

Letter O3g

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VIA EMAIL

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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP), **Inadequacy of Growth-Inducing Impacts Analysis Lilac Hills Ranch (LHR) Draft Environmental Impact Report (DEIR)**

Dear Mr. Slovick:

This law firm represents Heart of Valley Center, a California non-profit corporation. We submit the following comments on the LHR DEIR analysis of Growth Inducing Impacts located at Chapter 1.0, pp. 1-37 through 1-43 of the DEIR. The DEIR adopts factually unsupported premises and misstates facts concerning the existence of current infrastructure which are directly contradicted in other portions of the DEIR. The DEIR omits discussion and analysis of reasonably foreseeable and obvious ways this project will foster growth. The DEIR's conclusions concerning growth inducing impacts are therefore suspect, not adequately analyzed and not supported by substantial evidence. This portion of the DEIR should be rewritten and recirculated for public review.

CEQA requires a detailed statement setting forth the growth inducing impact of the proposed project. Pub. Res. Code §21100(b)(5). An adequate discussion of growth inducing impacts requires compliance with Guideline section 15126.2(d) which provides:

Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss

O3g-1

O3g-1

This comment is referencing the DEIR that was circulated for public review in 2013. The EIR has been updated to acknowledge that the project would be growth inducing, see FEIR subchapter 1.8 for a discussion of growth inducement. This section provides discussion of whether or not a "project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. While the FEIR recognizes that the project would be growth inducing, and could have the potential to result in adverse physical environmental effects due to growth inducement, potential impacts are found to be too speculative for evaluation in the FEIR because the specific nature, design, and timing of future projects is unknown.

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the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

O3g-1
cont.

As drafted, the growth inducing impacts analysis in the DEIR fails to comply with CEQA requirements. The DEIR adopts strained and unsupported conclusions concerning this Project's growth inducing impacts. Contrary to the DEIR's unsubstantiated and unsupported conclusions concerning growth inducement and as more fully discussed below:

1. The LHR general plan amendment and project addition of 1,746 homes and 90,000 square feet of commercial area will foster economic and population growth in a rural, agricultural area and the construction of additional housing, both directly and indirectly, in the surrounding environment.

O3g-2

2. The LHR project will remove obstacles to population growth by the expansion of the Lower Moosa Canyon WRF or by construction of an entirely new water treatment and reclamation facility (DEIR Chapter 3.0 pp. 3-109-3-113).

O3g-3

3. The DEIR's traffic impacts analysis recognizes and acknowledges that increases in the population resulting from the LHR project will tax existing community service facilities, including roads and intersections (DEIR Subchapter 2.3 Transportation/Traffic pp. 2.3-1- 2.3-3 outlining multiple significant project traffic impacts).

O3g-4

As a preliminary matter, the DEIR adopts factually unsupported premises and misstates facts concerning the existence of current infrastructure. This fundamental failure to accurately describe current infrastructure undermines any conclusions reached with respect to growth inducement.

The DEIR incorrectly and incompletely states: "*Typical obstacles to growth include a lack of services and infrastructure which are not present in this area. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would ultimately connect with freeway ramps.*" DEIR p. 1-37.

O3g-5

In reality and as discussed extensively elsewhere in the DEIR and in this letter, the DEIR acknowledges and recognizes the project's lack of infrastructure and services in the areas of roads, water, sewer and fire and a corresponding need for new infrastructure and services. Contrary to the growth inducement conclusions, the issue is not whether the project is located within an existing district for sewer, water or fire service. The issue is whether there are services and infrastructure present in the area. These obstacles to growth are indeed present in this rural, agricultural area which currently lacks wastewater service and contains few existing roads. Providing these services and infrastructure as part of the project presents a classic

O3g-2 Please see response to comment O3g-1. The FEIR recognizes that the project could induce growth. The FEIR discusses the direct impacts from the project proposal, as well as potential growth-inducing factors. The FEIR determines in subchapter 1.8.5, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown.

O3g-3 This comment is consistent with the information in the FEIR which recognizes potential growth inducing effects of the project associated with the construction of a new water treatment and reclamation facility. Refer to FEIR subchapter 1.8 for a discussion of growth inducement. Subchapter 1.8 concludes that the project would utilize the excess capacity of the Lower Moosa Canyon WRF, and could put pressure on the VCMWD to upgrade the facility and expand its capacity. In this scenario, subchapter 1.8 of the FEIR states that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown.

