

LETTER

RESPONSE

10/08/2009 08:14 FAX 7604315902

U.S. FISH AND WILDLIFE

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U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011
(760) 431-9440
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California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply, Refer To:

FWS SDG-08B0183-10TA0010

Mr. Dennis Campbell
County of San Diego
Department of Planning and Land Use
5201 Rufin Road, Suite B
San Diego, California 92123

OCT 08 2009

Subject: Draft Environmental Impact Report for the Meadowood Project,
San Diego County, California (SCH # 2004051028)

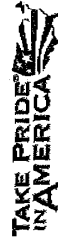
Dear Mr. Campbell:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (DEIR) for the above-referenced project, dated August 27, 2009. The comments provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively, and is responsible for the conservation of the State's biological resources, pursuant to the California Endangered Species Act, and California Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

Approximately 250 acres of the 389.5-acre project site is currently being used for agricultural operations. On the steeper slopes in the northeastern portion of the site, there are areas of native habitat, including coastal sage scrub, chaparral, annual grassland, and a small area of oak woodland. The project site is surrounded by grazed land and undeveloped native habitat to the west, groves and undeveloped native habitat to the east, undeveloped native habitat to the north (including the Heights of Pala Mesa Conservation Bank), and State Route 76 (SR-76) and the San Luis Rey River to the south.

The proposed project is the development of 866 residential units, comprised of a mix of single-family and multi-family units. Additional elements of the proposed project include an



Letter A

A-1 Introductory statement noted. No response is necessary.

A-2 Comment noted.

A-3 The comment provides an accurate overview and context of the Project Site.

A-4 The comment provides an accurate overview of the project description.

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elementary school, six private parks, 5.9 miles of trails, associated community facilities, infrastructure, preservation of 122.4 acres of natural open space, and 49.3 acres of agricultural open space.

The applicant has met numerous times with the County and the Wildlife Agencies to discuss/negotiate the proposed development/preserve design as part of the planning process for the County's draft North County Multiple Species Conservation Plan (NCMSCP). As a result of these meetings, the County, the applicant, and the Wildlife Agencies reached agreement on the "hardline" reserve boundary for the proposed project, as shown in Exhibit 2 of the Biological Resources report included in the DEIR. These "hardline" discussions did not include details related to the proposed offsite road improvements.

We offer the following recommendations and comments to assist the County of San Diego in minimizing and mitigating project impacts to biological resources, and to assure that the project is consistent with ongoing regional habitat conservation planning efforts:

1. The DEIR indicates that the main access for the project site will be taken via Horse Ranch Creek Road and that a secondary, paved fire access road will extend northeasterly from Street E to Rice Canyon Road. Please clarify whether this emergency road will be open at all times or gated and only used in emergency situations. To minimize the potential for this road to act as a barrier to wildlife moving between the proposed onsite open space and adjacent open space areas to the north of the project site, we recommend that the road be gated and used only in emergency situations. In addition, please explain why secondary fire access cannot be obtained off-site to the west of the property, instead of bisecting the biological open space preserve to the east. The Wildlife Agencies recommend avoiding the eastern route through open space, and obtaining access via proposed development to the west.

2. The project site currently supports a large agricultural operation. During discussions with the owners of the property immediately west of the project site (i.e., Campus Park), and representatives from the County, it has been suggested that much of the extensive riparian habitat located on the Campus Park property is a result of irrigation run-off from the existing agricultural operation on the project site. The Wildlife Agencies are concerned about potential impacts to this riparian habitat, as well as species known to be utilizing this habitat (i.e., least Bell's vireo (*Vireo bellii pusillus*, vireo)), due to the decrease in irrigation run-off that will result from converting the on-site agricultural operation to urban development. Therefore, we recommend that the final EIR address the following: 1) the proposed project's potential impacts to the riparian habitat, and associated species, on the adjacent property; 2) whether the proposed development will result in urban run-off replacing agricultural run-off into the creek; and, 3) how any identified impacts will be mitigated.

A-5

The County acknowledges that there have been numerous meetings and discussions regarding the preserve design and a potential hardline agreement for the Proposed Project. As designed, there are no off-site road improvements that go through the hardline area; however, subsequent to those discussions, the North County Fire Protection District (NCFPD) has mandated that a road be added across the preserve area to provide additional emergency access. For reasons described below in responses to comments A-7 and A-8, the road would not significantly affect the integrity of the preserve.

A-6 Comment noted.

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A-7

A-7 The Proposed Project has been designed with three public access points for future circulation; although ungated pursuant to the NCFPD requirements, the emergency road is not considered a public access.

Primary access would be provided via SR-76 to Horse Ranch Creek Road. Secondary access would be provided via Stewart Canyon Road/Pankey Road/Horse Ranch Creek Road and from Old SR-395 via Pala Mesa Drive/Street R/Horse Ranch Creek Road. The NCFPD has required an emergency road in the northeastern portion of the Project Site to connect Street E to Rice Canyon Road. This emergency road will be located on an existing unpaved utility road. Although the NCFPD does not want the emergency road to be gated (in order to provide unrestricted access at all times in case of an emergency), signs will be posted at each entrance stating that the road is to be used for emergency purposes only.

This emergency road would not serve as a barrier to wildlife movement or cause wildlife mortality for several reasons. The design and location of the fire access road would discourage its use as a major access road for the surrounding area. The road is planned to remain narrow and without physical barriers. Additionally, as shown in Final EIR Figure 2.1-7, the road is located within an area of steep grade. As documented on page 17 (Figure 6a) and page 21 (Table 5) of the Traffic Impact Study prepared for the Proposed Project, it is estimated that at worst case, traffic volumes would not exceed 40 ADT). The more likely route for travelers would be to use Horse Ranch Creek Road, SR-76, and Rice Canyon Road, because these roadways are built to public standards as compared to the emergency access route. Therefore, due to the physical layout of the road and the existence of alternative less challenging routes, impacts to the integrity of the preserve and wildlife movement are not anticipated to be significant.

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A-8

A-9

A-10

A-8 The Proposed Project includes secondary access points to the west; however, the NCFPD specifically requires access to the east to serve as an additional emergency escape for residents off-site in Rice Canyon and future residents in the eastern portion of the Proposed Project. Emergency fire hazard incidents can move and threaten from any direction, and multiple access or evacuation routes are required to satisfy life safety concerns. In terms of regional connectivity, one cannot travel west while on Rice Canyon Road unless one travels south to SR-76 or goes north, to the community of Rainbow.

The proposed northeast emergency access road offers the only east/west escape or access route, other than SR-76, in this vicinity. The NCFPD is planning a fire station east of Rice Canyon Road. If an incident were to block SR-76 between Rice Canyon and Horse Ranch Creek Roads, that fire station would be unable to respond, except via a circuitous route through Rainbow and then back to the south, to the Project Site. Therefore, this proposed northeast emergency access road offers a more direct evacuation and emergency response route than currently exists in this geographic area. This proposed emergency access road is necessary to protect the life-safety of the area's existing and future residents.

A-9 Comment noted. This is an introductory statement to the comment which follows.

A-10 As discussed in Subchapter 3.1.3, under Wetland Vegetation (Guideline 12) of the Final EIR, the riparian habitat located off-site adjacent to the southwestern portion receives runoff from Horse Ranch Creek (the area to the north) and the area to the east. The entire watershed tributary to the riparian area is approximately 12 square miles.

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A-10

A-10 (cont.)

The Horse Ranch Creek watershed consists of natural vegetation, scattered low density residences, and a golf course along Pala Creek with medium to high density residences around the vicinity of the golf course (Pala Mesa Resort). In the pre-project condition the on-site portion, or the area to the east of the riparian area, is approximately 4 percent of the entire watershed that is tributary to the riparian area. The northern portion of the Proposed Project does not immediately convey flows to the riparian area. Due to irrigation runoff, severe erosion has occurred and the current drainage pattern conveys flows associated with this northern area immediately west to the low flow portion of Horse Ranch Creek. These combined flows are then conveyed southerly towards the riparian area.

There are no anticipated impacts to off-site riparian habitat or the species this habitat supports from a loss of agricultural runoff from the Project Site to the Campus Park property since the Proposed Project has been designed to maintain pre-project drainage patterns and mitigate for hydromodification (erosion/degradation). The total area of the drainage basins which is a tributary to the riparian area, in the post project condition, is 292.7 acres (approximately 4 percent of the entire Horse Ranch Creek watershed). The watershed associated with Horse Ranch Creek (the area to the north), that is tributary to the riparian area in the pre-project condition will remain unchanged in the post-project condition as a result of the Proposed Project.

Additionally, in the post-project condition, 49.3 acres of agricultural groves will be preserved and irrigation runoff will be captured and conveyed through the Proposed Project and outfall at similar locations to pre-project drainage patterns. This runoff will be conveyed to the riparian area and then confluence with the Horse Ranch Creek flows. The on-site portion of the Proposed Project will convey flows to the riparian area through a combination of urban runoff and the irrigation runoff associated with the groves. For these reasons, the riparian area will continue to receive runoff in the post-project condition.

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A-10

A-10 (cont.)

These design features would ensure that areas downstream of the Project Site which currently receive runoff during storm events would continue to do so once the Proposed Project is built. The Proposed Project design includes several detention facilities strategically located throughout the Proposed Project to maintain connections to existing off-site drainage patterns. It is anticipated that the storm runoff during the wet season and urban runoff during the dry season would be captured in the detention basins and released at controlled flow rates and durations into these existing drainage patterns. Riparian habitat downstream of the Project Site would still be maintained by these flows much like the pre-project condition without increasing erosion and degradation. The Final EIR, Subchapter 3.1.3, Wetland Vegetation (Guideline 12) has been revised to incorporate this information and the conclusion that impacts would be less than significant.

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3. Water storage basins and detention basins constructed in association with the proposed wastewater treatment plant should be designed to preclude bullfrog use of these areas.
4. The DEIR states that permanent impacts to wetland habitats, including occupied vireo habitat, will be off-set through the offsite creation/restoration/enhancement of no less than 12.3 acres of southern willow scrub or willow riparian forest in the project region of equal or greater quality to that affected by the project. All offsite mitigation areas should be identified and approved by the Wildlife Agencies prior to project implementation. In addition, all offsite areas should be preserved and managed in perpetuity. The applicant should submit final wetland creation/restoration/enhancement plans to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant must also notify the Department and obtain a Lake and Streambed Alteration Agreement (CA Fish and Game Code Section 1600) prior to impacting any wetland/riparian habitats. The final plans should include the following information and conditions:

- a. All final specifications and topographic-based grading, planting and irrigation plans (with 0.5-foot wetlands contours and typical cross-sections) for the creation/restoration/enhancement sites. All graded areas should be left in a rough grade state with microtopographic relief (including channels for wetlands) that mimics natural topography, as directed by the Wildlife Agencies. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) should be transplanted to, and/or used as a seed/cutting source for, the riparian/wetland creation and enhancement areas to the maximum extent practicable as directed by the Wildlife Agencies. Planting and irrigation should not be installed until the Wildlife Agencies have approved of the mitigation site grading. All plantings should be installed in a way that mimics natural plant distribution, and not in rows;
- b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans should include native species specifically associated with the habitat type(s). Unless otherwise approved by the Wildlife Agencies, only locally native species (no cultivars) available from as close to the project area as possible should be used. The source and proof of local nativeness of all plant material and seed should be provided;
- c. Container plant survival should be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants should be replaced unless their function has been replaced by natural recruitment;
- d. A final implementation schedule that indicates when all riparian/wetland impacts, as well as riparian/wetland creation grading, planting and irrigation will begin and end. Necessary site preparation and planting should be completed during the

A-11

A-12

The County concurs with this comment. Subchapter 1.2.1, Water/Wastewater Services, Table 1-5 and Chapter 8 (MMRP) of the Final EIR has been revised, to include the following design measure: Exclusion fencing shall be installed around the perimeter of the water and detention basins to prevent bullfrog use of these areas.

If, however, sensitive frog species are observed during routine vegetation surveys as required by the RMP, the RMP would be amended to account for new sensitive species.

A-12

This comment is an accurate statement as described in the EIR regarding the impacts to wetland habitat, including vireo habitat, and mitigation of impacts in the form of creation/restoration/enhancement in the project region of no less than 12.3 acres of southern willow scrub or willow riparian forest of equal or greater quality to that affected by the Proposed Project. The County acknowledges that the final wetland creation/restoration/enhancement plans must be submitted to the Service for approval at least 30 days prior to initiating impacts.

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- d. A final implementation schedule that indicates when all riparian/wetland impacts, as well as riparian/wetland creation grading, planting and irrigation will begin and end. Necessary site preparation and planting should be completed during the

A-13

A-13 The County acknowledges that:

- All off-site mitigation areas shall be reviewed by the Wildlife Agencies prior to project implementation, and will be preserved and managed in perpetuity.
- Final wetland creation/restoration/enhancement plans must be submitted to the Wildlife Agencies for approval at least 30 days prior to initiating impacts.
- The Department must be notified to obtain a Lake and Streambed Alteration Agreement (California Department of Fish and Game Code Section 1600) prior to impacting any wetland/riparian habitats.

The Proposed Project will comply with the requirements stated in this comment; with the exception of condition (a). The County acknowledges that the final plans shall include the remainder of the information and conditions (b through h).

With respect to Condition a), the applicant will not be able to provide plans with 0.5-foot contours for creation/restoration/enhancement areas since heavy vegetation in these areas can make this difficult to achieve. A topographic survey would be provided for the revegetation plan and will include one-foot contours with spot elevations for flatter portions of the site. Two-foot contours will suffice for steeper areas of the proposed mitigation site.

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concurrent or next planting season (i.e., late fall to early spring) after receiving the Wildlife Agencies' approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);

e. Five years of success criteria for creation/restoration/enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage for Cal IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;

f. A vegetation monitoring plan with a map of proposed sampling locations. Stratified-random sampling will be used for all quantitative surveys;

g. Contingency measures in the event of mitigation failure;

h. Annual mitigation maintenance and monitoring reports should be submitted to the Wildlife Agencies after the maintenance and monitoring period and no later than December 1 of each year, and

5. The applicant should implement a perpetual management, maintenance and monitoring plan for all on and offsite upland and riparian preservation areas (including any creation/restoration/enhancement areas). The applicant should also establish a non-wasting endowment, or other funding mechanism, for an amount approved by the Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management (1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies. The applicant should submit a draft plan including a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant should submit the final plan to the Wildlife Agencies, and transfer the funds for the non-wasting endowment to the Department or an approved non-profit conservation entity, within 60 days of receiving approval of the draft plan.

6. Mitigation Measures M-BR-1(c) and M-BR-5.2 (c) in the DEIR should be revised to read as follows:

A-13

A-14 The County acknowledges that a perpetual management, maintenance and monitoring plan shall be implemented for all on- and off-site upland and riparian vegetation areas (including any creation/restoration/enhancement areas).

A-15

A-15 The County acknowledges that a non-wasting endowment, or other funding mechanism, shall be established for an amount approved by the Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management [1998]) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies. The County also acknowledges that a draft plan including a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment must be submitted to the Wildlife Agencies for approval at least 30 days prior to initiating impacts. The applicant shall submit the final plan to the Wildlife Agencies, and transfer the funds for the non-wasting endowment to the Department or an approved non-profit conservation entity, within 60 days of receiving approval of the draft plan.

A-14

A-15

A-16

LETTER

RESPONSE

10/08/2009 08:15 FAX 7604315902 US FISH AND WILDLIFE

0005

Mr. Dennis Campbell (FWS SDG-08B0183-107A0010)

5

"To avoid impacts to nesting vireo and/or gnatcatcher, vegetation clearing and grubbing should take place outside of the vireo and gnatcatcher nesting season (defined as February 15 through August 31 for gnatcatcher and March 15 through September 15 for vireo). If project construction (other than clearing and grubbing of sensitive habitats) is necessary adjacent to preserved on and offsite habitat during the vireo and gnatcatcher breeding season (defined as February 15 through August 31 for gnatcatcher and March 15 through September 15 for vireo), or sooner if a Wildlife Agency-approved biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting is complete), a Wildlife Agency-approved biologist should conduct pre-construction surveys in the adjacent habitat to determine the location of any active vireo nests in the area. The survey should begin not more than 3 days prior to the beginning of construction activities. The Agencies should be notified if any nesting vireos or gnatcatchers are found. During construction, no activity should occur within 500 ft (152.4 m) of active vireo or gnatcatcher nesting territories, unless measures are implemented to minimize the noise and disturbance to those adjacent birds. Exceptions to this measure includes cases where surveys confirm that adjacent habitat is not occupied or where noise studies confirm that construction noise levels are below 60 dBA hourly L_{eq} along the edge of adjacent habitat. If construction activities are not completed prior to the breeding season and noise levels exceed this threshold, noise barriers should be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly L_{eq} and/or the culpable activities will be suspended."

If the project would impact least Bell's vireo habitat during the breeding season, the project proponent would need to obtain an California Endangered Species Act Incidental Take Permit from the Department unless it can be clearly demonstrated that no direct impacts to this species will occur.

7. To minimize indirect effects from humans and domestic animals, no new trails should be created within the designated open space areas. Existing trails should be marked and signs should be in place to inform hikers of the sensitive nature of the habitat and to stay on designated trails. Redundant existing trails within biological preserve areas, or those that pose a risk to public safety or biological resources, should be closed to the public and restored to natural habitat.

8. There appear to be minor discrepancies between the proposed project boundaries in the DEIR and the draft NCMSCP "hardline" preserve negotiated between the landowner, County, and the Wildlife Agencies. The final EIR needs to make sure that the final project impact boundaries and biological preserve areas are consistent with the draft NCMSCP plan.

A-16 The County concurs with the mitigation measures provided in this comment; however, Mitigation Measure M-BR-1(c) is related to arroyo toad impacts. Subchapter 3.1.5, Mitigation Measures M-BR-3.2(c) and M-BR-5.2 (c), relating to nesting vireo and gnatcatchers have been revised in the Final EIR.

A-17 Comment noted.

A-18 Comment noted. As discussed in Subchapter 1.2.1, Recreation, and Subchapter 3.1.3, Impacts due to Human Access (Guideline 14) of the Final EIR, all public trails in the proposed open space will use existing dirt roads and trails to reduce the amount of disturbance to native habitats. In addition, signs shall be placed at the trailheads and intermittently along the trails to inform hikers of the sensitive nature of the habitat and to stay on trails. These measures will minimize indirect effects by reducing encroachment into wildlife habitat within the open space preserve.

A-19 According to the Trail Plan for the Proposed Project, all trails within the open space will be located along existing trails/dirt roads. Subchapter 1.2.1, Recreation of the Final EIR, have been revised to clarify that no new trails will be constructed in undisturbed areas. There are some existing trails/dirt roads which will not be included in the proposed trail system. These trails will be closed and restored to natural habitat.

A-20 The County acknowledges that there are minor discrepancies between the EIR and the headline preserve boundaries. The graphic has been revised in the Final EIR, Figure 3.1-2, to be consistent with the draft NCMSCP.

LETTER

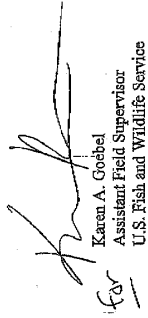
RESPONSE

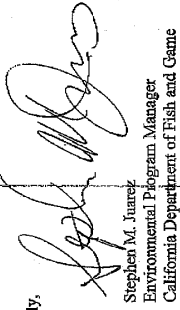
10/08/2009 08:16 FAX 7604315902 US FISH AND WILDLIFE 008

Mr. Dennis Campbell (FWS-SDG-08B0183-10TA0010)

The Wildlife Agencies appreciate the opportunity to comment on this DEIR. If you have any questions, please contact David Lawhead (Department) at (858) 627-3997, or Michelle Moreno of the Service at (760) 431-9440.

Sincerely,


Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service


Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

Attachments

cc: State Clearinghouse

} A-21

A-21 Closing comment noted. No response is needed.

DEPARTMENT OF TRANSPORTATION

District 11
Planning Division
4050 Taylor Street, MS 240
San Diego, CA 92110
PHONE: (619) 688-6960
FAX: (619) 688-3338



*Plus your power,
the energy efficient!*

Letter B

October 8, 2009

11-SD-76
PM 17:70
TM 5354
Meadowood DEIR

Mr. Dennis Campbell
County of San Diego, DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-4310

Dear Mr. Campbell:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Meadowood development located near State Route 76 (SR-76) and Interstate 15 (I-15). Our agency has the following comments:

- Fair share mitigation for impacts to the I-15/SR-76 interchange should be identified in the EIR and made a condition of approval for the Meadowood project. Several correspondence letters were sent to the County prior to the release of the Meadowood DEIR detailing our agency's concerns with this issue. It is the position of our agency that fair share towards improvements to the I-15/SR-76 interchange is feasible and reasonable under the California Environmental Quality Act (CEQA).

The methodology for calculating fair share can be found in the Caltrans Traffic Impact Study Guidelines. Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

- Traffic Volumes identified in the Meadowood DEIR Traffic Impact Study (TIS) are substantially lower than the volumes identified in Caltrans SR-76 East Traffic Volumes Report. The Meadowood TIS assumes a higher traffic distribution to the north than Caltrans, and therefore less traffic being assigned to SR-76. This results in approximately 10,000 less Average Daily Trips (ADT) using SR-76 in the future buildout years than what is identified by Caltrans as part of our traffic analysis for the SR-76 East Project. The SR-76 East Project environmental document is scheduled to be released for public review later this year. Understated traffic volumes in the Meadowood DEIR may affect potential impacts and mitigation to SR-76.

- Please clarify the timing and scope of improvements to SR-76/Horse Ranch Creek Road and the SR-76/Pankey Road intersections as project mitigation. Based on project and cumulative traffic, the design of these intersections will require channelization and dual left in and right out geometrics, which should be included in the EIR mitigation. Caltrans will not issue a permit for

Caltrans improves mobility across California

B-1 Introductory comment is noted.

B-2 The County agrees with this comment. Subchapter 2.3.5 of the Final EIR has been revised to include fair share mitigation for impacts to the I-15/SR-76 interchange.

B-3 Comment noted.

LETTER

RESPONSE

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION District 11 Planning Division 4050 Taylor Street, MS 240 San Diego, CA 92110 PHONE: (619) 688-6960 FAX: (619) 688-3338 October 8, 2009 Mr. Dennis Campbell County of San Diego, DPLU 5201 Ruffin Road, Suite B San Diego, CA 92123-4310 Dear Mr. Campbell: The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Meadowood development located near State Route 76 (SR-76) and Interstate 15 (I-15). Our agency has the following comments: - Fair share mitigation for impacts to the I-15/SR-76 interchange should be identified in the EIR and made a condition of approval for the Meadowood project. Several correspondence letters were sent to the County prior to the release of the Meadowood DEIR detailing our agency's concerns with this issue. It is the position of our agency that fair share towards improvements to the I-15/SR-76 interchange is feasible and reasonable under the California Environmental Quality Act (CEQA). The methodology for calculating fair share can be found in the Caltrans Traffic Impact Study Guidelines. Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement. - Traffic Volumes identified in the Meadowood DEIR Traffic Impact Study (TIS) are substantially lower than the volumes identified in Caltrans SR-76 East Traffic Volumes Report. The Meadowood TIS assumes a higher traffic distribution to the north than Caltrans, and therefore less traffic being assigned to SR-76. This results in approximately 10,000 less Average Daily Trips (ADT) using SR-76 in the future buildout years than what is identified by Caltrans as part of our traffic analysis for the SR-76 East Project. The SR-76 East Project environmental document is scheduled to be released for public review later this year. Understated traffic volumes in the Meadowood DEIR may affect potential impacts and mitigation to SR-76. - Please clarify the timing and scope of improvements to SR-76/Horse Ranch Creek Road and the SR-76/Pankey Road intersections as project mitigation. Based on project and cumulative traffic, the design of these intersections will require channicization and dual left in and right out geometrics, which should be included in the EIR mitigation. Caltrans will not issue a permit for <i>Caltrans improves mobility across California</i>	11-SD-76 PM 17.70 TM 5354 Meadowood DEIR <i>Plus your power, Be energy efficient!</i> Arnold Schiwaertzenegger, Governor B-4 The County agrees that there are differences between the Meadowood Traffic Impact Study (TIS) and the Caltrans "SR-76 East Traffic Volumes Report." However, the County disagrees that the Meadowood TIS underestimates future SR-76 traffic volumes. The SR-76 traffic volumes from the TIS are based on the highest traffic volumes between all of the County of San Diego General Plan (GP) Update traffic models (Series 10) and the SANDAG Series 11 traffic model as currently posted on the SANDAG website. The Caltrans volumes are based on a revised traffic model (utilizing Series 11) that is not posted on the SANDAG website and is not available to the public. The County's GP Update model (Series 10 modified) is considered more refined in determining traffic volumes and assignments for the following reasons: 1. The Series 10 modified traffic model contains more detailed land use data. County staff collected extensive land use information as part of the GP Update. The land use information is more current and complete than that was used in the Series 11 model. 2. The Series 10 modified traffic model was extensively calibrated to ground counts by County staff. This entailed extensive collection of existing traffic volumes to calibrate the baseline conditions. Moreover, the Series 10 modified traffic model has undergone numerous feedback iterations, thus, is more refined than the Series 11 model. 3. The Series 10 modified traffic model contains more recent cumulative project information. For these reasons, the modeling assumptions used for the Proposed Project are accurate. As such, the Meadowood TIS does not underestimate future SR-76 traffic volumes.
--	--

DEPARTMENT OF TRANSPORTATION

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*"Flex your power!
Be energy efficient!"*

October 8, 2009

11-SD-76
PM 17:70
TM 5354
Meadowood DEIR

Mr. Dennis Campbell
County of San Diego, DPLU
5201 Rufin Road, Suite B
San Diego, CA 92123-4310

Dear Mr. Campbell:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Meadowood development located near State Route 76 (SR-76) and Interstate 15 (I-15). Our agency has the following comments:

- Fair share mitigation for impacts to the I-15/SR-76 interchange should be identified in the EIR and made a condition of approval for the Meadowood project. Several correspondence letters were sent to the County prior to the release of the Meadowood DEIR detailing our agency's concerns with this issue. It is the position of our agency that fair share towards improvements to the I-15/SR-76 interchange is feasible and reasonable under the California Environmental Quality Act (CEQA).

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- Traffic Volumes identified in the Meadowood DEIR Traffic Impact Study (TIS) are substantially lower than the volumes identified in Caltrans SR-76 East Traffic Volumes Report. The Meadowood TIS assumes a higher traffic distribution to the north than Caltrans, and therefore less traffic being assigned to SR-76. This results in approximately 10,000 less Average Daily Trips (ADT) using SR-76 in the future buildout years than what is identified by Caltrans as part of our traffic analysis for the SR-76 East Project. The SR-76 East Project environmental document is scheduled to be released for public review later this year. Understated traffic volumes in the Meadowood DEIR may affect potential impacts and mitigation to SR-76.

- Please clarify the timing and scope of improvements to SR-76/Horse Ranch Creek Road and the SR-76/Pankey Road intersections as project mitigation. Based on project and cumulative traffic, the design of these intersections will require channelization and dual left in and right out geometrics, which should be included in the EIR mitigation. Caltrans will not issue a permit for

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B-5

The TIS, page 123, discusses the timing and scope of improvements to SR-76/Horse Ranch Creek Road which states the following.

If the Applicant's development precedes both of the other planned cumulative projects (i.e. Palomar Community College District and Campus Park), then the applicant will design and install a traffic signal for the existing single eastbound left turn lane at Horse Ranch Creek Road/SR-76; and construct the north leg of this intersection. If the Applicant's development is the first development to follow development of Palomar Community College District or Campus Park (i.e., the other planned cumulative projects), then the Applicant will construct a second left turn lane from eastbound SR-76 to northbound Horse Ranch Creek Road creating dual left turn lanes and make modifications to the traffic signal to accommodate dual left turn lanes.

The timing and scope of improvements to SR-76/Pankey Road, documented on page 125 of the TIS, is tied to the TIF, as this is a cumulative impact mitigated through participation in the TIF program. However, the current widening of SR-76 east of I-15 as a condition of the Granite Construction Company project will also improve the intersection of SR-76/Pankey Road as documented on the Caltrans drawings.

B-6

The ultimate intersection configuration of SR-76/Horse Ranch Creek Road is included in the TIS, page 96, identified as intersection #9. This configuration accounts for dual left in and right out geometrics. The ultimate configuration for the Pankey Road/SR-76 intersection is also shown in the TIS, page 96, identified as intersection #8.

The County acknowledges that an encroachment permit will be required from Caltrans for any work to be performed within Caltrans right-of-way.

LETTER

RESPONSE

Mr. Dennis Campbell October 8, 2009 Page 2 improvements to these intersections without the appropriate traffic analysis and buildout conditions identified in the traffic study and EIR. • The 30% internal capture rate identified in the traffic study should only be applied in the buildout condition, or the traffic analysis needs to be revised to include a phased analysis with reasonable assumptions as to the timing of other development approvals in the area. • Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed. Caltrans standard drainage details and drainage structures should be provided in the drainage study for work inside Caltrans right-of-way (R/W). For Hydrology related questions, please contact Tim Brownson in Caltrans Hydraulics Engineering Branch at (619) 688-3391. • Caltrans will not be held responsible for any noise impacts to this development, including from the ultimate configurations of I-15 and SR-76. • All landscape and irrigation improvements shall conform to Caltrans' policies for design construction and maintenance. The local agency is responsible for requiring any additional highway planting called for by its community standards as part of any development approval. All planting designs are approved by the Caltrans District Landscape Architect. The permittee can obtain from Caltrans District Landscape Architect Caltrans' standard details, plant list, planting and irrigation standard specifications, and special provisions where applicable. Large trees must be located outside the "clear recovery" area, as described in the Highway Design Manual. Additional information regarding landscaping can be found in Caltrans Encroachment Permit Manual, and Project Development Procedures Manual, which are available on Caltrans website. The local agency will need to enter into an Agreement with Caltrans for the proposed maintenance of the highway planting prior to any work being done within the State R/W. A Maintenance Agreement will only be executed with the local agency. The Maintenance Agreement templates are located at the following website: http://onramp.dot.ca.gov/hq/maint/ad_bud/budgets/agreements.shtml It is strongly recommended when local agencies are approving development projects where landscaping is proposed in Caltrans R/W that the process to initiate an Agreement be done as early as possible. The local agency's environmental document and conditions of approval should document that an Agreement between the local agency and Caltrans will be required prior to an encroachment permit being issued by Caltrans for work within the State R/W. Additional information regarding Maintenance Agreements may be obtained by contacting Brent McDonald at Caltrans Maintenance Office at (619) 688-6141. • This project is located immediately adjacent to SR-76. Preserving needed R/W along major transportation corridors should be considered. Right of way acquisition can be accomplished by the Lead Agency through an Irrevocable Offer of Dedication (IOD) from the project owner / "Caltrans improves mobility across California"	B-6 B-7 B-8 B-9 B-10 B-11 B-12 B-13
The 30 percent internal capture rate is only applied to the build-out conditions as requested. This is documented in the TIS, page 28, and in the Final EIR, Figures 2.3-4 through 2.3-6. Comment noted. In both the pre- and post-project conditions, the runoff is conveyed under SR-76 via dual 30-inch pipes to an existing concrete lined trapezoidal channel that outlets into Horse Ranch Creek. The existing drainage improvements were designed as part of the <i>SR-76 Widening and Realignment from I-15</i> Drainage Report prepared by URS Corp. Although the post-project flow rate would be larger than the pre-project, the increase is only 0.7 cfs. Hydraulic analyses were prepared to model this 0.7 cfs increase in the existing improvements and it was determined that this increase had no impact on the existing system. Therefore, detention is not required. The noise analysis for the Proposed Project evaluated projected ultimate traffic and noise conditions for the area and identified the size and composition of proposed noise walls required for mitigation. (See Mitigation Measure M-N-1.) Construction of these barriers is the responsibility of the Applicant. Caltrans will not be held responsible. Comment noted. This information was utilized during the design of the Proposed Project along the State right-of-way. The County acknowledges that an agreement with Caltrans is necessary for the proposed maintenance of the highway planting prior to any work being done within the State right of-way. Comment noted. Comment noted. The County acknowledges Caltrans' requirements relating to an encroachment permit being issued by Caltrans for work within the State right-of-way. Comment noted. The County concurs that any needed right-of-way will be preserved and accomplished through an Irrevocable Offer of Dedication.	B-7 B-8 B-9 B-10 B-11 B-12 B-13

LETTER

RESPONSE

Mr. Dennis Campbell
October 8, 2009
Page 3

developer. Right of way identified through an IOD should be consistent with the Lead Agency's General Plan Circulation Element and Caltrans design standards.

- Any sign advertising a business not "on premise" will require an Outdoor Advertising Display Permit. Information on outdoor advertising may be obtained by contacting Gerda Holstrom of Caltrans Traffic Operations at (619) 688-3282.

- Any work performed within Caltrans R/W will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that becomes part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

- In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDDPM). <http://www.dot.ca.gov/hq/opdp/pdpm/pdpm.htm>

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

- Biological resources
- Archaeological and historic resources
- Visual quality
- Hazardous waste
- Water quality & stormwater

"Caltrans improves mobility across California"

B-13

B-14

B-15

B-16

B-17

B-18

B-14 Comment noted. The County acknowledges that any sign advertising a business not "on premise" will require an Outdoor Advertising Display Permit.

B-15 Comment noted. The County acknowledges that any work performed within Caltrans right-of-way will require discretionary review and approval by the Department.

B-16 Comment noted. The County acknowledges that Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process.

B-17 Comment noted. While appreciating the fact that completion of a PEER at this point may expedite Proposed Project permitting after approval, the County does not agree that completion of a PEER would be beneficial to the EIR process. The Proposed Project appropriately analyzes footprint impacts of features and mitigation measures, and identifies that an encroachment permit is required (refer to response to comment B-11). The speed of the Applicants' permitting process through other agencies is not a CEQA issue. No modifications to the EIR are required.

B-18 Comment noted. The County acknowledges that these requirements will be met, if necessary.

LETTER

RESPONSE

Mr. Dennis Campbell
October 8, 2009
Page 4

Pre-historic resources
Air quality
Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised.

- The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program shall be submitted to the Department of Transportation (Caltrans). Attached are Caltrans guidelines for the submittal of reporting or monitoring programs. Please submit the attached information to the Caltrans Inter-Governmental Review/Development Review contact following project approval.

"Caltrans improves mobility across California"

B-18

B-19

B-20

B-21

B-22

B-23

B-19 Comment noted.

B-20 Comment noted. The County acknowledges that Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

B-21 Comment noted. The County acknowledges that Improvement plans for construction within State Highway right-of-way must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California.

B-22 Comment noted. The County acknowledges that early coordination is advised.

B-23 Comment is noted. The County acknowledges that reporting or monitoring will take place after approval to ensure implementation of the Proposed Project in accordance with the mitigation adopted during the CEQA review process and agrees that a reporting or monitoring program will be submitted to Caltrans.

LETTER

RESPONSE

Mr. Dennis Campbell
October 8, 2009
Page 5

If you have any questions regarding this project, please contact Trent Clark, Development Review Branch, at (619) 688-3140.

Sincerely,



JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

} B-24

B-24 Comment noted.

"Caltrans improves mobility across California"

Oct-13-2009 16:06 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 001/002 F. Letter C

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 1801 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0650 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

October 13, 2009

VIA FACSIMILE (FAX) 894-3373

Dennis Campbell

County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Mr. Campbell:

Subject: San Diego Meadowood Project Draft Environmental Impact Report

SCH#: 2004051028

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The purpose of the Meadowood project is the development of a residential community of up to 844 housing units. The 389.5-acre project site is located in San Diego County, north of State Route 76 and approximately one-quarter mile east of Interstate 15 in the Fallbrook Community Planning Area. The project site does not contain lands under Williamson Act contracts. However, the implementation of the project would result in the conversion of 6.3 acres of Prime Farmland, 99.9 acres of Unique Farmland, and 54.2 acres of other farmland to non-agricultural use. The impact to agricultural resources has been categorized as significant. Therefore, the Division recommends that any subsequent environmental document address the following item to provide a more comprehensive discussion of potential impacts of the project on agricultural land and activities:

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As its proposed mitigation measure, the project will retain 49.3 acres of avocado and citrus groves in an agricultural open space easement that will provide for on-site retention of agricultural resources. The 49.3 acres of avocado and citrus groves would be maintained by the Meadowood Homeowners' Association and would be dedicated as a preserve in perpetuity.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

C-1 Introductory statement is noted. No response is necessary.

C-2 This comment accurately states the Proposed Project's general project description, including the conversion of agricultural lands that would result from project implementation. However, after receipt of public review comments, the County determined that the EIR and Agricultural Technical Study required clarification relating to impacts to agricultural resources. The circulated EIR concluded that impacts to FMMP designated farmland would be significant. This conclusion is confusing because the EIR discussion identified that the results of the accepted statewide Land Evaluation and Site Assessment (LESA) Model reached a finding that impacts associated with the conversion of agricultural land to non-agricultural use would be less than significant. While no new information has been added to the analysis, in order to clarify the methodology and analysis regarding significant impacts, the methodology has been revised to utilize the LESA Model results. Impacts are concluded to be less than significant. As a result of this revision, the agricultural resources chapter has been relocated to Chapter 4.0 of the Final EIR.

C-2 (cont.)

Oct 13-2009 16:06 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 001/002 F-956
 NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION
 DIVISION OF LAND RESOURCE PROTECTION
 801 K STREET • MS 1801 • SACRAMENTO, CALIFORNIA 95814
 PHONE 916 / 324-0650 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

October 13, 2009

VIA FACSIMILE (FAX) 894-3373

Dennis Campbell

County of San Diego
 5201 Ruffin Road, Suite B
 San Diego, CA 92123

Dear Mr. Campbell:

Subject: San Diego Meadowood Project Draft Environmental Impact Report
 SCH#: 2004051028

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The purpose of the Meadowood project is the development of a residential community of up to 844 housing units. The 389.5-acre project site is located in San Diego County, north of State Route 76 and approximately one-quarter mile east of Interstate 15 in the Fallbrook Community Planning Area. The project site does not contain lands under Williamson Act contracts. However, the implementation of the project would result in the conversion of 6.3 acres of Prime Farmland, 99.9 acres of Unique Farmland, and 54.2 acres of other farmland to non-agricultural use. The impact to agricultural resources has been categorized as significant. Therefore, the Division recommends that any subsequent environmental document address the following item to provide a more comprehensive discussion of potential impacts of the project on agricultural land and activities:

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As its proposed mitigation measure, the project will retain 49.3 acres of avocado and citrus groves in an agricultural open space easement that will provide for on-site retention of agricultural resources. The 49.3 acres of avocado and citrus groves would be maintained by the Meadowood Homeowners' Association and would be dedicated as a pre serve in perpetuity.

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Specifically, Subchapter 4.7.3 the Final EIR discusses the Proposed Project's conversion of farmland to non-agricultural use. Pursuant to Appendix G of the CEQA Guidelines, the California LESA Model was utilized to determine whether the farmland present on the Project Site would be considered an important resource, the conversion of which would result in a significant impact. CEQA Statute section 21061.2 defines "land evaluation and site assessment" as the means a decision-making methodology for assessing the potential environmental impact of state and local projects on agricultural land. Furthermore, CEQA statute section 21060.1(a) defines "agricultural land" as prime farmland, farmland of statewide importance, or unique farmland. The California LESA Model applied multiple factors to agricultural land such as: soil type, project size, water availability, surrounding land uses, and protected resources lands to reach a Land Evaluation Score (LE) and a Site Assessment Score (SA). A project is considered to be an important resource under the LESA Model if the total LESA Model score is greater or equal to 40 points, and the subscores for the LE and SA segments are each greater than or equal to 20 points. The overall LESA Model score for the Project Site is 40.8; the SA subscore is 27.8 points, the LE subscore is 13 points (Final EIR, Appendix O, section 6.1.1). Accordingly, this score means that the Project Site does not represent a significant agricultural resource because the LE subscore is less than 20.

The circulated EIR also included an additional method of analyzing agricultural impacts which included the consideration of CDC Important Farmland. However, this discussion was removed from the analysis because it failed to define the thresholds for the conversion of Important Farmland Categories. Moreover, these lands are considered in the LESA model as described above.

Therefore, in order to provide clarification regarding the methodology used to identify impacts, the analysis was revised to utilize one methodology (LESA Model) to identify impacts to agricultural lands.

Oct-13-2009 16:06 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 001/002 F-956

NATURAL RESOURCES AGENCY

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 1801 • SACRAMENTO, CALIFORNIA 95814
PHONE 916 / 324-0650 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

ARNOLD SCHWARZENEGGER, GOVERNOR



October 13, 2009

VIA FACSIMILE (F58) 894-3373

Dennis Campbell

County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Mr. Campbell:

Subject: San Diego Meadowood Project Draft Environmental Impact Report
SCH#: 2004051028

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Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As its proposed mitigation measure, the project will retain 49.3 acres of avocado and citrus groves in an agricultural open space easement that will provide for on-site retention of agricultural resources. The 49.3 acres of avocado and citrus groves would be maintained by the Meadowood Homeowners' Association and would be dedicated as a preserve in perpetuity.

C-3

C-3

Please see response to comment C-2. Impacts associated with the conversion of farmland have been clarified in the Final EIR as being less than significant. Therefore, no mitigation is required; however, the Proposed Project continues to include the retention of a 49.3-acre agricultural open space easement for the maintenance of agricultural uses on-site. The Final EIR has been revised to clarify the description of the 49.3-acre agricultural easement as a project design feature rather than mitigation.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

LETTER

RESPONSE

Oct-13-2009 16:07 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 002/002 F-456

Dennis Campbell
October 13, 2009
Page 2 of 2

The 49.3 acres of agricultural open space easement represents only a portion of the total acreage of the agricultural land proposed to be converted by the project. Because of this, the Department recommends the use of additional permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the total amount of agricultural land being converted. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

<http://www.conservation.ca.gov/cirp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-3669; email: Elliott.Lum@conservation.ca.gov.

Sincerely,

DJ Ok

Dean Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-4

The County disagrees that additional permanent agricultural conservation easements would be required beyond the 49.3 acres currently proposed. As clarified in the Final EIR, the County considers the retention of the 49.3 acres of agricultural open space to be a project design measure. The retention of the agriculture on-site allows the site to retain its agricultural history and identity through permanent preservation of the lands and the assurance of agricultural continuity through a dedicated HOA.

The 49.3 acres is adequate to support productive agriculture. As stated in the County Department of Agriculture – Weights and Measures Annual Crop Report (2008), "... the way agriculture is conducted on the County's approximately 5,255 farms differs greatly from agricultural operations in the majority of California. Economically productive agriculture is conducted on small farms with 63 percent of farms ranging from 1 to 9 acres in size, 77 percent of farmers living on their farms and 92 percent of farms being family owned. In contrast, the average size of farms statewide is 346 acres." This is due to a variety of factors including high land values and high production costs. In San Diego County, land value is typically linked to its residential development potential. There are no exclusive agricultural zones in the County which would limit the land values to agricultural use only. As a result, much of the local agriculture is conducted on subdivided parcels that have a residential component. The high cost of production, particularly high water costs, forces the production of high value crops. The result is that smaller scale, high value agriculture is characteristic in San Diego County. In addition, in San Diego County, farming "is allowed in any zone" and "typically occurs among residential land uses." Therefore, the 49.3-acre agricultural parcel of farmland would be sufficient acreage to continue viable agriculture. Water would be available to irrigate the retained agricultural areas. In general, irrigation water in San Diego County is expensive, but the retained groves within the Project Site would have access to inexpensive recycled water from the on-site WWTP.

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RESPONSE

Oct-13-2009 16:07 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 002/002 F-456

Dennis Campbell
October 13, 2009
Page 2 of 2

The 49.3 acres of agricultural open space easement represents only a portion of the total acreage of the agricultural land proposed to be converted by the project. Because of this, the Department recommends the use of additional permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the total amount of agricultural land being converted. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

<http://www.conservation.ca.gov/cirp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-3669; email: Elliott.Lum@conservation.ca.gov.

Sincerely,

DJ Ok

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-4

C-4 (cont.)

The 49.3 acres of retained agriculture would not only be under a conservation easement, but would be operated under common ownership, the Meadowood HOA. This is an important factor because, as stated in the County Agricultural Guidelines, "preservation of agricultural resources ensures that the land would remain available for agricultural use; however, the choice to use the land for agriculture is the decision of the individual property owner". This means that a typical conservation easement cannot ensure that a parcel continues to be used for agriculture, and merely preserves the agricultural soils for future use. In contrast, the design of the agricultural open space easement on the Proposed Project would assure continued agricultural use because, as a condition of Proposed Project approval, the HOA would be required to maintain the avocado/citrus groves. Overall, the inclusion of the proposed 49.3 acres of agricultural open space as a project design measure would allow the project site to retain agricultural uses on-site as part of the overall image and residential character of the proposed development.

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Oct-13-2009 16:07 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 002/002 F-456

Dennis Campbell
October 13, 2009
Page 2 of 2

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The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

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Sincerely,

DJ Otis

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-5

The Proposed Project would not result in growth inducing or cumulative agricultural impacts. As discussed in the Final EIR, Subchapter 1.8, the Proposed Project would not result in unforeseen increase in density on the project area, unanticipated construction of housing, unplanned improvement of roadways or unexpected expansion of public facilities and schools and, therefore, would not be growth inducing. The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update having anticipated growth since at least 1983. The additional housing and necessary road improvements are proposed to support the foreseen residential and commercial developments. The proposed parks are scaled to comply with State and County requirements for parks and to serve the proposed number of homes and the new school site would assist the BUESD in meeting the student enrollment demands created by the Proposed Project.

The Proposed Project would not result in cumulative agriculture impacts. As discussed in Subchapter 4.7.4 of the Final EIR, a cumulative study area was developed to analyze agricultural impacts. Specifically, the area included nine existing or foreseeable future projects. As determined by the cumulative study included in the Agricultural Technical Report (Appendix O of the Final EIR), impacts to agricultural land within the cumulative study area would result in the loss of approximately 485 acres of farmland. The Proposed Project would not contribute to a cumulative loss of agricultural lands, because ongoing agricultural activities would continue as a result of the Proposed Project's project design measures including the retention of the 49.3-acre agricultural open space areas.

} C-5

LETTER

RESPONSE

Oct-13-2009 16:07 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 002/002 F-456

Dennis Campbell
October 13, 2009
Page 2 of 2

The 49.3 acres of agricultural open space easement represents only a portion of the total acreage of the agricultural land proposed to be converted by the project. Because of this, the Department recommends the use of additional permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the total amount of agricultural land being converted. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

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Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-3669; email: Elliott.Lum@conservation.ca.gov.

Sincerely,



Dean Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-6

C-7

C-8

C-6 Comment noted. The project does propose an agricultural conservation easement as a project design measure.

C-7 The County acknowledges this comment and agrees that in theory there are two types of conservation approaches for mitigation via agricultural easement. As discussed in response to comments C-2 through C-6, the agricultural analysis of the Proposed Project has been revised to clarify that impacts to agricultural resources would be less than significant. Therefore, the proposed 49.3-acre agricultural open space areas serve as adequate project design measures to assure the agricultural character of the project site and to allow ongoing viable agricultural operations, as managed by the HOA.

C-8 Although the agricultural open space easement included as part of the Proposed Project has been clarified as a project design measure rather than mitigation, the County has reviewed the 30 "conservation tools" for their potential application to the Proposed Project, as follows:

Conservation Easements

This category includes tools such as Purchase of Agricultural Conservation Easement (PACE) programs, Transfer of Development Credits (TDC) programs, density bonuses, mitigation banking, and Lease, Lease-Purchase arrangements. All of these tools require programmatic implementation, as opposed to implementation on a project-by-project basis. The County has not yet established any such programs.

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Dennis Campbell
October 13, 2009
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The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

<http://www.conservation.ca.gov/cfip/index.htm>

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DJ Otis

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-8

C-8 (cont.)

