use Permit for the Lower Moosa Water Reclamation Facility (LMWRF) expansion, having an approved MUP is not the only permit required. The facility does not have a permit from the San Diego Regional Water Quality Control Board (SDRWQCB) for implementing this expansion, which is a large undertaking. Obtaining this permit approval take a great deal of time and will likely require the entire LMWRF to be upgraded to current Title 22 tertiary water treatment standards. Upgrade of the LMWRF likely will have Environmental Consequences far different than those assessed in 1996. The existing as built configuration of LMWRF will accommodate an approximate 450 additional EDU's at the current disinfected secondary treatment level of the plant. And there are other competing users for service. The Project does not have sole claim for all existing capacity.

The County has not demonstrated that Sewer Service can be provided for the proposed Project in the time frames that the Lilac Hills Ranch Project requires service, nor has it quantified the Environmental Impact of providing Sewer service.

I51b-20 (cont.)

I51b-21

I51b-22

I51b-23

I51b-21 Subchapter 1.8.4 of the FEIR properly states that the project is within the service boundaries of the VCMWD.

I51b-22 The Lower Moosa Water Reclamation Facility is currently approved to be expanded up to 1.0 million gallons per day (MGD) through an approved Major Use Permit (P73-018w') to provide service to its service area independent of the project. It is acknowledged that all applicable permits would need to be obtained by VCMWD prior to expansion of the LMWRF (including but not limited to the San Diego RWQCB). If these permits cannot be obtained to the satisfaction of the regulatory agencies then the project would proceed with one of the other methods for treatment and disposal of wastewater as directed by VCMWD (which could include no expansion of the LMWRF).

I51b-23 Appendix R of the FEIR contains the Project Facility Availability Form (PFAF) provided by VCMWD. The PFAF requires the project to construct all wastewater facilities necessary to serve the project. Subchapter 3.1.7.2 of the FEIR discusses the four proposed options to provide wastewater treatment services and facilities for the project and studies their potential impacts.

2). The Project claims service capacity for 1250 EDU's of the Project. As stated without considerable qualifiers, this statement is not true. It assumes improvements to LMWRF that are not currently in place. Please list the other planned Projects besides Lilac Hills Ranch that require LMWRF service and accurately restate the net available service for the Project based on today's as built physical plant and treatment standards.

151b-24

GROWTH INDUCEMENT

In 2014, the County, who is Lead Agency for the Lilac Hills Ranch Project, finds that the expansion of LMWRF to not be growth inducing.

In 1996, the County sent in Public Comments to Lead Agency Valley Center Municipal Water District that the expansion IS growth inducing (Pages 131 to 133 of the 1996 EIR provided by the County)

The County stated on June 20, 1996:

"GROWTH INDUCEMENT

It is clear that the proposed project is growth inducing. In fact CEQA Section 15126 g. uses a waste water treatment plant as an example of a project which would allow for more construction, i.e. is growth inducing. Also, CEQA identifies projects which will remove obstacles to population growth as growth

inducing. Thus the DEIR must comply with CEQA 15126 g. The current draft does not comply with these requirements."

Please answer why Sewer Expansion to LMWRF caused by Lilac Hills Ranch is not Growth Inducing, as the County found it to be in 1996?

151b-25

Sincerely,



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Attachment 1 – Ltr 8-13-13 re: General Plan and Community Plan Inconsistencies

151b-26

151b-24 The project includes an option to construct a WRF on-site sufficient in size to treat the entire proposed project. Separately, the 1996 EIR for the LMWRF includes a Preliminary Design Report to expand the LMWRF to 1.0 MGD to accommodate its service area (which does not include the proposed project). The current flows to the LMWRF are approximately 0.35 MGD. Based on the timing of construction of the proposed project and the existing LMWRF service area, the VCMWD may determine to serve the initial phases of the project at the LMWRF. Preliminary estimates by the VCMWD indicate approximately 1,250 EDUs could be served in this manner. The final number of EDUs treated at the LMWRF will be dependent on the timing of construction of the project and the LMWRF service area. Should the LMWRF service area require the full 1.0 MGD, the on-site WRF shall be sufficient to accommodate the proposed project.

It is acknowledged that all applicable permits would need to be obtained by VCMWD prior to expansion of the LMWRF as a possible wastewater treatment option for the project. If these permits cannot be obtained to the satisfaction of the regulatory agencies then the project would proceed with one of the other methods for treatment and disposal of wastewater as directed by VCMWD. It is further acknowledged that in order to accommodate the additional 1,250 EDUs (0.25 MGD), expansion of the treatment capacity is required. Any expansion at the LMWRF beyond its current capacity would include the addition of tertiary treatment facilities to allow for recycled water use as a means of effluent disposal. As discussed at FEIR subchapter 3.1.7.2, two options for wastewater treatment for the project would not require increased capacity for the LMWRF as such treatment would occur on-site.

151b-25 The recirculated EIR was been revised to reflect that the project could be growth inducing (see subchapter 1.8.5). This section describes that while the facilities would be sized only to meet the requirements of the project, VCMWD could decide to improve facilities and/or increase capacity after project approval which could remove barriers to future growth. However, potential future projects would still be required to extend sewer service lines for project sites to the LMWRF from possibly distant areas, which extensions could be economically and practically infeasible due to physical and environmental constraints. Accordingly, the FEIR determines at subchapter 1.8.5, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to growth inducement related to wastewater treatment services are speculative and presently unknown.

LETTER

RESPONSE

I51b-26 See response to comments to Letter O3e.