Regarding the selection of one of the options to construct on-site facilities to process project wastewater, as described in FEIR subchapter 3.1.7, the facilities would be sized to serve only the proposed project, and not any other properties. These three possible options for a WRF would not be growth inducing.

O3g-4 Please see response to comment O3g-1. Further, subchapter 1.8 of the FEIR explains that project-related road system improvements will not add additional travel lanes or construct new roads to serve undeveloped areas. Subchapter 2.3 of the FEIR also explains that most of the project-related direct and cumulative significant impacts to the existing transportation network in the area can be reduced to below a level of significance by relatively minor improvements to existing road system elements or by payments to the County TIF Program. The few direct significant impacts to intersections and cumulative impacts to road segments and intersections that are not reduced to below a level of significance result from the required installation of mitigation measures that are either outside the jurisdiction of the County of San Diego or are beyond the proportional impacts of the project, and are, therefore, infeasible.

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	<p>O3g-5 This comment quotes and is referring to the FEIR that was circulated for public review in 2013, which has since been revised. The FEIR has been updated to acknowledge that the project would be growth inducing, see FEIR subchapter 1.8 for a discussion of growth inducement. Regarding extension of public facilities, subchapter 1.8.4 of the FEIR identifies that the project site is located within existing districts, but does not include the statement referenced by the commenter.</p> <p>Regarding the area water system, subchapter 3.1.7 of the FEIR discusses that the VCMWD has sufficient existing capacity as of 2014 to serve the potable water demands of the project and the community based on the VCMWD's replacement of the Country Club reservoir with two 5 mg reservoirs. The project would not require the construction of any new major water storage facilities. Regarding sewer service, see response to comment O3g-3. The project proposes three possible options for construction and operation of an on-site WRF that may be approved by the VCMWD, any of which on-site WRF would be sized to serve only the proposed project and not any other properties.</p> <p>The FEIR acknowledges that the extension of some water and possible wastewater facilities and infrastructure could remove barriers to future growth (subchapter 1.8.4.3). However, subchapter 1.8 of the FEIR also states that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown.</p> <p>Regarding the roadway network, the FEIR discusses, in subchapter 2.3, that the project will not require the installation of a new transportation network in the area. The project will provide an internal roadway network that will connect to nearby Mobility Element roadways, which provide regional access to the larger network.</p> <p>Regarding the provision of fire services, see Global Response: Fire and Medical Services.</p>
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example of growth accommodating features designed to remove obstacles to population growth. The reality of these obstacles and the provision of increased infrastructure under the LHR Project must be acknowledged and made part of an adequate growth inducing impacts discussion.

O3g-5 cont.

Comments regarding 1.8.1 Growth Inducement Due to General Plan Amendment (Increases in Density) and 1.8.2 Growth Inducement Due to Construction of Additional Housing:

The DEIR acknowledges that the project “differs from the adopted General Plan and community plans in terms of land use, density, and overall number of units” (DEIR p. 1-37). Further, the DEIR indicates the adopted “VCCP designates the project site” at much lower densities: “Semi-Rural SR-4”; and the Bonsall Community Plan also designates the project site at lower densities as Semi-Rural SR-10 (DEIR p. 1-37). These current adopted plans would yield between 110-304 dwelling units or a population of approximately 120 to 346. Illogically, the DEIR nevertheless concludes that the 1,746 units and 5,185 people proposed by the LHR general plan amendment would not constitute a growth inducement due to a general plan amendment or due to the construction of additional housing. These conclusions are unsupported and simply defy reason.

In reaching its conclusions regarding growth inducement, the DEIR also views the LHR project in complete isolation from its rural surroundings stating: “By itself, the proposed project takes advantage of the location of the project site, but would not result in any change in density for surrounding areas...” DEIR p. 1-37. This conclusion ignores the reality of development pressures which will be exerted on surrounding rural lands by the presence of an urbanized center.

O3g-6

The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the LHR Accretive SP/GPA. Into the future, these land owners will likely seek similar higher density treatment. The County has a reliable track record of justifying General Plan Amendments that increase density using the density of adjacent properties as precedent. The DEIR claims that this would not occur, but history and reality have proven otherwise.