Policy Tools

Exclusive agricultural zoning, restrictive agricultural zoning, the Williamson Act program, tax incentives, estate taxation reform, and Agricultural General Plan Land Use designations may be used to restrict non-farm uses or guide development away from prime agricultural areas, keep existing agricultural land in agricultural use, and to limit growth pressures on farmland by creating a greater certainty about future use of the land. In addition, the Cortese-Knox Act requires that LAFCOs consider impacts such as conversion of prime farmland when approving annexations or Sphere of Influence expansions. There are no exclusive agricultural zones in the County, which would limit the land values to agricultural use only. As a result, much of the local agriculture is conducted on subdivided parcels that have a residential component. Additionally, like most counties in California, the County has adopted a local ordinance under the "Right-to-Farm" Act, whereby a procedure is in effect, which requires prospective buyers of real estate to be notified of the inherent potential conditions associated with agricultural operations in the unincorporated areas.

Greenbelts

Several tools fall under the "greenbelt" category, whereby cities and counties attempt to steer urban growth to certain areas and/or reduce competition for land development. This allows the maintenance of concentrations of agricultural land, in order to retain the viability of agriculture, as well as reduce potential edge effects. These tools may include fee-simple acquisition, mitigation banking, City-County Agreements, City-County revenue sharing, urban limit lines, and other greenbelt development programs, which may also use combinations of other tools previously mentioned, such as general plan designations, PACE programs, urban growth boundaries, etc. As with the "conservation easement" tools previously mentioned, greenbelt related strategies must be implemented at a city or county level and are not practicable or feasible on a project-by-

LETTER

RESPONSE

Oct-13-2009 16:07 From: DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-913 P. 002/002 F-456

Dennis Campbell
October 13, 2009
Page 2 of 2

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Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the email address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

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Sincerely,

DJ Ok

Dean Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

C-8 (cont.)

Project Specific Tools

Buffers are distinct from greenbelts in that they are used on a project-by-project basis, in order to provide separation between potentially conflicting land uses. The Proposed Project would implement a buffer between the proposed residences and the adjacent agricultural production through a combination of agricultural and natural open space easements, which includes a total of approximately 177.8 acres, as illustrated in Figure 1-2 of the Final EIR. Another tool which was used in planning the Proposed Project is cluster development. Clustered development is concentrated in a portion of the Project Site, enabling preservation of the land in agricultural use. Overall, the Proposed Project would retain, in perpetuity, 44 percent of its acreage within natural or agricultural open space.

C-9 Please see response to comments C-2 through C-8.

C-10 Closing statement is noted. No response is necessary.

C-8

C-9

C-10



Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630



Linda S. Adams
Secretary
Environmental Protection

Letter D



Arnold Schwarzenegger
Governor

October 6, 2009

Mr. Dennis Campbell
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666
Dennis.Campbell@sdcounty.ca.gov

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE MEADOWOOD PROJECT (SCH # 2004051028), SAN DIEGO COUNTY

Dear Mr. Campbell:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "the proposed 389.5-acre Meadowood Project Site is located just north of State Route 76 (SR-76), APPROXIMATELY ONE-QUARTER MILE EAST OF Interstate 15 (I-15) in the Fallbrook Community Planning Area. The Meadowood project (proposed Project) is located directly east and adjacent to the approved Palomar College campus project and the Campus Park and Campus Park West properties. The Proposed Project will consist of a mix of single-family units, an elementary school site, a neighborhood park, pocket parks, 5.9 miles of multi-use trails and supporting infrastructure, including a wastewater treatment plant (WWTP), water storage tanks, and nine detention basins. Development of the Proposed Project will be phased over several years. The Project Site is within the unincorporated area of northern San Diego County, within the Fallbrook Community Planning Area. Current land uses on-site include agricultural activities, consisting mostly of citrus and avocado orchards. There are 13 homes, sheds, and agricultural buildings scattered throughout the site." DTSC has the following comments:

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

D-1 Introductory statement is noted. No response necessary.

D-2 As discussed in Subchapter 3.5 of the Final EIR (Hazards and Hazardous Materials), a Phase I Environmental Site Assessment (ESA) was prepared for the Proposed Project by Converse Consultants and is included as Appendix J-1. A Limited Phase II Environmental Investigation was also completed for the Proposed Project by Converse Consultants. As part of this effort, the Project Site was reconnoitered on July 2 and 3, 2002, to document existing conditions and potential hazards/hazardous material concerns. In addition to the site visit, Converse Consultants reviewed historic aerial photographs to assess previous on-site uses; contracted applicable agency/industry personnel; and searched pertinent federal, state, and local hazardous material databases. The database searches included the Project Site and surrounding areas, based on search radii varying between 0.125 and 1.0 miles (depending on individual list criteria). The databases listed in this comment were searched during the preparation of the Phase I and limited Phase II ESA and the results can be found in Appendix J-1 of the Final EIR. Although the Project Site is regulated by DEH and designated as Pankey Ranch, it is not currently listed as an active site in the State of California Hazardous Waste and Substances sites lists compiled pursuant to Government Code Section 65962.5. Therefore, no impact is associated with the hazardous materials site list.

D-1

D-2

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- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA).
- Envirostor: A Database primarily used by the California Department of Toxic Substances Control, at Envirostor.dtic.ca.gov.
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

D-2

- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC can enter an oversight agreement in order to review such documents. Please see comment No. 11 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.
- 4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.

D-2 (cont.)

On-site agricultural development has been present since at least 1928. A Limited Phase II ESA included a total of 104 samples which were collected and analyzed during this assessment. No pesticides were detected above the applicable screening levels. With the exception of smudge pot areas, no odors or discoloration of the soil were observed in the samples collected. Total Petroleum Hydrocarbons (TPH) exceeding screening levels was detected at one of the smudge pots.

Current and historic land uses on the Project Site which may have resulted in a release of hazardous wastes/substances are introduced in Subchapter 3.5.1, Existing Conditions, of the Final EIR. The Final EIR analyzes the issue in detail in Subchapter 3.5.3, Hazardous Materials Site/Site Subject to Release of Hazardous Substance (Guideline) 5. Because of the previous agricultural uses on the site, the EIR found that there would be significant impacts relating to potential pesticide/chemical residue in the irrigation ponds and from TPH resulting from smudge pot use. Further, the EIR found that significant impacts may result from the release of asbestos or lead-based paint during demolition of buildings prior to Proposed Project construction. Mitigation measures have been set forth in the EIR in order to mitigate these impacts to a level that is less than significant. Proposed mitigation measure M-HZ-1 requires sampling and remediation (if necessary) of the soils underneath the irrigation ponds, since the soil at the bottom of the ponds could not be sampled while the ponds were full of water. Mitigation M-HZ-2 requires removal of stained soil where the smudge pots were stored, and M-HZ-3 requires asbestos and lead based paint surveys prior to demolition of residences and farm buildings and remediation if necessary.

LETTER

RESPONSE

Mr. Dennis Campbell October 6, 2009 Page 2 of 4 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA). - Envirostor: A Database primarily used by the California Department of Toxic Substances Control, at Envirostor disc.ca.gov. - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA. - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA. - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations. - GeoTracker: A List that is maintained by Regional Water Quality Control Boards. - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks. - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).	D-3 The ESA identified the mechanism to initiate any required investigation and/or remediation for the site and all recommendations made by the ESA were carried over to the Final EIR) and set forth as mitigation which would be implemented prior to grading and the issuance of building permits (See Subchapter 3.5.5). All mitigation/remediation activities shall be overseen by the appropriate regulatory agency (County Department of Environmental Health (DEH) Site Assessment and Mitigation (SAM) program) and, if necessary, an oversight agreement would be prepared.
D-4 The County concurs with this comment. As stated in the EIR mitigation measures and MMRP, all environmental investigations, sampling, and remediation shall be conducted and overseen by the County DEH, a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. In addition, all findings of investigations and sampling results in which hazardous substances were found shall be summarized as required.	D-3 The County's SAM Program, within the Land and Water Quality Division of the DEH, consists of project managers, field technicians, supervisors, and support staff, whose primary purpose is to protect human health, water resources, and the environment within San Diego County by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code. DEH requests that a workplan be submitted for review and comment prior to initiation of the site investigation work at any contaminated site where DEH is providing oversight.
D-5 The County acknowledges this comment. Although remedial actions will not be completed before finalizing the EIR, they have been identified and included in the Proposed Project's conditions of approval. As discussed in responses D-3 and D-4, mitigation measures M-HZ-1 and M-HZ-2 would ensure that proper investigation, sampling, and remedial actions are conducted prior to any grading and that these activities are overseen and documented by the proper regulatory authority (DEH).	D-3 The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC can enter an oversight agreement in order to review such documents. Please see comment No. 11 below for more information. D-4 All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table. D-5 Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.

Mr. Dennis Campbell October 6, 2009 Page 3 of 4 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. 6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.	D-6 The County acknowledges this comment. Mitigation measures M-HZ-3a and M-HZ-3b are included in Subchapter 3.5.5 of the Final EIR in order to address and remediate the possibility of encountering asbestos and/or lead-based paint during demolition activities. D-7 Mitigation measures M-HZ-1 and M-HZ-2 are included in Subchapter 3.5.5 to ensure that contaminated soil will be properly remediated and disposed. Specifically, these two mitigation measures require sampling for pesticide contamination and remediation, if necessary, as well as removal (and proper disposal) of stained soil where the smudge pots were used/stored. Additionally, all grading activity is required to comply with federal and state requirements per the County of San Diego Grading Ordinance. Per Section 87.421(a) of the Grading Ordinance, for regular and supervised grading, the County Official may require the inspection of excavation and fills and compaction control by a soil engineer. Per Section 87.421(c), the soil engineer must file a report with the County official certifying the compaction and acceptability of all fills. Section 87.424 outlines the Safety Precaution Procedures in place if the County Official determines that further grading may endanger public or private property. The San Diego County Grading Ordinance is provided at: http://www.sdcountry.ca.gov/dpw/docs/proppgradord.pdf. The Proposed Project, as currently designed, would not include the import of any soils. If that situation changes and soil import is subsequently proposed, imported material would conform to all applicable regulatory requirements prior to use.
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- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

D-8

D-8

An assessment of health risks is included in the Final EIR as part of the air quality analysis (Chapter 2.2). The health risk evaluation conducted to determine the potential for illness due to exposure to diesel exhaust particulate matter concluded that with mitigation requiring that construction fleet utilize Toxic-Best Available Control Technology (T-BACT) and mitigation ensuring that 10 percent of the construction fleet uses any combination of diesel catalytic converters, diesel oxidation catalysts, diesel particulate filters and/or California Air Resource Board (CARB) certified Tier I, II, or III equipment, the Proposed Project would not would result in significant health risks. In addition, the EIR concluded that the Proposed Project lies outside the land use avoidance guidelines established by CARB and that potential exposure to CO "hotspots" would be less than significant.

Schools are considered to be sensitive receptors. Schools are addressed in Subchapter 3.5.3, Hazardous Substance Within One-Quarter Mile of a School/Day Care Facility (Guideline 4), which states that "the Proposed Project does not include any potential for facilities that handle regulated substances to represent a significant hazard to children when located within one-quarter mile of a school or day care. Regulated substances are subject to California Accidental Release Prevention (CalARP) Risk Management Plan (RMP) requirements when handled at threshold levels identified in the California Code of Regulations (CCR). The specific threshold levels are not relevant because no regulated substances will be handled as a result of implementation of the Proposed Project. Additionally, the proposed on-site Waste Water Treatment Plant (WWTP) is located greater than 1/4 mile from the potential school site."

The Final EIR, Chapter 3.5, Hazards, identifies the potential for the potential release of hazardous substances such as asbestos or lead-based paint during demolition of the buildings on-site. Mitigation measures require a survey prior to demolition and the safe removal of hazardous substances. The EIR therefore, provides adequate disclosure health risks and no further analysis is necessary.

Mr. Dennis Campbell
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Page 3 of 4

- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

D-9

D-9

As stated in Subchapter 3.5.3, Hazardous Substance Use (Guideline 3) of the Final EIR, the Proposed Project includes primarily residential and associated uses. No new uses are proposed on the Project Site which would handle, transport, or store hazardous materials.

Any pesticide used within the agricultural groves would be handled in accordance with the County's Pesticide Regulation Program, which is the local program overseen by the County Agricultural Commissioner (CAC) and the Department of Agriculture Weights and Measures (AWM). Permits are required anytime pesticides are applied to agricultural lands, whether by an owner/operator or a contracted entity. If the agricultural commissioner determines that the permit would likely cause a substantial adverse impact, the commissioner must determine if there is a feasible alternative (including no pesticide application) or a feasible mitigation measure that would substantially reduce the adverse impact. If there is no feasible alternative or mitigation measure, the commissioner must deny the permit. Thus, no impacts would occur relative to pesticide application.

The proposed on-site WWTP would utilize chemicals during operation which may be classified as hazardous, including Sodium Hypochlorite (NaHCl) for disinfection, Aluminum sulfate (Alum) for flocculation, and a polymer for solids thickening. However, it is not typical for wastewater treatment operators to use any of these chemicals in a concentration that would be considered "hazardous." Additionally, it should be noted that the use of NaHCl for disinfection would eliminate the need to use the extremely toxic chlorine gas.

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- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
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- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

D-10

D-11

D-10

As indicated in the responses above, Proposed Project implementation would require a number of specific measures to evaluate and (if applicable) remediate potential impacts related to hazards and hazardous materials. These measures would include appropriate sampling, testing and material/waste management, with these efforts to be conducted pursuant to all applicable regulatory requirements (including pertinent DTSC criteria). The County will inspect the site throughout the grading and construction phases of the Proposed Project to ensure compliance with grading and building permits. If contaminated soil or groundwater is observed or suspected, the DEH will be notified to determine requirements for investigation and/or remediation. Appropriate measures would be implemented to address the situation pursuant to all applicable regulatory requirements. Moreover, mitigation measures M-HZ-1 and M-HZ-2 in the Final EIR address contamination and health/safety issues during construction and demolition activities. Specifically, these two mitigation measures require sampling for pesticide contamination and remediation if necessary as well as removal and proper disposal of stained soil where the smudge pots were used/stored.

D-11

The Project Site has been used previously for agricultural and livestock related activities. Please refer to response D-2 for an explanation of the actions which shall be required for the Proposed Project in order to remediate pesticides, agricultural chemicals, and other related residues.

LETTER

RESPONSE

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- 11) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

D-12

As noted in the responses above, Proposed Project implementation would conform to all applicable regulatory requirements, including measures related to agency oversight of hazardous materials.

D-13

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief

Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA#2699

Letter E

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

1115 CAVAROT AVENUE, ROOM 364
 SAN FRANCISCO, CA 94114
 (415) 655-6251
 Fax (415) 657-5390
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 e-mail: ds_nahc@pacbell.net



September 22, 2009

Mr. Dennis Campbell
COUNTY OF SAN DIEGO
 5201 Ruffin Road, Suite B
 San Diego, CA 92123-1666

Re: SCH#2004051028: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the
The Meadowood Project; located in the Fallbrook Area of northern San Diego County, California

Dear Mr. Campbell:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(3)(C) CEQA guidelines. Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(g) and Native American Cultural resources were not identified within one-half mile of the APEs. There are, however, Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties', for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-4335) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 ff) (et seq), and NAGPRA (25 U.S.C. 3001-3013), as appropriate.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

SEP 25 09 PM 2:51

E-1 Introductory comment is noted. No response is necessary.

E-2 Comment noted. The cultural resources survey for the Proposed Project indicated that the major portion of the significant Pankey Site CA-SDI-682 is located just to the east of the Project Site. The survey identified three additional loci of this site within the Proposed Project. Two of the loci are significant and will be preserved by open space and capping.

E-3 A Sacred Lands check was conducted on July 8, 2005. The NAHC provided staff with a list of Native American organizations/individuals on July 22, 2005. Staff contacted the listed organizations/individuals on October 14, 2005. Because the Proposed Project includes a specific plan amendment and a general plan amendment, tribal consultation pursuant to SB-18 was required. The County coordinated a site field visit with the local tribes on September 8, 2008 as part of formal consultation. The Luiseño Tribes were represented by the La Jolla Band of Luiseño Indians, Pala Band of Mission Indians, Pauma/Yuima Band of Mission Indians, Rincon San Luiseno Band of Mission Indians, and San Luis Rey Band of Mission Indians.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

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September 22, 2009

Mr. Dennis Campbell
COUNTY OF SAN DIEGO
 5201 Ruffin Road, Suite B
 San Diego, CA 92123-1666

Re: SCH#2004051028: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the
The Meadowood Project; located in the Fallbrook Area of northern San Diego County, California

Dear Mr. Campbell:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(d)(c)(v) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(g) and Native American Cultural resources were not identified within one-half mile of the APEs. There are, however, Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties', for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-4335) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 ff) (et seq), and NAGPRA (25 U.S.C. 3001-3013), as appropriate.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

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E-4 The Proposed Project would subdivide 389.5 acres into a residential subdivision that will include an elementary school, private parks, trails, community facilities, open space, and agriculture. Because significant archaeological and historic sites have been identified on the Project Site, a grading monitoring program that includes the requirement for Native American representation is a mitigation measure required for approval of the Proposed Project. In addition, the Proposed Project must comply with the San Diego County Grading, Clearing and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health and Safety Code. In addition, Section 87.429 of the Grading, Clearance and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

E-5 A records search using the California Historic Resources Inventory System (CHRIS) that is provided to the County by the South Coastal Information Center (SCIC) was conducted. A total of 27 studies have been conducted in the areas adjacent to the Project Site. One previously recorded resource was identified in the Area of Potential Effect (APE). Twenty-seven sites have been previously recorded within one mile of the Proposed Project area.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

1515 CALIFORNIA AVENUE, ROOM 364
 SACRAMENTO, CA 95814
 (916) 657-6251
 Fax (916) 657-5350
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



September 22, 2009

Mr. Dennis Campbell
COUNTY OF SAN DIEGO
 5201 Rufin Road, Suite B
 San Diego, CA 92123-1666

Re: SCH#2004051028: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the The Meadowood Project; located in the Fallbrook Area of northern San Diego County, California

Dear Mr. Campbell:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(3)(C) CEQA guidelines. Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(g) and Native American Cultural Resources, were not identified within one-half mile of the APEs. There are, however, Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties', for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

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Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

SEP 25 09 PM 2:51

E-6

Consultation with tribes and interested individuals occurs on all County discretionary projects that require environmental review. Please see response to comment E-3 for additional information concerning Native American consultation. The County coordinated a site field visit with the local tribes on September 8, 2008 as part of formal consultation. The Luiseño Tribes represented at the field visit were the La Jolla Band of Luiseño Indians, Pala Band of Mission Indians, Pauma/Yuima Band of Mission Indians, Rincon San Luiseño Band of Mission Indians and San Luis Rey Band of Mission Indians. These tribes have been invited to participate in the public review process as well as the public hearings.

E-7

Based on an analysis of records and a survey of the property by County-approved archaeologists Susan Hector and Sinéad Ní Ghabhláin, with ASM Affiliates, Inc. on September 29 and 30, 2003, it has been determined that there are several cultural resources within the Project Site. These resources include the significant prehistoric Pankey site CA-SDI-682 and six historic ranch buildings. A cultural resources report titled, "Cultural Resources Survey, Archaeological Testing, and Historic Building Evaluation for the Proposed Meadowood Project, San Diego County, California," prepared by ASM Affiliates and dated April 2009 evaluated the significance of these cultural resources. Based on the results of this study, it has been determined that portions of CA-SDI-682 that are within the APE are significant pursuant to the CEQA Guidelines, Section 15064.5. The Proposed Project will indirectly impact these resources. However, impacts would be reduced to a level below significant with the implementation of design considerations and mitigation measures that include site capping, easement protection, and temporary fencing during grading.

LETTER

RESPONSE

E-8 project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate. E-9 The authority for the SLF record search of the NAAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resource/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity. E-10 CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items. E-11 Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony. Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation. Please feel free to contact me at (916) 653-6251 if you have any questions. Sincerely,  Dave Singel Program Analyst Attachment: List of Native American Contacts Cc: State Clearinghouse	All projects are required to conform to §7050.5 of the Health and Safety Code and Public Resource Code Section 5097.98. In addition, archaeological and Native American monitors will be at the site during grading to ensure that should human remains be uncovered, the proper procedures will be followed and that the remains will be treated with care and respect. See response to comment E-4, above. All documents that contain information on the location of sensitive cultural resources submitted to the County of San Diego are confidential documents. These confidential documents can only be viewed by staff archaeologists who meet the Secretary of Interior's standards for qualified historians/archaeologists. In addition, all consulting historians/archaeologist that submit cultural resource documents to the County are required to meet the Secretary of Interior's standards for qualification and must submit sensitive cultural resource information as confidential documents. See responses to comments E-3 and E-8 above for consultation concerning Native American tribes and interested individuals.
E-10 The County agrees with this comment. The Proposed Project must comply with the San Diego County Grading, Clearing and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health and Safety Code. In addition, Section 87.429 of the Grading, Clearance and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered. See responses to comments E-4 and E-8, above.	The County agrees with this comment. The Proposed Project must comply with the San Diego County Grading, Clearing and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health and Safety Code. In addition, Section 87.429 of the Grading, Clearance and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered. See responses to comments E-4 and E-8, above.
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LETTER

RESPONSE

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The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resource/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

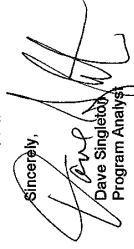
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Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 853-8251 if you have any questions.

Sincerely,


Dave Singel
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

E-12

E-13

E-12 The portions of archaeological site CA-SDI-682 that are on the Project Site will be capped and preserved by an easement. See response to comment E-7, above.

E-13 Closing comment noted. No response is necessary.

Native American Contact
San Diego County
September 22, 2009

Pauma & Yuima
Christobal C. Devers, Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Rincon Band of Mission Indians
Angela Veitran, Rincon Culture Committee
P.O. Box 68 Luiseno
Valley Center , CA 92082
council@rincontribe.org
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendant
1763 Chapulin Lane Luiseno
Fallbrook , CA 92028
(760) 728-6722 - Home
(760) 908-7625 - Cell

San Luis Rey Band of Mission Indians
Russell Romo
12064 Old Pomerado Road Luiseno
Poway , CA 92064
(858) 748-1586

Pauma Valley Band of Luisefio Indians
Benrae Calac, Tribal Council Member
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
benraecalac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair Luiseno
1889 Sunset Drive
Vista , CA 92081
cmojado@slrmissionindians.org
(760) 724-8505
(760) 724-2172 - FAX

Kupa Cultural Center (Pala Band)
Shasta Gaughen, Assistant Director
35008 Pala - emecula Rd PMB Box 445 Luiseno
Pala , CA 92059
cupa@palatribbe.com
(760) 891-3590
(760) 742-4543 - FAX

La Jolla Band of Mission Indians
ATTN: Rob Roy Environmental Director
22000 Highway 76 Luiseno
Pauma Valley , CA 92061
lajolla-sherry@aol.com and
(760) 742-3790
(760) 742-1704 Fax

Mel Vernon, Chairperson
San Luis Rey Band of Mission Indians
1044 North Ivy Street Luiseno
Escondido , CA 92026
melvern@aol.com
(760) 746-8692
(760) 703-1514 - cell

This list is current only as of the date of this document.
Distribution of this list does not constitute an endorsement or a statement of federal responsibility as defined in Section 7050.5 of the Health and
Safety Code or the Federal Register Code and Section 509.36 of the Public Resources Code.
State of California, Department of the Public Resources, 1000 L Street, Sacramento, CA 95833
and federal NEPA (42 USC 4321-4335), NHPA Sections 106, 401 (16 USC 4701) and NAGPRA (25 USC 3001-3013).

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed
Schwabacher Creek Water Treatment Plant. It does not constitute a comprehensive list of all Native Americans located in the Fallbrook Area of northern San Diego County, California.

State of California

M e m o r a n d u m**To:**

County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Dennis Campbell

Date: October 9, 2009**Website:** www.fire.ca.gov**Re:**

Meadowood Project- Fallbrook Area
SCH2004051028
Draft Environmental Impact Report

Letter F
Natural Resources Agency

After review of the above referenced document I have the following comments:

2.3 Proposed widening is dependent on Caltrans completing the project. If Caltrans doesn't, then the project enters into fair share. Will this be completed prior to the project's start or completion? This could compromise evacuation and access for responding emergency vehicles.

F-1

The fire plan states that the project area is located in the North County Fire Protection District (NCFPD); however, it also states that efforts are underway to have the district annex the project area into NCFPD. The fire plan states that wildfire threats are diminishing as both development and agricultural land use fragments the natural landscape. However, wildfire threats increase as more dwellings encroach on the wildlands and also creates complications to control efforts in the event of wildland fire. They use statistics that state there were ten (10) large wildland fires of over 100 acres during the 50 years in the general area. Statistics have shown that large fires have increased as wildland urban interface has increased. The current lower statistics may be due to the project areas agricultural use and lower dwelling density of the area. The fire plan addresses that a connection with Pala Mesa Drive at Interstate 15 Bridge is required. However, under 2.3 Transportation/Traffic, it states that under M-TR-4 cumulative impacts to study area street/State Route segments shall be mitigated through applicant participation in the TIF program and the level of significance with mitigation is less than significant. Will this be completed prior to the project completion? If not, this would be significant and possibly unmitigable.

21-7450-61-100

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F-1

As stated in Subchapter 2.3.1 of the Final EIR, the portion of the SR-76 widening project (Caltrans' SR-76 East Project) is currently estimated to be completed in 2015. As the Final EIR goes on to state in Subchapter 2.3.6, "If the Caltrans SR-76 project is completed prior to occupancy of the first residential unit within the Proposed Project, the direct impacts to the SR-76 would be fully mitigated. Because this mitigation measure addresses a direct Project impact and the County of San Diego cannot guarantee implementation of this improvement prior to the first residential unit, impacts could remain significant and unmitigated. A Statement of Overriding Considerations would be required to be adopted to address this significant and unmitigated impact."

The portions of SR-76 to be widened by Caltrans and referenced in this comment are west of I-15. Another SR-76 widening project (by Granite Construction Company), extending east of I-15 for approximately 1.4 miles, has already been completed. The Project Site fronts this portion of SR-76 and this completed alignment was factored into response time calculations.

The North County Fire Protection District (NCFPD) would provide first response, and an NCFPD station is located on the southwest corner of Pala Mesa Drive and Old Highway 395. Thus, response times were calculated from this station to the farthest dwelling unit in the Proposed Project. Calculated response times for the Proposed Project did not take SR-76 into account. Response times are based on the use of Old Highway 395 east via the proposed extension of Pala Mesa Drive and Street R (aka Pankey Place) to Horse Ranch Creek Road. As confirmed by the NCFPD in their June 26, 2009 letter, and stated in Subchapter 3.5.3, Emergency Response (Guideline 10) of the Final EIR, the Proposed Project will meet emergency travel time objective identified in the Public Facility Element and impacts associated with emergency response time will be less than significant. Therefore, the future widening of portions of SR-76 west of I-15 have no bearing on fire response times.

State of California

Natural Resources Agency

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Date: October 9, 2009**Website:** www.fire.ca.gov**Re:**

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After review of the above referenced document I have the following comments:

2.3 Proposed widening is dependent on Caltrans completing the project. If Caltrans doesn't, then the project enters into fair share. Will this be completed prior to the project's start or completion? This could compromise evacuation and access for responding emergency vehicles.

The fire plan states that the project area is located in the North County Fire Protection District (NCFPD); however, it also states that efforts are underway to have the district annex the project area into NCFPD. The fire plan states that wildfire threats are diminishing as both development and agricultural land use fragments the natural landscape. However, wildfire threats increase as more dwellings encroach on the wildlands and also creates complications to control efforts in the event of wildland fire. They use statistics that state there were ten (10) large wildland fires of over 100 acres during the 50 years in the general area. Statistics have shown that large fires have increased as wildland urban interface has increased. The current lower statistics may be due to the project areas agricultural use and lower dwelling density of the area. The fire plan addresses that a connection with Pala Mesa Drive at Interstate 15 Bridge is required. However, under 2.3 Transportation/Traffic, it states that under M-TR-4 cumulative impacts to study area street/State Route segments shall be mitigated through applicant participation in the TIF program and the level of significance with mitigation is less than significant. Will this be completed prior to the project completion? If not, this would be significant and possibly unmitigable.

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PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.**F-1 (cont.)**

Likewise, evacuation routes would not be compromised due to the SR-76 projects. In addition to the Pala Mesa Drive access, residences would be able to exit the Project Site via Old Highway 395 north to Stewart Canyon Road and south to Horse Ranch Creek Road. The Proposed Project also includes an emergency road in the northeast portion of the Project Site to connect Street E to Rice Canyon Road. The availability of these evacuation routes would allow the safe exit of residences regardless of the construction which may be ongoing on SR-76. It is noted that the SR-76 East project is estimated to be completed by the year 2015.

F-2

The Fire Protection Plan, Section 1.0, states that the Proposed Project "is adjacent to the service boundaries of the North County Fire Protection District (NCFPD), and within the District's sphere of influence." It goes on to state "At this time no portion of the Proposed Project area is located in the District. Efforts are underway by the Project Applicant to annex the Proposed Project into the NCFPD." Additionally, it is stated in Final EIR Subchapter 4.3.1, "The Project Site is adjacent to the service boundaries of the NCFPD and is within the NCFPD's sphere of influence. The Project Site is proposed to be annexed into the NCFPD." Both references accurately reflect the Proposed Project's current relationship with the NCFPD.

F-1**F-2**

State of California

Natural Resources Agency

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21-7#60-ET-100

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F-3

The County agrees that on a regional scale, development has increased the wildland urban interface.

The project includes a Fire Protection Plan (FPP) as Appendix J-2. The FPP provides redundant layers of fire protection requirements that would serve to reduce the fire risk as a result of developing in the wildland urban interface. The Final EIR Figure 3.5-5 shows the Conceptual Fire Protection Plan Map, which depicts the location of the fuel modification zones which are a minimum of 100 feet from all structures. Specifically, "Zone A" is comprised of the first 50 feet around structures and provides defensible space for fire suppression forces to protect those structures from radiant and convective heat. It is an irrigated zone, free of all combustible construction, firewood, propane tanks, fuel, and flammable native and ornamental vegetation. "Zone B" is an additional 50 feet beginning at the outer edge of "Zone A."

Acceptable plantings and required landscaping and maintenance for both Zone A and Zone B are detailed in the Fire Protection Plan. Additionally, the Proposed Project's Homeowners Association will be responsible to ensure that fuel modification zones are maintained.

In addition to the required fuel treatments and actions mandated within the Fuel Modification Zones, the FPP requires additional measures to reduce wildfire threats. These include infrastructure improvements and residential education.

State of California

Natural Resources Agency

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PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

F-3 (cont.)

Specific infrastructure improvements are detailed on pages 34 through 36 of the FPP. As required by the NCFPD, the FPP mandates a minimum of 40 residential type fire hydrants, with drip caps and blue dot markers having a flow capable of supplying 1,500 gallons per minute (GPM) at 20 pounds residual pressure with no less than 2,500 GPM available in the mains. Conformance with the FPP also assures that no road within the development shall exceed a 20 percent grade or has a width less than 24 feet. Additionally, all cul-de-sacs on access roads of greater than 150 feet in length shall be provided with a minimum 42-foot AC radius turnaround and brush management is required along all roadways as detailed in sections 5.2.6 and 5.2.7 of the FPP.

Pursuant to section 5.3 of the FPP, "The H.O.A. shall yearly provide the lot owners with information regarding the wildfire mitigation efforts necessary for community fire safety that are contained within this FPP." The FPP will be made available to all residents; information related to homeowner safety is detailed on page 32 of the FPP. Additionally, pages 33 to 34 of the FPP provides specific safety measure to be included in the Meadowood Project Covenant and Agreement.

As detailed in Subchapter 3.5.3, Fire Hazard (Guidelines 8 and 9) of the Final EIR, and reiterated herein, the maintenance of fuel modification zones, coupled with both infrastructure improvements and residential education programs will assure that wildfire threats to the Proposed Project are less than significant.

F-3

State of California

Natural Resources Agency

M e m o r a n d u m

To:

County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Dennis Campbell

Date: October 9, 2009

Website: www.fire.ca.gov

Re:

Meadowood Project- Fallbrook Area
SCH2004051028
Draft Environmental Impact Report

After review of the above referenced document I have the following comments:

2.3 Proposed widening is dependent on Caltrans completing the project. If Caltrans doesn't, then the project enters into fair share. Will this be completed prior to the project's start or completion? This could compromise evacuation and access for responding emergency vehicles.

The fire plan states that the project area is located in the North County Fire Protection District (NCFPD); however, it also states that efforts are underway to have the district annex the project area into NCFPD. The fire plan states that wildfire threats are diminishing as both development and agricultural land use fragments the natural landscape. However, wildfire threats increase as more dwellings encroach on the wildlands and also creates complications to control efforts in the event of wildland fire. They use statistics that state there were ten (10) large wildland fires of over 100 acres during the 50 years in the general area. Statistics have shown that large fires have increased as wildland urban interface has increased. The current lower statistics may be due to the project areas agricultural use and lower dwelling density of the area. The fire plan addresses that a connection with Pala Mesa Drive at Interstate 15 Bridge is required. However, under 2.3 Transportation/Traffic, it states that under M-TR-4 cumulative impacts to study area street/State Route segments shall be mitigated through applicant participation in the TIF program and the level of significance with mitigation is less than significant. Will this be completed prior to the project completion? If not, this would be significant and possibly unmitigable.

217#60.8100

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F-4

The commenter has provided an incorrect reference to M-TR-4. M-TR-4 relates specifically to study area roadway/State Route segments to which the Proposed Project would have a cumulative traffic impact. The improvement of concern in this comment is Pala Mesa Drive at I-15. As stated in Subchapter 2.3.3, Existing + Project of the Final EIR, construction of Pala Mesa Drive from the I-15 bridge to SR-76 is a feature of the Proposed Project and will be constructed by the first applicant to proceed between the Proposed Project, Campus Park and Palomar College. As such, construction of this connection is not dependent on TIF funding. Furthermore, the Proposed Project phasing takes into account the timing of improvements to Pala Mesa Drive from the existing bridge crossing to the Project Site via Street R and the northeastern extension of Street E to Rice Canyon Road to ensure that emergency services response time will be within the five minute requirement for the furthest dwelling.

F-3

F-4

LETTER

RESPONSE

In addition, I would recommend and strongly encourage that all wires and other service lines be placed underground. This action would greatly enhance public and firefighter safety in the event of a wildland fire and also allow access which typically is compromised because of burnt poles and down lines, which are indicative of overhead applications. This will also greatly increase aerial firefighting operational safety.



Mark Ostrander
CAL FIRE
San Diego Unit
Environmental Coordinator
P.O. Box 1560
Boulevard, CA 91905

Mandated Due Date: 10/13/09
Date Document Received in Mail: 10/01/09
Comment Letter Date: 10/09/09
Date Mailed: 10/09/09

F-5

F-5 Undergrounding of utilities is a part of the Proposed Project. As stated in Final EIR Appendix K, San Diego County General Plan Compliance Report for the Meadowood Project, I-15 Corridor Subregional Plan and Guidelines, Goal E. "Public Utilities and Safety Standards, Policy 3, utilities (electrical, telephone, cable, etc.) will be placed underground."

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

San Diego Local Agency Formation Commission 1600 Pacific Highway • Room 452 • San Diego, CA 92101 (619) 531-5400 • FAX (619) 557-4190 Website: www.sdlafco.org Chairman Bill Horn County Board of Supervisors Vice Chairman Bud Pocklington South Bay Irrigation District Members Dianne Jacob County Board of Supervisors Donna Frye City of San Diego Carl Hillard Councilmember City of Del Mar Mark Lewis City of El Cajon John Ingalls Santa Fe Irrigation District Andrew L. Vanderlaan Public Member Alternate Members Greg Cox County Board of Supervisors Sherr Lightner Councilmember City of San Diego Jim Janney Mayor City of Imperial Beach Jo MacKenzie Vista Irrigation District Harry Mathis Public Member Executive Officer Michael D. Ott Counsel William D. Smith October 12, 2009 TO: Dennis Campbell Department of Planning and Land Use (O650) FROM: Chief, Governmental Services Local Agency Formation Commission (A216) SUBJECT: Meadowood: GPA 04-002; SPA 04-001; REZ04-004; TM 5354; S04-005; S04-006; S04-007; MUP 08-023; LOG NO. 04-02-004; SCH NO. 2004051028 Thank you for the opportunity to provide comments on the above-referenced project. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any related sphere of influence actions. Those sections of the draft environmental impact report (DEIR) that pertain most closely to LAFCO's regulatory authority have been reviewed, including Agriculture, Utilities, and Growth Inducement. In addition, we offer additional comments based upon a cursory review of the Air Quality and Land Use sections. Since jurisdictional changes would be required to implement the proposed project, LAFCO will have discretion over associated governmental structure changes and will be a responsible agency for the related environmental review. Additionally, it should be noted that State Law contains factors that are to be considered when LAFCO reviews a proposal (Government Code Section 56688[a-n]). Some of the topics are: population, topography, drainage basins; growth; the need for public services; adequacy and service availability/capacity; affects on adjacent territory; impacts on agricultural resources; community character; conformity with general plans and land use designations; and local policies. Project Description The Meadowood project proposes the construction of a residential community consisting of a maximum of 844 dwelling units on approximately 390 acres. The number of homes would change to 886 units if the Bonsall School District does not build on the site earmarked for a school. Currently, agricultural activities are located on 210 acres contained within the project boundary.	Letter G G-1 Introductory comment is noted. No response is necessary. G-2 The County acknowledges that LAFCO would have discretion over governmental structure changes associated with the Proposed Project and would be a responsible agency for the related environmental review. This is consistent with the information in the EIR in Subchapter 1.5.1, Table 1-6 Matrix of Project Approvals/Permits. G-3 The comment is a summary of the Proposed Project. No response is necessary.
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Open Space and Agricultural Lands Preservation According to Government Code Sections 56001 and 56301, LAFCOs have been directed by the State Legislature to preserve open space and prime agricultural lands and to establish local policies to do so. Thus, San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land, and discourages the conversion of agricultural land to other uses. State Law and LAFCO policy also require the evaluation of how spheres of influence and/or changes of local governmental organization may affect open space and prime agricultural lands. Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands. The exception to these directives is if the conversion to another use would not promote the planned, orderly, and efficient development of an area. As stated on page S-4 – "Current land uses on-site include agricultural activities, consisting mostly of citrus and avocado orchards ... about 54% of the site." It should be noted that there is a difference between the definition of agricultural lands in the California Environmental Quality Act (CEQA) and LAFCO's definition found in Government Code Section 56016, which states – "Agricultural lands means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program." In addition, Government Code Section 56064 contains a definition of prime agricultural land based on USDA, Storie Index, carrying capacity variables, etc. The agricultural resources section needs to be revised based upon the following issues: (1) contradictory conclusions between LESA model findings and the section's final conclusions as well as the addition of an evaluation of impacts to non-prime and prime agricultural land per the definitions of such lands in Government Code Sections 56016 and 56064; (2) adequacy of the proposed mitigation measures; (3) lack of discussion regarding the impacts of the proposed land uses and agricultural activities; and (4) inadequate discussion of cumulative impacts. • LESA model vs. conclusions and expansion to include additional definitions The discussion is confusing and appears to generate contradictory findings. The DEIR states that the LESA model concludes that the impacts are not significant, and then later states that the impacts are significant because of the loss of agriculture lands. The overall conclusion is correct that the impacts to Prime and Unique lands are significant while the LESA discussion appears to justify impacts and, at the very least, is confusing. Furthermore, the agricultural discussion needs to be expanded to cover the definitions of agricultural land as defined in Government Code Sections 56016 and 56064 as well as impacts to those lands.	G-4 The County acknowledges that San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land and that State Law and LAFCO policy require the evaluation of how spheres of influence changes and/or changes of local governmental organization may affect open space and prime agricultural lands. Subchapter 4.7.3, Conflict with Applicable Plan, Policy, or Regulation (Guideline 4) of the EIR states that a significant impact to agricultural resources would occur as a result of project implementation if the project will conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. LAFCO Policy L-101 is included in this discussion as LAFCO is a responsible agency with discretion over the sphere of influence determination and annexation of the Project Site to an MWD for both water and sewer service and to the North County Fire Protection District for fire service. As stated in the EIR, according to Policy L-101, LAFCO should: 1. Discourage proposals that would convert prime agricultural or open space lands unless that action would not promote the planned, orderly, and efficient development of an area or the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use; 2. Require pre-zoning of territory (city only) to identify areas subject to agricultural preservation/planned development; and 3. Adhere to San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.
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G-4 (cont.)

The EIR's conclusion that the Proposed Project would indeed promote the planned, orderly, and efficient development of the area takes into consideration the past and present planning context within the Proposed Project area. As stated in the EIR, the Project Site is located within the northeastern quadrant of the intersection of I-15 and SR-76, an area which has been planned as a primary location for future growth since 1988 when the Board of Supervisors adopted a General Plan Amendment to the Fallbrook CP which included the I-15 Corridor Subregional Plan, along with Appendix B, the I-15/SR-76 Interchange Master Specific Plan.

This area was planned for future growth due to its proximity to major infrastructure such as at the intersection of two freeways (I-15 and SR 76). Currently, this area is identified in SANDAG's Regional Comprehensive Plan (RCP) Smart Growth Concept Map as a Special Use Center smart growth area. The characteristics of a Special Use Center as described in the RCP include:

- Employment draws from throughout region, with other uses being community serving
- Special use centers may be located within larger area that has several designations
- Dominated by one non-residential land use (Palomar College)
- Retail support services
- Potential residential component.

This area contains anticipated mixed uses including Palomar Community College campus (already approved) as well as commercial, office and residential uses as proposed for adjacent properties (Campus Park and Campus Park West).

Most recently, the RCP's identification of the area for growth has been incorporated into the General Plan Update (GPU). Specifically, both the GPU Draft Land Use Map and Referral Map propose to introduce higher density into the area.

G-4

Open Space and Agricultural Lands Preservation

According to Government Code Sections 56001 and 56301, LAFCOs have been directed by the State Legislature to preserve open space and prime agricultural lands and to establish local policies to do so. Thus, San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land, and discourages the conversion of agricultural land to other uses. State Law and LAFCO policy also require the evaluation of how spheres of influence and/or changes of local governmental organization may affect open space and prime agricultural lands. Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands. The exception to these directives is if the conversion to another use would not promote the planned, orderly, and efficient development of an area.

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- LESA model vs. conclusions and expansion to include additional definitions

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G-4 (cont.)

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G-4

The Proposed Project is consistent with the overall goals and objectives of the General Plan Update because the residential units were planned with the "smart growth" strategy recommended by SANDAG in mind and because it would be built close to a major transportation corridor (i.e., I-15 and SR-76) and proposed nearby commercial and industrial developments.

As evidence of current planning thought, the Draft General Plan Update Land Use Plan designates the portions of the Project Site planned for development as "Village." The Village category identifies areas where a higher intensity and range of land uses has been envisioned. Typically Village areas function as the center of community planning areas and contain the highest population and densities.

Therefore, the Proposed Project is consistent with LAFCO goals and policies, including Legislative Policy L-101 because the Proposed Project would not otherwise preclude the planned, orderly, efficient development of the area.

Open Space and Agricultural Lands Preservation

According to Government Code Sections 56001 and 56031, LAFCOs have been directed by the State Legislature to preserve open space and prime agricultural lands and to establish local policies to do so. Thus, San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land, and discourages the conversion of agricultural land to other uses. State Law and LAFCO policy also require the evaluation of how spheres of influence and/or changes of local governmental organization may affect open space and prime agricultural lands. Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands. The exception to these directives is if the conversion to another use would not promote the planned, orderly, and efficient development of an area.

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G-5

G-5

The County acknowledges this comment and agrees that LAFCO's definition of agricultural lands differs from the CEQA definition in that it includes categories such as fallow lands or lands enrolled in a subsidy or set-aside program. Subchapter 4.7.1, Existing Conditions of the Final EIR, has been revised to include LAFCO definitions of agricultural land and prime agricultural land. Additionally, Subchapter 4.7.3, Conflict with Applicable Plan, Policy, or Regulation (Guideline 4) of the Final EIR includes an impact analysis based on these LAFCO definitions. As discussed in the EIR, the Proposed Project would impact 14.5 acres of Prime Agricultural Land based on LAFCO's definition. Although considered an adverse effect, the impact is determined to be less than significant because it would promote the planned, orderly, and efficient development of the area, in compliance with LAFCO Policy L-101.

In mapping agriculture on-site, all land currently used for producing an agricultural commodity, or has been used for such in the recent past, was included in the 54 percent calculation. As shown in the biological technical report (Appendix F.1) the remaining 46 percent of the Project Site comprises mostly natural vegetation.

Open Space and Agricultural Lands Preservation

According to Government Code Sections 56001 and 56301, LAFCOs have been directed by the State Legislature to preserve open space and prime agricultural lands and to establish local policies to do so. Thus, San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land, and discourages the conversion of agricultural land to other uses. State Law and LAFCO policy also require the evaluation of how spheres of influence and/or changes of local governmental organization may affect open space and prime agricultural lands. Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands. The exception to these directives is if the conversion to another use would not promote the planned, orderly, and efficient development of an area.

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G-6

G-6

In response to this comment, the Final EIR has been revised as follows:

1. Please see response to comment G-7.
2. The County has concluded that the proposed 49.3 acres of agricultural open space as a project design feature would preclude significant agricultural impacts. Please refer to response to comments C-2 for a complete description of the County's position.
3. The discussion regarding the proposed land uses vs. the adjacent agricultural activities has been expanded and clarified in Subchapter 4.7.3, Involve Other Changes in the Existing Environment (Guideline 3) of the Final EIR. In summary, the Final EIR has been revised to clarify that the Proposed Project would not result in significant impacts related to agricultural land use conflicts because the Project Site is physically separated from nearby agricultural operations (SR-76) to the south and the Monserate ridge line to the east). In addition, design features have been incorporated into the Proposed Project in order to provide additional assurance that the proposed on-site structures would be buffered from both on- and off-site agricultural uses.
4. The County does not concur that the cumulative impacts were inadequately discussed. Subchapter 4.7.4 discusses and quantifies the potential conversion of agriculture resulting from nine projects in the study area and clearly states the portion of the cumulative impacts the Proposed Project is responsible for. See also responses to comments C-5 and G-5.

Open Space and Agricultural Lands Preservation

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G-7

In response to this comment, Subchapter 4.7.3, Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Guideline 1) of the Final EIR has been revised to clarify the Proposed Project's direct agricultural impacts. Pursuant to the LESA model, the Project Site does not represent a significant agricultural resource; the inclusion of the 49.3-acre agricultural open space conservation easement is a project design feature.

G-8

The County concurs that the EIR should include discussion of agricultural land as defined in the Government Code sections 56016 and 56064. Subchapter 4.7.1 of the Final EIR has been revised to include definitions of agricultural lands pursuant to Government Code Sections 56016 and 56064 as follows. The revised discussion also quantifies the acreage of the Project Site which falls into either of these two definitions.

San Diego LAFCO Definition of Agricultural Lands – "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program. Based on this definition, the Project Site contains approximately 211.4 acres of "agricultural land" or approximately 54 percent of the total Project Site. The remainder of the Project Site is generally disturbed with ornamental landscaping or contains native vegetation.