The sprawling site also creates some 8 miles of edge effects that the GP currently designates for semi-rural residential land uses with agriculture, horticulture, and animal husbandry zoning. This sprawling shape increases the likelihood that the proposed project will be growth inducing, increasing urban land uses because of the extended edge effects of the proposed LHR Subdivision boundaries.

The DEIR refers to the PSR General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. However, the DEIR’s analysis is incomplete and its conclusion unsupported. The DEIR merely refers the reader to maps and a regional increase in dwelling units without any analysis of the increase of dwelling units for PSRs within the vicinity of the project site. The PSR/GPA process has not concluded. Approval is not a foregone conclusion and processing will be lengthy. It is more likely that

O3g-7

O3g-5 (cont.)

Also, as explained at subchapter 1.8 of the FEIR, if either of the four new Fire Options discussed at subchapter 2.7 of the FEIR were required as a condition of project approval, then such new facility could remove a barrier to growth as an improved fire response time could allow for increased density in the area near the project under County standards.

O3g-6

The County’s EIR Format and General Content Requirements require that an EIR discuss both direct and indirect growth associated with a proposed project: “... the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, directly or indirectly, in the surrounding environment”. FEIR subchapters 1.8.1 and 1.8.2 address growth inducement relative to the General Plan Amendment (GPA) and the construction of housing, respectively. FEIR subchapter 1.8.1 acknowledges that the project would result in direct population growth, “... the proposed residences would result in an increase in population by approximately 5,185 people, along with commercial and institutional uses. Therefore, the project would result in a direct increase in population” FEIR subchapter 1.8.1 also notes that intensification of land uses on site could encourage similar intensification in the immediate project vicinity.

The potential growth-inducing impact from the project’s increases in density due to GPAs is discussed at FEIR subchapter 1.8. The FEIR determined, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown. Further, no information is provided by the commentator about the size, slope, terrain, existence of environmental constraints or existing infrastructure elements relating to any surrounding properties, all of which factors could materially impact the ability to intensify land uses on those properties regardless whether the project is approved.

The FEIR discusses the environmental setting of the project, and potential cumulative impacts of the project on environmental elements in the surrounding areas in Chapters 1.0 and 2.0 and subchapter 3.1 of the FEIR. The project is not studied in isolation as claimed. Further, the proximity of agricultural and farming uses to the project, and the project’s potential impact on those uses, was studied at subchapter 2.4 of the FEIR. The impacts of the project on those adjacent agricultural

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	<p>O3g-6 (cont.) uses was found to be less than significant with the implementation of mitigation measures M-AG-2 through M-AG-4.</p> <p>Potential edge effects to surrounding agriculture would be mitigated through transitions and buffers. As discussed in FEIR subchapters 2.4.5 and 2.4.6 or Section 3.3 of the Agricultural Resources Report (Appendix F) of the FEIR; a minimum 50-foot buffer with two rows of orchard trees except where constraints exist is implemented as a mitigation measure at all of the agricultural adjacency (AA) areas regardless of the crop type grown within the off-site parcel. In addition to the 50-foot buffer, most of the AAs are also required to implement fences and LBZ (limited building zone) restrictions. In addition, all project areas will implement project design considerations to assure all lighting is shielded and directed away from the off-site parcels (as described in Specific Plan Section 3.D.10). These mitigation measures and project design considerations will still serve to mitigate compatibility impacts and “edge effects.”</p> <p>Also, as shown on Figure 1-4a of the FEIR, significant portions of the project interfaces with adjacent properties that contain biological open space area, slope/buffer/other open space areas and park areas. The project preserves 104.1 acres of natural habitat which is roughly 70 percent of the existing natural vegetation, which acts to preserve some compatibility with surrounding areas. These areas would also be compatible with off-site agricultural operations.</p> <p>O3g-7 Please refer to the response to comment O3g-6. The FEIR discusses at subchapter 1.8 the potential growth-inducing impact from the project’s increases in density due to GPAs that are being processed concurrently with requested certification of the EIR. The FEIR determines in subchapter 1.8, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown.</p>
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approval of the Accretive LHR Project would justify and furnish a precedent for approval of the PSRs/GPAs in Valley Center, thus facilitating additional growth of this area.