San Diego LAFCO Definition of Prime Agricultural Land – "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

Open Space and Agricultural Lands Preservation According to Government Code Sections 56001 and 56301, LAFCOs have been directed by the State Legislature to preserve open space and prime agricultural lands and to establish local policies to do so. Thus, San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land, and discourages the conversion of agricultural land to other uses. State Law and LAFCO policy also require the evaluation of how spheres of influence and/or changes of local governmental organization may affect open space and prime agricultural lands. Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands. The exception to these directives is if the conversion to another use would not promote the planned, orderly, and efficient development of an area. As stated on page S-4 – "Current land uses on-site include agricultural activities, consisting mostly of citrus and avocado orchards ... about 54% of the site." It should be noted that there is a difference between the definition of agricultural lands in the California Environmental Quality Act (CEQA) and LAFCO's definition found in Government Code Section 56016, which states – "Agricultural lands means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program." In addition, Government Code Section 56064 contains a definition of prime agricultural land based on USDA, Storie Index, carrying capacity variables, etc. The agricultural resources section needs to be revised based upon the following issues: (1) contradictory conclusions between LESA model findings and the section's final conclusions as well as the addition of an evaluation of impacts to non-prime and prime agricultural land per the definitions of such lands in Government Code Sections 56016 and 56064; (2) adequacy of the proposed mitigation measures; (3) lack of discussion regarding the impacts of the proposed land uses and agricultural activities; and (4) inadequate discussion of cumulative impacts. • LESA model vs. conclusions and expansion to include additional definitions The discussion is confusing and appears to generate contradictory findings. The DEIR states that the LESA model concludes that the impacts are not significant, and then later states that the impacts are significant because of the loss of agriculture lands. The overall conclusion is correct that the impacts to Prime and Unique lands are significant while the LESA discussion appears to justify impacts and, at the very least, is confusing. Furthermore, the agricultural discussion needs to be expanded to cover the definitions of agricultural land as defined in Government Code Sections 56016 and 56064 as well as impacts to those lands.	1. Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible. 2. Land that qualifies for rating 80 through 100 Storie Index Rating. 3. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003. 4. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$400 per acre. 5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$400 per acre for three of the previous five calendar years. According to this definition, 14.5 acres qualify as Prime Agricultural Land based on criteria 1 and 2. Criterion 3 does not apply as the land does not support livestock production of food and fiber. Criteria 4 and 5 involve proprietary information that is not available. However, it may be assumed that the production of avocado and citrus crops would meet this criterion.
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G-8

• Mitigation measures Table S-1 on page S-30 acknowledges that the implementation of the project would result in the conversion to non-agricultural use of 6.3 acres of Prime Farmland, approximately 105 acres of Unique Farmland, and about 54 acres of Farmland. The proposed mitigation measure to offset that loss is to retain 49.3 acres of existing groves. The document then concludes that the mitigation reduces the impact to a less than significant level. Retaining 49 acres of agricultural lands to mitigate the conversion to other uses and subsequent loss of about 166 acres of Prime, Prime/Unique, and Farmland is inadequate; this represents preserving less than 25% of the total agricultural acreage that would be lost. Additionally, there is no long-term provision for maintaining these lands in agricultural use in perpetuity. G-9 G-10 G-11 • Discussion of conflicts between urban and agricultural uses The document discusses how the agricultural buffer will mitigate land use conflicts between agricultural uses and urban use. However, the text is confusing since proposed buffers are comprised of both active groves as well as off-site agricultural uses. If the groves are located adjacent to the single-family uses, there will be edge effects and conflicts between the "agriculture mitigation site" and the residential uses. This impact was not addressed and is potentially significant. • Discussion of cumulative impacts Since over 485 acres are cumulatively impacted, concluding that the retention of 49 acres of groves combined with allowing agriculture to continue on residential lots (2.7 to 13.5 du/acre) is inadequate. Agricultural uses on lands with density ranging from 2.7 to 13.5 du/acre are not feasible or practicable. On page 3.2-11, the DEIR concludes that the "Proposed Project would promote the planned, orderly, and efficient development of the area, in compliance with LAFCO Policy L-101." That conclusion is based on three factors: (1) SANDAG's Smart Growth concept of development along transportation corridors and in transit nodes; (2) General Plan (GP) 2020 land use designations; and (3) proximity to other development. However, SANDAG's strategy does not take into account agricultural resources in the area, and GP 2020 land use designations have not yet been adopted. In addition, only one of the adjacent developments has been approved while the other two are only proposed at this time. Moreover, one proposed project – Campus Park West – has serious impediments to development since currently it has no access to imported water. Overall, the agricultural impacts should be considered significant and unmitigated due to the loss of prime and non-prime agricultural lands. In addition, the indirect impacts should be addressed in more detail.	G-9 Please see response to comment C-3 and C-4. The Proposed Project will be conditioned to require the Master Homeowners Association for the Proposed Project, or an approved conservation entity, to be responsible for funding and/or contracting for maintenance services for the on-site agricultural lands. Such maintenance activities are required to be performed in perpetuity. G-10 Subchapter 4.7.3, Involve Other Changes in the Existing Environment (Guideline 3) of the Final EIR has been revised to clarify the relationship between the on-and off-site land uses. Additionally, this section specifies that with respect to proposed residences adjacent to the agricultural open space on-site, the HOA would be in control of ongoing operations and maintenance activities. Thus, the HOA would have the control necessary to ensure that its ongoing operations and maintenance activities would utilize practices that would not endanger or inconvenience the residents (e.g., organic farming). G-11 As discussed in responses to comments C-5, the Proposed Project would not result in cumulative agriculture impacts. The 49.3 acres of proposed agricultural preserve is a project design measure that would serve to retain the agricultural character of the site and allow continued agricultural uses under the management of the HOA. The Final EIR has been revised to reflect the County's concurrence with the second part of this comment regarding the feasibility of agricultural uses in areas with densities of 2.7 units/acre.
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LETTER

RESPONSE

• Mitigation measures Table S-1 on page S-30 acknowledges that the implementation of the project would result in the conversion to non-agricultural use of 6.3 acres of Prime Farmland, approximately 105 acres of Unique Farmland, and about 54 acres of Farmland. The proposed mitigation measure to offset that loss is to retain 49.3 acres of existing groves. The document then concludes that the mitigation reduces the impact to a less than significant level. Retaining 49 acres of agricultural lands to mitigate the conversion to other uses and subsequent loss of about 166 acres of Prime, Prime/Unique, and Farmland is inadequate; this represents preserving less than 25% of the total agricultural acreage that would be lost. Additionally, there is no long-term provision for maintaining these lands in agricultural use in perpetuity. • Discussion of conflicts between urban and agricultural uses The document discusses how the agricultural buffer will mitigate land use conflicts between agricultural uses and urban use. However, the text is confusing since proposed buffers are comprised of both active groves as well as off-site agricultural uses. If the groves are located adjacent to the single-family uses, there will be edge effects and conflicts between the "agriculture mitigation site" and the residential uses. This impact was not addressed and is potentially significant. • Discussion of cumulative impacts Since over 485 acres are cumulatively impacted, concluding that the retention of 49 acres of groves combined with allowing agriculture to continue on residential lots (2.7 to 13.5 du/acre) is inadequate. Agricultural uses on lands with density ranging from 2.7 to 13.5 du/acre are not feasible or practicable. On page 3.2-11, the DEIR concludes that the "Proposed Project would promote the planned, orderly, and efficient development of the area, in compliance with LAFCO Policy L-101." That conclusion is based on three factors: (1) SANDAG's Smart Growth concept of development along transportation corridors and in transit nodes; (2) General Plan (GP) 2020 land use designations; and (3) proximity to other development. However, SANDAG's strategy does not take into account agricultural resources in the area, and GP 2020 land use designations have not yet been adopted. In addition, only one of the adjacent developments has been approved while the other two are only proposed at this time. Moreover, one proposed project – Campus Park West – has serious impediments to development since currently it has no access to imported water. Overall, the agricultural impacts should be considered significant and unmitigated due to the loss of prime and non-prime agricultural lands. In addition, the indirect impacts should be addressed in more detail. G-12 It is acknowledged that only one of the adjacent developments (Palomar College Campus) has been approved. However, the other two proposed developments (Campus Park and Campus Park West) are active proposals currently being processed by the County. The Draft EIR for the Campus Park project has completed public review and is in the Final EIR stage. Notwithstanding where in the process these projects' currently exist, they were included in the cumulative analysis throughout the EIR. No changes to the conclusions regarding significance are warranted. G-13 Please see responses to comments C-2, C-4, and G-11. The County acknowledges that LAFCO may make a different conclusion based on its annexation policies.	G-12 Please see response to comment G-4. It is acknowledged that the SANDAG smart growth concept does not take into account agricultural resources and that the General Plan Update land use designations have not yet been adopted. However, the EIR's conclusion that the Proposed Project "would promote the planned, orderly, and efficient development of the area, in compliance with LAFCO Policy L-101" also takes into consideration the fact that the MSP and I-15 Corridor Subregional Plan have envisioned the area at this interchange as a node of future development for many years. Further, the General Plan Update is an indicator of current planning efforts to implement SANDAG smart growth concepts in this area. G-13 It is acknowledged that only one of the adjacent developments (Palomar College Campus) has been approved. However, the other two proposed developments (Campus Park and Campus Park West) are active proposals currently being processed by the County. The Draft EIR for the Campus Park project has completed public review and is in the Final EIR stage. Notwithstanding where in the process these projects' currently exist, they were included in the cumulative analysis throughout the EIR. No changes to the conclusions regarding significance are warranted. G-14 Please see responses to comments C-2, C-4, and G-11. The County acknowledges that LAFCO may make a different conclusion based on its annexation policies.
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Public Services (Utilities) Water and Wastewater Since water and wastewater (sewer) services currently are not available on the property, final project approval is contingent on annexation to obtain those services. While approximately 60% of the project area is in the San Luis Rey Municipal Water District (SLRMWD), the remaining 40% is outside the boundary of any entity that provides those services. Currently, SLRMWD has no access to imported water, has no infrastructure, and service provision is limited to groundwater protection and property owner advocacy. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive water, property must be located in the boundary of a CWA member. At this time, none of the Meadowood planning territory is in the boundary of a member agency and thus is not eligible to obtain imported water. With SLRMWD lacking legal authority to furnish water, sewer, or recycled water, the entire project footprint needs to be in an agency that is entitled to deliver those services. For that reason, adjacent agencies – Rainbow and Valley Center MWDs – that do provide water and sewer service are being evaluated as candidates to furnish those services to the proposed project. The document fails to address the associated impacts on each of the three candidate Districts if selected as the service provider. As mentioned in the DEIR, LAFCO will conduct a Municipal Service Review and Sphere of Influence Update that will evaluate which of three MWDs – Rainbow, San Luis Rey or Valley Center – would be the most appropriate service provider for this region. During the process, the districts' spheres potentially would be modified to indicate which agency should provide water, sewer, and recycled water services to the Meadowood Project site. Page S-2 and other locations in the DEIR state that "Regardless of the MWD that is selected, the applicant would construct all needed water and wastewater facilities to serve the Proposed Project." This constitutes a deferral of environmental review for substantive portions of the infrastructure necessary to support the project. The direct, indirect, cumulative, and growth inducing impacts are not addressed and are deferred. Thus, to be adequate for this process, the EIR needs to identify for each district the impacts resulting from annexation. Decision-makers cannot make informed decisions regarding the environmental implications associated with the selection of the most appropriate service provider when that discussion is deferred. The decision may have significant consequences to land use decisions (densities and land use types). Without that information being presented at this time, decision-makers lack critical information.	G-15 Comment is noted. G-16 It is acknowledged that a Metropolitan Water District (MWD) with legal authority to deliver water, wastewater (sewer) and recycled water services will be required to provide such services to the Proposed Project. It is also acknowledged that the Rainbow and the Valley Center Municipal Water Districts will be evaluated by LAFCO to furnish such services to the Proposed Project. In addition, the potential activation of the San Luis Rey Municipal Water District's latent powers to provide water, wastewater, and recycled water services to the entire Proposed Project will also be evaluated by LAFCO. The determination by LAFCO as to which MWD is appropriate to provide water, wastewater and recycled water services to the Project Site can be made only after the Proposed Project is approved by the Board of Supervisors.
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Public Services (Utilities) Water and Wastewater Since water and wastewater (sewer) services currently are not available on the property, final project approval is contingent on annexation to obtain those services. While approximately 60% of the project area is in the San Luis Rey Municipal Water District (SLRMWD), the remaining 40% is outside the boundary of any entity that provides those services. Currently, SLRMWD has no access to imported water, has no infrastructure, and service provision is limited to groundwater protection and property owner advocacy. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive water, property must be located in the boundary of a CWA member. At this time, none of the Meadowood planning territory is in the boundary of a member agency and thus is not eligible to obtain imported water. With SLRMWD lacking legal authority to furnish water, sewer, or recycled water, the entire project footprint needs to be in an agency that is entitled to deliver those services. For that reason, adjacent agencies – Rainbow and Valley Center MWDs – that do provide water and sewer service are being evaluated as candidates to furnish those services to the proposed project. The document fails to address the associated impacts on each of the three candidate Districts if selected as the service provider. As mentioned in the DEIR, LAFCO will conduct a Municipal Service Review and Sphere of Influence Update that will evaluate which of three MWDs – Rainbow, San Luis Rey or Valley Center – would be the most appropriate service provider for this region. During the process, the districts' spheres potentially would be modified to indicate which agency should provide water, sewer, and recycled water services to the Meadowood Project site. Page S-2 and other locations in the DEIR state that "Regardless of the MWD that is selected, the applicant would construct all needed water and wastewater facilities to serve the Proposed Project." This constitutes a deferral of environmental review for substantive portions of the infrastructure necessary to support the project. The direct, indirect, cumulative, and growth inducing impacts are not addressed and are deferred. Thus, to be adequate for this process, the EIR needs to identify for each district the impacts resulting from annexation. Decision-makers cannot make informed decisions regarding the environmental implications associated with the selection of the most appropriate service provider when that discussion is deferred. The decision may have significant consequences to land use decisions (densities and land use types). Without that information being presented at this time, decision-makers lack critical information.	G-17 This comment accurately states that LAFCO will conduct a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update that will evaluate which of three MWDs – Rainbow, San Luis Rey, or Valley Center – would be the most appropriate service provider for this region. During the process, the MWD's spheres of influence potentially would be modified to indicate which agency should provide water, sewer, and recycled water services to the Project Site. Furthermore, the sphere of influence determination will only be made by LAFCO after the Board of Supervisors grants approval to the Proposed Project. A series of meetings were held in 2005 and 2006 to discuss these issues. Participants in the outreach and coordination meetings were representatives from LAFCO, the Rainbow Municipal Water District, Valley Center Municipal Water District, San Luis Rey Municipal Water District, San Diego County Water Authority, and Yuima Municipal Water District. Each of the Municipal Water Districts referenced is wholly or partially within the Bonsall and Pala Hydrologic Subarea. A working document entitled "Sphere of Influence Update for Municipal Water Districts Within the Bonsall and Pala Hydrologic Subarea dated October 2006" was prepared by LSA & Associates as a result of the meetings held in 2005 and 2006 (the MSR/SOI working document). The MSR/SOI working document which is discussed and incorporated into the EIR provides an analysis and factual description of the Rainbow, Valley Center and San Luis Rey Municipal Water Districts. The EIR fully addresses impacts associated with each of the three candidate MWDs that may be selected as the service provider. Within the text of the EIR and within Appendices N-1 and N-3, the physical water, wastewater and recycled water facilities are identified with specificity as to which facilities would need to be constructed for each potential MWD that could provide water, wastewater and recycled water services to the Proposed Project. An analysis of the environmental effects associated with each of the alternative service provider scenarios for the Proposed Project can be found in Subchapter 4.6 of the EIR. The EIR concludes that direct and cumulative impacts associated with water and wastewater facilities and services are less significant.
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Public Services (Utilities) Water and Wastewater Since water and wastewater (sewer) services currently are not available on the property, final project approval is contingent on annexation to obtain those services. While approximately 60% of the project area is in the San Luis Rey Municipal Water District (SLRMWD), the remaining 40% is outside the boundary of any entity that provides those services. Currently, SLRMWD has no access to imported water, has no infrastructure, and service provision is limited to groundwater protection and property owner advocacy. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive water, property must be located in the boundary of a CWA member. At this time, none of the Meadowood planning territory is in the boundary of a member agency and thus is not eligible to obtain imported water. With SLRMWD lacking legal authority to furnish water, sewer, or recycled water, the entire project footprint needs to be in an agency that is entitled to deliver those services. For that reason, adjacent agencies – Rainbow and Valley Center MWDs – that do provide water and sewer service are being evaluated as candidates to furnish those services to the proposed project. The document fails to address the associated impacts on each of the three candidate Districts if selected as the service provider. As mentioned in the DEIR, LAFCO will conduct a Municipal Service Review and Sphere of Influence Update that will evaluate which of three MWDs – Rainbow, San Luis Rey or Valley Center – would be the most appropriate service provider for this region. During the process, the districts' spheres potentially would be modified to indicate which agency should provide water, sewer, and recycled water services to the Meadowood Project site. Page S-2 and other locations in the DEIR state that "Regardless of the MWD that is selected, the applicant would construct all needed water and wastewater facilities to serve the Proposed Project." This constitutes a deferral of environmental review for substantive portions of the infrastructure necessary to support the project. The direct, indirect, cumulative, and growth inducing impacts are not addressed and are deferred. Thus, to be adequate for this process, the EIR needs to identify for each district the impacts resulting from annexation. Decision-makers cannot make informed decisions regarding the environmental implications associated with the selection of the most appropriate service provider when that discussion is deferred. The decision may have significant consequences to land use decisions (densities and land use types). Without that information being presented at this time, decision-makers lack critical information.	G-18 This comment correctly states that the EIR provides that "Regardless of the Municipal Water District that is selected, the applicant would construct all needed water and wastewater facilities to serve the Proposed Project." There has not been a deferral of environmental review for a substantial portion of the water, wastewater and recycled water infrastructure necessary to support the Proposed Project. The direct, indirect, cumulative and growth-inducing effects of the water, wastewater, and recycled water facilities for each MWD needed for the Proposed Project are addressed in the aesthetics, transportation, biology, cultural resources, noise, public services, and project alternative sections of the EIR and the discussion of these environmental effects has not been deferred. The EIR concludes that each of the effects referenced in this comment are less than significant or will be mitigated to below a level of significance. See also response to comment G-17 above. Subchapters S.1, Project Description, and 4.6.4, Water Provider and Infrastructure of the Final EIR have been revised to clarify that "the required facilities for each MWD are analyzed within the chapters of the EIR and impacts, if any, have been identified." G-19 See responses to comments G-18 and G-19 above. It is agreed that the EIR needs to identify for each MWD the impacts resulting from annexation if this EIR is to be used by LAFCO and an MWD for annexation proceedings. Responses to comments G-18 and G-19 demonstrate that the EIR's analysis of the Proposed Project includes, without deferring required analysis, the impacts resulting from annexation of the Proposed Project into an MWD.
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On page 1-11, the document recognizes that should the SLRMWD be selected as the water service provider, the District will need to apply for membership on CWA along with annexation of its service area to both CWA and MET. Moreover, for SLRMWD to provide water service, LAFCO also would have to activate the District's latent water powers. In addition, the DEIR should acknowledge on page 4-54 that if SLRMWD is identified as the wastewater provider, latent powers for sewer service would need to be activated as well. The discussion included in the DEIR is extremely limited and does not present sufficient information for the reader to reach the same conclusions as the preparer. Information contained in the technical appendices pertaining to the off-set program did not provide sufficient assurances that the off-set measures would be achieved prior to the water demand being generated, and revealed that numerous decisions would be deferred to a later date. The DEIR concludes that there are no significant impacts because a design measure would be incorporated to specify that the off-set program be developed in connection with annexation. It would seem more appropriate to identify this as a potentially significant impact that can be mitigated through a condition of approval. There are concerns with the manner in which the design measure is phrased. Due to the lack of assurances of the performance standard and requirement for timing, it is recommended that the measure be modified. The design measure should be revised to state that the off-set program shall establish a net zero project-wide water demand and that the off-set program shall be in place prior to annexation. This language reduces the potential interpretation that a net-zero result is just a goal and that participation in the off-set program could be delayed until after the demand was being generated. The cumulative discussion is inadequate and makes conclusions without supporting data. With the substantial issues facing the regional water supply (court ruling on endangered fish, three years of drought, reduced Colorado River deliveries, etc.), and the presumption that the proposed General Plan Amendment (GPA) will result in increased water demand over that anticipated under the existing GP, the conclusion that impacts to water are not significant is unsubstantiated. The wastewater section is inadequate and defers an important discussion of the potential impacts to a later date when decisions are made relative to which agency is selected to be the sewer service provider. Also, potential cumulative and growth-inducing impacts are not discussed. Since a wastewater treatment plant is proposed for construction, it would seem appropriate to ensure that the facility be designed to accommodate additional future demand if proposed development on adjacent territory is approved. Pages 1-6 and 1-7 recognize and discuss the possibility that the wastewater treatment plant could be sized and sited to accommodate the Meadowood project and then expanded to serve nearby projects.	G-20 The County concurs with this comment. Subchapters 1.2.1, LAFCO, and 4.6.4, Water Provider and Infrastructure of the Final EIR have been revised to reflect that selection of SLRMWD as service provider would require LAFCO to activate the District's latent powers for water and sewer service. G-21 Please refer to response to comments G-15 through G-21. G-22 The County acknowledges this comment. The offset requirement will be a condition of project approval. Specifically, Meadowood would fund the development of an off-site water recycling project or fund alternative program(s) to offset the remainder of Meadowood's water demands. As part of a water supply offset program, Pardee Homes could fund advanced treatment improvements to produce recycled water and various recycled water pipeline projects to offset the use of imported water. Examples of recycled water pipeline projects would be: (a) Retrofitting irrigation systems that currently use imported water with purple pipe for use with recycled water (e.g., golf courses, Caltrans, and other landscaped areas). (b) Entering into interagency agreements with other SDCWA member agencies whereby projects within the boundary of other Districts can be retrofitted with purple pipe and a credit given to Meadowood's water supplying district for the imported water savings within the other District. (c) Recycled water offsets could also be achieved by providing recycled water to large outdoor swimming pools instead of reliance upon imported water for such purpose. By participating in any such program(s) the offset would be equal to the volume of recycled water used instead of the imported water that otherwise would have been used. In addition to recycled water, Pardee Homes could fund various water conservation projects supported by the supplying agency. Possible conservation projects to offset potable water may include:
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LETTER

RESPONSE

On page 1-11, the document recognizes that should the SLRMWD be selected as the water service provider, the District will need to apply for membership on CWA along with annexation of its service area to both CWA and MET. Moreover, for SLRMWD to provide water service, LAFCO also would have to activate the District's latent water powers. In addition, the DEIR should acknowledge on page 4-54 that if SLRMWD is identified as the wastewater provider, latent powers for sewer service would need to be activated as well. The discussion included in the DEIR is extremely limited and does not present sufficient information for the reader to reach the same conclusions as the preparer. Information contained in the technical appendices pertaining to the off-set program did not provide sufficient assurances that the off-set measures would be achieved prior to the water demand being generated, and revealed that numerous decisions would be deferred to a later date. The DEIR concludes that there are no significant impacts because a design measure would be incorporated to specify that the off-set program be developed in connection with annexation. It would seem more appropriate to identify this as a potentially significant impact that can be mitigated through a condition of approval. There are concerns with the manner in which the design measure is phrased. Due to the lack of assurances of the performance standard and requirement for timing, it is recommended that the measure be modified. The design measure should be revised to state that the off-set program shall establish a net zero project-wide water demand and that the off-set program shall be in place prior to annexation. This language reduces the potential interpretation that a net-zero result is just a goal and that participation in the off-set program could be delayed until after the demand was being generated. The cumulative discussion is inadequate and makes conclusions without supporting data. With the substantial issues facing the regional water supply (court ruling on endangered fish, three years of drought, reduced Colorado River deliveries, etc.), and the presumption that the proposed General Plan Amendment (GPA) will result in increased water demand over that anticipated under the existing GP, the conclusion that impacts to water are not significant is unsubstantiated. The wastewater section is inadequate and defers an important discussion of the potential impacts to a later date when decisions are made relative to which agency is selected to be the sewer service provider. Also, potential cumulative and growth-inducing impacts are not discussed. Since a wastewater treatment plant is proposed for construction, it would seem appropriate to ensure that the facility be designed to accommodate additional future demand if proposed development on adjacent territory is approved. Pages 1-6 and 1-7 recognize and discuss the possibility that the wastewater treatment plant could be sized and sited to accommodate the Meadowood project and then expanded to serve nearby projects.	(i) Ultra-low flow toilet retrofits (ii) High-efficiency (usually horizontal axis) clothes washers (iii) Conversion of school fields to artificial turf (iv) Weather-based irrigation controllers (v) Replacing inefficient water intensive industrial/commercial air cooling systems. The specific conditions of annexation will be set by the MWD and the SDCWA when specific requirements will be identified. G-23 The County acknowledges this comment. Please see response to comment G-22. G-24 The County acknowledges this comment. G-25 Refer to response to comment Q-2 which addresses drought issues facing regional water supply, reasons why the Proposed Project will result in no net increase in water demand, and substantiation for the Proposed Projects' conclusions that impacts are less than significant. G-26 In response to this and other comments received during public review, the County facilitated the preparation of the County of San Diego Fallbrook Projects-Feasibility Study dated October 19, 2010 ("Feasibility Study") The Feasibility Study was prepared to address and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to wastewater service to the region. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent Campus Park West project and other areas in the direct vicinity (see Feasibility Study, Figure 1).
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G-26 (cont.)

The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. While the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP, if one project is not approved or not built, the regional WWTP would not be necessary or feasible. Therefore, an allowance would be necessary for the installation and construction of an individual project serving WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated, planned approach to wastewater service for the region.

Subchapter 4.6.5 of the Final EIR has been updated to include information from the Feasibility Study. Direct impacts are less than significant because the proposed on-site WWTP meets current estimated wastewater generation and conforms to relevant policies, impacts associated with wastewater generation and treatment would be less than significant. All on- and off-site impacts associated with the extension of water facilities related to individual resource areas are detailed throughout Chapters 2 and 3, as follows: Aesthetics (Chapter 2.1), Air Quality (Chapter 2.2), Transportation/Traffic (Chapter 2.3), Biology (Chapter 3.1), Cultural Resources (Chapter 3.3), Noise (Chapter 3.4), and Hazards (Chapter 3.5).

Regarding wastewater, in order to assure that privately proposed wastewater treatment plants would meet the anticipated needs of the project and the subregion, the Feasibility Study was completed. The Feasibility Study is included in the EIR as Appendix N-4. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent Campus Park West project and other areas in the direct vicinity (see Feasibility Study, Figure 1). While the Feasibility Study concluded this area would be best served by a regional WWTP, it acknowledged that if one project is not approved or not built, a regional WWTP may not be required. Therefore, it is necessary that the Proposed Project would include an individual project-serving WWTP.

On page 1-11, the document recognizes that should the SLRMWD be selected as the water service provider, the District will need to apply for membership on CWA along with annexation of its service area to both CWA and MET. Moreover, for SLRMWD to provide water service, LAFCO also would have to activate the District's latent water powers. In addition, the DEIR should acknowledge on page 4-54 that if SLRMWD is identified as the wastewater provider, latent powers for sewer service would need to be activated as well.

The discussion included in the DEIR is extremely limited and does not present sufficient information for the reader to reach the same conclusions as the preparer. Information contained in the technical appendices pertaining to the off-set program did not provide sufficient assurances that the off-set measures would be achieved prior to the water demand being generated, and revealed that numerous decisions would be deferred to a later date.

The DEIR concludes that there are no significant impacts because a design measure would be incorporated to specify that the off-set program be developed in connection with annexation. It would seem more appropriate to identify this as a potentially significant impact that can be mitigated through a condition of approval.

There are concerns with the manner in which the design measure is phrased. Due to the lack of assurances of the performance standard and requirement for timing, it is recommended that the measure be modified. The design measure should be revised to state that the off-set program shall establish a net zero project-wide water demand and that the off-set program shall be in place prior to annexation. This language reduces the potential interpretation that a net-zero result is just a goal and that participation in the off-set program could be delayed until after the demand was being generated.

The cumulative discussion is inadequate and makes conclusions without supporting data. With the substantial issues facing the regional water supply (court ruling on endangered fish, three years of drought, reduced Colorado River deliveries, etc.), and the presumption that the proposed General Plan Amendment (GPA) will result in increased water demand over that anticipated under the existing GP, the conclusion that impacts to water are not significant is unsubstantiated.

The wastewater section is inadequate and defers an important discussion of the potential impacts to a later date when decisions are made relative to which agency is selected to be the sewer service provider. Also, potential cumulative and growth-inducing impacts are not discussed. Since a wastewater treatment plant is proposed for construction, it would seem appropriate to ensure that the facility be designed to accommodate additional future demand if proposed development on adjacent territory is approved. Pages 1-6 and 1-7 recognize and discuss the possibility that the wastewater treatment plant could be sized and sited to accommodate the Meadowood project and then expanded to serve nearby projects.

G-26

G-26 (cont.)

The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated, planned approach to wastewater service for the region. If and when such connection to a regional facility is feasible, the individual WWTP, that is currently included as a part of the Proposed Project, would be decommissioned and the Proposed Project would connect to the regional WWTP.

An impact is cumulatively considerable if the incremental effect of the project is considerable when viewed in connection with the effects of past projects, other current projects, and probable future projects. (14 Cal Code Regs §15065(a)(3)). While the absence of wastewater service in the project area may render a significant cumulative impact to wastewater systems and infrastructure, the project's contribution to that significant effect is not cumulatively considerable. The Proposed Project would construct and maintain a WWTP to process the wastewater generated only from the project. The Proposed Project would not generate wastewater that would require treatment other than by the Proposed Project's WWTP. Therefore, the Proposed Project would not make a cumulatively considerable contribution to impacts associated with wastewater treatment and disposal.

Subchapter 1.8.4, Growth Inducement Due to Extension of Public Facilities, was also updated pursuant to the conclusions from the Feasibility Study. As stated previously, the Feasibility Study analyzed the appropriate areas and facilities required for a regional solution to water, recycled water and wastewater infrastructure (Feasibility Study, Figures 6, 7 and 8) but determined that each project could proceed independently with facilities to serve the individual projects. The construction and implementation of a regional infrastructure would not be necessary or feasible; therefore, growth induction impacts would

On page 1-11, the document recognizes that should the SLRMWD be selected as the water service provider, the District will need to apply for membership on CWA along with annexation of its service area to both CWA and MET. Moreover, for SLRMWD to provide water service, LAFCO also would have to activate the District's latent water powers. In addition, the DEIR should acknowledge on page 4-54 that if SLRMWD is identified as the wastewater provider, latent powers for sewer service would need to be activated as well.

The discussion included in the DEIR is extremely limited and does not present sufficient information for the reader to reach the same conclusions as the preparer. Information contained in the technical appendices pertaining to the off-set program did not provide sufficient assurances that the off-set measures would be achieved prior to the water demand being generated, and revealed that numerous decisions would be deferred to a later date.

The DEIR concludes that there are no significant impacts because a design measure would be incorporated to specify that the off-set program be developed in connection with annexation. It would seem more appropriate to identify this as a potentially significant impact that can be mitigated through a condition of approval.

There are concerns with the manner in which the design measure is phrased. Due to the lack of assurances of the performance standard and requirement for timing, it is recommended that the measure be modified. The design measure should be revised to state that the off-set program shall establish a net zero project-wide water demand and that the off-set program shall be in place prior to annexation. This language reduces the potential interpretation that a net-zero result is just a goal and that participation in the off-set program could be delayed until after the demand was being generated.

The cumulative discussion is inadequate and makes conclusions without supporting data. With the substantial issues facing the regional water supply (court ruling on endangered fish, three years of drought, reduced Colorado River deliveries, etc.), and the presumption that the proposed General Plan Amendment (GPA) will result in increased water demand over that anticipated under the existing GP, the conclusion that impacts to water are not significant is unsubstantiated.

The wastewater section is inadequate and defers an important discussion of the potential impacts to a later date when decisions are made relative to which agency is selected to be the sewer service provider. Also, potential cumulative and growth-inducing impacts are not discussed. Since a wastewater treatment plant is proposed for construction, it would seem appropriate to ensure that the facility be designed to accommodate additional future demand if proposed development on adjacent territory is approved. Pages 1-6 and 1-7 recognize and discuss the possibility that the wastewater treatment plant could be sized and sited to accommodate the Meadowood project and then expanded to serve nearby projects.

G-26

G-26 (cont.)

be speculative pursuant to CEQA section 15145. The location and timing for siting a region wide-serving WWTP will be determined by the MWD serving the Proposed Project. The MWD that will provide service to the Proposed Project cannot be identified until LAFCO takes action on a SOI determination. Because LAFCO cannot take action on a SOI determined until the Proposed Project's Final EIR is certified, the determination of siting and sizing of a region wide serving WWTP is speculative at this time.

On page 1-11, the document recognizes that should the SLRMWD be selected as the water service provider, the District will need to apply for membership on CWA along with annexation of its service area to both CWA and MET. Moreover, for SLRMWD to provide water service, LAFCO also would have to activate the District's latent water powers. In addition, the DEIR should acknowledge on page 4-54 that if SLRMWD is identified as the wastewater provider, latent powers for sewer service would need to be activated as well.

The discussion included in the DEIR is extremely limited and does not present sufficient information for the reader to reach the same conclusions as the preparer. Information contained in the technical appendices pertaining to the off-set program did not provide sufficient assurances that the off-set measures would be achieved prior to the water demand being generated, and revealed that numerous decisions would be deferred to a later date.

The DEIR concludes that there are no significant impacts because a design measure would be incorporated to specify that the off-set program be developed in connection with annexation. It would seem more appropriate to identify this as a potentially significant impact that can be mitigated through a condition of approval.

There are concerns with the manner in which the design measure is phrased. Due to the lack of assurances of the performance standard and requirement for timing, it is recommended that the measure be modified. The design measure should be revised to state that the off-set program shall establish a net zero project-wide water demand and that the off-set program shall be in place prior to annexation. This language reduces the potential interpretation that a net-zero result is just a goal and that participation in the off-set program could be delayed until after the demand was being generated.

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G-26

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G-27

If a facility to provide service on a region-wide basis is built, additional environmental review would be required. However, no follow-up or discussion of the potential for growth-inducing or cumulative impacts ensues. Nevertheless, a qualitative discussion is appropriate since quantification of these impacts may be speculative. The proposed wastewater treatment facility is located adjacent to multi-family dwellings, which may be a conflict of land use designations. This section does not address those impacts. The Utilities section (water and wastewater) needs to be revised. Overall, it is confusing, lacks detail and, based upon the level of detail, may warrant being placed in the impacts considered significant. • Fire Protection and Emergency Medical Services While the project area is outside the North County Fire Protection District (FPD), it is in the District's sphere of influence. The DEIR acknowledges that annexation of the project site for fire and emergency medical services also will be necessary. A Fire Protection Plan has been prepared and should be implemented to comply with the requirements of the North County FPD. Growth Inducement The conclusions and discussion in the growth inducing section are unsubstantiated. Relying upon a draft, not adopted, General Plan Update and a growth strategy by SANDAG to justify development is not well founded. CEQA requires that the discussion of impacts should be conducted on the ground. Therefore, utilizing a draft General Plan is not appropriate. The growth strategy proposed by SANDAG in the Regional Comprehensive Plan (RCP) indicated that growth should be directed toward areas served by transportation. However, the RCP also acknowledged that proposed projects should not create significant adverse impacts. Stating that there are no growth-inducing impacts because the area has been planned for growth in the past is not substantiated, particularly when a GPA has been proposed in conjunction with the development plan. Issues related to the wastewater treatment plant and the potential for expansion should also be identified as potentially inducing growth. Other Topics <i>Land Use</i> Land use should be reevaluated since the project proposes a GPA, which is by definition a conflict with the existing GP. Thus, impacts should not be discussed relative to a GP update that has not yet been adopted; rather the impacts of plan to plan and plan to ground should be fully evaluated.	G-28 Please refer to responses to comments G-26 and G-27. G-29 The EIR does address potential land use effects of a wastewater treatment plant located adjacent to multi-family dwellings. Please refer to response to comment K-31 which addresses the proximity of the WWTP to residential land uses and a discussion of the potential impacts and proposed mitigation associated with its proposed location. However, in response to this comment as well as response to a comment received from the preferred service provider, VCMWD (I-9), the Proposed Project and the Final EIR, has been revised to reflect a 250-foot buffer from the WWTP to proposed residences. Please see Subchapter 1.2.1, Water/Wastewater Services of the Final EIR. G-30 In response to comments, the Utilities and Service Systems Chapter was revised to reflect updates to regional water supply issues as well as the Feasibility Study, as discussed above. The County disagrees that any revisions would result in significant impacts. Please see responses to comments G-26 and G-27 regarding the analysis of wastewater service. Subchapter 4.6 of the Final EIR addresses impacts to water service. As detailed throughout this subchapter, the Proposed Project includes specific design measures to assure significant impacts associated with potable water demands are less than significant. These design measures are set forth in Table 1-5 and Subchapter 8 (MMRP) of the EIR and include the use of either reclaimed water or groundwater to irrigate common areas and retained agricultural groves, application of the new stormwater regulations requiring efficient irrigation, installation of low water usage appliances, and the requirement to develop an off-set program to achieve a net zero project-wide water demand. G-31 The comment accurately summarizes the Proposed Project's Fire Protection status.
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G-32

G-33

The County disagrees that land use impacts are discussed relative to the General Plan Update rather than the existing General Plan. Land use impacts were evaluated based on thresholds from CEQA Guidelines, Appendix G which include consistency with applicable and use plans and potential to divide an established community. Subchapter 1.6, Inconsistencies of Project with Applicable Regional and General Plans, outlines the inconsistencies of the Proposed Project with the adopted General Plan and these are further discussed in Subchapter 4.1.4, Proposed Project Inconsistencies with Land Use Plans, Policies, and Regulations (Guideline 1). Therefore, inconsistencies relative to the General Plan are based on the adopted General Plan, not the Draft General Plan Update.

Impacts resulting from the proposed GPA are addressed on a “plan to ground” basis in the EIR in each of the individual topic areas. As identified, the Proposed Project would result in: (1) significant unmitigated impacts associated with aesthetics, air quality, and transportation/traffic; (2) significant mitigated impacts associated with biological resources, agricultural resources, geology and soils, cultural resources, noise, and hazards/hazardous materials; and (3) less than significant effects associated with land use, hydrology and water quality, public services, population and housing, mineral resources, and utilities.

If a facility to provide service on a region-wide basis is built, additional environmental review would be required. However, no follow-up or discussion of the potential for growth-inducing or cumulative impacts ensues. Nevertheless, a qualitative discussion is appropriate since quantification of these impacts may be speculative. The proposed wastewater treatment facility is located adjacent to multi-family dwellings, which may be a conflict of land use designations. This section does not address those impacts.

The Utilities section (water and wastewater) needs to be revised. Overall, it is confusing, lacks detail and, based upon the level of detail, may warrant being placed in the impacts considered significant.

- Fire Protection and Emergency Medical Services

While the project area is outside the North County Fire Protection District (FPD), it is in the District's sphere of influence. The DEIR acknowledges that annexation of the project site for fire and emergency medical services also will be necessary. A Fire Protection Plan has been prepared and should be implemented to comply with the requirements of the North County FPD.

Growth Inducement

The conclusions and discussion in the growth inducing section are unsubstantiated. Relying upon a draft, not adopted, General Plan Update and a growth strategy by SANDAG to justify development is not well founded. CEQA requires that the discussion of impacts should be conducted on the ground. Therefore, utilizing a draft General Plan is not appropriate. The growth strategy proposed by SANDAG in the Regional Comprehensive Plan (RCP) indicated that growth should be directed toward areas served by transportation. However, the RCP also acknowledged that proposed projects should not create significant adverse impacts. Stating that there are no growth-inducing impacts because the area has been planned for growth in the past is not substantiated, particularly when a GPA has been proposed in conjunction with the development plan. Issues related to the wastewater treatment plant and the potential for expansion should also be identified as potentially inducing growth.

Other Topics

Land Use

Land use should be reevaluated since the project proposes a GPA, which is by definition a conflict with the existing GP. Thus, impacts should not be discussed relative to a GP update that has not yet been adopted; rather the impacts of plan to plan and plan to ground should be fully evaluated.

G-33

LETTER

RESPONSE

Air Quality

Based upon a cursory review of this section, the County should conduct a full evaluation to determine whether the associated architectural emissions are actually reduced to below a level of significance. There were no data included in the DEIR to confirm those conclusions. Considering the size and number of homes likely to be constructed, architectural emissions often will exceed the thresholds.

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at (619) 531-5400.

Ingrid E. Hansen

INGRID E. HANSEN
Chief, Governmental Services

IEH/leh

G-34

G-35

The County disagrees that a full evaluation of architectural emissions was not conducted for the Proposed Project. The EIR identifies AQ-2, air quality impacts resulting from the architectural coating phase of construction as a significant impact related to the volatile organic compounds (VOC) content of the coatings. Mitigation identified in the EIR requires that the applicant use interior coatings with a VOC content less than or equal to 50 grams per liter; residential exterior coatings with a content less than or equal to 100 grams per liter; and non-residential exterior coatings and interior coatings with a content less than or equal to 250 grams per liter. These are requirements of the South Coast Air Quality Management District, but not San Diego APCD, hence they are identified as Mitigation Measure AQ-2. The low VOC content coatings were then inputted in the model and showed that emissions from the low VOC content coatings would be reduced to a level of less than significant.

Closing statement is noted; no response is necessary.

Letter H  SMITH TRAGER LLP October 12, 2009 Mr. Dennis Campbell Project Manager Department of Planning and Land Use County of San Diego 5201 Ruffin Road, Suite B San Diego, CA 92123 Re: Draft Environmental Impact Report, Meadowood Project State Clearinghouse No. 2004051028 Dear Mr. Campbell: The San Luis Rey Municipal Water District ("SLRMWD") appreciates the opportunity to provide comments on the Draft Environmental Impact Report ("DEIR") prepared by the County of San Diego Department of Planning and Land Use ("County") for the Meadowood Project ("Project"), pursuant to the California Environmental Quality Act, Public Resources Code section, 21000 et seq. ("CEQA") and its implementing guidelines, California Code of Regulations, title 14, section 15000 et seq. ("Guidelines"). The Meadowood Project is owned by Pardee Homes, a California Corporation ("Property Owner"). SLRMWD has been identified as a CEQA responsible agency in the DEIR. As such, it has reviewed the EIR, and finds it inadequate under CEQA. SLRMWD requests that the County refrain from certifying the DEIR, until critical inadequacies are addressed in the County's analysis, and until appropriate mitigation measures and a monitoring report is developed. <u>Summary</u> This DEIR avoids describing the actual project under consideration by the County. It does so by shifting its project description, and by deferring to some later time, the critical analytical work and decision-making which must first be undertaken by other public agencies such as the San Diego County Local Agency Formation Commission ("LAFCO"), by the San Diego County Water Authority and by the Metropolitan Water District of Southern California. 19712 MacArthur Blvd., Suite 120 Irvine, California 92612 telephone (949) 752-8971 facsimile (949) 863-9804 2192 Martin, Suite 270 Irvine, California 92612 tel / fax (949) 474-2231 2140 Shattuck Avenue, Suite 305 Berkeley, California 94704 telephone (510) 647-9873 facsimile (510) 647-9883 www.smithtrager.com	H-1 This comment is introductory and requires no response. H-2 The County of San Diego acknowledges and appreciates this comment; however, the comment fails to provide any legal basis for the conclusion that the EIR is inadequate. Therefore, no further response is required. H-3 The County disagrees with this comment. The EIR accurately and completely describes the Proposed Project and the reasonably foreseeable decision-making activities, in the proper sequence, which will need to be undertaken by other public agencies. There has been no deferral of any analytical work necessary for the reasonably foreseeable activities related to the Proposed Project. The Proposed Project must be approved before LAFCO will undertake a Municipal Services Review (MSR) and a sphere of influence (SOI) update for the potential water and wastewater service provider upon and adjacent to the Project Site. Action(s) subsequent to LAFCO concluding its MSR and SOI Determination will include annexation proceedings also conducted by LAFCO for annexation into a Municipal Water District (MWD), the San Diego County Water Authority (SDCWA) and the Metropolitan Water District (MET). Annexation into the North County Fire Protection District will also be conducted at that time. An analysis of the environmental effects associated with provision of water and sewer service under each of the alternative service providers is discussed in the Final EIR, Subchapter 4.6.4. The EIR concludes that direct and cumulative impacts associated with water and wastewater facilities and services would be less than significant. LAFCO, acting as a responsible agency under CEQA, will rely upon those and other appropriate Subchapters of the EIR when making its SOI determination.
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SMITH TRAGER
LLP

October 12, 2009

Mr. Dennis Campbell
Project Manager
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: Draft Environmental Impact Report, Meadowood Project
State Clearinghouse No. 2004051028

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Summary

This DEIR avoids describing the actual project under consideration by the County. It does so by shifting its project description, and by deferring to some later time, the critical analytical work and decision-making which must first be undertaken by other public agencies such as the San Diego County Local Agency Formation Commission ("LAFCO"), by the San Diego County Water Authority and by the Metropolitan Water District of Southern California.

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H-3 (cont.)

Furthermore, a series of meetings were held in 2005 and 2006 to discuss a MSR/SOI Update for the Proposed Project area. Participants in the outreach and coordination meetings included representatives from LAFCO, Rainbow Municipal Water District (RMWD), Valley Center Municipal Water District (VCMWD), San Luis Rey Municipal Water District (SLRMWD), SDCWA, and Yucaipa Valley Water District (YVWD). Each of the MWDs referenced is wholly or partially within the Bonsall and Pala Hydrologic Subarea. A working document entitled "Sphere of Influence Update for Municipal Water District's Within the Bonsall and Pala Hydrologic Subarea dated October 2006" was prepared by LSA & Associates as a result of the meetings held in 2005 and 2006 (MSR/SOI working document). The MSR/SOI working document which is discussed and incorporated into the EIR provides an analysis and factual description of the RMWD, VCMWD, and SLRMWD. An update to the MSR/SOI working document will also be used by LAFCO when conducting its MSR for the area.

Pursuant to LAFCO, the MSR/SOI process cannot be officially initiated until the Proposed Project is approved by the Board of Supervisors. As a consequence, only after LAFCO completes the MSR, and makes its SOI determination, will the MWD be identified. After the SOI determination is made by LAFCO, discussions will proceed with the MWD to confirm the siting, sizing and design of facilities needed by the MWD. Should the MWD be satisfied with the design of facilities analyzed in the Proposed Project EIR, adequate environmental review would have been performed to enable that work to proceed.

H-3

Mr. Dennis Campbell October 12, 2009 Page 2 The DEIR's lack of a complete project description, the deferral of LAFCO's analysis, and the lack of specificity as to the source of the water to be served and the plumbing required, undermines this DEIR's purpose, and places SLRMWD in the position of not knowing whether it is this DEIR which supports an agency action by LAFCO, and if so, what manner of agency reorganization is being contemplated, if at all. LAFCO is tasked (according to the DEIR) with the responsibility of determining which public agency will be designated the public water purveyor to this project. Designation of any one of the three possible choices would involve impacts to the available water supply, both imported and local, and would also require agency action by not only LAFCO, but by other water agencies which are likely to impose requirements on the Property Owner which themselves will have adverse environmental consequences on pumps in SLRMWD, and on SLRMWD's adopted Groundwater Management Plan. Separate and independent from that failure, the DEIR's analysis of the project's impacts to both local and imported water availability falls far short of the analysis required in a competent Water Supply Assessment under the codified provisions of Senate Bill 221 and Senate Bill 610 of the 2001 Legislative Session. More critically to this agency, the DEIR falls short of analyzing the environmental impacts of LAFCO's selection of a water purveyor other than the SLRMWD, including impacts to the water supply of SLRMWD's pumps, to SLRMWD's adopted groundwater management plan, and to the SLRMWD's own storage rights. The DEIR's failure to analyze adequately the growth-inducing and cumulative impacts associated with the Project is also troublesome, particularly in the analysis of water availability. Were LAFCO to select SLRMWD as the water service provider for the Project, LAFCO could activate SLRMWD's latent power of water service throughout some or all of SLRMWD's existing service area. Once SLRMWD had the power to provide water service throughout its service area, other landowners could reasonably be expected to convert their agricultural lands to residential development. These growth-inducing impacts were not analyzed in the DEIR. <u>Interest of SLRMWD</u> SLRMWD is a special-purpose government agency, organized and existing pursuant to Municipal Water District Law of 1911, Water Code section 71000, et seq. SLRMWD has the power to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district" Water Code, section 71610.	H-4 The County disagrees with this comment. See response to comment H-3 above. The source of water for provision of water service to the Proposed Project will be from the SDCWA as indicated in the Water Supply Assessment and Water Verification Report in Appendix N-2 and described in the Final EIR Subchapter 4.6. The water facilities needed to serve the Proposed Project are described in Subchapter 4.6.4 of the Final EIR for each of the potential Municipal Water Districts. H-5 The comment that "LAFCO is tasked (according to the EIR) with the responsibility of determining which public agency will be designated as the public water purveyor to this project" has been noted by the County. The adequacy of the availability of imported water for the Proposed Project has been verified as shown in the Water Supply Assessment and Water Verification Report in Technical Appendix N-2 (See also response to comment H-4). The Proposed Project does not propose pumping groundwater off-site or using groundwater as part of an imported water offset program. Groundwater may, however, be used on-site for irrigation purposes to supplement recycled water use during drier and hotter periods of the year. The Proposed Project will require 329 acre-feet per year of non-potable water for outdoor irrigation at the school, park, HOA areas, right-of-ways, and retained groves. Recycled water deliveries from the proposed wastewater treatment plant would provide 189 acre-feet per year towards the demand, and 140 acre-feet per year of on-site groundwater would supply the remainder. Existing on-site agricultural groundwater demand is estimated to be 618 acre-feet per year. The Proposed Project's groundwater demand would be 140 acre-feet per year. This would result in a reduction of approximately 478 acre-feet per year in the overall use of groundwater, compared to existing conditions. Therefore, there would not be a significant impact to existing groundwater resources in the SLRMWD or to the SLRMWD Groundwater Management Plan.
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Mr. Dennis Campbell October 12, 2009 Page 2 The DEIR's lack of a complete project description, the deferral of LAFCO's analysis, and the lack of specificity as to the source of the water to be served and the plumbing required, undermines this DEIR's purpose, and places SLRMWD in the position of not knowing whether it is this DEIR which supports an agency action by LAFCO, and if so, what manner of agency reorganization is being contemplated, if at all. LAFCO is tasked (according to the DEIR) with the responsibility of determining which public agency will be designated the public water purveyor to this project. Designation of any one of the three possible choices would involve impacts to the available water supply, both imported and local, and would also require agency action by not only LAFCO, but by other water agencies which are likely to impose requirements on the Property Owner which themselves will have adverse environmental consequences on pumps in SLRMWD, and on SLRMWD's adopted Groundwater Management Plan. Separate and independent from that failure, the DEIR's analysis of the project's impacts to both local and imported water availability falls far short of the analysis required in a competent Water Supply Assessment under the codified provisions of Senate Bill 221 and Senate Bill 610 of the 2001 Legislative Session. More critically to this agency, the DEIR falls short of analyzing the environmental impacts of LAFCO's selection of a water purveyor other than the SLRMWD, including impacts to the water supply of SLRMWD's pumps, to SLRMWD's adopted groundwater management plan, and to the SLRMWD's own storage rights. The DEIR's failure to analyze adequately the growth-inducing and cumulative impacts associated with the Project is also troublesome, particularly in the analysis of water availability. Were LAFCO to select SLRMWD as the water service provider for the Project, LAFCO could activate SLRMWD's latent power of water service throughout some or all of SLRMWD's existing service area. Once SLRMWD had the power to provide water service throughout its service area, other landowners could reasonably be expected to convert their agricultural lands to residential development. These growth-inducing impacts were not analyzed in the DEIR. <u>Interest of SLRMWD</u> SLRMWD is a special-purpose government agency, organized and existing pursuant to Municipal Water District Law of 1911, Water Code section 71000, et seq. SLRMWD has the power to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district" Water Code, section 71610.	H-6 The County disagrees with this comment. An analysis of Proposed Project impacts to both local and imported water availability is included in the Final EIR, Subchapter 4.6.4. The WSA&V Report (Appendix N-2) evaluates water supplies that are or will be available during normal, single dry, and multiple dry water years during a 20-year projection to meet existing demands, expected demands of the Proposed Project, and reasonably foreseeable planned future water demands served by the public water system. The WSA&V was prepared pursuant to Public Resources Code Section 21151.9, and California Water Code Sections 10631, 10656, 10910, 10911, 10912, and 10915 referred to as SB 610 and Business and Professions Code Section 11010, Government Code Sections 65867.5, 66455.3, and 66473.7 referred to as SB 221. The comment fails to provide any legal basis for the conclusion that the water supply analysis is inadequate. Therefore, no further response is required. H-7 Please see response to comment H-4 above. The EIR analyzes the impacts of the Proposed Project not only to the SLRMWD, but also to the VCMWD and the RMWD (see Final EIR Subchapter 4.6.4). The Proposed Project's groundwater demand would be 140 acre-feet per year. This would result in a reduction of approximately 478 acre-feet per year in the overall use of groundwater, compared to existing conditions. Therefore, there would not be a significant impact to existing groundwater resources. The groundwater will only be used for non-potable on-site outdoor irrigation during drier and hotter periods along with recycled water. Additionally, the potable water supply for the Proposed Project will be limited to imported water from MET and the SDCWA, which will provide imported water supplies to the MWD (a public water system, as defined by the Water Code, Section 10910(b)) that will serve the Proposed Project.
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Mr. Dennis Campbell October 12, 2009 Page 2 The DEIR's lack of a complete project description, the deferral of LAFCO's analysis, and the lack of specificity as to the source of the water to be served and the plumbing required, undermines this DEIR's purpose, and places SLRMWD in the position of not knowing whether it is this DEIR which supports an agency action by LAFCO, and if so, what manner of agency reorganization is being contemplated, if at all. LAFCO is tasked (according to the DEIR) with the responsibility of determining which public agency will be designated the public water purveyor to this project. Designation of any one of the three possible choices would involve impacts to the available water supply, both imported and local, and would also require agency action by not only LAFCO, but by other water agencies which are likely to impose requirements on the Property Owner which themselves will have adverse environmental consequences on pumps in SLRMWD, and on SLRMWD's adopted Groundwater Management Plan. Separate and independent from that failure, the DEIR's analysis of the project's impacts to both local and imported water availability falls far short of the analysis required in a competent Water Supply Assessment under the codified provisions of Senate Bill 221 and Senate Bill 610 of the 2001 Legislative Session. More critically to this agency, the DEIR falls short of analyzing the environmental impacts of LAFCO's selection of a water purveyor other than the SLRMWD, including impacts to the water supply of SLRMWD's pumps, to SLRMWD's adopted groundwater management plan, and to the SLRMWD's own storage rights. The DEIR's failure to analyze adequately the growth-inducing and cumulative impacts associated with the Project is also troublesome, particularly in the analysis of water availability. Were LAFCO to select SLRMWD as the water service provider for the Project, LAFCO could activate SLRMWD's latent power of water service throughout some or all of SLRMWD's existing service area. Once SLRMWD had the power to provide water service throughout its service area, other landowners could reasonably be expected to convert their agricultural lands to residential development. These growth-inducing impacts were not analyzed in the DEIR. <u>Interest of SLRMWD</u> SLRMWD is a special-purpose government agency, organized and existing pursuant to Municipal Water District Law of 1911, Water Code section 71000, et seq. SLRMWD has the power to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district" Water Code, section 71610.	H-8 The County disagrees that the EIR fails to analyze growth and cumulative impacts associated with water availability. In fact, a cumulative impact analysis associated with water availability is found in Subchapter 4.6.5 of the Final EIR. A growth inducing impact analysis associated with water availability is found in Subchapter 1.8.4 of the Final EIR. This comment also correctly states, "Were LAFCO to select SLRMWD as the water service provider for the Proposed Project, LAFCO could activate SLRMWD's latent power to provide water service." As discussed in response to comment H-13, the SLRMWD has never formally applied to LAFCO to activate its latent powers to provide water, wastewater and recycled water services. Please see response to comment H-3 which discusses the LAFCO process for determination of the appropriate service provider for the Proposed Project. Until LAFCO has completed its process, it is undetermined whether SLRMWD would be considered as the appropriate service provider because SLRMWD has not applied to LAFCO for activation of its latent powers to provide water, wastewater and recycled water services, nor applied for annexation into the SDCWA and MET, as required in order to provide imported water service to customers. Therefore, it would be speculative, without detailed information from the completed and accepted applications to LAFCO, the SDCWA and MET, to define and determine how the SLRMWD would operate on a District-wide basis if it sought activation of its latent powers. The Proposed Project, nonetheless, has included in its environmental analysis the more likely and determinable scenario relating to an activation of the SLRMWD's latent powers for the approximate 389-acre Project Site only. This analysis is set forth within the Final EIR, Subchapter 4.6.4 and includes a growth inducing impact analysis, in Subchapter 1.8.4, which concludes that any such impact is less than significant.
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The DEIR's lack of a complete project description, the deferral of LAFCO's analysis, and the lack of specificity as to the source of the water to be served and the plumbing required, undermines this DEIR's purpose, and places SLRMWD in the position of not knowing whether it is this DEIR which supports an agency action by LAFCO, and if so, what manner of agency reorganization is being contemplated, if at all. LAFCO is tasked (according to the DEIR) with the responsibility of determining which public agency will be designated the public water purveyor to this project. Designation of any one of the three possible choices would involve impacts to the available water supply, both imported and local, and would also require agency action by not only LAFCO, but by other water agencies which are likely to impose requirements on the Property Owner which themselves will have adverse environmental consequences on pumps in SLRMWD, and on SLRMWD's adopted Groundwater Management Plan.

Separate and independent from that failure, the DEIR's analysis of the project's impacts to both local and imported water availability falls far short of the analysis required in a competent Water Supply Assessment under the codified provisions of Senate Bill 221 and Senate Bill 610 of the 2001 Legislative Session. More critically to this agency, the DEIR falls short of analyzing the environmental impacts of LAFCO's selection of a water purveyor other than the SLRMWD, including impacts to the water supply of SLRMWD's pumps, to SLRMWD's adopted groundwater management plan, and to the SLRMWD's own storage rights.

The DEIR's failure to analyze adequately the growth-inducing and cumulative impacts associated with the Project is also troublesome, particularly in the analysis of water availability. Were LAFCO to select SLRMWD as the water service provider for the Project, LAFCO could activate SLRMWD's latent power of water service throughout some or all of SLRMWD's existing service area. Once SLRMWD had the power to provide water service throughout its service area, other landowners could reasonably be expected to convert their agricultural lands to residential development. These growth-inducing impacts were not analyzed in the DEIR.

Interest of SLRMWD

SLRMWD is a special-purpose government agency, organized and existing pursuant to Municipal Water District Law of 1911, Water Code section 71000, et seq. SLRMWD has the power to

acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district"

Water Code, section 71610.

H-9 Comment noted.

H-9

Mr. Dennis Campbell October 12, 2009 Page 3 SLRMWD has implemented a groundwater management plan under the Groundwater Management Planning Act. In addition to its common law right to store and recover water from beneath private property owners' land, the SLRMWD has an adopted policy of acquiring from deannexing landowners the right to store water beneath their property, to maintain the integrity of the Groundwater Management Plan. Under California's anti-paralleling laws, no other public agency has this power within SLRMWD's service area. The power to determine a plan of service of water, wastewater and recycled water (a "service plan") within SLRMWD's service area is exclusively vested in SLRMWD. In 2006, the Board of Directors approved a District-wide Master Plan of Water, Wastewater and Recycled Water Service (the "Master Plan") and certified an EIR for the Master Plan. In settlement of litigation filed against SLRMWD challenging the Master Plan EIR, SLRMWD decertified the EIR and revoked its approval of the Master Plan. SLRMWD still has no master plan for water service district-wide. A copy of the draft Master Plan and decertified EIR are submitted concurrently herewith. SLRMWD was never contacted by either the County or the Property Owner to prepare a Project-specific service plan. No SLRMWD-approved service plan exists for the Project site. In order to develop a project-specific service plan, or reconsider its draft Master Plan, SLRMWD would need to enter into a cost-reimbursement agreement with the Property Owner to fund the engineering, legal and other work associated with the preparation and approval of such a plan. SLRMWD has never sought the activation of its currently latent power to provide water, wastewater and/or recycled water from LAFCO under the Cortese-Knox Act -Hertzberg Local Government Reorganization Act of 2000 (the "Cortese-Knox Act"). <u>Problems with the Project Description</u> Under CEQA, the project description is to include the whole of the project. This DEIR avoids looking at the environmental impacts of the whole of the Project, simply by avoiding a fair analysis of the impacts of most of the required agency approvals. As but one example, without reviewing a SLRMWD-approved service plan for the Project site, the County had no factual basis to determine that the service of water, wastewater and recycled water would not have an adverse environmental impact. As the Project site lacks water and wastewater service, the project description in the DEIR must include a study of the environmental effects the infrastructure associated with providing those services to the Project site. The only agency with the current authority to lay out that service plan is SLRMWD and it has not done so. The Project description is incomplete.	H-10 Comment noted. H-11 The County acknowledges the comment regarding SLRMWD's representation of its past actions relating to its District-wide Master Plan of water, wastewater and recycled water facilities and its Master Plan EIR. The SLRMWD is a MWD, formed and established pursuant to state law that does not provide water service. Moreover, there is no privately owned water company providing water service within or adjacent to the boundaries of the SLRMWD. Without the existence of a privately owned water company within the boundaries of the SLRMWD, or in the immediate area around the SLRMWD, there does not appear to be a "paralleling" issue related to the provision of water service within the district boundaries. The Proposed Project also does not impose or mandate any plan of service upon the SLRMWD, or, for that matter, the RMWD or the VCMWD. The ultimate decision as to a MWD's "service plan" will be the responsibility of the MWD identified by LAFCO as the service provider for the Project Site. Although the SLRMWD's Master Plan approval was rescinded after a legal challenge to the Master Plan EIR was filed, and the Master Plan EIR concurrently decertified by the District's Board, the water, wastewater, and recycled water facilities identified in the Master Plan for the westernmost portion of the district boundary provided adequate background data to formulate a service plan for the Project Site and the Proposed Project. The Proposed Project service plan is described in the Public Facilities Subchapter of the Final EIR, Subchapter 4.6. Groundwater use proposed for the Project Site is discussed in response to comment H-5 above.
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LETTER

RESPONSE

Mr. Dennis Campbell October 12, 2009 Page 3 SLRMWD has implemented a groundwater management plan under the Groundwater Management Planning Act. In addition to its common law right to store and recover water from beneath private property owners' land, the SLRMWD has an adopted policy of acquiring from deannexing landowners the right to store water beneath their property, to maintain the integrity of the Groundwater Management Plan. Under California's anti-parallelism laws, no other public agency has this power within SLRMWD's service area. The power to determine a plan of service of water, wastewater and recycled water (a "service plan") within SLRMWD's service area is exclusively vested in SLRMWD. In 2006, the Board of Directors approved a District-wide Master Plan of Water, Wastewater and Recycled Water Service (the "Master Plan") and certified an EIR for the Master Plan. In settlement of litigation filed against SLRMWD challenging the Master Plan EIR, SLRMWD decertified the EIR and revoked its approval of the Master Plan. SLRMWD still has no master plan for water service district-wide. A copy of the draft Master Plan and decertified EIR are submitted concurrently herewith. SLRMWD was never contacted by either the County or the Property Owner to prepare a Project-specific service plan. No SLRMWD-approved service plan exists for the Project site. In order to develop a project-specific service plan, or reconsider its draft Master Plan, SLRMWD would need to enter into a cost-reimbursement agreement with the Property Owner to fund the engineering, legal and other work associated with the preparation and approval of such a plan. SLRMWD has never sought the activation of its currently latent power to provide water, wastewater and/or recycled water from LAFCO under the Cortese Knox Act -Hertzburg Local Government Reorganization Act of 2000 (the "Cortese-Knox Act"). <u>Problems with the Project Description</u> Under CEQA, the project description is to include the whole of the project. This DEIR avoids looking at the environmental impacts of the whole of the Project, simply by avoiding a fair analysis of the impacts of most of the required agency approvals. As but one example, without reviewing a SLRMWD-approved service plan for the Project site, the County had no factual basis to determine that the service of water, wastewater and recycled water would not have an adverse environmental impact. As the Project site lacks water and wastewater service, the project description in the DEIR must include a study of the environmental effects the infrastructure associated with providing those services to the Project site. The only agency with the current authority to lay out that service plan is SLRMWD and it has not done so. The Project description is incomplete.	H-12 On February 18, 2009, the SLRMWD sent a letter which stated that the SLRMWD did not have a master plan to provide water and wastewater services to the Project Site and suggested that the applicant fund, in part, SLRMWD's preparation of the Master Plan, Master Plan EIR, MSR/SOI and other requisite and related studies. This effort was in furtherance of SLRMWD's plan to activate latent powers to provide water, wastewater and recycled water services on a district-wide basis. The applicant requested that SLRMWD prepare the Master Plan in two phases. Phase I would have included water, wastewater and recycled water facilities for the westernmost portion of the district boundary only. Phase II would have required subsequent approvals, but only after the Board of Supervisors approved development projects in the easternmost portion of the district boundary. SLRMWD's previously approved a Master Plan and Master Plan EIR in 2006. The District-wide Master Plan approval was rescinded, and the Master Plan EIR was decertified, after a legal challenge to the District's Master Plan EIR. Despite the correspondence identified above, SLRMWD has not since undertaken any efforts to activate its latent powers to provide water, wastewater and recycled water services. However, the service evaluation identified in the Master Plan for the westernmost portion of the district boundary provided the background data necessary for the Proposed Project to formulate the service plan for the Project Site. The facilities are described in the Public Facilities Subchapter of the Final EIR, Subchapter 4.6. Please see also response to comment H-13.
H-12 H-13	H-12 H-13

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SLRMWD has implemented a groundwater management plan under the Groundwater Management Planning Act. In addition to its common law right to store and recover water from beneath private property owners' land, the SLRMWD has an adopted policy of acquiring from deannexing landowners the right to store water beneath their property, to maintain the integrity of the Groundwater Management Plan.

Under California's anti-parallelism laws, no other public agency has this power within SLRMWD's service area. The power to determine a plan of service of water, wastewater and recycled water (a "service plan") within SLRMWD's service area is exclusively vested in SLRMWD. In 2006, the Board of Directors approved a District-wide Master Plan of Water, Wastewater and Recycled Water Service (the "Master Plan") and certified an EIR for the Master Plan. In settlement of litigation filed against SLRMWD challenging the Master Plan EIR, SLRMWD decertified the EIR and revoked its approval of the Master Plan. SLRMWD still has no master plan for water service district-wide. A copy of the draft Master Plan and decertified EIR are submitted concurrently herewith.

SLRMWD was never contacted by either the County or the Property Owner to prepare a Project-specific service plan. No SLRMWD-approved service plan exists for the Project site. In order to develop a project-specific service plan, or reconsider its draft Master Plan, SLRMWD would need to enter into a cost-reimbursement agreement with the Property Owner to fund the engineering, legal and other work associated with the preparation and approval of such a plan.

SLRMWD has never sought the activation of its currently latent power to provide water, wastewater and/or recycled water from LAFCO under the Cortese Knox Act -Hertzsberg Local Government Reorganization Act of 2000 (the "Cortese-Knox Act").

Problems with the Project Description

Under CEQA, the project description is to include the whole of the project. This DEIR avoids looking at the environmental impacts of the whole of the Project, simply by avoiding a fair analysis of the impacts of most of the required agency approvals. As but one example, without reviewing a SLRMWD-approved service plan for the Project site, the County had no factual basis to determine that the service of water, wastewater and recycled water would not have an adverse environmental impact. As the Project site lacks water and wastewater service, the project description in the DEIR must include a study of the environmental effects the infrastructure associated with providing those services to the Project site. The only agency with the current authority to lay out that service plan is SLRMWD and it has not done so. The Project description is incomplete.

H-14

H-15

H-14 The County disagrees with this comment that a fair analysis of the impacts of most of the required agency approvals was avoided. Complete analysis of the environmental effects of the Proposed Project were included in the EIR for service and facilities for SDCWA, MET, LAFCO, VCMWD, RMWD, SLRMWD, and North County Fire Protection District actions. (see Final EIR, Subchapters 1.2.1 and 4.6.4). The potential service plans for each in Subchapter 4.6.4.

Please see response to comment H-12 addressing the history and status of the SLRMWD's Master Plan.

H-15 The County disagrees that the EIR does not study the environmental effects of the infrastructure associated with the provision of water and wastewater service to the Project Site. Please see responses to comments H-3, H-4 and H-7. Regarding SLRMWD authority, please see response to comment H-11.

Mr. Dennis Campbell October 12, 2009 Page 4	This is not an analysis that can be deferred. The decisions by SLRMWD on the location and size of critical elements of infrastructure – including a tie-in into a regional aqueduct, storage tanks, groundwater production wells, water treatment facilities and the wastewater treatment plant – could have significant Project-specific and growth-inducing environmental impacts. SLRMWD incorporates by this reference the entirety of its decertified Master Plan EIR to demonstrate that its future decision on a service plan for the Project could have significant environmental impacts.	H-16 The SLRMWD's decertified Master Plan EIR (not only for District-wide, but also for extra-territorial serving water, wastewater and recycled water facilities) no longer has any legal effect because the District decertified its Master Plan EIR and rescinded its approval of the District's Master Plan after a legal challenge was filed. The water, wastewater and recycled water facilities identified in the Master Plan in the westernmost portion of the district boundary, however, provided background data necessary for the Proposed Project to formulate the plan of service for the Project Site. Furthermore, as stated earlier in the comment letter (see comment H-13), the SLRMWD has not applied to LAFCO to activate its latent powers to provide water, wastewater, and recycled water services.	H-16
Since the Project description in the DEIR is fatally incomplete due to its failure to contain an adequate discussion of water and wastewater infrastructure, the County must not certify the DEIR. Instead, the County should work cooperatively with SLRMWD and the Property Owner proponent to develop a service plan for the Project and only then analyze the environmental impacts of that infrastructure design.	H-17	Please also see responses to comments H-4 and H-11.	H-17
The DEIR accurately recognizes that SLRMWD has not had its powers to provide municipal water, sewer and recycled water service activated by LAFCO, as defined under the Cortese Knox Act. The DEIR does not point out, however, that under its organic act, SLRMWD already has the power to furnish water, sewer and wastewater services so that the likelihood of doing so is more than potential. Two other public agencies, Rainbow Municipal Water District ("RMWD") and Valley Center Municipal Water District ("VCMWD") also have the power under their organic acts to serve water and sewer and have activated powers as defined under the Cortese Knox Act.	H-18	The County disagrees with the comment that the project description is fatally incomplete. The remainder of this comment expresses a request for cooperation among the parties and does not raise an issue as to the adequacy of the EIR pursuant to CEQA.	H-18
Under the Cortese Knox Act, the Property Owner has the right to apply to LAFCO for a reorganization pursuant to which the Project site would be detached from SLRMWD and annexed to either RMWD or VCMWD. But the provision of water, wastewater and recycled water services to the Project site by either of those agencies is an alternative to the proposed project. The DEIR must engage in an appropriate analysis of these alternatives. It does not do so. These alternative projects are instead buried in the Project description. As a result, the DEIR does not have a clear, consistent project description.	H-19	The comment states that SLRMWD has the power to furnish water, sewer and wastewater services under the District's organic act. However, LAFCO has indicated that before SLRMWD can furnish water, sewer and wastewater services, it must activate its latent powers through appropriate LAFCO proceedings. This is consistent with SLRMWD's actions in 2005 and 2006 when the District entered into agreements with property owners to fund efforts to activate its latent powers through LAFCO proceedings.	H-19
The DEIR must be revised to describe water and wastewater service from RMWD and VCMWD as Project alternatives. The service plans of those agencies to the Project site must be part of the description of the alternative Project and the environmental impacts of those alternative service plans appropriately analyzed.	H-19	The County agrees with this comment. The EIR identifies the RMWD and VCMWD as potential service providers. The Final EIR, Subchapter 1.2.1 discusses infrastructure improvements necessary for water and wastewater services for each MWD; and Subchapter 4.6.4 discusses potential system and infrastructure impacts associated with each MWD.	H-19

Mr. Dennis Campbell October 12, 2009 Page 4 This is not an analysis that can be deferred. The decisions by SLRMWD on the location and size of critical elements of infrastructure – including a tie-in into a regional aqueduct, storage tanks, groundwater production wells, water treatment facilities and the wastewater treatment plant – could have significant Project-specific and growth-inducing environmental impacts. SLRMWD incorporates by this reference the entirety of its decertified Master Plan EIR to demonstrate that its future decision on a service plan for the Project could have significant environmental impacts. Since the Project description in the DEIR is fatally incomplete due to its failure to contain an adequate discussion of water and wastewater infrastructure, the County must not certify the DEIR. Instead, the County should work cooperatively with SLRMWD and the Property Owner proponent to develop a service plan for the Project and only then analyze the environmental impacts of that infrastructure design. <u>Problems with the Alternatives Analysis</u> The DEIR accurately recognizes that SLRMWD has not had its powers to provide municipal water, sewer and recycled water service activated by LAFCO, as defined under the Cortese Knox Act. The DEIR does not point out, however, that under its organic act, SLRMWD already has the power to furnish water, sewer and wastewater services so that the likelihood of doing so is more than potential. Two other public agencies, Rainbow Municipal Water District (“RMWD”) and Valley Center Municipal Water District (“VCMWD”) also have the power under their organic acts to serve water and sewer and have activated powers as defined under the Cortese Knox Act. Under the Cortese Knox Act, the Property Owner has the right to apply to LAFCO for a reorganization pursuant to which the Project site would be detached from SLRMWD and annexed to either RMWD or VCMWD. But the provision of water, wastewater and recycled water services to the Project site by either of those agencies is an alternative to the proposed project. The DEIR must engage in an appropriate analysis of these alternatives. It does not do so. These alternative projects are instead buried in the Project description. As a result, the DEIR does not have a clear, consistent project description. The DEIR must be revised to describe water and wastewater service from RMWD and VCMWD as Project alternatives. The service plans of those agencies to the Project site must be part of the description of the alternative Project and the environmental impacts of those alternative service plans appropriately analyzed. The DEIR's lack of a consistent, stable project description with regard to the provision of water and wastewater services leaves the SLRMWD exposed. The Water / Wastewater section of the Project description states that one of three governmental agencies – SLRMWD, RMWD, or VCMWD – will be the water service provider. Each of these agencies has the independent	H-20 The County disagrees with the comment. The EIR for the Proposed Project considers and evaluates the environmental effects associated with the provision of water, wastewater and recycled water facilities and services that may be provided by VCMWD, the RMWD, and the SLRMWD. (Please see response to comment H-19 and Final EIR Appendices N-1, N-2 and N-3). The Proposed Project lies only partially within the SLRMWD (60 percent is in the SLRMWD). The portion outside of the SLRMWD does not fall within any MWD. The SLRMWD does not have authority to provide water, wastewater, and recycled water service unless its latent powers have been activated by LAFCO action. Furthermore, the SLRMWD is not a member of the SDCWA or MET and the Proposed Project currently has no ability to obtain imported water from those agencies. Therefore, it would not be appropriate for the project description to include SLRMWD as the primary service provider and RMWD and VCMWD as alternative service providers. The VCMWD and the RMWD are members of the SDCWA and MET and both districts are authorized to provide water, wastewater, and recycled water services. It is for these reasons that the VCMWD was identified in the EIR as the preferred service provider for the Proposed Project. Ultimately, however, it will be LAFCO, after conducting a MSR for the area and making a SOI determination, that will determine which MWD most logically should supply service to the Project Site. The Proposed Project applicant will, after obtaining project approval from the County, make its application to LAFCO for the MSR and SOI Determination.
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authority to determine its own infrastructure plan for serving the Project. The DEIR must, therefore, analyze the environmental impacts associated with the service plan of each different water agency. These distinct impacts must be analyzed as separate alternatives under the DEIR, but the DEIR fails to do so.

Problems with Growth-Inducing Impacts Analysis

One alternative in the DEIR is for LAFCO to activate SLRMWD's latent power to provide water, wastewater and recycled water service to the Project site. There is ambiguity in the law as to whether LAFCO has the authority to activate SLRMWD's latent powers for only the Project site.

If LAFCO activates SLRMWD's powers for an area larger than the Project site, other landowners within its activated powers service area will likely seek to receive water, wastewater and/or recycled water services from SLRMWD.

Activating SLRMWD's latent powers for one landowner reasonably will lead to growth elsewhere in its service area. SLRMWD incorporates by this reference the analysis set forth in its now-decertified EIR for its Master Plan of the potential projects to be served by it if its latent powers were activated.

The growth-inducing impacts associated with the activation of SLRMWD's latent powers need to be analyzed in the DEIR. They are not.

Failure to Analyze the Reliability of Water Supplies

The DEIR asserts that groundwater is to be a back-up supply. But Southern California is in a multi-year climatic and regulatory drought and the reliability of imported supplies continues to drop. The DEIR must seriously consider the ability of the Project to be served entirely by local supply, but it does not do so.

Agricultural use of groundwater is different from municipal use. People expect and have the right to receive a highly-reliable supply of potable water. There is insufficient evidence in the DEIR to establish that any of the water agencies could meet the demand of the Project on local supplies only. SLRMWD is in the best position to do so because of its ability to build multiple well fields on the San Luis Rey River within its service area. The DEIR must do much more to establish that either VCMWD or RMWD would have enough water and water rights in the land to be annexed to it to meet the demand of the Project.

H-21 Please see response to comment H-8.

H-22 Comment noted.

H-23 See response to comment H-8.

H-24 The Proposed Project will use groundwater as a supplement to recycled water for non-potable irrigation water demand. The Proposed Project does not propose the use of groundwater for potable water demand. All potable water proposed for the Proposed Project will be delivered by a MWD that obtains its imported water from the CWA. Please also see response to comment H-5.

H-25 See response to comment H-24.

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Mr. Dennis Campbell October 12, 2009 Page 6 <u>Failure to Analyze Impacts of Detachment</u> One alternative in the DEIR is for LAFCO to detach the Project site from SLRMWD and annex that land to another agency. The DEIR does not provide any analysis of the environmental impacts of detachment of the Project site. SLRMWD believes that detachment of the Project site could have significant environmental impacts on the land remaining within its service area. There may be so little land within SLRMWD that is capable of being developed that the cost of building the water and wastewater infrastructure to serve that land becomes prohibitive. The land may be forced to remain in agriculture indefinitely, or land not currently in agriculture could become agricultural lands because no other economic use exists. Agriculture has its own environmental impacts, including agricultural runoff to the San Luis Rey River. In addition, denying these landowners the ability to convert their land from agriculture to another use may well be inconsistent with the County's General Plan. <u>DEIR Mitigation Measures Requested by SLRMWD</u> Because the DEIR fails to impose mitigation and monitoring measures sufficient to ensure that the Project will have a less than significant impact on local water resources and the SLRMWD's Groundwater Management Plan, SLRMWD, as the CEQA responsible agency, requests that the following measures be incorporated into the Project as Mitigation Measures, and through inclusion in the DEIR's Mitigation Monitoring Report for the Project. <u>Deed Restrictions, Future Conveyance of a Well Site, Future Conveyance of Easements and Rights of Way</u> • The execution by the Property Owner of a deed, in favor of SLRMWD, restricting the export of all water from the Owner's property • Prior to the issuance of a Water Supply Assessment, or issuance of the first grading permit for the Project, whichever is sooner, the Property Owner will convey to SLRMWD reasonable and appropriate easements for rights of access to test and read meters, to monitor groundwater elevations, and to monitor groundwater production, which readings will take place during normal business hours, through a mutually acceptable route to be determined by the parties but which is suitable for the SLRMWD's purposes, and which rights of access are to be reduced to writing and recorded in the San Diego County Recorder's office. • Prior to the issuance of a Water Supply Assessment, or prior to the issuance of the first grading permit for the Project, whichever is sooner, the Property Owner will grant to SLRMWD a wellsite in a mutually agreeable location suitable for SLRMWD's purposes,	H-26 See responses to comments H-14 and H-20. H-27 The Proposed Project will obtain its potable water supply from imported water sources. The Proposed Project will obtain its non-potable water supply from (1) recycled water deliveries from an on-site wastewater treatment plant, and (2) on-site groundwater wells for irrigation of on-site landscaping and retained groves on-site. The Project Site has existing 45-acre avocado groves and 135-acre citrus orchards which have been in operation since the 1980s. Existing on-site agricultural groundwater demand at the Project Site is estimated to be approximately 618 acre-feet per year. The proposed groundwater demand of approximately 140 acre-feet per year would result in a reduction of approximately 77 percent of groundwater demand compared to existing conditions. Therefore, direct and cumulative impacts to groundwater resources are less than significant. H-28 None of the "mitigation measures" requested by the commenter in comments H-29 through H-38, or "enforcement mechanisms" suggested in comments H-39 through H-41, are measures that reduce significant environmental effects under CEQA. It should be noted, however, that the Proposed Project will not be exporting groundwater off-site from the Project Site. Any continued groundwater usage will be limited to supplementing recycled water supplies for on-site irrigation purposes. The measures requested by the comment are requirements that the SLRMWD would likely request in LAFCO's reorganization proceedings. See also response to comment H-5. H-29 Please see response to comment H-28.
H-26 H-27 H-28 H-29	H-26 H-27 H-28 H-29

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Failure to Analyze Impacts of Detachment

One alternative in the DEIR is for LAFCO to detach the Project site from SLRMWD and annex that land to another agency. The DEIR does not provide any analysis of the environmental impacts of detachment of the Project site.

SLRMWD believes that detachment of the Project site could have significant environmental impacts on the land remaining within its service area. There may be so little land within SLRMWD that is capable of being developed that the cost of building the water and wastewater infrastructure to serve that land becomes prohibitive. The land may be forced to remain in agriculture indefinitely, or land not currently in agriculture could become agricultural lands because no other economic use exists. Agriculture has its own environmental impacts, including agricultural runoff to the San Luis Rey River. In addition, denying these landowners the ability to convert their land from agriculture to another use may well be inconsistent with the County's General Plan.

DEIR Mitigation Measures Requested by SLRMWD

Because the DEIR fails to impose mitigation and monitoring measures sufficient to ensure that the Project will have a less than significant impact on local water resources and the SLRMWD's Groundwater Management Plan, SLRMWD, as the CEQA responsible agency, requests that the following measures be incorporated into the Project as Mitigation Measures, and through inclusion in the DEIR's Mitigation Monitoring Report for the Project.

Deed Restrictions, Future Conveyance of a Well Site, Future Conveyance of Easements and Rights of Way

- The execution by the Property Owner of a deed, in favor of SLRMWD, restricting the export of all water from the Owner's property
- Prior to the issuance of a Water Supply Assessment, or issuance of the first grading permit for the Project, whichever is sooner, the Property Owner will convey to SLRMWD reasonable and appropriate easements for rights of access to test and read meters, to monitor groundwater elevations, and to monitor groundwater production, which readings will take place during normal business hours, through a mutually acceptable route to be determined by the parties but which is suitable for the SLRMWD's purposes, and which rights of access are to be reduced to writing and recorded in the San Diego County Recorder's office.
- Prior to the issuance of a Water Supply Assessment, or prior to the issuance of the first grading permit for the Project, whichever is sooner, the Property Owner will grant to SLRMWD a wellsite in a mutually agreeable location suitable for SLRMWD's purposes,

H-30

H-30 Please see response to comment H-28.

H-31

H-31 Please see response to comment H-28.

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together with reasonable and appropriate easements for access to and from the wellsite, to accommodate the installation by SLRMWD of an aquifer recovery well, for the recovery of any water stored by SLRMWD in the basin. The well will be installed at the SLRMWD's expense and shall be metered.

H-31

Monitoring and Groundwater Management

- The Property Owner must comply with the terms of San Diego County's Groundwater Ordinance, and furnish timely written, e-mail and telephone notice to SLRMWD's Board President and its General Counsel, of all meetings with the County regarding the Ordinance. The Property Owner will enter into a cost-reimbursement agreement with SLRMWD to fund SLRMWD's participation in the Ordinance compliance process.
- Prior to issuance of a Water Supply Assessment for the Project, or prior to issuance of the first grading permit for the Project, whichever is sooner, the Property Owner and SLRMWD will develop a groundwater mitigation monitoring plan suitable to SLRMWD, and consistent with SLRMWD's adopted groundwater management plan.
- As part of the groundwater mitigation monitoring plan, all pumping undertaken from any pumping facility in existence or later installed on the Property Owner's land is to be metered, with the meter installed and maintained at Property Owner's expense.
- No pipeline system for pumped groundwater or for reclaimed or recycled water will be interconnected to any water system conveying water to or from Property Owner's property.
- The Property Owner is to execute a written power of attorney or letter of authorization or other suitable document granting the SLRMWD permission to verify with San Diego Gas and Electric or its successor utility, power and pumping records.

H-32

Please see response to comment H-28.

H-33

Please see response to comment H-28.

H-34

Please see response to comment H-28.

H-35

Please see response to comment H-28.

H-36

Please see response to comment H-28

District Reorganization

- In the event that the DEIR is used to support the reorganization of local districts, in lieu of a condition of that reorganization, the payment to SLRMWD of the present worth of the next 20 years of projected annual water supply assessments (based upon the average of the past 10 years of water supply assessments). This sum is to be paid to SLRMWD by the Property Owner prior to the detachment of the Property from SLRMWD,
- The Property Owner will enter into a cost-reimbursement agreement with the SLRMWD, pursuant to which the SLRMWD can fund the preparation of an adequate plan of service of water, wastewater and recycled water to the property owners in the SLRMWD.

H-37

Please see response to comment H-28.

H-38

Please see response to comment H-28.

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Enforcement Mechanisms

- SLRMWD's attorneys fees and costs of enforcement of any portion of any Mitigation Measure shall be borne by the Property Owner } H-39
- The requirement to undertake implementation of the Mitigation Measures, and to enter into negotiations to develop a Mitigation Monitoring Plan, are binding on the Property Owner's successors and assigns. } H-40
- The benefits of the Mitigation Measures, including interests in real property and the terms of any agreement entered into, insure to the benefit of SLRMWD's successors and assigns. } H-41

Conclusion

For the reasons stated herein, SLRMWD respectfully requests that the County not certify the EIR for the Project until the foregoing mitigation measures have been incorporated into the Project, and the Project's Mitigation Monitoring plan similarly incorporates SLRMWD's proposed mitigation measures. } H-42

Sincerely,

SmithTrager LLP - MacArthur Office


Susan M. Trager

SMT:mwv

Attachment Under Separate Cover:

San Luis Rey Municipal Water District's District-wide Master Plan of Water, Wastewater and Recycled Water Service (the "Master Plan")

San Luis Rey Municipal Water District's PEIR for the Master Plan

H-39 Please see response to comment H-28.

H-40 Please see response to comment H-28.

H-41 Please see response to comment H-28.

H-42 Comment noted.



VALLEY CENTER WATER DISTRICT

A Public Agency Organized July 12, 1954

October 12, 2009

Dennis Campbell
County of San Diego
Department of Planning & Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: DRAFT EIR COMMENTS - THE MEADOWOOD PROJECT
GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S04-005; S04-006, S04-007; MUP
08-023; LOG NO. 04-02-004; SCH NO. 2004051028

Dear Mr. Campbell:

Thank you for the opportunity to comment on the referenced planning documents. The project is not within the Valley Center Municipal Utility District, however, we understand that there is a very real possibility that VCMWD will be asked to provide service. As such, we offer the following comments:

In Section 2.7 (and Section 7.2), the document indicates that LAFCO will make the final determination regarding the water and wastewater provider. In fact, LAFCO will make a recommendation as to the preferred provider. Final determination will be up to the Board of Directors of the providing agency.

In Section 7.1, the document indicates that LAFCO is evaluating potential providers to the Meadowood project and other proposed developments in the area. This action was in response to SLRMWD's request to activate their latent powers to provide water and wastewater service to the area. LAFCO has never finalized the MSR/SOI update requested by San Luis Rey MWD due to challenges to the environmental documents that SLRMWD chose not to defend. It is anticipated that LAFCO will require a new MSR be completed (or the previous one updated) for the Meadowood project. VCMWD would recommend that this MSR effort include all the current projects in the vicinity of the northeast quadrant of the I-15 and SR-76 interchange that would require a Publicly Owned Treatment Works for wastewater service and, if VCMWD is to be considered, the property needed to make the annexation contiguous with our boundary. The environmental document to support this MSR should include an evaluation of a regional wastewater treatment site and facility.

29300 Valley Center Road • P.O. Box 67 • Valley Center, CA 92082
(760) 749-1600 • FAX (760) 749-6478 • TDD (760) 749-2665 • www.valleycenterwater.org • e-mail: vcmwater@valleycenterwater.org

Letter I

UNOFFICIAL COMMENTS
Robert A. Broomell
President
Robert A. Pollio
Vice President
Merle J. Johnson
Director
Charles W. Stone, Jr.
Director
Randy D. Haskell
Director

I-1

Introductory comment is noted. The County acknowledges that Valley Center Municipal Water District (VCMWD) may become the service provider for the Proposed Project.

I-2

Subchapter 1.2.1, LAFCO, of the Final EIR has been revised to acknowledge that LAFCO will make a recommendation as to the preferred provider. The final determination will be up to the Board of Directors of the providing agency.

I-3

This comment provides an overview of previous and future Municipal Water District (MWD) annexation proceedings. The County would not be the lead agency responsible for preparing a Municipal Service Review (MSR), and as such cannot comment on what should or should not be included. Subchapter 1.2.1, LAFCO of the Final EIR has been revised to clarify that because a MSR is not subject to CEQA, there will be no supporting environmental document prepared along with that report. However, an EIR will be prepared for the Sphere of Influence (SOI) report which will evaluate factors that would include the siting and sizing of a regional wastewater treatment plant (WWTP).

Section 8.5 - Conceptual Landscape Plan. The document indicates that the Fallbrook Design Guidelines, I-15 Corridor Scenic Preservation Guidelines and the County Landscape Water Conservation Design Manual will be implemented. The document should emphasize that the landscaping plant selections and recommendations will be amenable to use of recycled water. Landscaping plans should maximize the use of recycled water to the greatest extent possible to minimize imported water demand requirements for the project. Meadowood Water Study (Dexter Wilson) The water study was reviewed from the standpoint of policy issue for inclusion into the VCMWD service area. A review of specific facilities is not included and would be performed in conjunction with a request for annexation. In light of this, the following comments are presented: Water Offset Program page 2-12. Meadowood would not be able to fund a portion of a desalination project to provide a water demand offset. This would be contrary to Metropolitan's policy on desalination projects, which provides for desalination projects to replace imported supplies to an area, not increase the total supply. Annexation requirements to VCMWD would include providing water supplies needed to offset the development net impact plus 0.5 acre foot per year for each equivalent residential unit of development. Wastewater Service Alternative Analysis for Meadowood (RW Beck) The current plant location and configuration is unacceptable as a permanent facility. Our main objections are that the plant site and facilities are not expandable and are located too close to residential property. We could accept this configuration only as an interim facility until a larger, more remote, permanent regional site is identified. However, as long as the interim facility existed, we would require that a buffer of not less than 250 feet be maintained between the plant and the nearest residential lot. The permanent regional site should serve all development anticipated in the area from I-15 east to roughly the Rosemary Mountain Quarry area. Financial securities for Meadowood development's share of a future permanent facility would also be required. These conditions would be memorialized in the Conditions of Annexation, if these lands were to annex to VCMWD. Also conditioned would be a stipulation that if this interim site were to become a permanent facility, the District would need additional land dedicated by Meadowood for future expansion and the interim buffer of 250 feet would become permanent, which would preclude development of many of the lots shown near the current plant site. F:\Engineering\CEQA\Comments on CEQA & NEPA\Meadowood Draft EIR.doc	I-4 The County concurs with this comment. The comment refers to the Meadowood Specific Plan Amendment (SPA), Chapter 8, Community Design Guidelines, 8.5, Conceptual Landscape Plan. As recommended by the comment, the SPA has been revised to emphasize that the landscaping plant selections and recommendations will be amenable to use of recycled water. Consistent with this comment, the intent of the Proposed Project is to maximize use of recycled water to minimize imported water demands as addressed in the Final EIR, Subchapter 4.6.4. I-5 Comment noted. This comment is introductory to the comments that follow and thus no further response is necessary. I-6 The County disagrees that the proposed offset program (funding a portion of a desalination project) would be "contrary to Metropolitan's policy on desalination project. In fact, Metropolitan's <i>Policy and Principles for Brackish and Seawater Desalination</i>, adopted at the February 13, 2001 meeting of the Metropolitan Board, contains the following five policy principles: 1. In its IRP (Integrated Resource Plan) analysis, Metropolitan shall consider development of full-scale desalination on an incremental basis, in advance of the projected need for desalination, for the purpose of developing regional expertise in this resource rather than anticipating the initial development of multiple full-scale desalination projects concurrently. 2. Metropolitan will seek to develop financial plans for desalination that combine federal, state, Metropolitan and other regional and local funding, and ensure that benefits including water quality and reliability are commensurate with investments from those sources. Metropolitan may partner with public and private entities for the development of desalination. Metropolitan will seek these partnerships through competitive processes to help further lower the costs for this resource.
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I-6 (cont.)

3. Metropolitan may pursue activities critical to the development of desalination, such as land or other property acquisition that may be necessary in advance of the planning horizons established for the resource.

4. Metropolitan will lead in the development of legislative strategies that, in coordination with the member agencies, build consensus amongst federal, state, and local policy makers to secure decisions favorable to the development of desalination for the region. These strategies will address:

- Funding in the form of grants and/or loans from various sources.
 - Legislation that facilitates the components of the development process for desalination, such as financing, permitting, constructing and operating.
 - Informing and educating various constituencies on the critical role that desalination plays for the region's future.
5. Metropolitan will promote desalination research and innovation through partnerships that competitively fund projects that provide benefits to the development of desalination for the region.

Metropolitan includes desalination as part of its Local Resources Program, along with recycled water and groundwater recovery. Metropolitan provides sliding scale financial incentives for projects within the Local Resources Program. From Metropolitan's October 12, 2009 *Semiannual Board Report on Metropolitan's Local Resources, Desalination, and Conservation Programs*, "Metropolitan provides financial incentives for local development of water recycling and groundwater recovery projects that reduce demand or prevent a new demand on Metropolitan's imported water supplies through either direct replacement of potable water or increased regional groundwater production. The Local Resources Program is an integral part of meeting the Integrated Resources Plan (IRP) target of 750,000 acre-feet per year by 2025 for recycled water production, groundwater recovery and seawater desalination." Therefore, the Proposed Project's proposal to fund a portion of a desalination project would not be contrary to any portion of the Metropolitan policy.

Section 8.5 - Conceptual Landscape Plan. The document indicates that the Fallbrook Design Guidelines, I-15 Corridor Scenic Preservation Guidelines and the County Landscape Water Conservation Design Manual will be implemented. The document should emphasize that the landscaping plant selections and recommendations will be amenable to use of recycled water. Landscaping plans should maximize the use of recycled water to the greatest extent possible to minimize imported water demand requirements for the project.

Meadowood Water Study (Dexter Wilson)

The water study was reviewed from the standpoint of policy issue for inclusion into the VCMWD service area. A review of specific facilities is not included and would be performed in conjunction with a request for annexation. In light of this, the following comments are presented:

Water Offset Program page 2-12. Meadowood would not be able to fund a portion of a desalination project to provide a water demand offset. This would be contrary to Metropolitan's policy on desalination projects, which provides for desalination projects to replace imported supplies to an area, not increase the total supply.

Annexation requirements to VCMWD would include providing water supplies needed to offset the development net impact plus 0.5 acre foot per year for each equivalent residential unit of development.

Wastewater Service Alternative Analysis for Meadowood (RW Beck)

The current plant location and configuration is unacceptable as a permanent facility.

Our main objections are that the plant site and facilities are not expandable and are located too close to residential property. We could accept this configuration only as an interim facility until a larger, more remote, permanent regional site is identified. However, as long as the interim facility existed, we would require that a buffer of not less than 250 feet be maintained between the plant and the nearest residential lot. The permanent regional site should serve all development anticipated in the area from I-15 east to roughly the Rosemary Mountain Quarry area. Financial securities for Meadowood development's share of a future permanent facility would also be required. These conditions would be memorialized in the Conditions of Annexation, if these lands were to annex to VCMWD.

Also conditioned would be a stipulation that if this interim site were to become a permanent facility, the District would need additional land dedicated by Meadowood for future expansion and the interim buffer of 250 feet would become permanent, which would preclude development of many of the lots shown near the current plant site.