The statistical analysis presented by the Applicant in subchapter 1.8.2.1 *Housing Trends* does not reconcile with its referenced SANDAG sources. Please refer to *Attachment A - Valley Center and Bonsall analysis of SANDAG housing units*. In order to provide accurate Environmental Impact Assessment, please reconcile Attachment A to the DEIR subchapter 1.8.2.1 *Housing Trends* statistical analysis and verify which analysis is correct.

With respect to the County’s Housing Needs, as Table 2 p. 2 of Attachment B factually states, the combined Valley Center and Bonsall projected General Plan Residential Housing Units are expected to grow from 10,513 in 2010 to 14,944 in 2030 – a 42.1% growth **without the inclusion of the proposed LHR project**.

The overall San Diego County Housing Unit growth rate from 2010 to 2030 is 18.3%.

Valley Center and Bonsall have provided for more than their fair share of County growth in the General Plan and Community Plans. The LHR Project overburdens these communities in an area that lacks infrastructure to support the urban densities proposed (See discussion re: 1.8.4 and 1.8.5 below).

Comments regarding 1.8.3 Growth Inducement Due to Economic Stimulus

This section contains insufficient information and specifics concerning the proposed commercial development proposed by the LHR project to draw any conclusion concerning its growth inducement. The DEIR provides the following nebulous description: “Commercial uses are anticipated to include generally neighborhood-serving retail shops and services, restaurants, offices, along with a bed and breakfast.” (DEIR p. 1-40). No attempt is made to quantify employment numbers, types of offices and businesses conducted or the cumulative impacts of the project’s commercial development coupled with the regional commercial uses planned in proximity to the project area. The DEIR contains unfounded assumptions concerning the employees for the non-descript, undefined commercial uses as drawn from on-site residences and the immediate area. This section is based on assumptions, generalities and lacks analysis.

“[I]n order to fulfill its purpose as an informational document, the [D]EIR should, at a minimum, identify the number and type of housing units that persons working within the Project area can be anticipated to require, and identify the probable location of those units. The [D]EIR also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the [D]EIR should identify that fact and explain that action will need to be taken to provide those units or services, or both.” *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 370.

O3g-7
cont.

O3g-8

O3g-9

O3g-10

O3g-8 The FEIR does not contain a subchapter 1.8.2.1 Housing Trends referred to in the comment. Further, no part of subchapter 1.8 of the FEIR (Growth Inducing Impacts) cites any SANDAG sources. Accordingly, no claimed lack of reconciliation with supposed SANDAG sources referred to in the comment exits within this Subchapter of the FEIR. The FEIR discusses at subchapter 1.8 the potential growth-inducing impacts from the project’s increases in density due to the proposed General Plan Amendment. The FEIR determines in subchapter 1.8, consistent with CEQA Guidelines Section 15145, that potential adverse environmental effects due to possible growth inducement are speculative and presently unknown.

Guiding Principle 1 of the County General Plan (Chapter 2, pages 2-6 and 2-7) calls for the County to accommodate a reasonable share of regional growth. It does not define a reasonable share for each community. In fact, the General Plan EIR Chapter 2.12 identifies a broad range of population increases by 2030 in all unincorporated communities. These range from 8 to 481 percent.

SANDAG forecasts are, by their own description at the Planning Commission hearings on the General Plan, a snapshot in time. They are meant to assist jurisdictions and special districts in their planning efforts. SANDAG routinely updates these projections based on land use decisions by all jurisdictions. SANDAG’s Regional Growth Forecast data for population and housing itself includes a note that reads: “This forecast represents one possibility for future growth in the San Diego region. It is intended to represent likely prediction of future growth, but it is not intended to be a prescription for growth.” (Emphasis supplied.) Further, SANDAG’s 2050 Regional Growth Forecast (available on SANDAG’s website at <http://www.sandag.org>) states: “The purpose of the 2050 Regional Growth Forecast is to provide a starting point for regional planning. The forecast is not intended to be a prescription for future growth. Rather, the forecast is intended to show possible future development patterns based on regional projections and local input.” Local input can change, which would involve consideration by the County Board of Supervisors of any requested General Plan Amendment.