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Section 8.5 - Conceptual Landscape Plan. The document indicates that the Fallbrook Design Guidelines, I-15 Corridor Scenic Preservation Guidelines and the County Landscape Water Conservation Design Manual will be implemented. The document should emphasize that the landscaping plant selections and recommendations will be amenable to use of recycled water. Landscaping plans should maximize the use of recycled water to the greatest extent possible to minimize imported water demand requirements for the project. Meadowood Water Study (Dexter Wilson) The water study was reviewed from the standpoint of policy issue for inclusion into the VCMWD service area. A review of specific facilities is not included and would be performed in conjunction with a request for annexation. In light of this, the following comments are presented: Water Offset Program page 2-12. Meadowood would not be able to fund a portion of a desalination project to provide a water demand offset. This would be contrary to Metropolitan's policy on desalination projects, which provides for desalination projects to replace imported supplies to an area, not increase the total supply. Annexation requirements to VCMWD would include providing water supplies needed to offset the development net impact plus 0.5 acre foot per year for each equivalent residential unit of development. Wastewater Service Alternative Analysis for Meadowood (RW Beck) The current plant location and configuration is unacceptable as a permanent facility. Our main objections are that the plant site and facilities are not expandable and are located too close to residential property. We could accept this configuration only as an interim facility until a larger, more remote, permanent regional site is identified. However, as long as the interim facility existed, we would require that a buffer of not less than 250 feet be maintained between the plant and the nearest residential lot. The permanent regional site should serve all development anticipated in the area from I-15 east to roughly the Rosemary Mountain Quarry area. Financial securities for Meadowood development's share of a future permanent facility would also be required. These conditions would be memorialized in the Conditions of Annexation, if these lands were to annex to VCMWD. Also conditioned would be a stipulation that if this interim site were to become a permanent facility, the District would need additional land dedicated by Meadowood for future expansion and the interim buffer of 250 feet would become permanent, which would preclude development of many of the lots shown near the current plant site. F:\Engineering\CEQA\Comments on CEQA & NEPA\Meadowood Draft EIR.doc	I-7 The County acknowledges this comment and recognizes that the applicant will have to comply with VCMWD's annexation requirements, if LAFCO chooses VCMWD, as the service provider. I-8 This comment expresses the viewpoint of the VCMWD with regard to the location and configuration of the wastewater treatment plant as permanent, regional facility. Please see responses to comments I-9 and I-10. I-9 The applicant agrees that the Proposed Project should include a design measure to assure the WWTP is located a minimum of 250 feet from any residences. Therefore, in response to this comment, Subchapter 1.2.1, Wastewater Treatment, Table 1-5 and Chapter 8 (MMRP) of the Final EIR have been revised to reflect this condition. I-10 In response to this and other comments received during public review, the County facilitated the preparation of the County of San Diego Fallbrook Projects-Feasibility Study dated October 19, 2010 ("Feasibility Study"). The Feasibility Study was prepared to address and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to wastewater service to the region. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent Campus Park West project and other areas in the direct vicinity (see Feasibility Study, Figure 1) within the areas stated by the comment. The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. While the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP, if one project is not approved or not built, a regional WWTP would not be necessary or feasible. Therefore, an allowance would be necessary for the installation and construction of an individual project serving WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated planned approach to wastewater service for the region including financial securities of Meadowood's share of the permanent, regional facility.
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Section 8.5 - Conceptual Landscape Plan. The document indicates that the Fallbrook Design Guidelines, I-15 Corridor Scenic Preservation Guidelines and the County Landscape Water Conservation Design Manual will be implemented. The document should emphasize that the landscaping plant selections and recommendations will be amenable to use of recycled water. Landscaping plans should maximize the use of recycled water to the greatest extent possible to minimize imported water demand requirements for the project.

Meadowood Water Study (Dexter Wilson)

The water study was reviewed from the standpoint of policy issue for inclusion into the VCMWD service area. A review of specific facilities is not included and would be performed in conjunction with a request for annexation. In light of this, the following comments are presented:

Water Offset Program page 2-12. Meadowood would not be able to fund a portion of a desalination project to provide a water demand offset. This would be contrary to Metropolitan's policy on desalination projects, which provides for desalination projects to replace imported supplies to an area, not increase the total supply.

Annexation requirements to VCMWD would include providing water supplies needed to offset the development net impact plus 0.5 acre foot per year for each equivalent residential unit of development.

Wastewater Service Alternative Analysis for Meadowood (RW Beck)

The current plant location and configuration is unacceptable as a permanent facility.

Our main objections are that the plant site and facilities are not expandable and are located too close to residential property. We could accept this configuration only as an interim facility until a larger, more remote, permanent regional site is identified. However, as long as the interim facility existed, we would require that a buffer of not less than 250 feet be maintained between the plant and the nearest residential lot. The permanent regional site should serve all development anticipated in the area from I-15 east to roughly the Rosemary Mountain Quarry area. Financial securities for Meadowood development's share of a future permanent facility would also be required. These conditions would be memorialized in the Conditions of Annexation, if these lands were to annex to VCMWD.

Also conditioned would be a stipulation that if this interim site were to become a permanent facility, the District would need additional land dedicated by Meadowood for future expansion and the interim buffer of 250 feet would become permanent, which would preclude development of many of the lots shown near the current plant site.

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I-11 Comment noted.

1-12

Please refer to response to comment I-9. It is not expected that the interim plant on the Meadowood Project Site would be expanded; therefore, the dedication of additional land would not be necessary.

LETTER

RESPONSE

I-13

The proposed method of disposal of wet weather flows is a combination of storage and wet weather pond storage as indicated on page 2-5 of Appendix N-3. This specific approach has been discussed with the San Diego Regional Water Quality Control Board (RWQCB) which has agreed that the method and location of wet weather pond disposal is generally acceptable, subject to additional comment during permit application and final design. The ponds are proposed to be located such that there will be no connection to surface waters of the U.S. and therefore treatment to surface water standards is not required. This has been confirmed by the San Diego Regional Water Quality Control Board representatives on November 3, 2009. Proposed treatment will meet Basin Plan groundwater objectives and Title 22 criteria for reuse.

The method of disposal of wet weather flows from the Meadowood Facility also needs to be clarified. If the method is a combination of storage and percolation, then the storage ponds shown on the current plans may be adequate. However, because of recent court decisions impacting wastewater percolation next to surface waters of the US, percolation may not be possible unless the effluent is treated to surface water standards. If the method is storage alone with lined ponds, then we question whether the ponds shown on the current plan have sufficient capacity to accommodate a full 84 days of flow from a 225,000 gpd plant (18.9 million gallons, or 58 acre feet). At a maximum depth of 15 feet, with 2 to 1 side slopes, the seasonal storage pond would require approximately 6 to 9 acres of land depending on the design (excavated versus above ground compacted levee) and considering space required for freeboard and access roads. It appears that the proposed site for the combined treatment and seasonal storage is less than 2 acres. A clarification and analysis should be provided to indicate that the potential restrictions on percolation, and requirements on treatment standards and wet weather storage, have been considered.

If you have any questions or need any additional information, please contact me.

Sincerely,
Valley Center Municipal Water District



Wally Grabbe, PE
District Engineer

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LETTER

RESPONSE

The method of disposal of wet weather flows from the Meadowood Facility also needs to be clarified. If the method is a combination of storage and percolation, then the storage ponds shown on the current plans may be adequate. However, because of recent court decisions impacting wastewater percolation next to surface waters of the US, percolation may not be possible unless the effluent is treated to surface water standards. If the method is storage alone with lined ponds, then we question whether the ponds shown on the current plan have sufficient capacity to accommodate a full 84 days of flow from a 225,000 gpd plant (18.9 million gallons, or 58 acre feet). At a maximum depth of 15 feet, with 2 to 1 side slopes, the seasonal storage pond would require approximately 6 to 9 acres of land depending on the design (excavated versus above ground compacted levee) and considering space required for freeboard and access roads. It appears that the proposed site for the combined treatment and seasonal storage is less than 2 acres. A clarification and analysis should be provided to indicate that the potential restrictions on percolation, and requirements on treatment standards and wet weather storage, have been considered.

If you have any questions or need any additional information, please contact me.

Sincerely,
Valley Center Municipal Water District


Wally Grabbe, PE
District Engineer

I-14

I-15

I-14 As addressed in response to comment I-3, the method of disposal of wet weather flows is a combination of storage and wet weather pond storage. The San Diego Regional Water Quality Control Board is responsible for issuing the waste discharge permit for the WWTP, which will include review of engineering studies and final design documents to evidence that the treatment and disposal facilities are designed with adequate treatment capabilities and adequate size. Based on discussions with San Diego RWQCB representatives on November 3, 2009, the San Diego RWQCB is in agreement that 84 days of storage is not required because the ponds will be designed to allow wet weather storage as a backup to recycled water use. Preliminary analysis, including a focused geotechnical study, was performed to calculate size requirements for the proposed ponds to continuously handle, through combination of storage (including 2-foot freeboard) and wet weather pond storage, a treated water flow of 225,000 gpd throughout the wet weather season. This analysis was used to prepare the preliminary site layout for wastewater facilities, as shown on Figure 6B of Appendix N-3. If the ponds were not capable of handling, through wet weather pond storage, the entire treatment plant capacity, it would be necessary to provide 84 days of storage.

The proposed ponds will not be connected to surface waters of the U.S.; therefore, treatment to surface water standards is not required per San Diego Regional Water Quality Control Board representatives. Preliminary analysis indicating that the proposed treatment will meet Basin Plan standards is presented on pages 2-4 and 2-5 of Appendix N-3.

I-15 Closing comment is noted; no response is necessary.

Page 1 of 1

Letter J

Bobbi Herdes

From: Campbell, Dennis [Dennis.Campbell@sdcounty.ca.gov]
Sent: Tuesday, September 29, 2009 9:45 AM
To: Blackson, Kristin; Bobbi Herdes; Jimmy Ayala @pardeehomes.com
Cc: Real, Sami
Subject: FW: Meadowood Project

Hello All: Here is the EHL Comment. I'm somewhat surprised since that organization usually comments on loss of agriculture, as well as biological resources. Thanks, Dennis

Dennis Campbell
Land Use and Environmental Planner
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123
Ph.: 858.505.6380
Fax: 858.694.3373

From: Dan Silver [mailto:dsilveria@me.com]
Sent: Monday, September 28, 2009 3:17 PM
To: Campbell, Dennis
Subject: Meadowood Project

Sept 28, 2009

Dennis Campbell
Dept Planning and Land Use
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: MEADOWOOD PROJECT (GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-006; S 04-006; MUP 08-023; LOG NO. 04-02-004; SCH NO. 2004051028)

Dear Mr. Campbell:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. Meadowood is the subject of a hard line agreement with the state and federal wildlife agencies for North County MSCP consistency. DPLU should ensure that all aspects of this agreement are faithfully transposed to the project. Otherwise, determinations of insignificant impact to biological resources under CEQA could not be made.

Sincerely,

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2790
dsilveria@me.com
www.ehleague.org

9/29/2009

J-1

The County agrees that the Proposed Project is the subject of a hard line agreement for the North County MSCP. As such, the County will condition the Proposed Project accordingly to ensure that all aspects of the agreement are "faithfully transposed to the Proposed Project," as requested by the comment.

J-1

LETTER

RESPONSE

Letter K

 
FALLBROOK COMMUNITY PLANNING GROUP
205 Calle Linda
Fallbrook, California 92028
(760) 728-8081

Dennis Campbell DPLU Project Manager
San Diego County
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 02123

2 October 2009

Re: The Meadowood Project; GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024, review of the Draft Environmental Impact Report (DEIR)

Dennis. Attached are the comments of the Fallbrook Community Planning Group on the DEIR for the Meadowood Project. } K-1

Sincerely

Jim Russell
Chairman

K-1 Introductory comment is noted. No response is necessary.

Review of the Draft Environmental Impact Report (DEIR) for the Meadowood Project: GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024 Comments on the proposed DEIR must be received no later than 12 October, 2009 at DPLU, 5201 Ruffin Road, Suite B, San Diego, CA 92123, to Dennis Campbell DPLU Project Manager, 858-694-3737 & Kristin Blackston, Environmental Coordinator, 858-694-3012. COMMENTS ON THE MEADOWOOD DRAFT EIR Fallbrook Community Planning Group September 21, 2009 <u>Land Use Committee</u> Water - No water district has agreed to supply water. Comment: No water availability for housing or sewage treatment plant. Non-compliance - The assumption of approval is irrational logic based on inconsistencies with the Fallbrook Community Plan, the SD General Plan, and the I-15 Corridor Design Review standards. In addition, comparison with Rancho Viejo is ludicrous in that this project was begun, altered, and progressed all without FCPG approval. Comment: There are too many obstacles in numerous areas of each of the above documents. School - We strenuously object to 12.7 acres being set aside for only 2 years at which time it would revert to housing. In the current economic climate, school construction funding is questionable. Comment: The 12.7 acre school property (which may not be of adequate size) must remain available with no time frame. Density - Since the density is based on entire acreage, the number of dwelling units exceeds reasonable limits. Multi-family alley-loaded units are particularly problematic with totally inadequate parking (i.e. 9' x 19' garages and no room to park and unload). In addition, open space in Multi-Family area is totally inadequate. These factors create more problems than they solve. From the beginning of this project, we have expected no more than 650 units to be built on this land. The 844 (or 869 if the school land is considered) units requested far exceed those expectations. (See page 11, Item 2, for May 2, 2005, Motion of the FCPG regarding long-standing density recommendations for the area.) Comment: Density is too great and inclusion of alley loaded multi-family housing destroys the "rural Fallbrook" look that is expressly pointed out in the Community Plan, the SDGP, and the DEIR. Grading - 2.4 million cubic yards of grading is planned to build this project. Comment: In some areas this leaves 80'-100' slopes which changes the natural terrain dramatically, and violates the Fallbrook Community Plan's prohibition on excessive grading and the SDGP policy LU 6.8) The proposed grading is inconsistent with the rural character of Fallbrook. <u>Transit node</u> Comment: The County's concept for a transit node at I15/SR76 is not evident in this plan, which currently includes only a bus stop, or in any of the other plans for this area submitted to date. The EIR should include a detailed description of the proposed Transit Node. <u>Circulation Committee</u> Comments: 1. Horse Creek Ranch Road needs to extend as a four lane road to the Stewart Canyon underpass to avoid a bottleneck of traffic caused by a four lane road reduced to two lanes. <i>Fallbrook Community Planning Group</i> 9/21/09 <i>Page 2 of 12</i>	K-2 This comment is acknowledged. As described in the EIR, approval of the Proposed Project will be conditioned to ensure that water and sewer services are available to the Proposed Project. K-3 The County disagrees that preparation of the EIR assumes approval of the Proposed Project. As stated in Subchapter 1.5 of the Final EIR, "This EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project." A decision regarding the Proposed Project will ultimately be made by the County Board of Supervisors. Inconsistencies between the Proposed Project and the Fallbrook Community Plan, General Plan, and I-15 Corridor Design Review standards are identified in Subchapters 1.6, and 4.1.4, Proposed Project Inconsistencies with Land Use Plans, Policies, and Regulations (Guideline 1) of the Final EIR. The County acknowledges the input and advice received by the FCPG throughout the planning process. As with the Proposed Project, the Board of Supervisors was the final decision maker on the Rancho Viejo project. K-4 The County disagrees with this comment. As set forth in the Subdivision Map Act, Sections 66479 through 66482, a school district has a specific time period, within which it must enter into a binding agreement to acquire the school site. The school district is required to enter into a binding agreement to acquire the reserved school site, at the time of approval of the Final Map, for the Proposed Project. The reserved school site must thereafter be acquired, within two years after completion and acceptance of subdivision improvements. Therefore, if the school district does not acquire the site, within two years after completion and acceptance of subdivision improvements, the site could be used for other purposes (i.e. residential development).
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COMMENTS ON THE MEADOWOOD DRAFT EIR Fallbrook Community Planning Group September 21, 2009 Review of the Draft Environmental Impact Report (DEIR) for the Meadowood Project: GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024 Comments on the proposed DEIR must be received no later than 12 October, 2009 at DPLU, 5201 Ruffin Road, Suite B, San Diego, CA 92123, to Dennis Campbell DPLU Project Manager, 659-694-3737 & Kristin Blackson, Environmental Coordinator, 659-694-3012. <u>Water</u> - No water district has agreed to supply water. Comment: No water availability for housing or sewage treatment plant. <u>Non-compliance</u> - The assumption of approval is irrational logic based on inconsistencies with the Fallbrook Community Plan, the SD General Plan, and the I-15 Corridor Design Review standards. In addition, comparison with Rancho Viejo is ludicrous in that this project was begun, altered, and progressed all without FCPG approval. 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The EIR should include a detailed description of the proposed Transit Node. <u>Circulation Committee</u> Comments: 1. Horse Creek Ranch Road needs to extend as a four lane road to the Stewart Canyon underpass to avoid a bottleneck of traffic caused by a four lane road reduced to two lanes. Fallbrook Community Planning Group 9/21/09 Page 2 of 12	K-5 The density of the Proposed Project was reasonably calculated using the entire acreage within the property boundary, providing an overall density of 2.3 dwelling units per acre, for the entire Project Site. As a Specific Plan, it is appropriate to plan development in this manner, to cluster the development on more suitable terrain and near planned amenities such as parks, schools and transportation facilities. Such planning provides for the preservation of steep slopes, existing agriculture and natural open space. The proposed product type for the multi-family units has been designed to comply with the County Zoning Ordinance. The County Offstreet Parking Design Manual requires indoor garage parking spaces that are sized to a minimum of 9 feet x 19 feet. The planned garage parking spaces accommodate at least two vehicles, at a minimum size of 20 feet x 20 feet, each. Additionally, all unit types have extra room for trash and recycling bins. Therefore, parking exceeds the dimensions required by the County Offstreet Parking Design Manual. K-6 The proposed open space within the multi-family area has been designed to comply with the Fallbrook Design Guidelines. The Fallbrook Design Guidelines require at least 200 square feet per dwelling unit of Group Useable Open Space (for Multifamily housing). The Proposed Project proposes would provide 66,647 square feet and 65,340 square feet of Group Useable Open space for Planning Areas 1 and 4, respectively. These acreages exceed that required by the Fallbrook Design Guidelines. Additionally, the applicant has complied with the requirement to install a children's play area, which exceeds the Fallbrook Design Guidelines requirement of 400 square feet for the first 25 dwelling units and an additional 100 square feet for each 25 dwelling units, thereafter. The site plans propose a 2,374-square foot children's play area, within Planning Area 4 and a 1,000 square foot children's play area, within Planning Area 1.
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K-6 (cont.)

Further, the Fallbrook Design Guidelines require the provision of at least 100 square feet of Private Useable Open Space, per dwelling unit. The Proposed Project proposes 800 square feet per each individual unit within Planning Area 1. Private Useable Open Space within Planning Area 4 is as follows: Unit 1 - 266 square feet; Unit 2 - 266 square feet; and Unit 3 - 129 square feet. These planned areas meet or exceed the required amount for each dwelling unit.

Therefore, the Proposed Project's Open Space square footage conforms to all aspects of the Fallbrook Design Guidelines, and cannot be considered inadequate.

K-7

This comment is acknowledged. The EIR includes an alternative in Subchapter 5.7, of the Final EIR that closely matches the previous requests from the FCPG (General Plan Update Referral Map Alternative). The Referral Map Alternative would include a total of 536 residential units consisting of 263 single-family units and 273 residential units. Impacts of this alternative are compared to the impacts of the Proposed Project. An issue to be resolved, by the decision makers, is whether to implement this project alternative, in light of its associated impacts.

K-8

The Project Site is not located within "rural Fallbrook," but rather physically separated from the town center and any portion of the village areas. As addressed in Subchapter 4.1.4, Proposed Project Inconsistencies with Land Use Plans, Policies, and Regulations (Guideline 1), of the Final EIR and detailed in Appendix 1 of the Meadowood Specific Plan/General Plan Amendment, the Proposed Project complies with the Fallbrook Community Plan, Fallbrook Design Guidelines and I-15 Corridor Subregional Plan and Guidelines. The County acknowledges that the Project Site and surrounding area are currently open space and undeveloped. For this reason, Subchapter 2.1 of the Final EIR concludes that there would be a significant change in the visual character associated with cumulative development in this area.

COMMENTS ON THE MEADOWOOD DRAFT EIR **Fallbrook Community Planning Group** September 21, 2009

Review of the Draft Environmental Impact Report (DEIR) for the Meadowood Project:

GPA 04-001, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024

Comments on the proposed DEIR must be received no later than 12 October, 2009 at DPLU, 5201 Ruffin Road, Suite B, San Diego, CA 92123, to Dennis Campbell DPLU Project Manager, 658-694-3737 & Kristin Blackson, Environmental Coordinator, 658-694-3012.

Land Use Committee

Water - No water district has agreed to supply water.

Comment: No water availability for housing or sewage treatment plant.

Non-compliance - The assumption of approval is irrational logic based on inconsistencies with the Fallbrook Community Plan, the SD General Plan, and the I-15 Corridor Design Review standards. In addition, comparison with Rancho Viejo is ludicrous in that this project was begun, altered, and progressed all without FCPG approval.

Comment: There are too many obstacles in numerous areas of each of the above documents.

School - We strenuously object to 12.7 acres being set aside for only 2 years at which time it would revert to housing. In the current economic climate, school construction funding is questionable.

Comment: The 12.7 acre school property (which may not be of adequate size) must remain available with no time frame.

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Comment: Density is too great and inclusion of alley loaded multi-family housing destroys the "rural Fallbrook" look that is expressly pointed out in the Community Plan, the SDGP, and the DEIR.

Grading - 2.4 million cubic yards of grading is planned to build this project.

Comment: In some areas this leaves 80'-100' slopes which changes the natural terrain dramatically, and violates the Fallbrook Community Plan's prohibition on excessive grading and the SDGP policy LU 6.8) The proposed grading is inconsistent with the rural character of Fallbrook.

Transit node

Comment: The County's concept for a transit node at I15/SR76 is not evident in this plan, which currently includes only a bus stop, or in any of the other plans for this area submitted to date. The EIR should include a detailed description of the proposed Transit Node.

Circulation Committee

Comments:

1. Horse Creek Ranch Road needs to extend as a four lane road to the Stewart Canyon underpass to avoid a bottleneck of traffic caused by a four lane road reduced to two lanes.

COMMENTS ON THE MEADOWOOD DRAFT EIR Fallbrook Community Planning Group September 21, 2009 Review of the Draft Environmental Impact Report (DEIR) for the Meadowood Project: GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024 Comments on the proposed DEIR must be received no later than 12 October, 2009 at DPLU, 5201 Ruffin Road, Suite B, San Diego, CA 92123, to Dennis Campbell DPLU Project Manager, 858-694-3737 & Kristin Blackson, Environmental Coordinator, 858-694-3012. <u>Water</u> - No water district has agreed to supply water. Comment: No water availability for housing or sewage treatment plant. <u>Non-compliance</u> - The assumption of approval is irrational logic based on inconsistencies with the Fallbrook Community Plan, the SD General Plan, and the I-15 Corridor Design Review standards. In addition, comparison with Rancho Viejo is ludicrous in that this project was begun, altered, and progressed all without FCPG approval. Comment: There are too many obstacles in numerous areas of each of the above documents. <u>School</u> - We strenuously object to 12.7 acres being set aside for only 2 years at which time it would revert to housing. In the current economic climate, school construction funding is questionable. Comment: The 12.7 acre school property (which may not be of adequate size) must remain available with no time frame. <u>Density</u> - Since the density is based on entire acreage, the number of dwelling units exceeds reasonable limits. Multi-family alley-loaded units are particularly problematic with totally inadequate parking (i.e. 9' x 19' garages and no room to park and unload). In addition, open space in Multi-Family area is totally inadequate. These factors create more problems than they solve. From the beginning of this project, we have expected no more than 650 units to be built on this land. The 844 (or 869 if the school land is considered) units requested far exceed those expectations. (See page 11, Item 2, for May 2, 2005, Motion of the FCPG regarding long-standing density recommendations for the area.) Comment: Density is too great and inclusion of alley loaded multi-family housing destroys the "rural Fallbrook" look that is expressly pointed out in the Community Plan, the SDGP, and the DEIR.	K-9 Landform alteration and grading are discussed in Subchapter 2.1 of the EIR. Subchapter 2.1.3, Change in Visual Pattern or Character (Guideline 1) and Change in Visual Environment of Scenic Highway or Scenic Vista (Guideline 3), of the Final EIR have been revised to clarify that manufactured slopes would be up to 80 feet in height. The Proposed Project conforms to all applicable policies of the Fallbrook Community Plan Residential Goals. Specifically, Policy 2, which requires the use of open space, architecture and building materials that will promote and maintain the natural environment, as well as create a village feel; Policy 3, disruption of natural terrain and Community Beautification and Design Goal; and Policy 8 requiring wise grading practices. All are detailed in Appendix 1 of the Specific Plan/General Plan Amendment. Additionally, all relevant Community Beautification and Design goals are addressed in Subchapter 2.1.3, Conformance with Visual Resources Regulations (Guideline 6), of the Final EIR. While grading would result in the creation of manufactured slopes, implementation of the Community Design Guidelines, found within the Meadowood Specific Plan would require that the manufactured slopes be graded to follow existing contours which would soften the Proposed Project's appearance.
<u>Grading</u> - 2.4 million cubic yards of grading is planned to build this project. Comment: In some areas this leaves 80'-100' slopes which changes the natural terrain dramatically, and violates the Fallbrook Community Plan's prohibition on excessive grading and the SDGP policy LU 6.8) The proposed grading is inconsistent with the rural character of Fallbrook. <u>Transit node</u> Comment: The County's concept for a transit node at I15/SR76 is not evident in this plan, which currently includes only a bus stop, or in any of the other plans for this area submitted to date. The EIR should include a detailed description of the proposed Transit Node. <u>Circulation Committee</u> Comments: 1. Horse Creek Ranch Road needs to extend as a four lane road to the Stewart Canyon underpass to avoid a bottleneck of traffic caused by a four lane road reduced to two lanes. Fallbrook Community Planning Group 9/21/09 Page 2 of 12	K-10 A viable transit node requires multiple transit lines, a place where transportation modes are changed (i.e., car to rail, car to bus, bus to rail, etc.), a parking lot, and a park-and-ride location for all of these elements. The Proposed Project is not adjacent to the I-15/SR-76 interchange where a park-and-ride lot would be best located and where multiple transit lines could meet. Placing a park-and-ride lot away from the I-15/SR-76 interchange would not meet these criteria. The North County Transit District (NCTD) has indicated that it currently does not operate any fixed route bus services near the Project Site and has no current plans or funding to operate transit service in the foreseeable future. As requested by NCTD, the Proposed Project includes bus turnouts, along Horse Ranch Creek Road, to serve the Proposed Project and the adjacent

K-10 (cont.)

projects. Notwithstanding the current status of Transit Node planning, Objective CE-3.3 (page 58) of the SPA conveys the Proposed Project's requirement to contribute a payment that would represent a fair share contribution, in conjunction with all developments, at this Interchange, toward design and construction of a future Transit Node. Table 1-5, Subchapter 8 (MMRP) and Subchapter 2.2.3, Global Climate Change (Guideline 5), of the Final EIR have been revised to show this as a project design measure requiring that, as a condition of approval, the Proposed Project will participate, along with the other projects in the vicinity, in the contribution of funds for the acquisition, design, and construction of a future Transit Node.

K-11

As proposed, Horse Ranch Creek Road would transition from four lanes to two lanes at the intersection with Pala Mesa Heights Drive (also identified as Baltimore Oriole Road by the Campus Park project) because the traffic volumes would not warrant a four-lane roadway north of Pala Mesa Heights Drive. As shown in the TIS on Figures 18a (segment) and 18b (intersection) for existing plus project conditions and on Figures 26a (segment) and 26b (intersection) for horizon year plus project conditions, when traveling north on Horse Ranch Creek Road, enough traffic would turn off at the intersection of Pala Mesa Heights Drive/Baltimore Oriole Road to only require two lanes north of that intersection.

The segment operations with acceptable LOS with only two lanes on Horse Ranch Creek Road north of Pala Mesa Heights Drive (aka Baltimore Oriole Road) are documented in the TIS within Table 15 for existing plus project conditions and Table 32 for horizon year plus project conditions.

COMMENTS ON THE MEADOWOOD DRAFT EIR Fallbrook Community Planning Group

September 21, 2009

Review of the Draft Environmental Impact Report (DEIR) for the Meadowood Project:

GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S04-005, S04-006, S04-007, MUP08-024

Comments on the proposed DEIR must be received no later than 12 October, 2009 at DPLU, 5201 Ruffin Road, Suite B, San Diego, CA 92123, to Dennis Campbell DPLU Project Manager, 858-694-3737 & Kristin Blackson, Environmental Coordinator, 858-694-3012.

Land Use Committee

Water - No water district has agreed to supply water.

Comment: No water availability for housing or sewage treatment plant.

Non-compliance - The assumption of approval is irrational logic based on inconsistencies with the Fallbrook Community Plan, the SD General Plan, and the I-15 Corridor Design Review standards. In addition, comparison with Rancho Viejo is ludicrous in that this project was begun, altered, and progressed all without FCPG approval.

Comment: There are too many obstacles in numerous areas of each of the above documents.

School - We strenuously object to 12.7 acres being set aside for only 2 years at which time it would revert to housing. In the current economic climate, school construction funding is questionable.

Comment: The 12.7 acre school property (which may not be of adequate size) must remain available with no time frame.

Density - Since the density is based on entire acreage, the number of dwelling units exceeds reasonable limits. Multi-family alley-loaded units are particularly problematic with totally inadequate parking (i.e. 9' x 19' garages and no room to park and unload). In addition, open space in Multi-Family area is totally inadequate. These factors create more problems than they solve. From the beginning of this project, we have expected no more than 650 units to be built on this land. The 844 (or 869 if the school land is considered) units requested far exceed those expectations. (See page 11, Item 2, for May 2, 2005, Motion of the FCPG regarding long-standing density recommendations for the area.)

Comment: Density is too great and inclusion of alley loaded multi-family housing destroys the "rural Fallbrook" look that is expressly pointed out in the Community Plan, the SDGP, and the DEIR.

Grading - 2.4 million cubic yards of grading is planned to build this project.

Comment: In some areas this leaves 80'-100' slopes which changes the natural terrain dramatically, and violates the Fallbrook Community Plan's prohibition on excessive grading and the SDGP policy LU 6.8) The proposed grading is inconsistent with the rural character of Fallbrook.

Transit node

Comment: The County's concept for a transit node at I15/SR76 is not evident in this plan, which currently includes only a bus stop, or in any of the other plans for this area submitted to date. The EIR should include a detailed description of the proposed Transit Node.

Circulation Committee

Comments:

1. Horse Creek Ranch Road needs to extend as a four lane road to the Stewart Canyon underpass to avoid a bottleneck of traffic caused by a four lane road reduced to two lanes.

2. An interchange is needed at Stewart Canyon, especially since there will be a great deal of traffic attending the Palomar College campus from Riverside. An e-mail was sent by Sid Morel to Supervisor Bill Horn regarding this need. <i>(Also see long-standing request for this interchange, page 11, item 6: 2005 Motion of the FCPG.)</i> 3. The project school is improperly located too close to the Bonsall School District boundary. It should be closer to Highway 76 near Lake Rancho Viejo to accommodate the large number of students south of Highway 76. 4. Parking for the entire project is inadequate. Cars cannot be parked in front of garages without spilling into the alleyways which will encroach on fire truck access. 5. The definition of a transit node is too vague. The draft EIR only addresses a bus turn out and does not address park-and-ride or transfer stations which will be needed for this area. 6. The Traffic Impact Fees need to be applied to the areas that are affected by the project paying the fees. <u>Public Facilities Committee</u> General Comments: Water and Wastewater issues need to be considered for ALL projects in the I-15/76 area before selecting any single project for approval. The Project Proponent must demonstrate that adequate water is available on a sustainable basis and that project approval does not have a negative impact on existing water users, both for imported supplies and current groundwater supply. DEIR Conclusions about water: The DEIR's following conclusions about water are not supported by the evidence submitted: "MET's reliability assessment showed that MET can maintain reliable water supplies to meet projected demand through 2030." (4-42) "MET can 'meet demands' based on latest data from April, 2009. (4-46) "There is sufficient water supply to service the Proposed Project and the existing and other certain planned projects in the SDCWA area." (4-55) Comment: All water conclusions in the DEIR are based on incomplete and outdated data. The analyses do not account for the effects of the third year of drought, the delta smelt decision or reduced supplies from the Colorado River. The only reference to these issues which have dramatically impacted water supply is an acknowledgement of 'unforeseen challenges' - p. 4-51 - and a suggestion that 'the EIR must explain, however, given these factors, that water is still available' (4-51) Comment: Water supply data needs to be updated throughout the EIR and all conclusions about current water availability which are based on pre-2008 data should be deleted. Comment: The proposals for Offset programs (4-50) need details and evidence. Grey Water Systems Comment: Meadowood should explore the feasibility of permits for individual dwelling units to install 'grey water' recovery systems for irrigation. Appendix O-1 (May 2009) Water Availability - Appendix O-1, p. 3-19. "The Water Authority currently operates the treated water pipelines in both aqueducts at or near their capacity during the summer months." Comment: Since the two aqueducts serving the proposed project area are already at capacity in summer months, how will Meadowood provide supplies during the summer? The EIR needs to address this additional restriction on the availability of water. Irrigation Systems - will be owned and managed by the Meadowood HOA, and a Recycled Water Site Supervisor will be required who answers to the HOA. (2-9)	K-12 The study area roadways around the Proposed Project and around Stewart Canyon Road are calculated to operate at acceptable levels of service in the horizon year with the current roadway classifications without a Stewart Canyon/I-15 interchange. The cumulative analysis included the Palomar Community College North Education Center, Campus Park, and Campus Park West projects. The cumulative analysis also included all other known projects identified in the General Plan Update Modified Series 10 Model. Like the General Plan Update Modified Series 10 Model, the Proposed Project's cumulative analysis did not identify significant impacts necessitating the construction of this interchange. In addition, there are no current plans by Caltrans for the construction of a new interchange at 1-15/Stewart Canyon Road. K-13 The County acknowledges this comment and concurs that a school location closer to Lake Rancho Viejo may be more accessible to a larger number of students. However, the Proposed Project has set aside a building site for a school in consultation with the School District. Whether the School District chooses to pursue the construction of a school on this site would be a School District decision that is independent of the approvals being sought for the Proposed Project. K-14 Please refer to response to comment K-5. Additionally, to avoid potential encroachment into fire access lanes, these lanes will be delineated by striping/curb painting. K-15 Please refer to response to comment K-10. K-16 The County concurs with this comment. The Proposed Project is required to contribute fees pursuant to the Transportation Impact Fee (TIF) program. The Proposed Project's contribution to the TIF is discussed in Subchapter 2.3.5 of the Final EIR. K-17 Please see responses to comments G-26 and G-27.
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2. An interchange is needed at Stewart Canyon, especially since there will be a great deal of traffic attending the Palomar College campus from Riverside. An e-mail was sent by Sid Morel to Supervisor Bill Horn regarding this need. (Also see long-standing request for this interchange, page 11, item 6: 2005 Motion of the FCPG.) 3. The project school is improperly located too close to the Bonsall School District boundary. It should be closer to Highway 76 near Lake Rancho Viejo to accommodate the large number of students south of Highway 76. 4. Parking for the entire project is inadequate. Cars cannot be parked in front of garages without spilling into the alleyways which will encroach on fire truck access. 5. The definition of a transit node is too vague. The draft EIR only addresses a bus turn out and does not address park-and-ride or transfer stations which will be needed for this area. 6. The Traffic Impact Fees need to be applied to the areas that are affected by the project paying the fees.	Water General Comments: Water and Wastewater issues need to be considered for ALL projects in the I-15/76 area before selecting any single project for approval. The Project Proponent must demonstrate that adequate water is available on a sustainable basis and that project approval does not have a negative impact on existing water users, both for imported supplies and current groundwater supply. DEIR Conclusions about water: The DEIR's following conclusions about water are not supported by the evidence submitted: "MET's reliability assessment showed that MET can maintain reliable water supplies to meet projected demand through 2030." (4-42) MET can "meet demands" based on latest data from April, 2009. (4-46) "There is sufficient water supply to service the Proposed Project and the existing and other certain planned projects in the SDCWA area." (4-55) Comment: All water conclusions in the DEIR are based on incomplete and outdated data. The analyses do not account for the effects of the third year of drought, the delta smelt decision or reduced supplies from the Colorado River. The only reference to these issues which have dramatically impacted water supply is an acknowledgement of "unforeseen challenges" - p. 4-51 - and a suggestion that "the EIR must explain, however, given these factors, that water is still available" (4-51) Comment: Water supply data needs to be updated throughout the EIR and all conclusions about current water availability which are based on pre-2008 data should be deleted. Comment: The proposals for Offset programs (4-50) need details and evidence. Grey Water Systems Comment: Meadowood should explore the feasibility of permits for individual dwelling units to install "grey water" recovery systems for irrigation. Appendix O-1 (May 2009) Water Availability - Appendix O-1, p. 3-19. "The Water Authority currently operates the treated water pipelines in both aqueducts at or near their capacity during the summer months." Comment: Since the two aqueducts serving the proposed project area are already at capacity in summer months, how will Meadowood provide supplies during the summer? The EIR needs to address this additional restriction on the availability of water. Irrigation Systems - will be owned and managed by the Meadowood HOA, and a Recycled Water Site Supervisor will be required who answers to the HOA. (2-9)	K-18	Implementation of the Proposed Project will not create a negative impact on existing water users, for either imported water or groundwater. For a detailed response regarding the adequacy of imported water supply, please refer to the response to comment Q-2. With respect to groundwater supply, Subchapters 4.2.1, 4.2.2, 4.2.3, 4.2.4, Groundwater levels (Guideline 7) and 4.2.6 of the Final EIR have been revised to clarify that the Proposed Project will have a less than significant impact on groundwater resources.
K-19	Public Facilities Committee	K-19	The County disagrees that the water supply conclusions quoted in the comment are "based on incomplete and outdated data." Please refer to response to comment Q-2, which addresses that although MET's water supply has not been developed as planned due to drought conditions, the delta smelt decision and reduced supply from the Colorado River, that sufficient water supply exists to serve the Proposed Project and other existing planned development in the area.
K-20	K-19	K-20	At the time that the EIR was released for public review, the water supply information was based on the most current documents and water supply information available. In response to this comment and comments received from the SDCWA (Letter Q), both the WSA and EIR have been revised to include the most current water supply data, including implementation of a Drought Management Plan (DMP) and Water Supply Allocation Plans (WSAPs). However, this information does not change the conclusion that there is sufficient water available to serve the Proposed Project. Please refer to response to comment Q-2.
K-21	K-21	K-21	Please refer to response to comment Q-7 detailing the revisions to the EIR, clarifying the Proposed Project's participation in offset programs, to assure net-zero demand on SDCWA water supplies. In summary, the specific offset program(s) will be identified during the annexation proceedings and the SOI update process, which will occur after approval of the Proposed Project. Implementation of the offset project shall be a condition of annexation into the SDCWA and MWD prior to the delivery of water.

2. An interchange is needed at Stewart Canyon, especially since there will be a great deal of traffic attending the Palomar College campus from Riverside. An e-mail was sent by Sid Morel to Supervisor Bill Horn regarding this need. <i>(Also see long-standing request for this interchange, page 11, item 6: 2005 Motion of the FCPG.)</i> 3. The project school is improperly located too close to the Bonsall School District boundary. It should be closer to Highway 76 near Lake Rancho Viejo to accommodate the large number of students south of Highway 76. 4. Parking for the entire project is inadequate. Cars cannot be parked in front of garages without spilling into the alleyways which will encroach on fire truck access. 5. The definition of a transit node is too vague. The draft EIR only addresses a bus turn out and does not address park-and-ride or transfer stations which will be needed for this area. 6. The Traffic Impact Fees need to be applied to the areas that are affected by the project paying the fees. <u>Public Facilities Committee</u> Water General Comments: Water and Wastewater issues need to be considered for ALL projects in the I-15/76 area before selecting any single project for approval. The Project Proponent must demonstrate that adequate water is available on a sustainable basis and that project approval does not have a negative impact on existing water users, both for imported supplies and current groundwater supply. DEIR Conclusions about water: The DEIR's following conclusions about water are not supported by the evidence submitted: "MET's reliability assessment showed that MET can maintain reliable water supplies to meet projected demand through 2030." (4-42) MET can "meet demands" based on latest data from April, 2009. (4-46) "There is sufficient water supply to service the Proposed Project and the existing and other certain planned projects in the SDCWA area." (4-55) Comment: All water conclusions in the DEIR are based on incomplete and outdated data. The analyses do not account for the effects of the third year of drought, the delta smelt decision or reduced supplies from the Colorado River. The only reference to these issues which have dramatically impacted water supply is an acknowledgement of "unforeseen challenges" - p. 4-51 - and a suggestion that "the EIR must explain, however, given these factors, that water is still available" (4-51) Comment: Water supply data needs to be updated throughout the EIR and all conclusions about current water availability which are based on pre-2008 data should be deleted. Comment: The proposals for Offset programs (4-50) need details and evidence. Grey Water Systems Comment: Meadowood should explore the feasibility of permits for individual dwelling units to install "grey water" recovery systems for irrigation. Appendix O-1 (May 2009) Water Availability - Appendix O-1, p. 3-19. "The Water Authority currently operates the treated water pipelines in both aqueducts at or near their capacity during the summer months." Comment: Since the two aqueducts serving the proposed project area are already at capacity in summer months, how will Meadowood provide supplies during the summer? The EIR needs to address this additional restriction on the availability of water. Irrigation Systems - will be owned and managed by the Meadowood HOA, and a Recycled Water Site Supervisor will be required who answers to the HOA. (2-9)	K-22 The Proposed Project does not currently include grey water systems for the individual dwelling units. Utilization of grey water recovery systems on individual lots would be up to each individual homeowner. The project would not prevent those systems from being installed. K-23 Water supplies will be provided during the summer months in the same manner as year-round. The SDCWA treated water pipelines, in both aqueducts, supply the SDCWA member agencies water demands. The Proposed Project will receive its potable water from these pipelines, via the LAFCO-selected Municipal Water District. So as not to increase the member agencies demand for SDCWA supplies, the Proposed Project will reduce existing demands, in an amount equal to what the Proposed Project requires. Therefore, with no net impact on SDCWA supplies, there will be no net impact on the capacity of the treated water pipelines. Although there will be no net impact to the capacity of the SDCWA aqueducts as a whole, the SDCWA may favor a new connection to one treated water pipeline over another based on water delivery procedures in place at that time. The EIR provides connection alternatives to both aqueducts. K-24 Comment is noted. As stated in the Water Study (Appendix N – 1, page 2-9), the recycled water supply and distribution facility will be owned and managed by the municipal water district selected to provide recycled water services. For HOA-owned parcels that require irrigation, the irrigation systems will be owned and managed by the HOA. The one exception to this statement is the water meters owned by the municipal water district which are used to monitor recycled water usage. As pointed out in the Water Study, it is typical for the municipal water district that is providing recycled water to end-users, to require each recycled water customer to obtain a recycled water user permit. Additionally, the municipal water district requires minimum criteria to be satisfied, on an ongoing basis, for the safe and efficient use of the recycled water.
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LETTER

RESPONSE

Comment: Details should be provided to explain the operations and oversight of this system, not only for the technical aspects but also for financial accountability. The EIR should consider the feasibility of requiring that the Common HOA Areas be managed by an independent firm since HOA's do not always have adequate and sustainable self-enforcement. Water OFFSET programs (Appendix O-1, pages 2-11 & 12) - The Project Proposal bases its offset program, in part, on available groundwater supplies. Comment: The groundwater supply figures are based on estimates of likely historical usage (no actual records were kept). There is no hydrological data to support these figures. A water study should be conducted which includes a thorough hydrological assessment of the ground water supply - its quantity, quality, and an assessment of how the future supply will be affected by both environmental influences and the extent of development proposed for the area. Comment: The estimated 421 AFY in excess groundwater supplies (used as their offset) is not potable water. What is the source of the project's potable water supplies? And what is the mechanism for exchanging their offset groundwater supplies for potable water? The list of possible offset proposals is generalized and unconvincing. (develop new sources, recycled water outside project, desalinated water, and groundwater). Comment: Details should be added to specify how these offset proposals will be developed and what their impact will be. For example: "Where are the new sources that can be developed? Since there is only one proposed desalination plant in the San Diego County area (many years in the making), how could this project access desalinated water?" Contradictory Information: (Appendix L, Chapter XII, p. 20) - "The Proposed Project does not propose groundwater usage except during the drier months as a secondary source of irrigation...." Comment: Project has already allocated all the excess groundwater for their Offset. Meadowood Water Study: Appendix O-2. (June 2009) The Water Supply Tables in this appendix are based on the April 2007 Update which concludes that "no shortages are anticipated within the Water Authority Service area." They reference the New April 2008 Five Year Supply Plan which "identifies new supplies for MET to consider" and "demonstrates" that firm demands on MET can be met. They conclude that "Independent of the LAFCO determination of the ultimate water service provider, an adequate supply of water is available from the Water Authority to serve the Meadowood Project's demands." (p. 17) Comment: This information is completely misleading and needs to be based on current data. Wastewater Treatment Plant Comment: Ensure that the Project's approval is contingent on the availability of a wastewater treatment and disposal sewer service commitment prior to land preparation. Comment: The Wastewater Treatment Plant is too close to homes. The EIR needs details on provisions that will protect homeowners from noise, odors, air pollution, and visual impacts with special attention to the open treatment basins detailed in project blueprints. The Project should consider re-locating the Wastewater Treatment Plant to an industrial area far from any residential dwellings. Landfill - The discussion on landfills and solid waste disposal assumes that Gregory Canyon Landfill will be operational. (p. 4-26). Comment: The EIR should consider other viable alternatives if Gregory Canyon is not available. K-24 K-25 K-26 K-27 <td data-bbox="165 84 1477 1050"> K-25 Subchapter 4.2.4, Groundwater levels (Guideline 7) of the Final EIR, has been revised to clarify that the Proposed Project would not use groundwater as part of an imported water offset program. Groundwater may, however, be used on-site for irrigation purposes to supplement recycled water use during drier and hotter periods of the year. Existing on-site agricultural groundwater demand, at the site, is estimated to be approximately 619 acre-feet per year. The Proposed Project will require approximately 329 acre-feet per year of non-potable water for outdoor irrigation at the school, park, HOA areas, rights-of-way, and retained groves. Recycled water deliveries from the proposed wastewater treatment plant would provide approximately 189 acre-feet per year towards the demand, and approximately 140 acre-feet per year of on-site groundwater would supply the remainder. The proposed approximately 140 acre-feet per year groundwater demand, at the Project Site, would result in a reduction of approximately 478 acre-feet per year in the overall use of groundwater, as compared to existing conditions. Groundwater use would be managed by the municipal water district. Also, please see response to comment H-5 for additional information. K-26 Please refer to response to comment K-25. K-27 As detailed in response to comment Q-7, Subchapter 4.6.4, Water Supply, Table 1-5 and Subchapter 8 (MMRP) of the Final EIR has been revised to reflect that the Proposed Project will be conditioned to provide a net-zero demand on SDCWA supplies, regardless of the existence of off-set programs. The EIR identifies examples of off-set programs and projects that the Proposed Project could potentially implement. The comment that there is only one proposed desalination plant in San Diego County is incorrect. There are two desalination plants proposed for San Diego County (Oceanside and Sweetwater), which could provide desalinated water to the Proposed Project. </td>	K-25 Subchapter 4.2.4, Groundwater levels (Guideline 7) of the Final EIR, has been revised to clarify that the Proposed Project would not use groundwater as part of an imported water offset program. Groundwater may, however, be used on-site for irrigation purposes to supplement recycled water use during drier and hotter periods of the year. Existing on-site agricultural groundwater demand, at the site, is estimated to be approximately 619 acre-feet per year. The Proposed Project will require approximately 329 acre-feet per year of non-potable water for outdoor irrigation at the school, park, HOA areas, rights-of-way, and retained groves. Recycled water deliveries from the proposed wastewater treatment plant would provide approximately 189 acre-feet per year towards the demand, and approximately 140 acre-feet per year of on-site groundwater would supply the remainder. The proposed approximately 140 acre-feet per year groundwater demand, at the Project Site, would result in a reduction of approximately 478 acre-feet per year in the overall use of groundwater, as compared to existing conditions. Groundwater use would be managed by the municipal water district. Also, please see response to comment H-5 for additional information. K-26 Please refer to response to comment K-25. K-27 As detailed in response to comment Q-7, Subchapter 4.6.4, Water Supply, Table 1-5 and Subchapter 8 (MMRP) of the Final EIR has been revised to reflect that the Proposed Project will be conditioned to provide a net-zero demand on SDCWA supplies, regardless of the existence of off-set programs. The EIR identifies examples of off-set programs and projects that the Proposed Project could potentially implement. The comment that there is only one proposed desalination plant in San Diego County is incorrect. There are two desalination plants proposed for San Diego County (Oceanside and Sweetwater), which could provide desalinated water to the Proposed Project.
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Comment: Details should be provided to explain the operations and oversight of this system, not only for the technical aspects but also for financial accountability. The EIR should consider the feasibility of requiring that the Common HOA Areas be managed by an independent firm since HOA's do not always have adequate and sustainable self-enforcement.