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	<p>O3g-8 (cont.) In addition, the County is not required to “reconcile” the proposed project with a housing forecast prepared by SANDAG. SANDAG’s long-range housing forecasts do not displace, define or limit the County’s land use planning authority and jurisdiction over the proposed project.</p> <p>O3g-9 As described in FEIR subchapter 1.2.1, the project would construct infrastructure both on- and off-site, including roadway improvements; water, sewer and dry utility lines; parks and recreational facilities; and provide for school facilities for future residents. As explained in response to comment O3g-5 above, significant existing infrastructure including roadways and water, fire and sewer services exist in the area surrounding the project. These infrastructure elements could be enhanced as proposed by the project (and as approved by the VCMWD for sewer services and the DSFPD for fire facilities) to address the project demands as needed. The General Plan recognized that communities that are located more distant from the San Diego metropolitan center but within the County Water Authority, like Valley Center and Bonsall, have a greater capacity to grow (page 1-25.) The General Plan further recognized that 80 percent of new development is planned within the County Water Authority boundaries (page 3-2).</p> <p>O3g-10 As stated in FEIR subchapter 1.2.1.3, the project would include 90,000 total square feet of specialty commercial and office uses separated into three different, non-contiguous areas of the project. As stated in the Specific Plan, the types of permitted and conditional commercial uses will be neighborhood-serving (not regionally-serving) and will be regulated by the County’s existing C34 Use Regulations (refer to County Zoning Ordinance section 2340).</p> <p>A cumulative discussion of growth inducing impacts is not required under CEQA or the County’s EIR Guidelines.</p> <p>The project would provide a variety of housing types including various sized single-family detached homes, attached single-family homes in the Town Center and senior housing, thereby, providing more affordable options than the predominantly large-lot single-family and estate homes in the surrounding community. The FEIR explains that given the 90,000 total square feet of commercial space separated into three different, non-contiguous areas of the project, the uses would be neighborhood serving not a regional employment center.</p>
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	<p>O3g-10 (cont.)</p> <p>Thus, the proposed commercial component is not anticipated to require employees to relocate to the area and employees are anticipated to come from the existing community given the relatively small size of the commercial use. The FEIR has fulfilled its obligation as an informational document and provided the information required by Napa Citizens. Nothing in the Guidelines or in the cases require more than a general analysis of projected growth. The information suggested by the commenter would be speculative to provide in the FEIR.</p>
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Comments regarding 1.8.4 Growth Inducement Due to Construction/Improvement of Roadways and 1.8.5 Growth Inducement Due to Extension of Public Facilities

The LHR project introduces multiple growth accommodating features which remove obstacles to population by expansion of fire services, school facilities, water treatment facilities and roads. The DEIR's conclusions regarding growth inducement due to construction/ improvement of roadways and due to provision of public facilities and services are not supported by the facts.

Expansion of Fire Services

The required LHR Project improvements to Fire Services include relocation of Fire Station facilities and addition of Type I Fire Engines and Emergency Medical Service vehicles and personnel to the area. These service improvements induce and facilitate urban growth in the area because the LHR Project will provide growth accommodating urban Fire Service Infrastructure.

Expansion of School Facilities

The addition of a K-8 Elementary and Middle School will provide growth accommodating facilities for residential growth to the area.

New and Expanded Wastewater Facilities

The current water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service for the project area. The DEIR acknowledges that: "VCMWD does not currently have the equipment necessary to serve the project within the perimeters of its allowable wastewater capacity" (DEIR p. 3-108); "VCMWD does not currently have wastewater capacity to serve the project at build-out" (DEIR p. 3-111); and the project will "result in an increase in wastewater treatment demand, which would require the need for new or expanded facilities (DEIR 3-109). However, the growth inducing impacts Conclusion at 1.8.6. item 6, p. 1-43, fails to acknowledge this lack of capacity and the need for new or expanded facilities and inaccurately states the "Lower Moosa Canyon WRF has adequate capacity to treat the water generated by the project." This is incorrect and to the extent it is being used to justify a conclusion of no growth inducement, it must be corrected and appropriately analyzed. Please refer to Letter of Mark Jackson to Mark Slovick re: DEIR Public Comments Regarding Water Quality Standards and Water Quality Impact Concerns dated July 31, 2013.