Water OFFSET programs (Appendix O-1, pages 2-11 & 12) - The Project Proposal bases its offset program, in part, on available groundwater supplies.

Comment: The groundwater supply figures are based on estimates of likely historical usage (no actual records were kept). There is no hydrological data to support these figures. A water study should be conducted which includes a thorough hydrological assessment of the ground water supply - its quantity, quality, and an assessment of how the future supply will be affected by both environmental influences and the extent of development proposed for the area.

Comment: The estimated 421 AFY in excess groundwater supplies (used as their offset) is not potable water. What is the source of the project's potable water supplies? And what is the mechanism for exchanging their offset groundwater supplies for potable water?

The list of possible offset proposals is generalized and unconvincing. (develop new sources, recycled water outside project, desalinated water, and groundwater).

Comment: Details should be added to specify how these offset proposals will be developed and what their impact will be. For example: "Where are the new sources that can be developed? Since there is only one proposed desalination plant in the San Diego County area (many years in the making), how could this project access desalinated water?"

Contradictory Information: (Appendix L, Chapter XII, p. 20) - "The Proposed Project does not propose groundwater usage except during the drier months as a secondary source of irrigation...."

Comment: Project has already allocated all the excess groundwater for their Offset.

Meadowood Water Study: Appendix O-2. (June 2009)

The Water Supply Tables in this appendix are based on the April 2007 Update which concludes that "no shortages are anticipated within the Water Authority Service area."

They reference the New April 2008 Five Year Supply Plan which "identifies new supplies for MET to consider" and "demonstrates" that firm demands on MET can be met.

They conclude that "Independent of the LAFCO determination of the ultimate water service provider, an adequate supply of water is available from the Water Authority to serve the Meadowood Project's demands." (p. 17)

Comment: This information is completely misleading and needs to be based on current data.

Wastewater Treatment Plant

Comment: Ensure that the Project's approval is contingent on the availability of a wastewater treatment and disposal sewer service commitment prior to land preparation.

Comment: The Wastewater Treatment Plant is too close to homes. The EIR needs details on provisions that will protect homeowners from noise, odors, air pollution, and visual impacts with special attention to the open treatment basins detailed in project blueprints. The Project should consider re-locating the Wastewater Treatment Plant to an industrial area far from any residential dwellings.

Landfill - The discussion on landfills and solid waste disposal assumes that Gregory Canyon Landfill will be operational. (p. 4-26)

Comment: The EIR should consider other viable alternatives if Gregory Canyon is not available.

K-28

Appendix K correctly states the Proposed Project's planned use for groundwater. Groundwater will be used in drier periods to supplement recycled water for on-site irrigation purposes. This comment confuses the Proposed Project's intent to "offset" (make up for) potable water use by using non-potable, groundwater for irrigation purposes, with the Proposed Project's condition to participate in off-set programs (as referenced in response to comment K-5 and detailed in response to comment Q-7) as a means to reduce overall water demand.

K-29

Please refer to response to comment K-20.

K-30

This comment is acknowledged. Table 1-5, Subchapter 8 (MMRP) and Subchapter 1.2.1, Water/Wastewater Services, of the Final EIR have been revised to reflect that approval of the Proposed Project will be conditioned to ensure that sewer services are available prior to construction.

K-31

The proximity of the WWTP to the homes north of SR-76 is acknowledged. Due to comments received during public review of the Proposed Project, the applicant has agreed to include design measures to assure the WWTP is located a minimum of 250 feet from any residences. Subchapter 1.2.1, Water/Wastewater Services, Table 1-5 and Subchapter 8 (MMRP) of the Final EIR have been revised to reflect this condition.

Furthermore, the Proposed Project has been designed to incorporate features that minimize the potential impacts and protect homeowners from noise, air pollution, and visual impacts associated with the WWTP, including the open treatment basins. Regarding potential impacts to noise, this analysis can be found in Subchapter 3.4.3, Stationary Noise (Guideline 2), Wastewater Treatment Plant, of the Final EIR. Noise associated with

K-31 (cont.)

Comment: Details should be provided to explain the operations and oversight of this system, not only for the technical aspects but also for financial accountability. The EIR should consider the feasibility of requiring that the Common HOA Areas be managed by an independent firm since HOA's do not always have adequate and sustainable self-enforcement.

Water OFFSET programs (Appendix O-1, pages 2-11 & 12) - The Project Proposal bases its offset program, in part, on available groundwater supplies.

Comment: The groundwater supply figures are based on estimates of likely historical usage (no actual records were kept). There is no hydrological data to support these figures. A water study should be conducted which includes a thorough hydrological assessment of the ground water supply - its quantity, quality, and an assessment of how the future supply will be affected by both environmental influences and the extent of development proposed for the area.

Comment: The estimated 421 AFY in excess groundwater supplies (used as their offset) is not potable water. What is the source of the project's potable water supplies? And what is the mechanism for exchanging their offset groundwater supplies for potable water?

The list of possible offset proposals is generalized and unconvincing, (develop new sources, recycled water outside project, desalinated water, and groundwater).

Comment: Details should be added to specify how these offset proposals will be developed and what their impact will be. For example: "Where are the new sources that can be developed? Since there is only one proposed desalination plant in the San Diego County area (many years in the making), how could this project access desalinated water?"

Contradictory Information: (Appendix L, Chapter XII, p. 20) - "The Proposed Project does not propose groundwater usage except during the drier months as a secondary source of irrigation...."

Comment: Project has already allocated all the excess groundwater for their Offset.

Meadowood Water Study- Appendix O-2 (June 2009)

The Water Supply Tables in this appendix are based on the April 2007 Update which concludes that "no shortages are anticipated within the Water Authority Service area."

They reference the New April 2008 Five Year Supply Plan which "identifies new supplies for MET to consider" and "demonstrates" that firm demands on MET can be met.

They conclude that "independent of the LAFCO determination of the ultimate water service provider, an adequate supply of water is available from the Water Authority to serve the Meadowood Project's demands." (p. 17)

Comment: This information is completely misleading and needs to be based on current data.

Wastewater Treatment Plant

Comment: Ensure that the Project's approval is contingent on the availability of a wastewater treatment and disposal sewer service commitment prior to land preparation.

K-31

Comment: The Wastewater Treatment Plant is too close to homes. The EIR needs details on provisions that will protect homeowners from noise, odors, air pollution, and visual impacts with special attention to the open treatment basins detailed in project blueprints. The Project should consider re-locating the Wastewater Treatment Plant to an industrial area far from any residential dwellings.

Landfill - The discussion on landfills and solid waste disposal assumes that Gregory Canyon Landfill will be operational, (p. 4-26).

Comment: The EIR should consider other viable alternatives if Gregory Canyon is not available.

operation of the on-site WWTP was analyzed to ensure that noise levels would not exceed the applicable County Noise Ordinance standards of (50 dB(A) L_{eq} from 7:00 A.M. to 10:00 P.M. and 45 dB(A) L_{eq} from 10:00 P.M. to 7:00 A.M.). The analysis in the EIR is based on the assumption that the closest on-site residential property line would be located approximately 95 feet north of the center of the WWTP building, concluding that, should the on-site WWTP option be constructed, the noise level at the residential property line due to the WWTP would be 64 dB(A) L_{eq} . Please refer to Subchapter 3.4.3, Stationary Noise (Guideline 2), Wastewater Treatment Plant of the Final EIR. Based on the Noise Ordinance, this impact is considered significant; however, Mitigation Measure M-N-4 requires the construction of a 10-foot noise barrier south of the residential area reducing noise to a level that is less than significant. These measures assure that homeowners would be protected from noise related impacts associated with the WWTP.

As stated above, the applicant has agreed to increase the distance between the WWTP and the adjacent residential area to 250 feet. The current analysis in the EIR represents a worst case scenario. The property owners at residences located 250 feet away from the WWTP would actually experience less day time noise; however, the proposed mitigation would still be required due to night time noise levels. No changes to the EIR are required.

Regarding potential impacts to odors, this analysis can be found in Subchapter 2.2.3, Air Quality Standards (Guideline 2), On-Site Operation and Area Source Emissions, of the Final EIR. As stated therein, odor control measures would be provided to reduce any potential impacts to the surrounding areas. Specifically, the treatment building, equalization basins, and solids dewatering facilities would be enclosed and the air would be conveyed to either wet scrubbers or activated carbon odor control units. Additionally, as stated in Subchapter 2.2.3, Odors (Guideline 4), of the Final EIR, "Pursuant to Section 6300 of the

K-31 (cont.)

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Landfill - The discussion on landfills and solid waste disposal assumes that Gregory Canyon Landfill will be operational. (p. 4-26)

Comment: The EIR should consider other viable alternatives if Gregory Canyon is not available.

County of San Diego Zoning Ordinance odor control units would be designed to treat odorous air from within treatment structures, so as to not emit matter causing unpleasant odors, which are perceptible by the average person at or beyond the lot line of the WWTP. The WWTP would be located within relative proximity to residential areas. Therefore, odor treatment units would be required to provide a dilution ratio of one volume of odorous air to eight volumes of clean air. The treatment structures for which odor control would be provided are the inlet pump station, preliminary treatment building, equalization basin, and solids handling building. Objectionable levels of odors are not expected within the other treatment structures. Wastewater treatment processes such as aeration and disinfection basins that are not enclosed within buildings would be covered."

These measures assure that homeowners would be protected from odor-related impacts associated with the WWTP.

Subchapter 2.2.3, Air Quality Standards (Guideline 2), On-Site Operation and Area Source Emissions of the Final EIR has been revised to reflect that the WWTP is not expected to be a source of air pollutant emissions. The WWTP is expected to be run on electricity with diesel generators standing-by, only in the case of an emergency. Therefore, homeowners will be protected from air pollution-related impacts associated with the WWTP.

Regarding potential visual impacts, this analysis can be found in Subchapter 2.1.3, Change in Visual Pattern or Character (Guideline 1), Public Roadways, of the Final EIR. The homeowners, within the residential area located 250 feet from the WWTP, are separated by trees planted on the slopes and landscape plantings, as well as a sound wall. This provides a visual buffer and homeowners will be protected from visual-related impacts associated with the WWTP.

K-31

K-31 (cont.)

As detailed in the Sewer Study, located in Appendix N-3 of the EIR, the applicant has considered two alternative locations for construction of the WWTP, in addition to the preferred site. Alternative A places the WWTP and wet weather ponds off-site (Sewer Study Figures 5A and 6A). This alternative would require additional property acquisition, possible floodplain protection, and construction of a treated water foremain across the San Luis Rey River. Alternative C places the WWTP on-site with the associated wet weather ponds located off-site (Sewer Study, Figure 5C). This alternative would require at least one acre to support the wet weather ponds. The proposed option provides for on-site placement of all necessary facilities, within a compact area, already owned by and accessible to the applicant. Because design features are included in the Proposed Project to assure that all adjacent homeowners will be protected from potential impacts, from their proximity to the WWTP, it is the preferred option.

K-32

The EIR concludes that there is adequate capacity at area landfills to serve the Proposed Project and would not rely on the Gregory Canyon landfill. As stated in Subchapter 4.3.1, Existing Conditions/Regulations, Solid Waste, of the Final EIR, "Of the existing sites, five have remaining capacity. These are Miramar, Ramona, Sycamore, Otay and Borrego Landfills." Activation of the Gregory Canyon Landfill would serve to augment the capacity of area landfills in meeting the solid waste management needs of the Proposed Project.

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LETTER

RESPONSE

School - Project Proposal describes that 145 students in FUESD will be assigned to Fallbrook Street School and Live Oak Elem. (4-27) and 191 students in the Bonsall District would be served by a new school. Comment: Inconsistent numbers of students are referred to in various parts of the DEIR, as well as inconsistent numbers of dwelling units to determine the number of students. Comment: If no school is built, Meadowood proposes 42 additional DUs after two years, but the school acreage should be undeveloped and held for the construction of a future school. Comment: Has proper consideration been given to the increase in high school students generated by the Meadowood project, given that the Fallbrook High School is already at over-capacity? Law Enforcement - The County's acceptable response time for priority calls is 8 minutes, yet the 2005 response time for the Meadowood area was 11.9 minutes. (4-28) Comment: How can this discrepancy result in a "less than significant impact?" The new Sheriff's sub-station at I-15 is not scheduled to be available until at least 2019. Comment: This further reduces the likelihood of adequate service to the proposed area. What mitigations are proposed? Energy - Insufficient discussion of energy in Chapter 8 -Mitigation Comment: The EIR needs to address the possibilities for solar energy, photovoltaic, grey water recovery, and renewable energy, and explore emerging energy technologies such as regional biomass/biogas and dwelling unit solar energy generation. Backwards Approval Process - Appendix L - General Plan Compliance p. 19: "Supervisors approve project first, then LAFCO will assign water and sewer district." Comment: Why aren't water and sewer issues resolved first as called for in all County Planning Regulations? Design Review Committee General Comments: DEIR has Numerous times stated that this project is inconsistent with regional and general plans. We agree. Changing and/or amending Land Use and Zoning elements or designations, as well as the General Plan and Fallbrook's Community Plan will not mitigate any of the significant impacts that have been identified. It would just allow the project to be built. The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated Applicant should comply with their goals to create a project that is compatible with the surrounding area. DIER as presented does not accomplish this. Community Design - 1.2.1 Project Component Parts Page 8 & 10 Comment: The Fallbrook Community Guidelines and the permitting process should be included in this section. Grading and Construction Comment: Cut and fill slopes are inconsistently listed. Some sections state a max of 80 ft. others 100 ft. Regardless, this is an enormous amount of grading and will forever change the topography of the land. Changing the Land Use designation to allow these slopes, will not mitigate the changes in topography. Land Use Planning Changes - In order to develop the Proposed Project, a number of land use and zone changes to the General Plan and the Fallbrook Community Plan are required.	K-33 The County agrees with the comment. Subchapters 4.3.1, Existing Conditions and 4.3.3, Schools, of the Final EIR have been revised to provide consistency regarding the number of students that would be anticipated to attend schools in each of the affected districts. K-34 Please refer to response to comment K-4. K-35 Subchapter 4.3.1 acknowledges that current enrollment of Fallbrook Union High School is at capacity. Because the Proposed Project will introduce 132 additional students to the school, the Proposed Project would be conditioned to pay applicable school fees. K-36 The County acknowledges that page 69 of the Meadowood Specific Plan/General Plan Amendment, indicates that the 2005 response time to the Project Site was 11.9 minutes. However, as noted in the Final EIR in Subchapter 4.3.3, Law Enforcement, the Proposed Project has received a letter from the Sheriff's Department dated June 5, 2006 indicating that the Proposed Project would not impact response time or law enforcement services. The letter also indicates that the Proposed Project, in combination with the surrounding cumulative projects, would require the need for a new Sheriff's station in the 1-15 corridor, south of the SR-76, possibly to be located within the adjacent Campus Park West project site. Therefore, because the County Sheriff's Department has indicated that its long range plans include locating a substation in this location, in order to reduce response time, the EIR concludes that impacts are less than significant.
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Changing and/or amending Land Use and Zoning elements or designations, as well as the General Plan and Fallbrook's Community Plan will not mitigate any of the significant impacts that have been identified. It would just allow the project to be built. The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated Applicant should comply with their goals to create a project that is compatible with the surrounding area. DIER as presented does not accomplish this. Community Design - 1.2.1 Project Component Parts Page 8 & 10 Comment: The Fallbrook Community Guidelines and the permitting process should be included in this section. Grading and Construction Comment: Cut and fill slopes are inconsistently listed. Some sections state a max of 80 ft. others 100 ft. Regardless, this is an enormous amount of grading and will forever change the topography of the land. Changing the Land Use designation to allow these slopes, will not mitigate the changes in topography. Land Use Planning Changes - In order to develop the Proposed Project, a number of land use and zone changes to the General Plan and the Fallbrook Community Plan are required. <i>Fallbrook Community Planning Group 9/21/09 Page 5 of 12</i>	K-37 The County acknowledges that construction of a new station along the I-15 corridor, as identified in the Sheriff's Department's Law Enforcement Master Plan (2005), is listed as a Priority 4 project with an estimated occupancy date of 2019. The four cumulative projects, which necessitate the need for the new station, are not anticipated to be built-out, by the year 2019. For example, both the Campus Park and Campus Park West are still under review by DPLU. The County will ensure that planning for the station will occur concurrently with approval of these other projects. Therefore, no mitigation is required. K-38 Subchapter 8 of the EIR, referenced as the MMRP, provides the Proposed Project's list of mitigation measures and environmental design considerations. The Proposed Project complies with current County policies and guidelines regarding residential energy efficiency and conservation. The County acknowledges the numerous possibilities for alternative energy sources, all appropriate to reduce non-renewable energy use. As detailed throughout Subchapter 2.2, energy efficiency design measures are incorporated into the Proposed Project. As detailed in Subchapter 2.2.3, Global Climate Change (Guideline 5), Operational Emissions (Transportation), of the Final EIR, measures to reduce transportation/vehicle emissions include the construction of bike lanes and wide trails and pathways throughout the Proposed Project, to promote non-motorized transportation. Additionally, the Proposed Project will contribute funds for the acquisition, design, and construction of a future Transit Node. Energy Efficiency Measures, detailed in Subchapter 2.2.3, Global Climate Change (Guideline 5), Operational Emissions (Energy Use), of the Final EIR, include building homes that comply with the U.S. Environmental Protection Agency's Energy Star criteria, which results in 30 percent more energy efficient than required by Title 24, creation of outdoor and indoor shaded areas to reduce energy use, avoidance of large parking lots and use of plantings throughout the site, and minimization of site lighting to that necessary for security.
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K-38

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Comment: Has proper consideration been given to the increase in high school students generated by the Meadowood project, given that the Fallbrook High School is already at over-capacity?

Law Enforcement - The County's acceptable response time for priority calls is 8 minutes, yet the 2005 response time for the Meadowood area was 11.9 minutes. (4-28)

Comment: How can this discrepancy result in a "less than significant impact"?

The new Sheriff's sub-station at I-15 is not scheduled to be available until at least 2019.

Comment: This further reduces the likelihood of adequate service to the proposed area. What mitigations are proposed?

Energy - Insufficient discussion of energy in Chapter 8 - Mitigation

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Backwards Approval Process - Appendix L - General Plan Compliance p. 19: "Supervisors approve project first, then LAFCO will assign water and sewer district."

Comment: Why aren't water and sewer issues resolved first as called for in all County Planning Regulations?

Design Review Committee

General Comments: DEIR has Numerous times stated that this project is inconsistent with regional and general plans. We agree. Changing and/or amending Land Use and Zoning elements or designations, as well as the General Plan and Fallbrook's Community Plan will not mitigate any of the significant impacts that have been identified. It would just allow the project to be built.

The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated.

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Community Design - 1.2.1 Project Component Parts Page 8 & 10

Comment: The Fallbrook Community Guidelines and the permitting process should be included in this section.

Grading and Construction

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Land Use Planning Changes - In order to develop the Proposed Project, a number of land use and zone changes to the General Plan and the Fallbrook Community Plan are required.

Water conservation and efficiency measures, detailed in Subchapter 2.2.3, Global Climate Change (Guideline 5), Operational Emissions (Water Use), of the Final EIR, include use of either reclaimed water or groundwater to irrigate common areas, utilizing the new stormwater regulations, installation of low water usage appliances, and the Proposed Project shall offset the remainder of its delivered water requirement to achieve a net-zero water demand.

As detailed Subchapter 2.2.3, Global Climate Change (Guideline 5), Operational Emissions (Solid Waste), of the Final EIR, the measures included to reduce the generation of solid waste are the requirement to meet or exceed the County's Construction and Demolition Debris Ordinance (Sections 68.508 through 68.518 of the County Code of Regulatory Ordinances), which means recycling 90 percent of inerts and 70 percent of other materials, providing recycling bins, and conforming to the applicable County recycling requirements.

The Proposed Project also promotes sustainable water conservation, by including a recycled water storage and distribution system which has been designed to potentially accommodate future projects.

Overall, the Proposed Project includes the design measures, as listed in Subchapter 8 (MMRP), which are meant to affect a reduction of energy use and the promotion of non-renewable resources conservation.

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Comment: Why aren't water and sewer issues resolved first as called for in all County Planning Regulations?

K-39

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The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated

Applicant should comply with their goals to create a project that is compatible with the surrounding area. DIER as presented does not accomplish this.

Community Design - 1.2.1 Project Component Parts Page 8 & 10

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K-39

As detailed in Subchapter 1.2.1, LAFCO, of the Final EIR, because the Project Site is not completely situated, within the boundaries of a municipal water district, LAFCO must identify the appropriate district to provide water and wastewater service. This is done through the MSR/SOI process. LAFCO has indicated it will not undertake this process until after the County Board of Supervisors makes a decision on the Proposed Project. Thereafter, as assured in the General Plan Compliance Report, Chapter XII, "A commitment letter from the MWD, as identified by LAFCO, will be required prior to issuance of construction permits." This condition is likewise included in Table 1-5 and Subchapter 8 (MMRP) of the Final EIR.

County planning regulations cover all aspects of planning activities. In particular, Board of Supervisor's Policy I-84 requires the reasonable expectation that public facilities (water, sewer, fire and schools) providing that such facilities must be available prior to the approval of final maps. As discussed in Subchapter 4.6.4, Wastewater, of the Final EIR, the Proposed Project is in compliance with Board Policy I-84 because the Proposed Project is conditioned on the provision of service availability forms from the selected MWD, prior to recordation of a Final Map and issuance of building permits.

Recently, the Board of Directors of VCMWD has adopted a resolution supporting annexation of the Proposed Project into the district. However, annexation cannot occur until the LAFCO process is completed following approval of the Proposed Project and certification of the Final EIR by the County of San Diego Board of Supervisors.

School - Project Proposal describes that 145 students in FUESD will be assigned to Fallbrook Street School and Live Oak Elem. (4-27) and 191 students in the Bonsall District would be served by a new school. Comment: Inconsistent numbers of dwelling units to determine the number of students. Comment: If no school is built, Meadowood proposes 42 additional DUs after two years, but the school acreage should be undeveloped and held for the construction of a future school. Comment: Has proper consideration been given to the increase in high school students generated by the Meadowood project, given that the Fallbrook High School is already at over-capacity? Law Enforcement - The County's acceptable response time for priority calls is 8 minutes, yet the 2005 response time for the Meadowood area was 11.9 minutes. (4-28) Comment: How can this discrepancy result in a "less than significant impact?" The new Sheriff's sub-station at I-15 is not scheduled to be available until at least 2019. Comment: This further reduces the likelihood of adequate service to the proposed area. What mitigations are proposed? Energy - Insufficient discussion of energy in Chapter 8 -Mitigation Comment: The EIR needs to address the possibilities for solar energy, photovoltaic, grey water recovery, and renewable energy, and explore emerging energy technologies such as regional biomass/biogas and dwelling unit solar energy generation. Backwards Approval Process - Appendix L - General Plan Compliance p. 19: "Supervisors approve project first, then LAFCO will assign water and sewer district." Comment: Why aren't water and sewer issues resolved first as called for in all County Planning Regulations? <u>Design Review Committee</u> General Comments: DEIR has Numerous times stated that this project is inconsistent with regional and general plans. We agree. Changing and/or amending Land Use and Zoning elements or designations, as well as the General Plan and Fallbrook's Community Plan will not mitigate any of the significant impacts that have been identified. It would just allow the project to be built. The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated Applicant should comply with their goals to create a project that is compatible with the surrounding area. DEIR as presented does not accomplish this. Community Design - 1.2.1 Project Component Parts Page 8 & 10 Comment: The Fallbrook Community Guidelines and the permitting process should be included in this section. Grading and Construction Comment: Cut and fill slopes are inconsistently listed. Some sections state a max of 80 ft. others 100 ft. Regardless, this is an enormous amount of grading and will forever change the topography of the land. Changing the Land Use designation to allow these slopes, will not mitigate the changes in topography. Land Use Planning Changes - In order to develop the Proposed Project, a number of land use and zone changes to the General Plan and the Fallbrook Community Plan are required. Fallbrook Community Planning Group 9/21/09 Page 5 of 12	K-40 The Proposed Project is not currently consistent with the regional designation or the land use designation in the General Plan and Fallbrook Community Plan. Approval of the GPA and SPA would cause the Proposed Project to be brought into conformance with the various regulatory plans and policies. The County acknowledges that approval of the GPA/SPA would not mitigate project impacts. Mitigation measures for impacts associated with community character, visual environment and physical changes to the area are identified in Subchapters 2 and 3 under each topic area and in Subchapter 8, the Mitigation Monitoring and Reporting Program. Please refer to response to comment K-9 for details on the Proposed Project's compatibility with Community Character related regulations. K-41 The County concurs with this comment. Subchapter 1.2.1, <i>County of San Diego</i>, Community Design, of the Final EIR have been revised as follows, "The Community Design Element conforms to the Fallbrook Community Plan and Fallbrook Design Guidelines as detailed Appendix 1 of the Meadowood Specific Plan and General Plan Amendment." Additionally text has been added to detail the site plan permitting process. Appendix 1 of the Meadowood Specific Plan/General Plan Amendment contains a checklist illustrating the Proposed Project's compliance with all relevant community design documents including the Fallbrook Community Plan, Fallbrook Design Guidelines, and I-15 Corridor Subregional Plan and Guidelines. K-42 The County concurs that the cut and fill slopes were inconsistently stated in the EIR. Please refer to response to Comment K-9 which identifies that the Final EIR has been clarified to state that manufactured slopes would be up to 80 feet in height. The County has concluded that the Meadowood Community Design Guidelines, which include grading measures, would reduce impacts to a level that is less than significant.
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School - Project Proposal describes that 145 students in FUESD will be assigned to Fallbrook Street School and Live Oak Elem. (4-27) and 191 students in the Bonsall District would be served by a new school.

Comment: Inconsistent numbers of students are referred to in various parts of the DEIR, as well as inconsistent numbers of dwelling units to determine the number of students.

Comment: If no school is built, Meadowood proposes 42 additional DUs after two years, but the school acreage should be undeveloped and held for the construction of a future school.

Comment: Has proper consideration been given to the increase in high school students generated by the Meadowood project, given that the Fallbrook High School is already at over-capacity?

Law Enforcement - The County's acceptable response time for priority calls is 8 minutes, yet the 2005 response time for the Meadowood area was 11.9 minutes. (4-28)

Comment: How can this discrepancy result in a "less than significant impact?"

The new Sheriff's sub-station at I-15 is not scheduled to be available until at least 2019.

Comment: This further reduces the likelihood of adequate service to the proposed area. What mitigations are proposed?

Energy - Insufficient discussion of energy in Chapter 8 -Mitigation

Comment: The EIR needs to address the possibilities for solar energy, photovoltaic, grey water recovery, and renewable energy, and explore emerging energy technologies such as regional biomass/biogas and dwelling unit solar energy generation.

Backwards Approval Process - Appendix L - General Plan Compliance p. 19: "Supervisors approve project first, then LAFCO will assign water and sewer district."

Comment: Why aren't water and sewer issues resolved first as called for in all County Planning Regulations?

Design Review Committee

General Comments: DEIR has Numerous times stated that this project is inconsistent with regional and general plans. We agree. Changing and/or amending Land Use and Zoning elements or designations, as well as the General Plan and Fallbrook's Community Plan will not mitigate any of the significant impacts that have been identified. It would just allow the project to be built.

The Meadowood Specific Plan Amendment and Design process would not change the significant adverse effects that this project would have on community character, visual environment, and physical changes that would degrade this area. This DEIR is deficient and does not demonstrate in any way how these significant negative impacts would be mitigated

Applicant should comply with their goals to create a project that is compatible with the surrounding area. DEIR as presented does not accomplish this.

Community Design - 1.2.1 Project Component Parts Page 8 & 10

Comment: The Fallbrook Community Guidelines and the permitting process should be included in this section.

Grading and Construction

Comment: Cut and fill slopes are inconsistently listed. Some sections state a max of 80 ft. others 100 ft. Regardless, this is an enormous amount of grading and will forever change the topography of the land. Changing the Land Use designation to allow these slopes, will not mitigate the changes in topography.

Land Use Planning Changes - In order to develop the Proposed Project, a number of land use and zone changes to the General Plan and the Fallbrook Community Plan are required.

} K-43

K-43

The County acknowledges that land use and zoning changes are required for the Proposed Project. As discussed in Subchapter 4.1, and summarized in Subchapter 1.6, of the Final EIR, the Proposed Project is not consistent with the current land use designations contained in the adopted County General Plan and Fallbrook Community Plan and the current use regulations contained in the County Zoning Ordinance. However, as part of the Proposed Project, the applicant is processing a GPA and Rezone, which would render the Proposed Project consistent with all applicable land use regulations. It is a matter for the decision makers, not the EIR, to determine whether there are sufficient reasons to approve the Proposed Project.

These include: 1) "Amend Regional Land Use Element Map to change the regional land use category from Special Study Area (SSA) and Rural Development Area (RDA) to Current Urban Development Area (CUD)." Comment: This is NOT an Urban Area. 2) "Amend the Fallbrook Community Plan to change the land use designation from (21) Specific Plan Area and (18) Multiple Rural Use to (21) Specific Plan Area for the entire Project Site." Comment: This IS a rural Area 3) "Rezone the property from S90, Holding Area and A70, Limited Agriculture, to S88, Specific Plan Area." Comment: DEIR has not demonstrated in any way the necessity for these Land Use Changes. Inconsistencies of Project with Applicable Regional and General Plans- 1.6 "The Proposed Project contains residential densities that are not consistent with the existing Fallbrook Community Plan (18) Multiple Rural Use land use designation for the eastern 297.5 acres of the Project Site ...A General Plan Amendment and Rezone are proposed to bring the Proposed Project into conformance with the General Plan Regional Land Use Map, Land Use, Fallbrook Community Plan land use designation, and zoning." Comment: Fallbrook is a rural community. Our community plan reflects our rural lifestyle. While future development has been envisioned in this area, DEIR is overstating what was envisioned. Project proposes to change long standing ordinances that protect the beauty of this open space, to build a project that is huge in scale and completely out of character with the surrounding community. Project proposes to build a large urban project in a rural area. As the DEIR states, the project is inconsistent with regional and general plans. DEIR has not demonstrated how amendments to Land Use designations would mitigate the project's significant impacts. Conclusion 1.8.8 - In conclusion, the Proposed Project will not result in growth inducing effects for the following reasons. 1) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." Comment: DEIR's conclusions are based on concepts & reference materials that appear outdated. While growth has been envisioned for this area, project densities far exceed this vision. DEIR does not demonstrate how their density is relevant or of public advantage, with today's economic conditions, the decline in long range housing projections and long term water shortages. 2. The additional housing is proposed in an area which is planned to support residential and commercial developments. Comment: Projects density exceeds what was planned. 3. Roadway construction will serve traffic from only the Proposed Project and two additional cumulative development projects for which applications have already been submitted, along with the approved Palomar College campus. Comment: Although growth has been anticipated for this area, projections may be outdated. The necessity for this project's density has not been demonstrated. Additionally major water shortages for this area are anticipated for many years. 4. The area has anticipated growth since at least 1983 and is included in the 2007 Update to the 2005 Urban Water Management Plan. Comment: The availability of a new school site would assist the BUESD in meeting the student enrollment demands created by the Proposed Project. 5. The proposed parks are scaled to comply with State and County requirements for parks and to serve the proposed number of homes. 6. The availability of a new school site would assist the BUESD in meeting the student enrollment demands created by the Proposed Project. Comment: In conflict with portion of DEIR that states that if the school is not built in 2 years, 42 DUs would be built.	K-44 The Proposed Project contains residential densities that are not consistent with the existing Fallbrook Community Plan designation for the Project Site. However, as described in Subchapters 1 and 4.1, there are other plans and overlays (e.g., SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update) which envision this quadrant as a development node because of its strategic location and conformance with smart growth concepts. Subchapter 4.1.4 of the Final EIR, acknowledges that, "the Proposed Project is not consistent with the current land use designations contained in the adopted County General Plan, Fallbrook CP, and I-15 Corridor Subregional Plan, or the current use regulations contained in the County Zoning Ordinance." Approval of the General Plan Amendment and rezone would render the Proposed Project consistent with all applicable land use regulations and allow the Project Site to be developed as foreseen in the above-mentioned planning documents. Also, please see responses to Comments K-8, which addresses issues of rural character, and K-40 addressing mitigation of impacts. K-45 The County disagrees with the assertion that the concepts and reference materials referred to in this comment are outdated. The documents relied upon to address growth inducing effects represent planning tools created to guide long term build out of the area. The SANDAG Smart Growth Concept Maps (SGCMs) were developed as an implementation tool for the Regional Comprehensive Plan (RCP). The RCP serves to provide a development framework for the County, based on smart growth and sustainability. Adopted in 2004, the RCP provides direction for growth, to the build-out year of 2030, and is reviewed through Annual Performance Monitoring Reports. Like the RCP and associated SGCMs, the I-15 Corridor Subregional Plan and I-15/Highway 76 Master Specific Plan were adopted in the early 1980s, to guide the long-term development of the area. I-15 Corridor Subregional Plan was specifically adopted by the County to address sensitive environmental resources within the I-15 viewshed.
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K-45 (cont.)

These include:

- 1) "Amend Regional Land Use Element Map to change the regional land use category from Special Study Area (SSA) and Rural Development Area (RDA) to Current Urban Development Area (CUD)." **Comment:** This is NOT an Urban Area.

- 2) "Amend the Fallbrook Community Plan to change the land use designation from (21) Specific Plan Area and (18) Multiple Rural Use to (21) Specific Plan Area for the entire Project Site." **Comment:** This IS a rural Area

- 3) "Rezone the property from S90, Holding Area and A70, Limited Agriculture, to S88, Specific Plan Area." **Comment:** DEIR has not demonstrated in any way the necessity for these Land Use Changes.

Inconsistencies of Project with Applicable Regional and General Plans- 1.6

"The Proposed Project contains residential densities that are not consistent with the existing Fallbrook Community Plan (18) Multiple Rural Use land use designation for the eastern 297.5 acres of the Project Site ...A General Plan Amendment and Rezone are proposed to bring the Proposed Project into conformance with the General Plan Regional Land Use Map, Land Use, Fallbrook Community Plan land use designation, and zoning."

Comment: Fallbrook is a rural community. Our community plan reflects our rural lifestyle. While future development has been envisioned in this area, DEIR is overstating what was envisioned. Project proposes to change long standing ordinances that protect the beauty of this open space, to build a project that is huge in scale and completely out of character with the surrounding community. Project proposes to build a large urban project in a rural area.

As the DEIR states, the project is inconsistent with regional and general plans. DEIR has not demonstrated how amendments to Land Use designations would mitigate the project's significant impacts.

Conclusion 1.8.8 - In conclusion, the Proposed Project will not result in growth inducing effects for the following reasons.

- 1) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update.

Comment: DEIR's conclusions are based on concepts & reference materials that appear outdated. While growth has been envisioned for this area, project densities far exceed this vision. DEIR does not demonstrate how their density is relevant or of public advantage, with today's economic conditions, the decline in long range housing projections and long term water shortages.

2. The additional housing is proposed in an area which is planned to support residential and commercial developments.

Comment: Projects density exceeds what was planned.

3. Roadway construction will serve traffic from only the Proposed Project and two additional cumulative development projects for which applications have already been submitted, along with the approved Palomar College campus.

4. The area has anticipated growth since at least 1983 and is included in the 2007 Update to the 2005 Urban Water Management Plan.

Comment: Although growth has been anticipated for this area, projections may be outdated.

The necessity for this project's density has not been demonstrated. Additionally major water shortages for this area are anticipated for many years.

5. The proposed parks are scaled to comply with State and County requirements for parks and to serve the proposed number of homes.

6. The availability of a new school site would assist the BUESD in meeting the student enrollment demands created by the Proposed Project.

Comment: In conflict with portion of DEIR that states that if the school is not built in 2 years, 42 DUs would be built.

K-45

The I-15/SR-76 Master Specific Planning Area (MSPA) was thereafter adopted to implement the I-15 Corridor Subregional Plan. Encompassing approximately 1,178 acres of land within the four quadrants of the interchange, the MSPA was anticipated to become a logical node of future development of both residential and commercial uses because of its location at the intersection of an interstate freeway and a state highway. The MSPA recommended that a final land use plan for the area not be adopted until further studies identified the needs of the area and the appropriate methods to address those needs. As individual projects propose development within the MSPA, the needs of the area are analyzed within the pages of the project EIRs. These planning documents have not been revised and continue to represent the County's vision for the area, as reflected in the General Plan Update. The Proposed Project seeks to implement these long-term plans while reflecting current economic conditions through the offering of a variety of housing types to accommodate an array of housing prices.

Long-term water supplies issues are addressed in response to comment K-20.

As detailed in Subchapters 5.6 and 5.7, of the Final EIR, implementation of the General Plan Update Draft Land Use Map would result in a total of 1,168 dwelling units while the General Plan Update Referral Map Alternative would result in 536 dwelling units; 322 fewer units than the Proposed Project. The density proposed by the Proposed Project represents a middle-ground, between the two proposed land use maps, which both meet the applicant's objectives and reduce the impacts associated with the high density map. As detailed throughout the EIR, significant impacts are addressed, mitigated or overriding considerations exist, to allow the proposed density. It is a matter for the decision makers, not the EIR, to determine whether, based on the information presented, there are sufficient reasons to approve the Proposed Project.

LETTER

RESPONSE

These include: 1) "Amend Regional Land Use Element Map to change the regional land use category from Special Study Area (SSA) and Rural Development Area (RDA) to Current Urban Development Area (CUDA)." 2) "Amend the Fallbrook Community Plan to change the land use designation from (21) Specific Plan Area and (18) Multiple Rural Use to (21) Specific Plan Area for the entire Project Site." 3) "Rezoned the property from S90, Holding Area and A70, Limited Agriculture, to S88, Specific Plan Area." Comment: DEIR has not demonstrated in any way the necessity for these Land Use Changes. Inconsistencies of Project with Applicable Regional and General Plans- 1.6 "The Proposed Project contains residential densities that are not consistent with the existing Fallbrook Community Plan (18) Multiple Rural Use land use designation for the eastern 297.5 acres of the Project Site ...A General Plan Amendment and Rezone are proposed to bring the Proposed Project into conformance with the General Plan Regional Land Use Map, Land Use, Fallbrook Community Plan land use designation, and zoning." Comment: Fallbrook is a rural community. Our community plan reflects our rural lifestyle. While future development has been envisioned in this area, DEIR is overstating what was envisioned. Project proposes to change long standing ordinances that protect the beauty of this open space, to build a project that is huge in scale and completely out of character with the surrounding community. Project proposes to build a large urban project in a rural area. As the DEIR states, the project is inconsistent with regional and general plans. DEIR has not demonstrated how amendments to Land Use designations would mitigate the project's significant impacts. Conclusion 1.8.8 - In conclusion, the Proposed Project will not result in growth inducing effects for the following reasons. 1) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." 2) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." 3) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." 4) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." 5) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update." 6) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update."	K-46 As explained in Subchapter 2.3.4 of the Final EIR, the cumulative traffic impact discussion provides an analysis of, "all of the known cumulative project traffic but does not include the necessary roadway mitigation measures required to support all of the other cumulative projects." The analysis assumes that due to the size of some of the other cumulative projects, significant roadway improvements would be forthcoming to satisfy CEQA requirements. The analysis additionally assumes completion of the Caltrans SR-76 East Project. Based on these reasonable assumptions, the mitigation measures included as conditions of approval would reduce direct impacts of the Proposed Project to a less than significant level. As further addressed in Subchapter 2.3.6 of the Final EIR, completion of the Caltrans SR-76 East Project is a State project and cannot be guaranteed by the County. If this Caltrans project is not completed, prior to occupancy of the Proposed Project, the EIR finds that direct impacts, on two State Route segments, could remain significant and unmitigated. The remaining portion of this comment regarding anticipated growth is an accurate statement of fact and requires no further response. Please refer to response to comment K-45 which addresses the issue of outdated growth projections and project density. As stated previously, the EIR is not required to demonstrate necessity, but rather provide the information required for the decision makers to make a determination regarding the project's merits. Please refer to response to comment Q-2 for a discussion on the adequacy of water supply. The last part of this comment regarding proposed parks is an accurate statement of fact and requires no further response.
K-47	K-46 K-47

These include:

1) "Amend Regional Land Use Element Map to change the regional land use category from Special Study Area (SSA) and Rural Development Area (RDA) to Current Urban Development Area (CUDA)."

Comment: This is NOT an Urban Area.

2) "Amend the Fallbrook Community Plan to change the land use designation from (21) Specific Plan Area and (18) Multiple Rural Use to (21) Specific Plan Area for the entire Project Site."

Comment: This IS a rural Area

3) "Rezone the property from S90, Holding Area and A70, Limited Agriculture, to S88, Specific Plan Area."

Comment: DEIR has not demonstrated in any way the necessity for these Land Use Changes.

Inconsistencies of Project with Applicable Regional and General Plans- 1.6

"The Proposed Project contains residential densities that are not consistent with the existing Fallbrook Community Plan (18) Multiple Rural Use land use designation for the eastern 297.5 acres of the Project SiteA General Plan Amendment and Rezone are proposed to bring the Proposed Project into conformance with the General Plan Regional Land Use Map, Land Use, Fallbrook Community Plan land use designation, and zoning."

Comment: Fallbrook is a rural community. Our community plan reflects our rural lifestyle. While future development has been envisioned in this area, DEIR is overstating what was envisioned. Project proposes to change long standing ordinances that protect the beauty of this open space, to build a project that is huge in scale and completely out of character with the surrounding community. Project proposes to build a large urban project in a rural area.

As the DEIR states, the project is inconsistent with regional and general plans. DEIR has not demonstrated how amendments to Land Use designations would mitigate the project's significant impacts.

Conclusion 1.8.9 - In conclusion, the Proposed Project will not result in growth inducing effects for the following reasons.

1) "The Proposed Project is located in an area envisioned to support additional development as identified by the SANDAG Smart Growth Concept Map, the I-15 Corridor Subregional Plan, the I-15/Highway 76 Master Specific Plan, and the General Plan Update.

Comment: DEIR's conclusions are based on concepts & reference materials that appear outdated. While growth has been envisioned for this area, project densities far exceed this vision. DEIR does not demonstrate how their density is relevant or of public advantage, with today's economic conditions, the decline in long range housing projections and long term water shortages.

2. The additional housing is proposed in an area which is planned to support residential and commercial developments.

Comment: Projects density exceeds what was planned.

3. Roadway construction will serve traffic from only the Proposed Project and two additional cumulative development projects for which applications have already been submitted, along with the approved Palomar College campus.

4. The area has anticipated growth since at least 1983 and is included in the 2007 Update to the 2005 Urban Water Management Plan.

Comment: Although growth has been anticipated for this area, projections may be outdated.

The necessity for this project's density has not been demonstrated. Additionally major water shortages for this area are anticipated for many years.

5. The proposed parks are scaled to comply with State and County requirements for parks and to serve the proposed number of homes.

6. The availability of a new school site would assist the BUESD in meeting the student

enrollment demands created by the Proposed Project

Comment: In conflict with portion of DEIR that states that if the school is not built in 2 years, 42 DUs would be built.

K-48

K-48 Please refer to response to comment K-4 for a discussion of the Subdivision Map Act requirements, which govern the proposed school site. Additionally, as discussed in Subchapter 4.3.3, Schools, of the Final EIR, should the school site not be developed by BUESD, the Proposed Project will be required to pay school development fees. Under either scenario, impacts to school services would be considered less than significant.

<u>Visual Impact</u> DEIR states: The current project as proposed is incompatible with the rural character of Fallbrook. Comment: DEIR lists significant impacts in the Visual Impact Assessment Findings & Visual Impact Evaluation Conclusions, but goes on to say that these impacts can be mitigated to, or below, a level of significance by changing the current approved land use designations. DEIR has not demonstrated how this would be possible. Even with these amendments these impacts would still be significant and unmitigable and have a major negative impact on the area, the local population and the entire character of Fallbrook. K-49 K-50 1. Summary of Findings The following visual impacts are anticipated as a result of implementation of the Meadowood Specific Plan Amendment 1) The Visual Quality of the viewshed is anticipated to be impacted significantly due to major changes to the pattern character of the site as a result of the project.... This significant impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design review process. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process. 2) Manufactured slopes in excess of 100 feet, created by the project, will have a significant impact on the quality of landforms within the project viewshed.... This impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process. 100 foot slopes contracts applicants statement in Grading under Community Design Section that the slopes will be a maximum of 80 feet. Regardless, these slopes violate the FCP which prohibits grading that will unduly change the natural topography. 3) The existing community character of the valley will be significantly changed due to the density and arrangement of buildings and forms associated with the project.... This impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design review process.. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process 6) Short-term visible construction activities would contrast with existing conditions due to removal of existing vegetation and the introduction of new, visually dominant elements. While temporary in nature and addressed through project design landscaping over the long-term, adverse visual impacts associated with construction activities would be significant but short term. Comment: DEIR does not provide their definition of short term. If this project is anticipated to be done in phases over a period of many years, these impacts would not be short term. 7) Significant cumulative visual impacts are anticipated when considering the project in conjunction with other cumulatively considerable projects. This impact is considered to be significant and unmitigable. Comment: This project by itself would create significant and unmitigable impacts. DEIR states in other sections that significant impacts from this project can be mitigated by changes in land use. DEIR has not demonstrated why then, if this DEIR project's impacts could be mitigated simply by land use changes, would the project still add to cumulative impacts when considered with other projects? This does not make sense. Community Design Goal, Objectives And Policies 8.6 Goal Comment: DEIR lists significant impacts that would be reduced to, or below a level of significance. However applicant's conclusions can only be reached by changing the current Fallbrook Community Planning Group 9/21/09 Page 7 of 12	K-49 Subchapter 2.1 of the EIR discusses potentially significant visual impacts associated with the Proposed Project. The Proposed Project includes design measures, which serve to ameliorate the significant impacts caused by the Proposed Project. These impacts are the result of changes to the visual pattern and character of the Project Site, as well as the visual quality of the viewshed. The Meadowood Community Design Guidelines (Appendix 2 of the Meadowood Specific Plan/General Plan Amendment) provide site planning, architecture and landscape design guidelines to assure protection of the character and rural integrity of the Project Site. As detailed in Subchapter 2.1.3, Change in Visual Pattern or Character (Guideline 1), of the EIR, design measures include: • Minimal ridgeline and steep slope development • Retention of groves • Curved streets to follow natural topography • Landscaping of manufactured slopes and streetscapes • Minimal signage and limited lighting. Additionally, the Proposed Project is designed to conform to the policies of the Fallbrook Community Plan, Fallbrook Design Guidelines and I-15 Corridor Subregional Plan and Guidelines. Please refer to responses to comments K-8 and K-9. Direct visual impacts are reduced through these design measures. The County agrees that notwithstanding the implementation of design measures, the Proposed Project would contribute to a significant and unmitigable cumulative impact as identified in Subchapter 2.1.5 of the Final EIR. K-50 Please refer to response to comment K-49.
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<u>Visual Impact</u> DEIR states: The current project as proposed is incompatible with the rural character of Fallbrook. Comment: DEIR lists significant impacts in the Visual Impact Assessment Findings & Visual Impact Evaluation Conclusions, but goes on to say that these impacts can be mitigated to, or below, a level of significance by changing the current approved land use designations. DEIR has not demonstrated how this would be possible. Even with these amendments these impacts would still be significant and unmitigable and have a major negative impact on the area, the local population and the entire character of Fallbrook. 1. Summary of Findings The following visual impacts are anticipated as a result of implementation of the Meadowood Specific Plan Amendment 1) The Visual Quality of the viewshed is anticipated to be impacted significantly due to major changes to the pattern character of the site as a result of the project.... This significant impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design review process. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process. 2) Manufactured slopes in excess of 100 feet, created by the project, will have a significant impact on the quality of landforms within the project viewshed.... This impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process. 100 foot slopes contracts applicants statement in Grading under Community Design Section that the slopes will be a maximum of 80 feet. Regardless, these slopes violate the FCP which prohibits grading that will unduly change the natural topography. 3) The existing community character of the valley will be significantly changed due to the density and arrangement of buildings and forms associated with the project.... This impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design review process. Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process 6) Short-term visible construction activities would contrast with existing conditions due to removal of existing vegetation and the introduction of new, visually dominant elements. While temporary in nature and addressed through project design landscaping over the long-term, adverse visual impacts associated with construction activities would be significant but short term. Comment: DEIR does not provide their definition of short term. If this project is anticipated to be done in phases over a period of many years, these impacts would not be short term. 7) Significant cumulative visual impacts are anticipated when considering the project in conjunction with other cumulatively considerable projects. This impact is considered to be significant and unmitigable. Comment: This project by itself would create significant and unmitigable impacts. DEIR states in other sections that significant impacts from this project can be mitigated by changes in land use. DEIR has not demonstrated why then, if this DEIR project's impacts could be mitigated simply by land use changes, would the project still add to cumulative impacts when considered with other projects? This does not make sense. Community Design Goal, Objectives And Policies 8.6 Goal Comment: DEIR lists significant impacts that would be reduced to, or below a level of significance. However applicant's conclusions can only be reached by changing the current	K-51 Please refer to response to Comment K-9 which: 1) Provides clarification that the height of manufactured slopes would be 80 feet 2) Details where in the EIR revisions have been made to reflect this clarification, and 3) Addresses the Fallbrook Community Plan policies associated with grading natural topography. The Specific Plan does not seek to change the design review process, but rather assures that implementation of the Proposed Project conforms to design review requirements. K-52 This comment references the community character of the "valley" which can be assumed to mean the Proposed Project in conjunction with the cumulative projects. As discussed in Subchapters 2.1.4 and 2.1.5 of the Final EIR, cumulative impacts resulting from the change in character of the area when all of the cumulative projects are constructed, would be significant and unmitigated. As stated above, the Specific Plan does not seek to change the design review process, but rather assures that implementation of the Proposed Project conforms to design review requirements avoiding direct impacts. K-53 Construction activities are described as short-term since they are not a permanent impact. These impacts are those which occur from the time the Project Site is graded until growth of the required landscaping. Landscaping will be planted directly upon completion of construction activities. Nevertheless, the EIR concludes that visual impacts during construction would be significant and unmitigated due to removal of vegetation, and grading activities. K-54 Please refer to responses to comments K-49, K-51, and K-52.
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Visual Impact
 DEIR states: The current project as proposed is incompatible with the rural character of Fallbrook.

Comment: DEIR lists significant impacts in the Visual Impact Assessment Findings & Visual Impact Evaluation Conclusions, but goes on to say that these impacts can be mitigated to, or below, a level of significance by changing the current approved land use designations. DEIR has not demonstrated how this would be possible. Even with these amendments these impacts would still be significant and unmitigable and have a major negative impact on the area, the local population and the entire character of Fallbrook.

1. Summary of Findings
 "The following visual impacts are anticipated as a result of implementation of the Meadowood Specific Plan Amendment
 1) The Visual Quality of the viewshed is anticipated to be impacted significantly due to major changes to the pattern character of the site as a result of the project.... This significant impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design review process.
Comment: DEIR does not demonstrate in any way how these significant negative impacts would be mitigated except by simply by changing the SPA & Design Review Process.
 2) Manufactured slopes in excess of 100 feet, created by the project, will have a significant impact on the quality of landforms within the project viewshed.... This impact would be reduced to below a level of significance with the incorporation of the Meadowood Specific Plan Amendment Guidelines and design.
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Community Design Goal, Objectives And Policies 8.6 Goal
Comment: DEIR lists significant impacts that would be reduced to, or below a level of significance. However applicant's conclusions can only be reached by changing the current

K-55

As discussed throughout the EIR, proposed mitigation results in reducing potentially significant impacts to a level that is less than significant except for impacts associated with short-term construction, cumulative visual impacts, conformance with regional air quality regulations, and direct impacts to SR-76 if Caltrans does not complete their road improvements. These impacts would remain significant and unmitigated. However, pursuant to CEQA Section 15093, the decision makers are permitted to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If these overriding considerations are determined to outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. The Proposed Project offers a number of benefits, detailed in the Findings and Statement of Overriding Considerations (SOC), which outweigh the significant and unmitigated impacts, stated above. The Board of Supervisors will make a decision on whether the Findings and the SOC outweigh the unavoidable impacts identified in the EIR.

K-55

approved land use designations. Even with these amendments, the results are unmitigable and would have a major negative impact on the area, the local population and the entire character of Fallbrook Project Description C The architectural character as detailed in the Fallbrook Design Guidelines would be incorporated into the design of Meadowood. The buildings would be limited to two stories and a 35-foot maximum height limit. Non-residential buildings would have no strict design requirements but are limited to two stories and a 35-foot height limit. Comment: Non-Residential building should be subject to the same design requirements as residential buildings. Development within Meadowood would be subject to the "B" designator in accordance with the Fallbrook Community Plan and I-15 Corridor Plan. This means that design proposals require Site Plan review for any development permit. The intent of the "B" designator is to address manmade and natural features which affect the scenic quality of the Fallbrook Community and the I-15 Corridor area. This will help to ensure that every new development carefully considers the community context in which it takes place and make a conscientious effort to develop a compatible relationship to the natural setting, neighboring properties and community design goals. Comment: In contradiction to other sections, clarification is needed so that ALL planning areas are subject to Fallbrook Design review for any development permit. Meadowood Residential Guidelines Site Design & Architecture Comment: The Meadowood Residential Guidelines Site Design & Architecture shows residential units that are a maximum of two stories and height of 35 feet. We agree with this. The varied architecture styles are aesthetically pleasing. However, the site design standards show an overall density that is completely out of character with the surrounding area, especially the medium density lots that are 47x55 and the high density neighborhoods. DEIR states numerous times that the project will comply with the Fallbrook Design Guidelines. However, while each individual dwelling unit's architecture may be aesthetically pleasing and may appear to be consistent with the guidelines, dwelling units looked at together as a whole planning area or subdivision, are completely out of character with the applicant's goals to create a project that is compatible with Fallbrook's rural atmosphere and the surrounding environs, as required in the Fallbrook Design Guidelines, which states and is also noted in the DEIR..... DEIR states that certain planning areas will be subject to Fallbrook DR review and other areas will be subject to I-15 Corridor Design Review. All areas of this project should be subject to the Fallbrook Design Review permitting process. Parks and Recreation Committee Comment: The number of desired dwelling units Meadowood presented and their close proximity to one another, allows no room for family recreation. Additional parks should be added and the one small park now offered is completely inadequate. Comment: Open Spaces and Parks, active and passive, are presently inadequately represented. Housing density is too heavy without adequate parks and park amenities; such as, soccer fields, ball fields, basketball, volleyball, etc., within these high-density housing areas. Parks should be provided for each neighborhood and be centrally located within each neighborhood.	K-56 The first part of this comment is an accurate statement of what is described within the EIR. With regard to the second part of this comment, the non-residential buildings subject to the EIR, including the community buildings and recreation center, would be subject to the design guidelines, which conform to the Fallbrook Design Guidelines. The elementary school, however, if chosen to be built by BUEDS, would be exempt from County regulations and not necessarily be designed to the Proposed Project/Fallbrook specifications. K-57 The first part of this comment is an accurate statement of fact. With regard to the second part of this comment, please refer to response to Comment K-56 which addresses that all development subject to review by the County and would meet Fallbrook Design Guidelines. K-58 Please refer to response to Comment K-8 which addresses the character of the Project Site and its relationship with rural Fallbrook. The surrounding area is currently open space, so any development would appear at first glance to be "out of character." However, throughout all the Proposed Project neighborhoods, including the medium and higher density areas, the Fallbrook community character would be maintained through implementation of the Meadowood Residential Guidelines, which conform to the Fallbrook Design Guidelines. See Appendix 1, of the Meadowood Specific Plan/General Plan Amendment - Meadowood General Plan Compliance Report. Likewise, as detailed in Subchapter 2.1.3, Conformance with Visual Resources regulations (Guideline 6), of the Final EIR, the Proposed Project conforms to the Fallbrook CP Community Beautification and Design Goals. Therefore, although higher in density, these planning areas would maintain the character and integrity of the Fallbrook Design Guidelines.
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Subchapter 1.2.1, <i>County of San Diego</i>, Community Design, of the Final EIR, has been revised to reflect that the Proposed Project is subject to the "B" Designator Site Plan Review Process as required by the Fallbrook Design Review Guidelines. K-60 The Proposed Project provides recreational opportunities in the form of a neighborhood park, two pocket parks and 5.9 miles of trails. The County has determined the Proposed Project's contribution to parks to be adequate pursuant to the County Park Land and Dedication Ordinance (PLDO). In addition, the applicant will pay fees, in accordance with the PLDO, for the development of future parks. Refer to response to comment K-61 for additional details. K-61 The Proposed Project conforms to the County PLDO and provides adequate park land and/or in lieu payment of fees. The Proposed Project includes a 10.1-acre neighborhood park, two pocket parks and 5.9 miles of trails. The neighborhood park is centrally located in Planning Area 3 and the pocket parks are located north and south within Planning Areas 1 and 6. As illustrated in Figure 1-3 of the Final EIR, the trails circulate throughout the entirety of the Project Site. Planning Area 4, the multi-family neighborhood, also contains a recreational center. While there is no regulatory requirement relating to the location of park land within a development, the Proposed Project assures convenient access to the on-site facilities, whether through trails, or road access. In addition to the land reserved for parks, the Proposed Project will be required to contribute fees, based on the standards expressed in the PLDO. These fees are due prior to issuance of building or other development permits. Overall, the Proposed Project provides centrally located park land and will pay fees as allowed under the PLDO to assure adequacy of park and recreational uses.
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Comment: The pathways and trails look good. However, our primary concern is a staging area that has been requested in the past and has not currently been detailed on the maps. Additionally, there is inadequate distribution of active and passive open spaces and parks within the high-density residential areas as presently represented. The community college and elementary school recreational areas should not be considered as part of the project, as they are customarily fenced and locked during after-school hours. Comment: We recommend that the 12.7 acre area presently proposed for an elementary school be dedicated to become a park and open space area if no school is built after completion of housing project." Comments from Individual Members of the Planning Group and the Public Project Alternatives Comment: The Project Alternatives were poorly selected and were evaluated in a questionable manner. This was evident based on the conclusions drawn about the various alternatives. For instance, the environmentally sensitive development option would increase the development unit counts to 1138 units or the finding that the "no project alternative" would extinguish agriculture in the area. Fallbrook is comprised of many large lots with agricultural features and that is what makes our community unique. These inconsistencies in Section 5 of the DEIR (Project Alternatives) invalidate the DEIR on the grounds that the CEQA guidelines to identify and study viable alternatives have not been met. Stated Goal of Meadowood's Project Alternatives: To evaluate the Project Alternatives based on their "ability to meet the basic objectives of the Proposed Project." (5-1) Comment: This goal and this process assume that the basic objectives are valid. However, an analysis of the following four objectives for the Proposed Project, reveal that they are patently invalid: Objective 1: Provide a variety of residential land uses to allow for residential development that ... (is) consistent with the rustic charm of Fallbrook. Comment: "Variety" is a standard that applies to the entire community of Fallbrook, not a standard to be applied to a single project. Meadowood as a single project is not entitled to "variety." To reject any Project Alternative based on its inability to provide "variety" is a false objection. Furthermore, there is nothing about any project of 800+ homes that can be "consistent with rustic." Objective 2: Provide an opportunity for home ownership by increasing the housing supply with a variety of housing types in Fallbrook. Comment: "Variety" is also misused as a standard in Objective 2 and is equally false as an objection to an alternative. "Increasing the housing supply" can be achieved by a broad range of increases in the supply of housing. To reject alternatives because they do not "increase the housing supply" is a false conclusion based on an undefined, and therefore unattainable, standard. Objective 4: Provide for land uses that relate to the community in conjunction with the two neighboring projects. Comment: Neighboring projects should not be a standard for comparison, especially when the neighboring projects are still in the proposal stages, and are as equally unacceptable as the Proposed Project. And to compare it to the one existing project, Lake Rancho Viejo, is an equally invalid standard since that project was designed and approved as a mobile home park, thus its small lot sizes. Objective 6: Provide educational and recreational opportunities. Comment: There is no assurance from Meadowood itself that their Proposed Project will provide any educational opportunities. Given current conditions, it is most likely that no	K-62 With regard to the staging area, parking is provided at the park site (Planning Area 3). Since the trail system is connected to the park, this area would function as the staging area. K-63 The Proposed Project does not consider the adjacent community college facilities or the potential elementary school site in determining the adequacy of parkland. Please refer to response to comment K-60. K-64 This comment suggests additional parkland be included in the design of the Proposed Project should the District decide not to construct the elementary school. If the Proposed Project constructs the additional residential homes in lieu of the District building a school, the Proposed Project will be required to either dedicate park land or pay addition PLDO fees. K-65 The County disagrees with the assertion that the project alternatives were poorly selected and disagrees with the commenter's opinions regarding the analysis of the alternatives. Section 15126.6(a) of the State CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The CEQA Guidelines provide several factors that should be considered with regard to the feasibility of an alternative: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the project applicant can reasonably acquire, control or otherwise have access to the alternative site (if an off-site alternative is evaluated).
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K-65 (cont.)

The six alternatives evaluated in detail within the alternative subchapter include:

- 1) No Project (No Development) Alternative
- 2) No Project (Development Consistent with the Adopted General Plan) Alternative
- 3) Groundwater Dependent Alternative
- 4) Reduced Grading Alternative
- 5) Proposed General Plan Update Draft Land Use Map Alternative
- 6) Proposed General Plan Updated Referral Map Alternative.

Each of these alternatives was selected in order to either: (1) avoid or minimize significant impacts associated with the Proposed Project, or (2) compare potential effects with General Plan Update alternatives, which are considered viable development options for planning purposes. These alternatives permit informed decision making and public participation because there is enough variation amongst the alternatives that provide a reasonable range. As required under CEQA, the alternatives would avoid or minimize significant impacts associated with the Proposed Project while also meeting the project objectives.

The Proposed Project was determined to result in potentially significant and unmitigated impacts related to aesthetics, air quality, and transportation and traffic. Furthermore, the Proposed Project was determined to result in potentially significant, yet mitigated, impacts to biological resources, agricultural resources, geology and soils, cultural resources, noise and hazards and hazardous materials. The six alternatives are compared to the impacts of the Proposed Project and are assessed relative to their ability to meet the basic objectives of the Proposed Project. Please refer to Table 5-1 for a breakdown of project alternatives impact comparison.

Comment: The pathways and trails look good. However, our primary concern is a staging area that has been requested in the past and has not currently been detailed on the maps. Additionally, there is inadequate distribution of active and passive open spaces and parks within the high-density residential areas as presently represented. The community college and elementary school recreational areas should not be considered as part of the project, as they are customarily fenced and locked during after-school hours.

Comment: We recommend that the 12.7 acre area presently proposed for an elementary school be dedicated to become a park and open space area if no school is built after completion of housing project."

Comments from Individual Members of the Planning Group and the Public

Project Alternatives

Comment: The Project Alternatives were poorly selected and were evaluated in a questionable manner. This was evident based on the conclusions drawn about the various alternatives. For instance, the environmentally sensitive development option would increase the development unit counts to 1138 units or the finding that the 'no project alternative' would extinguish agriculture in the area. Fallbrook is comprised of many large lots with agricultural features and that is what makes our community unique. These inconsistencies in Section 5 of the DEIR (Project Alternatives) invalidate the DEIR on the grounds that the CEQA guidelines to identify and study viable alternatives have not been met.

Stated Goal of Meadowood's Project Alternatives: To evaluate the Project Alternatives based on their 'ability to meet the basic objectives of the Proposed Project.' (5-1)

Comment: This goal and this process assume that the basic objectives are valid. However, an analysis of the following four objectives for the Proposed Project, reveal that they are patently invalid:

Objective 1: Provide a variety of residential land uses to allow for residential development that ... (is) consistent with the rustic charm of Fallbrook.

Comment: "Variety" is a standard that applies to the entire community of Fallbrook, not a standard to be applied to a single project. Meadowood as a single project is not entitled to "variety." To reject any Project Alternative based on its inability to provide "variety" is a false objection. Furthermore, there is nothing about any project of 800+ homes that can be "consistent with rustic."

Objective 2: Provide an opportunity for home ownership by increasing the housing supply with a variety of housing types in Fallbrook.

Comment: "Variety" is also misused as a standard in Objective 2 and is equally false as an objection to an alternative. "Increasing the housing supply" can be achieved by a broad range of increases in the supply of housing. To reject alternatives because they do not "increase the housing supply" is a false conclusion based on an undefined, and therefore unattainable, standard.

Objective 4: Provide for land uses that relate to the community in conjunction with the two neighboring projects.

Comment: Neighboring projects should not be a standard for comparison, especially when the neighboring projects are still in the proposal stages, and are as equally unacceptable as the Proposed Project. And to compare it to the one existing project, Lake Rancho Viejo, is an equally invalid standard since that project was designed and approved as a mobile home park, thus its small lot sizes.

Objective 6: Provide educational and recreational opportunities.

Comment: There is no assurance from Meadowood itself that their Proposed Project will provide any educational opportunities. Given current conditions, it is most likely that no

K-65 (cont.)

The environmentally sensitive alternative, referred to in the EIR as the "Reduced Grading Alternative," provides an alternative which reduces the development potential by clustering a total of 1,138 multi-family units within an 89.5-acre area. The remaining acreage would be preserved as biological and agricultural open space. This alternative is included to focus an alternative on minimization of significant impacts related to the Proposed Project footprint and sensitive biological resources. Sensitive plant species impacted by the Proposed Project would not be affected and significant impacts to southern riparian forest, Diegan coastal sage scrub, and non-native grassland would be reduced.

The EIR does not state that the "No Project" alternative would extinguish agriculture; rather Subchapter 5.3.2 of the Final EIR explains that the "No Project – Development Consistent with the Adopted General Plan" would not ensure the retention of groves in dedicated open space, like the Proposed Project, because under this alternative, development would be spread across the entire Project Site.

This comment is introductory to the comments which follow. Please see appropriate responses below.

The cited Objective 1 presents the Proposed Project's interest in assuring a variety (a number of different types) of residential land uses. This refers to meeting the needs of potential homeowners, by allowing both higher priced single-family homes, as well as lower priced multi-family options. The rustic charm applies to the allowable styles of architecture and site planning, and has no bearing on the actual number of units. Alternatives 1, 2, 3, 4, and 6 would not meet this Objective, as these Alternatives would not provide for the construction of different types or styles of dwelling units.

Comment: The pathways and trails look good. However, our primary concern is a staging area that has been requested in the past and has not currently been detailed on the maps. Additionally, there is inadequate distribution of active and passive open spaces and parks within the high-density residential areas as presently represented. The community college and elementary school recreational areas should not be considered as part of the project, as they are customarily fenced and locked during after-school hours.

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Objective 6: Provide educational and recreational opportunities.

Comment: There is no assurance from Meadowood itself that their Proposed Project will provide any educational opportunities. Given current conditions, it is most likely that no

K-68

This Objective applies to the Proposed Project's interest in providing different residential types to meet the needs of a variety of homeowners. As discussed in response to comment K-67, any alternative which fails to provide the opportunity for diverse housing types would not meet this Objective.

K-69

This Objective was intended to ensure coordination between the property owners, to ensure that circulation, drainage, provision of services, design guidelines, and land uses are compatible. Alternative 1, the No Build Alternative, would not meet this objective.

K-68

K-70

This Objective seeks to provide future residents with those opportunities that coincide with recreational and educational facilities being close to home. Notwithstanding the decision of the BUESD to build an elementary school, the Proposed Project is located adjacent to the approved Palomar College Campus, to provide close-by academic opportunities. Additionally, the Proposed Project provides recreational facilities, including trails. Please further note that no alternatives were rejected as a result of their inability to meet this Objective.

K-69

K-70

LETTER

RESPONSE

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Traffic Comment: The Traffic portion of the Meadowood DEIR is inadequate, incorrect, incomplete, wrong, and/or misleading for several reasons and mistakes:	K-77 As discussed in response to comment K-76 above, the HOA would be responsible for maintenance and operation of the grove. The Proposed Project will be conditioned to require the Master Home Owners Association for the Proposed Project, or an approved conservation entity, to be responsible for funding and/or contracting for maintenance services for the on-site agricultural lands. Such maintenance activities are required to be performed in perpetuity. At this stage, the specifics regarding a business plan or maintenance requirements have not been formulated. K-78 As discussed, in Subchapter 4.2.2 of the Final EIR, the watershed associated with Proposed Project development is the Lower San Luis Rey Hydrologic Area, of the Bonsall Hydrologic Subarea (903.12). Runoff from the Proposed Project could affect runoff to Horse Ranch Creek, the San Luis Rey River, and ultimately the Pacific Ocean. According to the 2006 CWA 303(d) List, the lower 13 miles of the San Luis Rey River is impaired for chloride and Total Dissolved Solids (TDS), which occurs from urban stormwater exiting from runoff/storm sewers. The Pacific Ocean shoreline at the San Luis Rey River is impaired for bacteria, which usually occurs from animal wastes. These surface waters are not currently listed as impaired by nitrates.	Strategically located throughout the Proposed Project are seven proposed detention facilities. Each of these detention basins has been sized to meet the County's water quality requirements. All of the runoff from the single- and multi-family lots (with the exception of the northern drainage basin) will be conveyed to one of the seven detention facilities prior to being conveyed to Horse Ranch Creek. As for the northern drainage basin, located along Street E, the Proposed Project includes the use of mechanical water quality best management practices that are classified as a "high rate media filter." These filters, sized in accordance with the County's water quality requirements, will be inserted in the inlets along Street E. The filters will result in the treatment of nitrates and other pollutants with the use of a filtration media prior to being conveyed off-site.
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Grading
Comment: All the proposed alternatives violate the grading standards.

Density
Comment: Meadowood needs to provide a reasonable Project Alternative that is based on the density recommendation proposed by the Fallbrook Community Planning Group ever since 2005: 650 dwelling units. *(This recommendation is found in the May 2005 FCPG motion, found on page 11, item 2).*

All the currently proposed alternatives include either too many units or add a combination of high density units with commercial acreage or result in so few units that the County's goals for additional housing cannot be met.

In addition, the project's "Multi-Family" designation is improperly used to describe single family units on 2,500 SF lots.

Wastewater Treatment Plant
Comment: The prospect of installing a wastewater treatment plant immediately adjacent to a residential development is completely unacceptable. All the proposed alternatives (and the Proposed Project) include the wastewater treatment plant directly adjacent to a residential area. Instead, a wastewater treatment plant needs to be located in an industrial area.

Avocado Groves
Comment: How will the 47.6 acres of avocado groves be maintained? How will pests on the trees be controlled? (Assuming you'd have to spray by helicopter - and need 100' from homes, this could be a potential environmental danger to residents.)

What is the business plan for the groves? How will it be maintained? How will the fruit be marketed? If this becomes a responsibility of the Homeowners Association, what provisions are in place to facilitate and monitor this?

What is the compliance plan for water quality, especially taking into account the new agricultural waivers? (Nitrates will end up in the run-off and the landowner is held responsible, especially if reclaimed water is used.)

Water Availability:
Comment: The project has not received a commitment from Rainbow Water and it is inappropriate for the County to be considering the project without that commitment. Additionally in the water availability portion of the DEIR, the report describes that there will be more water availability in drought years than non-drought years.

School Site
Comment: The Bonsall School District requires a turnkey school to be built in the area of the Meadowood project. Meadowood is not planning on building a school. So the idea of just making a site available for a limited time puts the burden of constructing a school in the area on the taxpayers and that is inappropriate.

Density
Comment: Why didn't the developer just go ahead with the current approval on the land for 500 plus units which would have avoided all of the additional impacts the current proposal would cause?

Traffic
Comment: The Traffic portion of the Meadowood DEIR is inadequate, incorrect, incomplete, wrong, and/or misleading for several reasons and mistakes:

A site-specific Storm Water Management Plan has been prepared for the Proposed Project and is included in Appendix M-1 of the EIR. The SWMP discusses the water quality measures proposed for the Project Site in further detail. Additionally, the SWMP discusses the educational measures (regarding water quality) that will be performed with the homeowners and HOAs.

The Proposed Project is not within the sphere of influence of the RMWD or within the jurisdictional boundary of the RMWD. Therefore, absent a pre-annexation agreement, RMWD cannot provide a water availability commitment letter to the Proposed Project. The Proposed Project, however, is partially within the boundary of the SLRMWD with about 40 percent of the Project Site not within any municipal water district. SLRMWD does not have the legal authority to provide water, wastewater or recycled water services. It is for this reason that a MSR and SOI determination is required to be made by LAFCO to identify the most logical provider of such services. This process by LAFCO is required to follow approval of the Proposed Project by the County of San Diego Board of Supervisor. Please refer to response to comment H-3 for additional information.

The County disagrees that the EIR describes more water availability in drought years than non-drought years. Subchapter 4.6.2 of the Final EIR discusses that fact that both MET (wholesaler) and SDCWA (retailer) have drought management plans (DMP) in place. The DMPs identify actions to respond to different stages of drought, such as augmentation of supplies, conservation, curtailing of agricultural deliveries, purchasing water on the open market, and mandatory cutbacks of up to 50 percent in the case of a severe drought. SDCWA has also developed emergency supply strategies such as local emergency storage projects and transfer programs with other water districts in order to ensure reliable long-term water supplies for its member agencies. SDCWA also relies upon the

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K-80 K-81 K-82 K-83	K-80 K-81 K-82 K-83

K-84	The County disagrees with this comment. The cumulative traffic approach for the Proposed Project did not include a summary of ADTs created by the total cumulative projects. Rather, the Modified Series 10 Traffic Model, with all known cumulative projects, was used to directly extract the cumulative volumes on the individual study roadways. Based on this approach the cumulative analysis does adequately consider the overall effect of anticipated traffic in the vicinity of the Proposed Project. (Overall, potentially significant cumulative impacts were identified at 19 intersections and 14 road segments (Table 2.3-21). These impacts will be mitigated through the applicant's participation on the County TIF Program, detailed in Subchapter 2.3.6 of the EIR.
K-85	The Proposed Project traffic generation is based on the local SANDAG rates. The Proposed Project will be required to contribute to the County TIF Program. The County TIF Program enables projects to complete CEQA compliance and move forward by contributing funds to an improvement Program, which represents paying a fair share. This payment contributes to the cost of future road improvements to obtain and maintain acceptable levels of service, which can erode over time, due to the increased traffic volume caused by the cumulative project impacts. The County's TIF Program goes into great detail in identifying anticipated development, the roads affected, roadway improvement costs and the existing and projected levels of service, on those roads. The applicant's TIF payment mitigates for all Proposed Project cumulative impacts to roads.

K-83
K-84
K-85

- The Report projects total ADT of almost 9,000 vehicles for this project, but does not adequately include the possible traffic from the other projects in the NE Quarter of the I-15/SR76 junction.
- The Report does not realistically consider the cumulative overall effect of the 40,000 to 50,000 possible ADTs that will be caused by the total development on the 1,000 acres in this area.
- The Report calculates Meadowood's project-generated traffic as being too small to need much more than TIF fees or proportionate cost-sharing for mitigation of the total cumulative traffic impacts.
- Very little additional infrastructure is expected to be created to serve the traffic generated by this project.
- The Report uses CalTrans data which assumes less than 1/2 of the traffic to and from this project will travel north or south on I-15, and that split will be equally north or south. This apparently comes from a belief that San Diego is the likely destination of commuting and other travelers, but our local knowledge is that the Temecula area is much more important to our local residents (and presumably will be the same for the new people in the area) and therefore the northbound traffic volumes should be re-visited.
- The Northbound I-15 traffic will all flow through the East Mission/Old 395/I-15 interchange complex which CalTrans does not expect to improve within the next 30 years or more.
- The Report does not provide for any ramps to be built at the future diamond interchange to be located at the Stewart Canyon under-crossing of I-15. The Report ignores the continuous requests from the FCPG for construction of this interchange. (See item 6, page 11), and simply recites that there does not appear to be any "present need" for the intersection. Isn't the DEIR supposed to look to the future, not the present?
- The limited amount to be collected for "cumulative" impacts will presumably be spent all over the study area, which will also result in a lack of additional infrastructure. Given that the entire "3p" area at I-15/SR76 is substantially the same as development of a whole new town, it seems only reasonable that the funds to be generated from this area should be spent in the immediate area.

K-86 Please see response to Comment K-46, which discusses the basis of the Proposed Project's traffic analysis. This analysis anticipates the completion of the SR-76 infrastructure improvements that are associated with the Caltrans East Project. The mitigation measures proposed as M-TR-1 and M-TR-2, in Subchapter 2.3.5 of the EIR, would result in the following improvements: The segments of SR-76 between South Mission Road and Gird Road, and Sage Road and Old Highway 395 will be widened to four lanes under TransNet SR-76 Widening, and segment of SR-76 between Horse Ranch Creek Road and Couser Canyon Road will be widened to four lanes by Caltrans. These proposed improvements would properly mitigated direct impacts to these roadway segments. The construction of additional travels in each direction along SR-76 would require detailed engineering and construction beyond the capability of a single private applicant (including extensive conversion of existing land uses beyond their purview/ability). These improvements would constitute regional highway modifications of a magnitude and scope disproportionate to the current development project and outside the jurisdiction of the County to approve. The County, Caltrans, and the Project Applicant have met and conferred regarding Project impacts and appropriate mitigation, and the regional lead agency has accepted proposed mitigation as fully appropriate. Additionally, the applicant will participate in the TIF program, as a means to mitigate its share of cumulative impacts. K-87 The approved traffic study for the Proposed Project used the County's Modified Series 10 Model, to distribute the Proposed Project traffic to the surrounding roadways. This Model provides an objective, computerized method for assigning traffic. K-88 As discussed in the traffic study and EIR, the East Mission/Old 395/I-15 interchange was analyzed and documented to have cumulative impacts; however, these impacts are mitigated through TIF participation.	The Report projects total ADT of almost 9,000 vehicles for this project, but does not adequately include the possible traffic from the other projects in the NE Quarter of the I-15/SR76 junction. -The Report does not realistically consider the cumulative overall effect of the 40,000 to 50,000 possible ADTs that will be caused by the total development on the 1,000 acres in this area. -The Report calculates Meadowood's project-generated traffic as being too small to need much more than TIF fees or proportionate cost-sharing for mitigation of the total cumulative traffic impacts. -Very little additional infrastructure is expected to be created to serve the traffic generated by this project. -The Report uses CalTrans data which assumes less than 1/2 of the traffic to and from this project will travel north or south on I-15, and that split will be equally north or south. This apparently comes from a belief that San Diego is the likely destination of commuting and other travelers, but our local knowledge is that the Temecula area is much more important to our local residents (and presumably will be the same for the new people in the area) and therefore the northbound traffic volumes should be re-visited. -The Northbound I-15 traffic will all flow through the East Mission/Old 395/I-15 interchange complex which CalTrans does not expect to improve within the next 30 years or more. -The Report does not provide for any ramps to be built at the future diamond interchange to be located at the Stewart Canyon under-crossing of I-15. The Report ignores the continuous requests from the FCPG for construction of this interchange. (See item 6, page 11), and simply recites that there does not appear to be any "present need" for the intersection. Isn't the DEIR supposed to look to the future, not the present? -The limited amount to be collected for "cumulative" impacts will presumably be spent all over the study area, which will also result in a lack of additional infrastructure. Given that the entire "3p" area at I-15/SR76 is substantially the same as development of a whole new town, it seems only reasonable that the funds to be generated from this area should be spent in the immediate area. Page 11 of 12
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-The Report calculates Meadowood's project-generated traffic as being too small to need much more than TIF fees or proportionate cost-sharing for mitigation of the total cumulative traffic impacts.

-Very little additional infrastructure is expected to be created to serve the traffic generated by this project.

-The Report uses CalTrans data which assumes less than 1/2 of the traffic to and from this project will travel north or south on I-15, and that split will be equally north or south. This apparently comes from a belief that San Diego is the likely destination of commuting and other travelers, but our local knowledge is that the Temecula area is much more important to our local residents (and presumably will be the same for the new people in the area) and therefore the northbound traffic volumes should be re-visited.

-The Northbound I-15 traffic will all flow through the East Mission/Old 395/I-15 interchange complex which CalTrans does not expect to improve within the next 30 years or more.

-The Report does not provide for any ramps to be built at the future diamond interchange to be located at the Stewart Canyon under-crossing of I-15. The Report ignores the continuous requests from the FCPG for construction of this interchange. (See item 6, page 11), and simply recites that there does not appear to be any "present need" for the intersection. Isn't the DEIR supposed to look to the future, not the present?

-The limited amount to be collected for "cumulative" impacts will presumably be spent all over the study area, which will also result in a lack of additional infrastructure. Given that the entire "3p" area at I-15/SR76 is substantially the same as development of a whole new town, it seems only reasonable that the funds to be generated from this area should be spent in the immediate area.

K-89

Please see response to comment K-12.

K-90

The County is the controlling body for determining TIF funded improvements. The traffic study cannot determine where or how the County will allocate TIF funds for improvements. The County's TIF program includes a list of deficient roadways that would be mitigated through TIF funds; however, anticipated timing is not provided. The traffic study cannot determine where or how the County will allocate funds for TIF improvements.

**FCPG MOTION-2020 Plans for the Northeast Quadrant of I-15/SR 76
ADOPTED AT SPECIAL MEETING - MAY 2, 2005 (14 yes, 1 no)**

1. We prefer the total land use density for dwelling units proposed by the "College Alternative" Plan, except that an additional 100 home sites should be included in the Pappas property.
2. We recommend continued work on the College Plan alternative to refine the allowed densities, with a targeted total, maximum yield of dwelling units to actually be built of not more than 1,400 residential dwelling units distributed as follows: Passerelle = 650, Pardee = 650, Pappas = 100.
The current County concept is on a General Plan Amendment level, which produces the "raw" number of allowable lots. It does not account for the density reductions that occur later in "project planning". Minimum lot sizes in each land use designation, setbacks, slopes, school and park areas, environmental restrictions, and other factors will normally reduce the number of lots in the Land Use Designations to the number of yielded (actual) lots to roughly 60 – 70% of the "raw number" density.
3. We recommend a maximum Floor Area Ratio of 40% of total land designated for Office Professional/Light Industrial land. The sixty acres of office / industrial space proposed by Passerelle would then be limited to approximately one million square feet of building space.
4. We recommend that the Transit Node facilities should be located in the Pappas property, as follows: It should be located as close as possible to SR 76; It should be at least twenty acres in size, with parking for at least 1,500 cars; It should be landscaped with trees and bushes; And, it should be paid for by TransNet (the new ½ cent sales tax) or with gas tax or other public funds.
5. We recommend that only 100 home sites should be on the easterly part of the Pappas property, and there should not be any condos or apartments. The Commercial site (A) should not be more than eight acres, and (B) should be designed and designated as being "Neighborhood Serving Commercial", with no "regional" shopping characteristics, and (C) should have Floor Area Ratios that permit no more than 100,000 square feet of total building space, which will allow a commercial center substantially equivalent to the Major Market shopping center – with the addition of a drug store.

The balance of the Pappas property north of SR 76 (after portions used for commercial and Transit Node facilities) should be limited to Office Professional / Light Industrial uses with a Floor Area Ratio of not more than 40% of total designated land use. This motion does not address Pappas' property south of SR 76.
6. We strongly recommend the creation of a new Freeway interchange at the Canonita / Stewart Canyon crossing to relieve future traffic impacts at our two existing Freeway interchanges. A significant portion of these costs should be borne by the proposed developments.
7. We recommend that the road arrangement within the Pappas property should include a connection northeasterly to the central area of the Passerelle / Pardee projects.
8. We recommend that any "phasing plan" for actual development and construction in this quadrant should take into account the infrastructure improvements then in place on SR 76, both east and west of I-15.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 September 2009

Letter L

To:

Mr. Dennis Campbell
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject:

Draft Environmental Impact Report
Meadowood Project
GPA 04-002, SP 04-001, REZ 04-004, TM 5354, S 04-005, S 04-006,
S 04-007, MUP 08-023, Log No. 04-02-004

Dear Mr. Campbell:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

The cultural resources reports in Appendix I are thorough and result in a comprehensive mitigation program that is appropriate given the significance of the loci of archaeological site SDI-682 that are present. Based on the information contained in Appendix I and the DEIR itself, we have the following additional comments:

1. Per the County's standard conditions (*County of San Diego: Report Format and Content Requirements: Cultural Resources: Archaeological and Historic Resources*), where curation is required it should be stated that the facility is to meet the requirements of 36 CFR 79, as well as being located in San Diego County. L-1
2. For the record, please confirm the current location of the collections previously excavated from SDI-682. L-2
3. We suggest that, if demolition of the Pankey Ranch structures could possibly disturb subsurface remains or deposits, archaeological monitoring should be required. L-3
4. Other than the above comments, we concur with the impact analysis and mitigation measures as specified. L-4

60:8 H: 60: 51 d35

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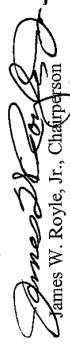
- L-1 The remarks are introductory and require no further response.
- L-2 The County agrees with the comment. Mitigation measures CR-1, CR-3 and CR-5 in Subchapter 3.3.5 of the Final EIR have been revised to include that the measure "meets federal standards per 36 CFR Part 79".
- L-3 Pursuant to telephone conversations with the cultural resources consultant, the collections from the D. L. True excavations at the Pankey Ranch are thought to be in the possession of the Pankey family. William Pankey, Jr.'s mother (Mrs. Rosemary Pankey) was a participant in some of the True excavations at the ranch.
- L-4 The County agrees with the suggestion. The grading monitoring and mitigation currently required by the EIR includes the area where the structures are located.
- L-5 Comment noted. No response is necessary.

LETTER

RESPONSE

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

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Letter M

SAN LUIS REY BAND OF LUISEÑO MISSION INDIANS

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October 12, 2009

Dennis Campbell
Dept. of Planning and Land Use
County of San Diego
5201 Ruffin Rd., Ste. B
San Diego, CA 92123-1668

VIA ELECTRONIC MAIL
Dennis.Campbell@sdcountry.ca.gov

RE: Comment on Draft Environmental Impact Report and General Plan
Amendment/Specific Plan Amendment for The Meadowood Project;
GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006; S
04-007; MUP 08-023; LOG NO. 04-02-004; SCH NO. 2004051028

Dear Mr. Campbell:

We, the San Luis Rey Band of Luiseño Mission Indians ("Tribe"), have received and reviewed the County of San Diego's ("County's") Draft Environmental Impact Report ("DEIR") and all of its supporting documentation as it pertains specifically to the protection and preservation of cultural resources located within the parameters of the Meadowood Project's ("Project's") property boundaries. After our review, it is clear that the recommendations propounded by ASM Affiliates, Inc. (ASM) have either been ignored by the author of the DEIR or have been regrettably unincorporated into Chapter 8.1.7 of the DEIR's Mitigation Measures for Impacts to Cultural Resources. The Tribe therefore is conflicted in its decision to oppose or support the Project and finds itself still very concerned about the preservation and protection of cultural, archaeological and historical sites within the area affected by the proposed Project.

As you are aware, we are a San Diego County Tribe whose traditional territory includes the current cities of Oceanside, Carlsbad, Vista, Fallbrook, Bonsall and Escondido, among others. As you also know, we are always concerned about the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions. We are concerned about the protection of unique and irreplaceable cultural resources and sacred sites which may be damaged or destroyed by the proposed Project given the current statements of mitigation.

Although we are in favor of "capping" the Luiseño Village of Tom-Kav, as well as Loci A and Loci B, we do not favor the DEIR's exclusion of Native American Monitors during earth disturbing activities. The Tribe therefore formally requests that several

Comment Letter to the County of San Diego
The Meadowood Project DEIR
Page 1 of 3

- M-1 Introductory comment noted. No response is necessary.
- M-2 County staff reviewed and approved the ASM cultural resources report which correctly proposed mitigation for impacts to cultural resources as required by County Guidelines for Significance including site capping, temporary fencing during grading and open space easements. Portions of the cultural mitigation requirements were inadvertently left out of the EIR. All of the cultural mitigation measures have been revised to correct the oversight.
- M-3 Comment noted. No response is necessary.
- M-4 Comment noted. No response is necessary.
- M-5 The main portion of the Luiseño Village of Tom-Kav is located on a hill to the east of the Project Site. No mitigation is proposed for the main village site, which will not be impacted. Loci A and B of this site are within the Proposed Project area and the mitigation calls for these sections to be capped. County staff did not intentionally exclude the presence of Native American monitors in the mitigation language of the EIR. The mitigation measures Subchapter 3.3.5, Table S-1 and the MMRP has been revised to include the required presence of and consultation with a Luiseño Native American representative.

elements be added and that additional conditions of approval be integrated into the Final EIR to ensure that this Project is handled in a manner consistent with the requirements of the law and which respects the Tribe's religious and cultural beliefs and practices. M-5 A. Amendments Must Be Made To Chapter 8.1.7 "Mitigation for Impacts to Cultural Resources" to Satisfy the Recommendations Contained in the DEIR's Technical Appendix I - Cultural Resources Survey, Archaeological Testing and Historic Building Evaluation, Volume 1, April 2009, as well as in the Cultural Resources Preservation Plan in Appendix H, November 2008. <i>1. M-CR-1 Must Be Amended to Include Language Requiring a Native American Monitor Be Present During the Grading Process Within the Area Believed to Hold the Rancho Monserrate Adobe.</i> Currently, M-CR-1 states, "A professional archaeologist shall monitor grading in the vicinity of the mapped location of the Monserrate Adobe, as well as the area north of SR-76." We request that the language be amended to state, "A professional archaeologist and Native American shall monitor all grading in the vicinity of the mapped location of the Monserrate Adobe, as well as the area north of SR-76." According to the Technical Appendix I of the Cultural Resources Survey, Archaeological Testing and Historic Building Evaluation, Volume 1 (April 2009) (page 79), "Given the potential for buried archaeological deposits and the purported occurrence of the Rancho Monserrate adobe house, grading monitoring is recommended . . . [And] will involve the presence of a qualified archaeologist and Native American to observe all grading and other earth moving activities to ensure that not potentially CRHR eligible resources or human remains are discovered and inadvertently impacted." We agree with the recommendation and ask that the language of M-CR-1 be amended and incorporated into the Final EIR to include the presence of a Native American Monitor during the grading process of the area believed to hold the Rancho Monserrate Adobe. M-6 <i>2. M-CR-2b Must Be Amended to Include Language Requiring a Native American Monitor Be Present During the Preparation and Implementation of the Temporary Fencing of the Luiseno Village of Tom-Kav, as well as Loci A and Loci B.</i> At present, the DEIR states that in order to protect the Luiseno Village of Tom-Kav, also known as CA-SDI-682, and Loci A and B, Pardee Homes must prepare and implement a temporary fencing plan during "any grading activities with[in] 100 feet." The fence should be prepared in consultation with a qualified archaeologist and be to the satisfaction of the Director of the Department of Planning and Land Use. And that the fence must be installed under the supervision of the qualified archaeologist prior to any grading or brushing starting. M-7	M-5 County staff agrees with this comment. Please see response to comment M-5. M-6 County staff agrees with this comment. Please see response to comment M-5. M-7 The County agrees with this comment. Please see response to comment M-5.
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LETTER

RESPONSE

Recently, a situation has arisen whereby sacred items of our Tribe have been unintentionally destroyed during the installation of fencing around known sacred areas. It is now the Tribe's position that in this Project and all other future projects, that whenever a fence is to be implemented and or erected around a sacred or culturally sensitive area, that a Native American Monitor be present to observe and ensure that no cultural resources be negatively impacted. Therefore, we request that the Final EIR include language requiring a Native American Monitor be present during the preparation and implementation of the temporary fencing around the Luisefio Village of Tom-Kav, Loci A and Loci B. 3. <i>M-CR-3 Must Be Amended to Include Language Requiring a Native American Monitor to Be Present During Grading in the Vicinity of Loci C.</i> At this time, the Tribe also requests that the language of M-CR-3 be amended to include the requirement of a Native American Monitor in conjunction with a professional archaeologist in monitoring all grading in the vicinity of Loci C, as well as the area north of SR-76. Loci C contains deeply buried archeological deposits and if grading is being recommended for the area, then the Tribe believes that a Native American Monitor must be present during the grading process, in addition to the presence of a professional archaeologist. 4. <i>M-CR-4 Must Be Amended to Include Language Requiring a Native American Monitor During Grading and Subsurface Excavation in Off-Site Areas of the Project Area.</i> M-CR-4 states that "a professional archaeologist shall monitor grading and subsurface excavation in off-site areas." If there are any earth disturbing activities that require grading or subsurface excavation in off-site locations of this Project, we insist that a Native American Monitor be notified and made apart of said monitoring. The area is rich with cultural resources as evidenced in Appendix G of the Addendum Report: Cultural Resources Survey for the Proposed Meadowood Off-Site Improvements (pages 2-3) and a Native American's presence is greatly justified. Therefore, it is the Tribe's position that M-CR-4 must be amended as suggested and be reflected in the Final EIR. 5. <i>M-CR-5 Must Be Amended to Include Language Requiring a Native American Monitor to Be Present For Grading and Subsurface Excavation In On and Off-Site Areas Not Covered By M-CR-1 and M-CR-3.</i> Right now, the Mitigated Measures for Impacts to Cultural Resources of the DEIR only state that a "professional archaeologist shall monitor grading and subsurface excavation in on- and off-site areas not covered by CR-1 and CR-3 (the Rancho Monserate Adobe and Loci C, respectfully). The Tribe believes this to be inadequate and requests that the language of M-CR-5 be amended to require the presence of a Native American Monitor during all grading and subsurface excavation in on- and off-site areas not covered by CR-1 and CR-3.	M-7 M-8 M-8 M-9 M-10 The County agrees with this comment. Please see response to comment M-5. The County agrees with this comment. Please see response to comment M-5. The County agrees with this comment. Please see response to comment M-5.
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M-11

Under CEQA, the County has a legal obligation to curate and preserve recovered artifacts, except for human remains and associated grave goods, for their informational and educational potential. If human remains or associated grave goods are identified, the MLD may make recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative, in consultation with the Luiseño representative, rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. In most cases when human remains are found, they, along with any associated grave goods that may be identified, are not curated, but reburied as close as possible to their original location, or returned to the MLD for reburial at a different location.

M-12

The County does not agree that a pre-excavation agreement is required in this case. The site consists of a historic component, the Pankey ranch complex, and a prehistoric component consisting of significant Pankey site CA-SDI-682. The main part of the Pankey site is to the east of the Proposed Project and will not be impacted. Three loci are identified and will be directly impacted (locus C) and indirectly impacted (loci A and B). Mitigation that includes capping, fencing and open space easement will protect and preserve loci A and B. Grading monitoring at locus C will ensure that should features or artifacts be uncovered during grading, they will be evaluated for significance. No further archaeological excavation, such as data recovery, is required. In addition, grading monitoring supervised by a County qualified archaeologist with a Native American representative on site will ensure that should Native American human remains be uncovered, or should significant artifacts or features be uncovered at any time during grading, the procedures for handling human remains, or other cultural features will take effect. Therefore, County staff cannot support the request for a pre-excavation agreement between the Developer and the Tribe for this Proposed Project.