The Applicant does not have legal right-of-way on its "Preferred Route 3" for pipelines to connect to LMWRF. It is highly likely that Accretive has no feasible way to use the LMWRF, and if the LHR Project is approved, a separate, new tertiary Water Reclamation and Solids treatment facility will need to be built within the Subdivision's boundaries.

Whether the current facilities are expanded or a new Water Reclamation and Solids treatment facility is constructed, these infrastructure improvements and expansion will

O3g-11

O3g-12

O3g-13

O3g-11 Refer to response to comments O4-18, O3g-1, and O3g-5. The FEIR recognizes the growth accommodating features of the project and concludes that the project would be growth inducing. As discussed in subchapter 1.8.4, the project would not provide new on-site public service facilities other than the potential for a new or remodeled fire station. This fire station would be one of four possible options related to fire services, as discussed above and in detail in subchapter 3.1.5. A possible new fire station in the area would enhance the existing public safety, and, as explained in subchapter 1.8.5 could remove a barrier to growth by improving fire response times related to surrounding properties. As discussed at FEIR subchapter 1.8.5, potential growth-inducing impacts related to this matter are speculative.

O3g-12 As discussed at FEIR subchapter 3.1.5.2, the project will offer an undeveloped school site to the two elementary school districts that serve the project for those school districts possibly to build a new school. The project, however, has not proposed to construct a new school on the site. Bonsall Unified School District has expressed interest in utilizing the proposed school site in their October 30, 2014 letter sent to the County which is included as an attachment to comment letter L5. If a school district does not acquire the school site after holding the school site land available for the school districts for two years, the applicant could seek to convert the site to an alternate use. The FEIR concludes that the project's dedication of a school site, and the potential for the construction of a school by a district in the future, is growth accommodating, and not growth inducing since the construction would be in response to, and facilitated by, development within the district.

O3g-13 See response to comments O3g-1 and O3g-3. The FEIR subchapter 3.1.7.2 identifies the extension of water and wastewater facilities and infrastructure could remove barriers to future growth. Any force main and gravity system to connect to the Lower Moosa Canyon WRF could follow improved, existing roadways, located entirely within public right-of-way from the project to the Lower Moosa Canyon WRF.

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accommodate and facilitate residential and commercial growth to the area. Notably, this is precisely the type of growth inducing impact recognized by the CEQA Guidelines set forth above which state when describing the ways a project can foster growth: "Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant...)"

CEQA caselaw also recognizes this type of infrastructure expansion as a growth inducing impact. As stated in *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 227: "the sewer improvements would provide part of the infrastructure required later to undertake construction of additional housing to the north and south of the project, thereby removing, euphemistically speaking, 'an obstacle to development': the present lack of sufficient sewer capacity. The additional development would indeed tax existing sewage capacity, so this project would alleviate that problem."

In addition, the DEIR should consider the growth inducing impacts of the project in conjunction with growth inducing impacts of the wastewater treatment expansion whether that expansion takes the form of an expansion to the existing Lower Moosa Canyon WRF or a new facility. In *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733, the court found an EIR inadequate under CEQA which failed to describe the growth-inducing effects of the development project identified in the FEIR in conjunction with the growth-inducing effects of a sewer expansion. In fact, far from considering the cumulative growth inducing effects of the development project and the sewer expansion, the EIR in *San Joaquin Raptor*, like the LHR DEIR, "actually asserts the sewer expansion will *not* be growth inducing because it will 'only include capacity to serve the development within the project site.'"

This conclusion must be checked against any approvals for the Major Use Permit issued in 1994 by the County to double LMWRF capacity to 1.0 Million Gallons/Day (MGD) of influent. This increased capacity has not been implemented, nor to the best of our understanding have permits from other governmental agencies been issued to implement this expansion. The DEIR states the plant "has a rated capacity of 0.5 mgd; its discharge permit limits the total plant flow to 0.44 mgd" and "the average sewage flow to this treatment facility is approximately 0.35 mgd." (DEIR p. 3-108)

As such, the DEIR should examine and describe the "[p]otential creation of additional capacity beyond that capacity necessary to accommodate known residential growth." *San Joaquin Raptor*, 27 Cal.App.4th at 733. It is this potential excess sewer capacity which would then accommodate additional residential growth. There is also some question whether the project description which refers only to the project's MUP for a new WRF was improperly truncated as not including the possible expansion of the Lower Moosa Canyon WRF described at Chapter 3, pp. 3-109-3-112. In short, one cannot accurately discern the true growth-inducing effects of the entire development project on the surrounding community from the DEIR. *San Joaquin Raptor*, 27 Cal.App.4th at 733.

O3g-13 cont.

O3g-14

O3g-14 See response to comments O3g-1 and O3g-3 regarding growth inducing impacts related to wastewater treatment. In addition, the case cited by the commenter, is not applicable to the facts of this project. In the San Joaquin Raptor/Wildlife Rescue case, a concurrently pending regionally-serving sewer expansion project was needed for a residential development project to go forward. However, the regionally serving sewer expansion and the residential development projects were treated separately, the cumulative effects of the sewer project were not identified in the FEIR for the residential development, and there were contradictory statements made in each of their respective EIRs. In particular, the pending sewer expansion project stated that the expansion would result in additional capacity beyond that capacity necessary to accommodate known residential growth.

In this case, the Lower Moosa WRF was approved for expansion nearly 20 years ago, and could be expanded to 1.0 MGD (subject to funds available for the expansion) to provide service to its current service area - independent of the project. An MUP has already been approved for this expansion with appropriate environmental review. Regardless of whether the project is approved, the total planned capacity of the Lower Moosa WRF would remain the same as it is currently permitted. The fact that other permits may not have been granted yet to implement the completion of the expansion of the facility to 1.0 MGD, is not important because the total planned facility capacity would remain the same. Nonetheless, none of the wastewater treatment alternatives for the project propose construction of treatment facilities beyond those necessary to serve the project's needs.

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Construction and Improvement of Roads

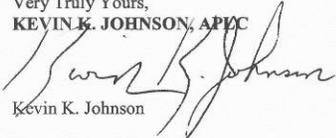
There are few existing roads in the project area. They are built and planned to service Semi-Rural and Rural development authorized by the County General Plan and Community Plan. While Accretive claims shockingly miniscule direct development impact for its 14.7 times increase in traffic on local Public Roads, the fact is that if the LHR Project proceeds, the Applicant would be required to substantially improve local public roads at the Developer's expense. These upgraded Public Roads would be a certain growth inducement to the area.

O3g-15

Conclusion

By introducing a higher density, urban development into a rural agricultural area, the LHR project will foster economic and population growth and the construction of additional housing, both directly and indirectly, in the surrounding environment. The LHR project will remove obstacles to population growth by the expansion of the Lower Moosa Canyon WRF or the alternate construction of a new water treatment facility. The DEIR recognizes and acknowledges that increases in the population resulting from the LHR project will tax existing community service facilities, including roads. In view of the foregoing, the DEIR's conclusions concerning growth inducement are unsupported and indefensible.

O3g-16

Very Truly Yours,
KEVIN K. JOHNSON, APCC

Kevin K. Johnson

Attachment A: Valley Center and Bonsall Analysis of SANDAG Housing Units

O3g-17

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

O3g-15 See response to comments O3g-1, O3g-4, and O3g-5 above. Traffic generated by the project would generally fit within the capacity of existing roadways. All off-site improvements required of the project are to accommodate traffic generated by the project and would not provide surplus capacity that allow for additional growth within the area.

O3g-16 The comment provides a summary of comments set forth in the letter. The commenter's opinion and discussion of project concerns is acknowledged and included in the project's FEIR for the decision makers to consider. No additional response is necessary.

O3g-17 The attachment are included as part of the public record. No additional response is necessary.

LETTER

RESPONSE

ATTACHMENT A

Valley Center and Bonsall bear more than a fair share of San Diego County General Plan growth before addition of the proposed Lilac Hills Ranch project -- infrastructure plans will not support Lilac Hills Ranch growth

The General Plan growth in housing units across the entire County of San Diego is summarized in Table 1 below.

Table 1 San Diego County General Plan Housing Unit Forecast 2010-2050

CPA	Housing Units				Percent Change			
	2010	2020	2030	2050	2010-2020	2020-2030	2030-2050	2010-50
Alpine	5,535	6,690	7,875	9,157	2.4%	17.7%	16.3%	40.1%
Barona	202	170	170	170	-15.8%	0.0%	0.0%	-15.8%
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	19.5%	58.7%
Central Mountain	2,182	2,305	2,589	2,735	5.6%	12.3%	5.6%	25.3%
County Islands	614	607	607	635	-1.1%	0.0%	4.6%	3.4%
Crest-Dehesa	3,962	3,677	3,926	3,978	3.2%	6.8%	1.3%	11.7%
Desert	3,546	3,453	4,337	6,923	-2.6%	25.6%	59.6%	95.2%
Fallbrook	15,929	16,335	18,559	20,387	3.8%	12.2%	9.8%	28.0%
Jamul-Dulzura	3,234	3,372	4,398	5,263	4.3%	30.4%	19.7%	62.7%
Julian	1,711	1,748	1,884	2,015	2.2%	7.8%	7.0%	17.8%
Lakeside	27,575	28,517	30,339	30,915	3.4%	6.4%	1.9%	12.1%
Mountain Empire	3,023	3,056	3,903	5,108	1.1%	27.7%	30.9%	69.0%
North County Metro	16,114	19,548	24,090	25,946	21.3%	23.2%	7.7%	61.0%
North Mountain	1,527	1,759	2,002	2,388	15.2%	13.8%	19.3%	56.4%
Otay	7	490	2,035	2,156	6900.0%	315.3%	5.9%	30700.0%
Pala-Pauma	1,980	2,285	3,037	4,389	15.4%	32.9%	44.8%	122.2%
Pendleton-De Luz	7,531	8,533	8,684	8,797	13.3%	1.8%	1.3%	16.8%
Rainbow	708	750	881	963	5.9%	17.5%	9.3%	36.0%
Ramona	12,376	12,692	14,107	15,140	2.6%	11.1%	7.3%	22.3%
San Diegoito	10,993	11,053	11,924	13,601	0.5%	7.9%	14.1%	23.7%
Spring Valley	20,533	20,939	21,837	21,952	2.0%	4.3%	0.5%	6.8%
Sweetwater	4,670	4,657	4,732	4,732	-0.3%	1.6%	0.0%	1.3%
Valle De Oro	15,543	15,648	16,022	15,968	0.7%	2.4%	-0.3%	2.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	36.9%	102.0%
Unincorporated Area	170,606	180,431	202,882	222,880	5.8%	12.4%	9.9%	30.6%
San Diego County	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	11.6%	32.0%

SOURCE: SANDAG Profile Warehouse: 2050 Forecast

LETTER

RESPONSE

Please note that the Lilac Hills Ranch project is a General Plan Amendment, and is not included in the estimate of projected Housing Units in Table X-Y, which is based on the August 2011 San Diego County General Plan.

For the entire County of San Diego Housing Units are increasing 32 % from 2010 to 2050.

Valley Center Housing Units as reflected in the August 2011 General Plan are growing 102% from 2010 to 2050, **more than 3 times** the rate of the County overall. This growth is largely in the North and South Villages, which are located where suitable infrastructure is (Roads, Sewers, Schools) located in Valley Center. Because there are provisions in the General Plan to provide the requisite infrastructure to support village land use densities areas, the central Villages located in the traditional town center is the logical place for Valley Center to provide more than its fair share of housing for the County.

Bonsall Housing Units as reflected in the August 2011 General Plan are growing 59% from 2010 to 2050, **nearly 2 times** the rate of the County overall. Growth is also planned at the traditional town center, close to the intersection of SR-76 and Mission Road, where necessary infrastructure for dense, urban development is in either on the ground or planned (and funded) to be added shortly.

The combined composite effects of adding Lilac Hills Ranch in addition to General Plan growth is provided in Table 2 below:

Table 2 Bonsall and Valley Center Composite Housing Unit Analysis

	Housing Units				% Growth from 2010		
	2010	2020	2030	2050	2010 to 2020	2020 to 2030	2010 to 2050
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	58.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	102.0%
Subtotal General Plan	10,513	11,947	14,944	19,562	13.6%	25.1%	86.1%
Lilac Hills Ranch (LHR)		746	1,746	1,746			
Total with LHR included	10,513	12,693	16,690	21,308	20.7%	31.5%	102.7%
Reference: SD County growth	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	32.0%