B. UNCOVERED ARTIFACTS OF LUISEÑO CULTURAL IMPORTANCE SHOULD BE RETURNED TO THE MOST LIKELY DESCENDENT.

Throughout the Mitigation Measures for Impacts to Cultural Resources of the DEIR repeated language was used to describe what should occur if a cultural resource, or archaeological artifact is discovered. It is as follows, "All artifacts recovered during all phases of survey, testing, and grading monitoring shall be curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility with San Diego County to be accompanied by payment of the fees necessary for permanent curation." The Tribe asks that to ensure the proper treatment of any cultural resources or Native American human remains that are uncovered during the course the Project's progress that the County and Pardee Homes agree to return those items to the Native American Tribe of the Most Likely Descendants. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items or remains should be returned to the Most Likely Descendent ("MLD") as determined by the Native American Heritage Commission. This Project is located within the traditional and aboriginal territory of our Tribe and our sister tribes. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of their sister tribes, rather than to the County or the Developers. This request should be included in the Final EIR.

M-11

C. A PRE-EXCAVATION AGREEMENT SHOULD BE ENTERED INTO AS A REQUIREMENT IN ORDER TO OBTAIN THE GRADING PERMIT FROM THE COUNTY.

The Tribe requests that Pardee Homes be required to enter into a Pre-Excavation Agreement with the Tribe prior to obtaining a grading permit. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. The Pre-Excavation Agreement should be entered into prior to any ground-disturbing activities for this Project. The agreement will outline, to the satisfaction of the Tribe, the roles and powers of the Native American Monitors and the archaeologist. Such an agreement is necessary, as the County is aware, to guarantee the proper treatment of cultural resources or Native American human remains displaced during a project development. The Tribe requests that the Pre-Excavation Agreement be added as a requirement to obtain the Grading Permit from the County and be included in the Final EIR.

M-12

The San Luis Rey Band of Luiseño Mission Indians appreciates this opportunity to provide comments on the Meadowood Project. The Tribe hopes the County will adopt and amend the mitigation measures as requested and that they will appear in the Final EIR.

B. UNCOVERED ARTIFACTS OF LUISEÑO CULTURAL IMPORTANCE SHOULD BE RETURNED TO THE MOST LIKELY DESCENDENT.

Throughout the Mitigation Measures for Impacts to Cultural Resources of the DEIR repeated language was used to describe what should occur if a cultural resource, or archaeological artifact is discovered. It is as follows, "All artifacts recovered during all phases of survey, testing, and grading monitoring shall be curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility with San Diego County to be accompanied by payment of the fees necessary for permanent curation." The Tribe asks that to ensure the proper treatment of any cultural resources or Native American human remains that are uncovered during the course the Project's progress that the County and Pardee Homes agree to return those items to the Native American Tribe of the Most Likely Descendants. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items or remains should be returned to the Most Likely Descendent ("MLD") as determined by the Native American Heritage Commission. This Project is located within the traditional and aboriginal territory of our Tribe and our sister tribes. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of their sister tribes, rather than to the County or the Developers. This request should be included in the Final EIR.

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The San Luis Rey Band of Luiseño Mission Indians appreciates this opportunity to provide comments on the Meadowood Project. The Tribe hopes the County will adopt and amend the mitigation measures as requested and that they will appear in the Final EIR.

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M-13 Comment noted. No response is necessary.

M-13

LETTER

RESPONSE

As always, we look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseno cultural resources.

Sincerely,

Merri Lopez-Keifer

Merri Lopez-Keifer
Tribal Legal Counsel

cc: Melvin Vernon, Tribal Captain
Carmen Mojado, Secretary of Government Relations and President of Saving Sacred Sites

M-14

M-14 Closing comment noted. No response is necessary.

Letter N

GATZKE DILLON & BALLANCE LLP

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OF COUNSEL
MICHAEL SCOTT GATZKE
ANTHONY T. DITTY

October 12, 2009

By E-mail and U.S. Mail

Dennis Campbell
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: *Comments on the Draft Environmental Impact Report for the Meadowood Project*
(SCH No. 2004051028, Log No. ER 04-02-004)

Dear Mr. Campbell:

On behalf of Pappas Investments ("Pappas"), we submit this letter commenting on the adequacy of the Draft EIR for the above-referenced Meadowood project. As you know, Pappas, the owner of record of the property located west of the Meadowood project site, is currently processing development applications through the County of San Diego ("County") for its Campus Park West project. As lead agency for the Meadowood project, we request that the County make this letter part of the County's administrative record for the proposed Meadowood project and its associated environmental review process.

Introduction

The proposed Meadowood project site, comprised of approximately 389 acres, is located just north of State Route 76 ("SR-76"), approximately one-quarter mile east of Interstate 15 ("I-15") in the Fallbrook Community Planning Area within the unincorporated area of San Diego County. The Draft EIR acknowledges that the proposed Meadowood project is located directly east and adjacent to the approved Palomar College campus project and the Campus Park (applicant, Passerelle) and Campus Park West (applicant, Pappas) projects, both of which are proposed planned communities active in the County's planning process. (DEIR, p. S-1.) The Draft EIR also acknowledges that the proposed Meadowood project "is one of four projects (including Campus Park, Palomar Community College District, and Campus Park West) that are currently planned in the northeast quadrant of I-15 and SR-76." (DEIR, p. 1-2.) Further, the Draft EIR acknowledges the proposed development that is associated with all four proposed projects -- Meadowood, Palomar College, Campus Park, and Campus Park West:

"The Proposed Project [Meadowood] would provide the addition of 886 housing units that would be located in an area identified by the SANDAG

N-1

Introductory comment is noted. No response is necessary.

N-2

The comment is an accurate overview of the project description.

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 2 Smart Growth Concept Map as a potential Special Use Center smart growth area. . . . The quadrant northeast of I-15 and SR-76 also includes the <i>Campus Park, Campus Park West, and Palomar College</i> projects. The Proposed Project and Campus Park combined would provide up to 1,058¹ multi-family housing units which would be relatively affordable. The Proposed Project, in conjunction with the other three projects in the quadrant, would provide jobs, housing, retail, and recreational opportunities within walking distance of one another and within close proximity to transit service. This would aid in addressing the air quality, traffic, increased energy consumption, and commute time impacts associated with single-use development types." (DEIR, p. 4-32, italics added.) Both the proposed Specific Plan and Draft EIR for the Meadowood project also emphasize the "coordination" that has occurred with respect to the adjacent projects (e.g., Campus Park and Campus Park West). For example, the Meadowood Specific Plan states that close coordination occurred with respect to infrastructure, public services, and land uses: "The Proposed Project [Meadowood] was <i>closely coordinated</i> with adjacent property owners to ensure <i>coordination</i> of infrastructure and public service." (Specific Plan, p. 21, italics added.) "The Campus Park and Campus Park West projects are proposed immediately adjacent to Meadowood on the west. The owners of all three projects have <i>coordinated</i> their land] uses to ensure the development of a cohesive, full-service community, providing educational, commercial and public services." (Specific Plan, p. 41, italics added.) Further, the Specific Plan claims that coordination took place with respect to the traffic circulation network shown for the proposed Meadowood project: ¹ Additionally, Section 4.4 of the Draft EIR (Population and Housing) discusses the "886 new single- and multi-family residences" proposed by the Meadowood project, but does not include information about the total number of residential units (single-family and multi-family) proposed for the Meadowood, Campus Park, and Campus Park West projects. Further, this cumulative information is not included in the Population section at pages 1-23 through 1-31. Therefore, the Draft EIR's Population and Housing section must be revised to reflect the total number of residential units for the known cumulative development in the immediate vicinity of the proposed Meadowood project.	N-3 Comment noted. This comment accurately reflects statements in the Proposed Project's Specific Plan and EIR regarding coordination with respect to the adjacent projects: Campus Park and Campus Park West. This comment does not raise any specific issues with the EIR; therefore no additional response is required. N-4 Table 1-7, Cumulative Projects, provides a list of projects that were considered in developing the cumulative impacts discussion in the EIR. The list includes both the Campus Park and Campus Park West projects. The cumulative impacts associated with development of these projects are discussed throughout the EIR. Chapter 4-4, beginning on page 4-33 of the Final EIR, specifically addresses potential impacts associated with population and housing. Page 4-33 of the Final EIR has been revised to reflect the total number of residential units for the Campus Park and Campus Park West projects, concluding that the cumulative impacts to population and housing would be less than significant. The County acknowledges that implementation of the Proposed Project, Campus Park and Campus Park West projects would result in the construction of up to 2,325 new housing units, As identified in Chapter 4.4, this is consistent with growth envisioned in this area as identified by the SANDAG Smart Growth Concept Map, RCP, and RTP; I-15 Corridor Subregional Plan; I-15/Highway 76 Master Specific Plan; and General Plan Update. As required by CEQA Guidelines Section 15126(d), Chapter 1.8 of the EIR addresses whether or not the Proposed Project may be growth inducing. Specifically, this section discusses whether the Proposed Project would foster economic or population growth within the area and whether the Proposed Project would induce additional development. This section focuses only on the effects of the Proposed Project and is not intended, or required, to include cumulative information.
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LETTER

RESPONSE

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 3 "Traffic circulation was <i>carefully coordinated</i> with adjacent landowners. . . . The Applicant has also worked extensively with . . . VCMWD, LAFCO . . . to <i>coordinate</i> a water and wastewater solution <i>for the Proposed Project</i>." (Specific Plan, p. 21, italics added.) "The internal road system was <i>developed jointly</i> with the owners of Campus Park and Campus Park West Projects to ensure adequate circulation through all three projects." (Specific Plan, p. 27, italics added.) Indeed, the project objectives identified in both the Specific Plan (p. 26) and the Draft EIR reference the three neighboring projects (Palomar College, Campus Park, and Campus Park West) and make coordination of land uses, public facilities, and infrastructure with the adjacent landowners "specific" objective of the Meadowood project: "Provide for land uses that relate to the community <i>in conjunction with the three neighboring projects</i>." (DEIR, p. S-12 [Paragraph 4], italics added.) "<i>Coordinate</i> public facilities and infrastructure with adjacent land owners and ensure availability concurrent with need." (DEIR, p. S-3 [Paragraph 7], italics added.) Despite the explicit Meadowood project objectives, the applicant for the Meadowood project has not coordinated with Pappas, the owner of Campus Park West, to the degree implied with respect to important subregional infrastructure and public service issues for the immediate area. As explained below, there has been inadequate coordination with respect to: (a) wastewater infrastructure and, in particular, the Meadowood project's proposed wastewater treatment plant ("WWTP") and associated facilities; (b) traffic impacts and associated circulation network; (c) fire services; (d) drainage; (e) the Pankey Road alignment; and (f) associated trail alignment. Coordination on these important issues is not only a specific Meadowood project objective, it is also critical from a County and LAFCO perspective in order to ensure development of a cohesive community in this immediate area. The lack of adequate coordination also explains the reason for the submittal of this comment letter. These important infrastructure and public facilities/services must be coordinated to avoid or minimize significant environmental impacts that will only be exacerbated without such coordination. As lead agency, the County is required to ensure this coordination in accordance with the California Environmental Quality Act ("CEQA"), Public Resources Code, §§21000, <i>et seq.</i>, and the State	N-5 Comment noted. This comment accurately reflects objectives stated in the Proposed Project's Specific Plan and EIR regarding coordination with respect to the adjacent projects: Palomar College, Campus Park and Campus Park West. This comment does not raise any specific issues with the EIR; therefore no additional response is required. N-6 The County disagrees with the comment. There has been sufficient coordination with respect to "important sub regional infrastructure." Responses to items specifically identified as a-f are addressed in the following responses, below: a) Coordination of the WWTP is addressed in responses to Comments N-12 through N-16. b) Traffic impacts and associated circulation network issues are addressed in responses to comments N-28 through N-43. c) Fire services are addressed in responses to Comments N-44 through N-47. d) Drainage issues are discussed in responses to comments N-48 through N-52. e) The Pankey Road alignment is addressed in responses to Comments N-53 through N-56. f) The trail alignment is discussed in response to comment N-56. N-7 Comment is noted. The County acknowledges that as lead agency it is required to ensure coordination. Please see response to comment N-6.
N-4	N-5
N-6	N-7

LETTER

RESPONSE

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 4 CEQA Guidelines, Title 14, California Code of Regulations, §§15000, <i>et. seq.</i> ("CEQA Guidelines"). The WWTP Is Not Adequately Sized To Serve Meadowood And The Other Known Projects In The Immediate Vicinity Of The Meadowood Project As stated in the Draft EIR, the Meadowood project includes a proposed WWTP, located at the southern entry of the site. (DEIR, pp. 1-2-1-3.) It is planned for the southern most portion of Meadowood Planning Area 1. (DEIR, p. 1-3, Figures 1-6, 1-11.) The proposed WWTP would consist of a conveyance pump station, treatment facilities, equalization and disinfection basins, recycled water storage tanks and pump station, wet weather ponds, solids handling building, and administrative facilities. (DEIR, p. 1-6.) The WWTP infrastructure, including the treatment plant site and wet weather pond project components, are summarized in Table 1-4a of the Draft EIR. (DEIR, p. 1-53.) The WWTP and associated infrastructure would be constructed within the boundaries of the proposed Meadowood project. (See, DEIR, p. 1-6; and Figure 1-6.) Figure 1-7 of the Draft EIR illustrates the proposed layout of the WWTP, wet weather ponds, and associated facilities. (DEIR, p. 1-38.) Although not clearly stated in the Draft EIR text, the proposed WWTP would be "sized to handle flow from the Meadowood development only." (See, DEIR, Appendix 0-3, Wastewater Service Alternative Analysis for Meadowood, prepared by R.W. Beck, Inc., p. 2-1 ["Beck Report"].) Although the WWTP and associated facilities are sized only for the proposed Meadowood project, the Draft EIR, nonetheless, asserts that in the future, the designated municipal water district that would operate the WWTP "may require that this WWTP be expanded, and this could be accommodated, with off-site wet weather ponds." (DEIR, p. 1-6.) However, there is nothing in the Draft EIR, Beck Report, or any other document to substantiate the claim that the proposed WWTP and associated facilities could be "expanded." There also is no information or analysis in the Draft EIR or Beck Report, explaining that the WWTP could be expanded to accommodate the other actively planned development projects in the immediate vicinity (e.g., Campus Park/Campus Park West). The Draft EIR simply states that the expansion "could be accommodated, with off-site wet weather ponds." The Draft EIR should be revised to analyze: (a) which facilities would need to be expanded; (b) what those expanded facilities would "accommodate;" and (c) whether the expanded facilities could accommodate the other, known development projects in the immediate vicinity (e.g., Campus Park/Campus Park West), which are currently part of the County's active planning process for this particular area. Later, the Draft EIR states that, depending upon the needs of the selected municipal water district, "a WWTP could be sized and sited to accommodate the Proposed Project and any nearby projects." (DEIR, p. 1-6.) However, this statement is unsubstantiated and contradicted by the Beck Report. On Page 3-2, the Beck Report states:	N-8 Comment noted. This comment provides an accurate description from the EIR of the WWTP which is a component of the Proposed Project. N-9 In response to this and other comments received during public review, the County facilitated the preparation of the County of San Diego Fallbrook Projects- Feasibility Study dated October 19, 2010 ("Feasibility Study"). The Feasibility Study was prepared to address and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to wastewater service to the region. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent the Campus Park West project and other areas in the direct vicinity (See Feasibility Study, Figure 1). The Final EIR was revised to reflect the conclusions of the Feasibility Study. Any text which refers to the on-site WWTP as being capable of expansion has been deleted to clarify that the Proposed Project would include an interim, individual project serving WWTP. The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. While the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP, if one project is not approved or not built, the regional WWTP would not be necessary or feasible. Therefore, an allowance would be necessary for the installation and construction of an individual project serving WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated, planned approach to wastewater service for the region. N-10 Please see response to comment N-9. Regarding regional wastewater demand from the adjacent Campus Park project, subsequent to public review, the Campus Park project was refined to be served entirely by the RMWD.
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LETTER

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"This alternative [i.e., the preferred on-site WWTP] treats wastewater flows from Meadowood only, as *expansion* would *not be possible due to size limitations of the site.*" (Beck Report, p. 3-2, italics added.)

N-11

Please refer to response to comment N-9.

The Draft EIR must be revised to substantiate that the proposed on-site WWTP and associated facilities can and will accommodate wastewater flows from not only Meadowood, but also the proposed Campus Park and Campus Park West projects. If the Draft EIR is not revised accordingly, then, under the project applicant's approach, there would be *three separate* WWTPs and associated facilities for the three projects -- all in close proximity to one another. This approach is inconsistent with sound planning practices; it would unnecessarily duplicate infrastructure and facilities needed for this particular subregion; and it would give rise to needless additional environmental impacts.

N-12

Please see responses to comments N-9 and N-10.

Enclosed with this letter is a Fax memorandum, dated September 15, 2008, from Gary Arant, General Manager, of the Valley Center Water District ("VCWD"). In the memorandum, Mr. Arant provides VCWD's Board with information about requests for annexation by both the project applicant and Pappas, and includes related recommendations. Mr. Arant identifies several "very basic issues" that are "apparent," including the fact that:

"Besides requiring water service, both developments will require wastewater treatment and water reclamation services. *It would not be prudent to accept ownership and operational responsibility for two separate systems from developments in such close proximity and, as such, Pardee and Pappas would have to coordinate a joint treatment and disposal system.*" (VCWD Fax memorandum, p. 3 [Paragraph 3], italics added.)

N-13

The County acknowledges that the VCMWD, if identified by LAFCO as the logical provider of water, wastewater and recycled water services in the area, would likely require a region-wide serving WWTP. Furthermore, the County acknowledges that both the County and the Proposed Project applicant (Pardee Homes) was in receipt of the VCMWD's Board recommendations. Please see responses to comment letter I which addresses all of the concerns raised by VCMWD. See also response to comment N-9.

The above memorandum was prepared for the Board meeting that occurred on September 15, 2008. At that Board meeting, Mr. Arant stated that VCWD will accept only one treatment plant to serve both projects. It is our understanding that the project applicant (Pardee) also received the same or similar direction from Mr. Arant at VCWD. Please confirm whether the applicant was apprised of VCWD's directive for the applicant and Pappas to coordinate a *joint* treatment and disposal system. Please also confirm that VCWD apprised the applicant well before release of the Draft EIR.

Importantly, County representatives also were informed of VCWD's position. Pappas representatives have made several requests of County staff to facilitate discussions between the parties and VCWD in order to coordinate and resolve such issues. In response, we ask that the County confirm the facts set forth in this paragraph and that it respond to the question of why the County circulated the Draft EIR with a proposed WWTP that is to be sized to handle flow from the Meadowood project only.

N-14

Comment is noted. Meetings have been coordinated between the parties, County Staff and VCMWD representatives to discuss this subject. Additionally, please see response to comment N-9.

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We also take issue with the Draft EIR's statement that:

"In the future, if a more region-wide-serving wastewater facility is identified by the appropriate MWD, additional environmental review will be required for siting and sizing of this region-wide-serving wastewater facility." (DEIR, pp. 1-6-1-7.)

First, the County knows now that a subregional WWTP and associated facilities are needed to serve the three pending development projects in the vicinity (*i.e.*, Meadowood, Campus Park, and Campus Park West). As a result, the County cannot defer environmental review of an appropriate joint facility. Second, the Draft EIR itself identifies VCWD as the "preferred" provider for water and wastewater services. (DEIR, p. 1-12.) As the preferred provider, VCWD already has made clear it would not be prudent to accept ownership and operational responsibility of two separate WWTPs and associated facilities for developments in such close proximity. VCWD has advised both the project applicant (Pardee) and Pappas that:

"Pardee and Pappas should, as appropriate, initiate discussions and planning on how to coordinate wastewater treatment and disposal facilities to jointly meet their respective needs, maximize the joint use of reclaimed water and other local non-potable sources, and construct facilities amenable to expansion to meet possible future needs in that area." (VCWD "Fax" memorandum, dated September 15, 2008, p. 5.)

VCWD's recommended coordination on wastewater treatment and disposal facilities to jointly meet the respective needs of Meadowood and other developments in the immediate vicinity (*e.g.*, Campus Park and Campus Park West) cannot be legitimately deferred under CEQA.

Further, deferral of environmental review is inappropriate, here, because the Draft EIR is addressing the project applicant's request for a "major use permit" for operation of the WWTP and associated facilities. (DEIR, p. 1-2.) In addition, the proposed WWTP is planned for the first planning area within the Meadowood project (*i.e.*, Planning Area 1). (See, DEIR, p. 1-3.) As such, the Draft EIR cannot defer environmental review of the cumulative impacts of the wastewater flows from Meadowood in conjunction with the other pending development projects in the immediate vicinity (*e.g.*, Campus Park and Campus Park West). Accordingly, the Draft EIR must be revised to identify and analyze such cumulative impacts, which are not yet addressed.

We also take issue with Section 4.6, Utilities, of the Draft EIR. In that section, the Draft EIR quotes the San Diego County General Plan Public Facility Element. (DEIR, p. 4-41.) The "primary goal" of the wastewater section of the General Plan's Public Facility Element "is to provide wastewater treatment and disposal capacity to adequately meet future demands." (*Id.*,

N-15 Please see responses to comments N-9 and N-10 as well as G-26 and G-27. The Final EIR was revised to delete the text stated in the comment. The Final EIR adequately analyzes all environmental impacts, including those associated with direct, cumulative and growth inducing impacts which may result from the individual project serving WWTP.

N-16 The County agrees that there should be a coordinated approach to water and wastewater services to the subregion. As a result and in response to this and other comments, the County facilitated the preparation the Feasibility Study identified above. The Feasibility Study was prepared to address and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to water and wastewater service to the region. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent the Campus Park West project and other areas in the direct vicinity (See, feasibility Study, Figure 1).

The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. While the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP, if one project is not approved or not built, the regional WWTP would not be necessary or feasible. Therefore, an allowance would be necessary for the installation and construction of an individual project serving WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated, planned approach to wastewater service for the region.

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 6 We also take issue with the Draft EIR's statement that: "In the future, if a more region-wide-serving wastewater facility is identified by the appropriate MWD, additional environmental review will be required for siting and sizing of this region-wide-serving wastewater facility." (DEIR, pp. 1-6-1-7.) First, the County knows now that a subregional WWTP and associated facilities are needed to serve the three pending development projects in the vicinity (<i>i.e.</i>, Meadowood, Campus Park, and Campus Park West). As a result, the County cannot defer environmental review of an appropriate joint facility. Second, the Draft EIR itself identifies VCWD as the "preferred" provider for water and wastewater services. (DEIR, p. 1-12.) As the preferred provider, VCWD already has made clear it would not be prudent to accept ownership and operational responsibility of two separate WWTPs and associated facilities for developments in such close proximity. VCWD has advised both the project applicant (Pardee) and Pappas that: "Pardee and Pappas should, as appropriate, initiate discussions and planning on how to coordinate wastewater treatment and disposal facilities to jointly meet their respective needs, maximize the joint use of reclaimed water and other local non-potable sources, and construct facilities amenable to expansion to meet possible future needs in that area." (VCWD "Fax" memorandum, dated September 15, 2008, p. 5.) VCWD's recommended coordination on wastewater treatment and disposal facilities to jointly meet the respective needs of Meadowood and other developments in the immediate vicinity (<i>e.g.</i>, Campus Park and Campus Park West) cannot be legitimately deferred under CEQA. Further, deferral of environmental review is inappropriate, here, because the Draft EIR is addressing the project applicant's request for a "major use permit" for operation of the WWTP and associated facilities. (DEIR, p. 1-2.) In addition, the proposed WWTP is planned for the first planning area within the Meadowood project (<i>i.e.</i>, Planning Area 1). (See, DEIR, p. 1-3.) As such, the Draft EIR cannot defer environmental review of the cumulative impacts of the wastewater flows from Meadowood in conjunction with the other pending development projects in the immediate vicinity (<i>e.g.</i>, Campus Park and Campus Park West). Accordingly, the Draft EIR must be revised to identify and analyze such cumulative impacts, which are not yet addressed. We also take issue with Section 4.6, Utilities, of the Draft EIR. In that section, the Draft EIR quotes the San Diego County General Plan Public Facility Element. (DEIR, p. 4-41.) The "primary goal" of the wastewater section of the General Plan's Public Facility Element "is to provide wastewater treatment and disposal capacity to adequately meet future demands." (<i>Id.</i>,	N-16 (cont.) The VCMWD has identified and accepted the Proposed Project's on-site WWTP as potentially an interim WWTP facility. These statements were made by the VCMWD under an assumption that the VCMWD would be identified by LAFCO as the wastewater service provider for the Proposed Project. Recently, the Board of Directors of VCMWD has adopted a resolution supporting annexation of the Proposed Project into the district. However, annexation cannot occur until the LAFCO process is completed following approval of the Proposed Project and certification of the Final EIR by the County of San Diego Board of Supervisors. There has been no deferral under CEQA as to reasonably foreseeable project facilities and/or needs as a consequence of the Proposed Project because the various potential water and wastewater providers and associated facilities for the Project Site have been identified and analyzed as required by CEQA in Chapter 4.6, beginning on page 4-41 of the Final EIR. N-17 In response to comments, the Final EIR was revised to reflect the conclusions of the Feasibility Study as discussed above in N-9 and N-10. Please also see responses to comments G-26 and G-27.
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We also take issue with the Draft EIR's statement that:

"In the future, if a more region-wide-serving wastewater facility is identified by the appropriate MWD, additional environmental review will be required for siting and sizing of this region-wide-serving wastewater facility." (DEIR, pp. 1-6-1-7.)

First, the County knows now that a subregional WWTP and associated facilities are needed to serve the three pending development projects in the vicinity (*i.e.*, Meadowood, Campus Park, and Campus Park West). As a result, the County cannot defer environmental review of an appropriate joint facility. Second, the Draft EIR itself identifies VCWD as the "preferred" provider for water and wastewater services. (DEIR, p. 1-12.) As the preferred provider, VCWD already has made clear it would not be prudent to accept ownership and operational responsibility of two separate WWTPs and associated facilities for developments in such close proximity. VCWD has advised both the project applicant (Pardee) and Pappas that:

"Pardee and Pappas should, as appropriate, initiate discussions and planning on how to coordinate wastewater treatment and disposal facilities to jointly meet their respective needs, maximize the joint use of reclaimed water and other local non-potable sources, and construct facilities amendable to expansion to meet possible future needs in that area." (VCWD "Fax" memorandum, dated September 15, 2008, p. 5.)

VCWD's recommended coordination on wastewater treatment and disposal facilities to jointly meet the respective needs of Meadowood and other developments in the immediate vicinity (*e.g.*, Campus Park and Campus Park West) cannot be legitimately deferred under CEQA.

Further, deferral of environmental review is inappropriate, here, because the Draft EIR is addressing the project applicant's request for a "major use permit" for operation of the WWTP and associated facilities. (DEIR, p. 1-2.) In addition, the proposed WWTP is planned for the first planning area within the Meadowood project (*i.e.*, Planning Area 1). (See, DEIR, p. 1-3.) As such, the Draft EIR cannot defer environmental review of the cumulative impacts of the wastewater flows from Meadowood in conjunction with the other pending development projects in the immediate vicinity (*e.g.*, Campus Park and Campus Park West). Accordingly, the Draft EIR must be revised to identify and analyze such cumulative impacts, which are not yet addressed.

We also take issue with Section 4.6, Utilities, of the Draft EIR. In that section, the Draft EIR quotes the San Diego County General Plan Public Facility Element. (DEIR, p. 4-41.) The "primary goal" of the wastewater section of the General Plan's Public Facility Element "is to provide wastewater treatment and disposal capacity to adequately meet future demands." (*Id.*,

N-18

N-18 The County disagrees with the comment. The Proposed Project would comply with these General Plan requirements. In response to this comment and in order to address the General Plan Public Facility Element to which the comment refers, the County facilitated the preparation of the Feasibility Study, identified above. The Feasibility Study was prepared to address and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to wastewater service to the region. The Feasibility Study primarily reviewed the service demand for the Proposed Project in addition to that of the adjacent the Campus Park West project and other areas in the direct vicinity (See, Feasibility Study, Figure 1). The Campus Park project would be served by the RMWD because the project site is entirely within the boundaries of the District.

The project is consistent with the recommendations and conclusions of the Feasibility Study both as to location and design. The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. While the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP, if one project is not approved or not built, the regional WWTP would not be necessary or feasible. Therefore, an allowance would be necessary for the installation and construction of an individual project serving WWTP. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility in order to provide a coordinated, planned approach to wastewater service for the region.

See also response to comment N-15 regarding cumulative demands from other projects in the area.

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italics added.) It also seeks the "assurance that privately-proposed wastewater treatment plants . . . meet the anticipated needs of the project *and subregion*." (*Id.*, italics added.) First, the proposed Meadowood project does not comply with these General Plan requirements because the Draft EIR fails to identify and analyze the wastewater treatment and disposal capacity to adequately meet Meadowood's demands, plus the related cumulative demands of other development pending in the immediate vicinity (*e.g.*, Campus Park and Campus Park West). Second, neither the Specific Plan nor the Draft EIR provide the General Plan-required assurance that the proposed WWTP will "meet the anticipated needs" of Meadowood and the projects in the subregion (*e.g.*, Campus Park and Campus Park West).

In addition, General Plan Public Facility Policy Element 2.1 states that the County will regulate the use of privately proposed wastewater treatment plants "to ensure that they are properly located . . ." (DEIR, p. 4-41.) The project applicant's proposal to construct and operate a WWTP and associated facilities onsite, but which would serve only its development, ignoring the other pending development in the immediate vicinity, does not satisfy this policy.

On page 4-55, the Draft EIR states, without support, that the location and design of the proposed WWTP "must be approved and be consistent with the LAFCO selected MWD's reclaimed water master plan" and that "[w]ith approval from the MWD, the Proposed Project would be consistent with these policies." However, the proposed location, design, and capacity of the WWTP must first be approved by the County. As proposed, the WWTP does not comply with County General Plan policies and, therefore, should not be approved. In addition, we know that the preferred provider (VCWD) will not accept ownership and operational responsibility for two separate wastewater/recycling systems from developments in such close proximity. We also know that the preferred provider has directed the project applicant and Pappas to coordinate a joint treatment and disposal system. As a result, the proposed Meadowood project's WWTP is not consistent with County General Plan policies and VCWD directives and recommendations.

Also on page 4-55, the Draft EIR states, without support, that "[a]t this time, it cannot be determined whether [expansion of the WWTP would be required to serve other projects] or the timing, siting, or sizing of such a regional-serving WWTP." In response, it can and should be determined, now: (a) that the proposed WWTP and associated facilities must have the capacity to serve the other known projects in the immediate subregion (*e.g.*, Campus Park and Campus Park West); and (b) that the joint treatment and disposal system and associated facilities can be appropriately sited and sized to accommodate Meadowood as well as Campus Park and Campus Park West.

We also take issue with the Draft EIR's conclusion that the proposed WWTP and associated facilities result in less-than-significant impacts. At present, the Draft EIR inadequately addresses the proposed WWTP and associated facilities in conjunction with the project and the cumulative need in the immediate vicinity. As a result, we cannot accurately determine if those impacts ultimately will result in less-than-significant impacts.

N-19 Please see response to comment N-18.

N-20 Policy 2.1 is intended to "ensure that treatments plants are properly located, meet the sewer needs of the project, do not cause premature urbanization and create no unmitigable environmental effects". In order to address this policy, the General Plan requires findings to be made pursuant to Implementation Measure 2.1.1. The findings have been made and are included in the General Plan Compliance Report for the Meadowood Project (see Final EIR Appendix C-2, Appendix 1). The Feasibility Study was prepared to address findings (b) and (g) of Implementation Measure 2.1.1 and meet the anticipated needs of the subregion and to provide a coordinated, planned approach to wastewater service to the region. Please see responses to comments N-9 and N-18.

N-21 Please see responses to comments N-9, N-10, N-16, N-18 and N-20.

N-22 Please see responses to comments N-9, N-10, N-16, N-18 and N-20.

N-23 Please see responses to comments G-26 and G-27.

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The Draft EIR also concludes, without support, that the cumulative demand for wastewater services would not be a significant impact. (DEIR, p. 4-55.) The problem is that the Draft EIR has not yet identified and analyzed the known project and cumulative demand for wastewater services in the immediate project vicinity. As a result, it is premature for the Draft EIR to conclude that there are no significant cumulative impacts -- the impacts were not identified and analyzed, so we do not yet know if there are any significant cumulative impacts. There may not be significant cumulative impacts; however, we do not know that based on the Draft EIR. The Draft EIR must be revised to identify and analyze both the project and the cumulative demand for wastewater services resulting from the known, pending development projects (e.g., Campus Park and Campus Park West) in the immediate vicinity of the Meadowood project.

Although not stated in the Draft EIR, the revised Draft EIR also must clarify whether the proposed WWTP site and all associated facilities are considered an "interim" facility. If so, the revised Draft EIR also must confirm that the Meadowood project applicant will commit to: (a) full fair-share participation in the bonds for the costs of a permanent facility; (b) reservation of land for the permanent facility; and (c) assurances that the permanent site and all associated facilities will accommodate all of the wastewater flows and recycled water needs of the Meadowood, Campus Park, and Campus Park West projects.

In light of the above comments, we ask that the Draft EIR and Beck Report be revised to incorporate a WWTP and associated facilities with the capacity to address wastewater flows from not only Meadowood, but also the Campus Park and Campus Park West projects. Of course, Pappas and any other developments that benefit from the subregional WWTP will be responsible for paying their fair share toward the costs of the joint wastewater treatment/recycling infrastructure and facilities. This point also should be covered in the revised Draft EIR.

In addition to the comments above, please refer to the attached memorandum prepared by PBS&J, dated September 29, 2009. This memorandum provides separate and additional comments on the Draft EIR's water and wastewater technical studies. Please *separately* respond to each comment in the attached memorandum, apart from the comments provided in this letter.

The Draft EIR And Associated Traffic Study Underestimates Campus Park West's Daily Trips; And In Doing So, Understates Cumulative Traffic Impacts

The Draft EIR states that it reviewed available cumulative projects in the area for purposes of both traffic volumes and roadway improvement construction and phasing. (DEIR, pp. 2.3-82.3-9.) However, the Meadowood traffic study (DEIR, Appendix E) underestimates the Campus Park West project size and land uses by approximately 10,921 ADT. As such, cumulative impacts and associated mitigation measures recommended in the Meadowood traffic

N-24 Please see responses to comments G-26 and G-27.

N-25 In response to the comment, the Final EIR has been revised to clarify that the on-site WWTP would serve as an interim facility until the selected municipal water district determines what would be the treatment needs of the Project Site and region. The applicant has agreed to make the necessary arrangements to ensure that wastewater is collected and treated at a regional facility. This would include fair-share participation in the bonds for the costs of a permanent facility as well as the decommissioning of the interim on-site WWTP. The Feasibility Study concluded that the Campus Park West project site would be the most suitable location for a regional WWTP. As stated above, the Feasibility Study concluded the Campus Park West site to be the most appropriate for a regional WWTP; therefore, the Proposed Project would not reserve land for the permanent, regional facility.

N-26 Please refer to responses to comments N-9, and N-16 for an explanation as to why it is premature to address a WWTP that would serve other projects. The commenter's opinion will be included in the project record.

N-27 These comments are addressed in responses to comments N-58 through N-68 below.

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study and EIR are inadequate, particularly with respect to the SR-76 corridor in the vicinity of the I-15 interchange and Pankey Road, the main access point to the Campus Park West project.

First, the Meadowood traffic study does not identify the assumed trip generation for each specific cumulative project, which itself is an omission that requires correction in the revised Final EIR. Because of this omission, the traffic consultant for the Campus Park West project was required to analyze the trip generation for Campus Park West in the Meadowood traffic study by using published SANDAG rates for each of the Campus Park West land use components listed in the Meadowood Draft EIR's cumulative project table. The land uses used in the Meadowood Draft EIR for Campus Park West are as follows:

"Mixed-use development including approximately 395 MFR units, 110,000 s.f. General Commercial, 10 acres of Highway Commercial and 300,000 s.f. Office Professional. Located mostly north of SR-76 with a portion south of SR-76." (DEIR, p. 2.3-35; Traffic Report, Appendix E, p. 64.)

However, these land uses understate the total gross trip generation for the Campus Park West project as included in the Meadowood traffic study (32,160 ADT). The correct land use components comprising the Campus Park West project are as follows:

Campus Park West Land Use Summary		
North of SR-76		South of SR-76
255,536 square feet of Commercial Uses (Community Shopping Center)	93,731 square feet of Neighborhood Commercial Uses	
194,619 square feet Light Industrial		
307 units (condominium)		
50,000 square feet Mixed Use Retail		
50,000 square feet Mixed Use Office		
48 units Mixed Use Condominium		
152,339 square feet Light Industrial		

Based on the application of published SANDAG rates to the above combination of land uses for the Campus Park West project, the gross total trip generation is 43,081 ADT. As stated above, this is a difference of 10,921 ADT when compared to the analysis in the Meadowood Draft EIR (43,081 ADT - 32,160 ADT).

Because the SR-76 (Pala Road)/Pankey Road intersection is expected to operate at an unacceptable LOS F during both AM and PM peak hours under existing + cumulative

N-28 This comment indicates that the cumulative impact analysis underestimated the Campus Park West project land use and associated trip generation potential by 10,921 ADT. However, the comment is comparing **gross** ADT (43,081), as opposed to the fact that the entire project area is allowed a 30% internal capture rate in the cumulative scenario. Campus Park West has previously supplied the County with trip generation information that confirms its **net trip** assumption/estimates, and which indicated that the project would generate a total of 29,906 external trips. Therefore the Campus Park West external ADT estimation is more accurately projected to be around 30,000, as used in the Proposed Project's EIR/TIS analysis, and which compensates for the 10,921 ADT difference. The Proposed Project used the Campus Park West project description information available at the time of the preparation of the TIS and subsequently has been approved (with coordination) by the County and Caltrans, and thus does not require reevaluation. Based on this analysis impacts and mitigation associated with cumulative traffic is adequate.

N-29 According to the County of San Diego traffic significance criteria (page 13 under the Report Format & Content Requirements Section); two options exist to assess cumulative impacts, 1) list of projects approach or 2) general plan summary approach. As stated on page 74 of the Proposed Project's traffic study "Cumulative projects were accounted for through a general plan summary approach where SANDAG provided a Series 10 Year 2030 model..." Therefore, individual cumulative project trip generations and assignments are not required because the SANDAG traffic model calculates all of the cumulative project trip generations and assigns the total traffic to the roadways. Furthermore, the Proposed Project used the accurate Campus Park West project description information available at the time of its traffic study and subsequently has been approved (with coordination) with the County and Caltrans and thus does not require reevaluation. For these reasons, the Proposed Project's traffic study is correct in the representation and analysis of cumulative projects.

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study and EIR are inadequate, particularly with respect to the SR-76 corridor in the vicinity of the I-15 interchange and Pankey Road, the main access point to the Campus Park West project.

First, the Meadowood traffic study does not identify the assumed trip generation for each specific cumulative project, which itself is an omission that requires correction in the revised Final EIR. Because of this omission, the traffic consultant for the Campus Park West project was required to analyze the trip generation for Campus Park West in the Meadowood traffic study by using published SANDAG rates for each of the Campus Park West land use components listed in the Meadowood Draft EIR's cumulative project table. The land uses used in the Meadowood Draft EIR for Campus Park West are as follows:

"Mixed-use development including approximately 395 MFR units, 110,000 s.f. General Commercial, 10 acres of Highway Commercial and 300,000 s.f. Office Professional. Located mostly north of SR-76 with a portion south of SR-76." (DEIR, p. 2.3-35; Traffic Report, Appendix E, p. 64.)

However, these land uses understate the total gross trip generation for the Campus Park West project as included in the Meadowood traffic study (32,160 ADT). The correct land use components comprising the Campus Park West project are as follows:

Campus Park West Land Use Summary	
North of SR-76	South of SR-76
255,536 square feet of Commercial Uses (Community Shopping Center)	93,731 square feet of Neighborhood Commercial Uses
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307 units (condominium)	
50,000 square feet Mixed Use Retail	
50,000 square feet Mixed Use Office	
48 units Mixed Use Condominium	
152,339 square feet Light Industrial	

N-30

Please see response to comment N-28.

N-31

Please see response to comment N-28.

N-32

Please see response to comment N-28.

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conditions, the underestimation of an additional 10,000+ADT must be evaluated. (DEIR, pp. 2.3-9, 2.3-44.) } N-32

Further, the proposed Project will have a significant cumulative impact on the intersection. (DEIR, p. 2.3-11, 2.3-47.) The mitigation proposed for these impacts is for the applicant to contribute to the County's Traffic Improvement Fees ("TIF") Program, as required by Mitigation Measures M-TR-3. (DEIR, p. 2.3-14.) Additionally, the Draft EIR mentions the necessary installation of a traffic signal and added lanes at the SR-76 (Pala Road)/Pantry Road intersection, to be implemented using TIF funding. (DEIR, p. 2.3-11, 2.3-57, Figure 2.3-11.) Even with implementation of this mitigation, the SR-76 (Pala Road)/Pantry Road intersection will remain at a LOS D during PM peak hours in the Horizon Year (2030). (DEIR, p. 2.3-50, 2.3-53.) Therefore, it is imperative that the Draft EIR address whether the unaccounted for 10,921 ADT will affect the level of service for this intersection in the Horizon Year. } N-33

Both the Meadowood traffic study and Draft EIR analysis must be revised to ensure that cumulative traffic from the Campus Park West project is not understated, and that any reliance on the TIF contribution in Mitigation Measure TR-3 or additional improvements (such as capacity provided by the Granite Road Widening Project) will still mitigate the cumulative traffic impacts. } N-34

The Draft EIR And Associated Traffic Study Incorrectly Analyze Cumulative Project Trip Distribution At The Pankey Road/SR-76 Intersection

Related to the discussion above, the Meadowood Draft EIR and traffic study not only understate cumulative peak hour traffic for the Campus Park West project, but also incorrectly distribute Campus Park West trips at the Pankey Road/SR-76 intersection. This results in a flawed and understated analysis of geometric improvements required as mitigation. } N-35

The Pankey Road/ SR-76 intersection provides primary access to the Campus Park West site. This intersection is analyzed as "Intersection #8" in the traffic report. (See Appendix E, p. 80, Figure 22.) In the matrix of Existing + Cumulative intersection traffic volumes, Intersection #8 assumes an unreasonably strong distribution of traffic oriented to/from the region south of SR-76 on Pankey Road at that intersection, particularly from eastbound SR-76. Similarly, traffic volumes on Pankey Road approaching SR-76 also show an unreasonably large distribution oriented southbound on Pankey Road, south of the SR-76. See below: } N-36

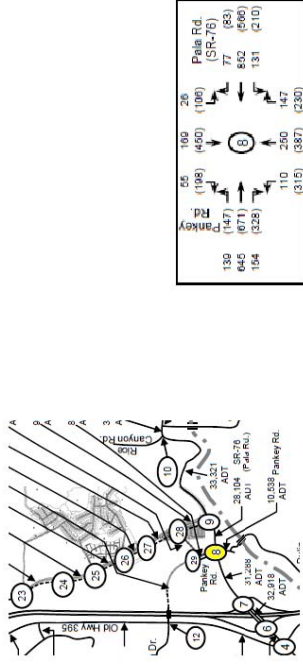
N-33 Please see response to comment N-28.

N-34 Please see response to comment N-28.

N-35 Please see response to comment N-28.

N-36 Please see response to comment N-28.

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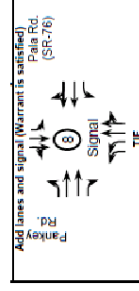


(Traffic Study, Appendix E, p. 79.)

(Traffic Study, Appendix E, p. 80, Figure 22.)

Although the existing residential subdivision located south of SR-76 on Pankey Road would generate background trips on this south leg (see Appendix E, p. 29), the Campus Park West project (the majority of which is located north of SR-76, as discussed above) will generate a substantial number of primary trips, many of which would utilize and be distributed through the Pankey Road/SR-76 intersection. A significant portion of these trips will move northbound through the Pankey Road/SR-76 intersection from whichever direction they approach.

Consequently, the apparent distribution of Campus Park West traffic between north and south is biased to the south, considering the Campus Park West land use summary. This faulty analysis affects not only the impacts to the intersection, but the geometric improvements required for appropriate mitigation. For example, the volume of vehicles moving eastbound on SR-76, turning left (northbound) on Pankey Road (139 AM, 147 PM) does not practically represent the demand associated with the Campus Park West project. Further, and perhaps more importantly, the proposed mitigation measures showing a single eastbound left-turn lane would not suffice to provide sufficient capacity in either the near-term or long-term conditions. (See Appendix E, p. 120, Figure 27.)



N-37

$\underbrace{\quad}_{N-38}$

N-39

Please see response to comment N-28. The Proposed Project traffic study correctly represents cumulative volumes at the intersection of SR-76/Pankey Road based on information provided at the time the Proposed Project TIS was completed.

This comment is addressed as indicated in response to comment N-28. The Proposed Project TIS correctly represents cumulative volumes at the intersection of SR-76/Pankey Road based on information provided at the time the Proposed Project traffic study was completed.

The Proposed Project TIS was prepared with the most current cumulative information available when the study was prepared. Based on such cumulative information, a single eastbound left-turn lane is calculated to adequately service the traffic volumes from the SANDAG traffic model representing cumulative volumes.

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RESPONSE

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 12 In fact, dual eastbound left-turn lanes would be required. This would require widening the eastbound approach at this intersection to accommodate the additional width. Such an improvement would have cascading effects on the SR-76 corridor in both directions with respect to centerline alignment, transition and taper requirements, and the associated widening of the adjacent concrete bridge structure to the west, as well as the need to assess potential impacts to adjacent habitat along SR-76 if approach widening is required. The revised analysis also may exceed what the County considers to be included in its TIF improvements, which the Meadowood project cites as the source of mitigation for this cumulative impact. (DEIR, p. 2.3-14.) If these improvements listed above are found to be required once the Meadowood traffic study is amended, and the County TIF does not include these additional measures, then the Meadowood traffic study cannot rely on the TIF to mitigate the cumulative impact, and must provide additional funding to ensure the intersection is built to accommodate forecasted traffic. Further, considering the overall project trip generation for the Campus Park West project (43,081 ADT), these peak hour volumes overall would be far larger than those reflected in Figure 22. Thus, the Meadowood traffic study understates the cumulative traffic peak hour contribution of the Campus Park West project. Both the Meadowood traffic study and EIR must be revised to adequately analyze Campus Park West traffic volumes at the Pankey Road/SR-76 Intersection to ensure that: (1) peak hour volumes are consistent with the trip generation estimates for Campus Park West as proposed; and (2) the cumulative traffic distribution through the intersection accurately reflects that the majority of Campus Park West project traffic would be oriented north of the SR-76. Additionally, both the Meadowood traffic study and EIR should reevaluate the mitigation measures proposed for this intersection to ensure that, at a minimum, dual eastbound left-turn lanes are required, and to address the feasibility of this mitigation measure with respect to the County's TIF requirements. If the required mitigation (e.g., dual lefts, approach widening, bridge reconstruction, etc) is outside of the scope of the TIF, then both the Meadowood traffic study and EIR must be revised to provide the appropriate fair-share towards the ultimate cost of improvements to this intersection. The Draft EIR Does Not Adequately Analyze The Provision Of Fire Services For Meadowood And Other Known Cumulative Projects In The Immediate Vicinity The Draft EIR does not adequately analyze fire services for the project and the other known cumulative development projects in the immediate project vicinity (e.g., Campus Park and Campus Park West). First, the Draft EIR states that a "will serve" letter has been provided by the North County Fire Protection District ("NCFPD"). (DEIR, p. 4-27.) However, there is no "will serve" letter included in the Draft EIR or appendices. As a result, the Draft EIR's statement concerning issuance of a "will serve" letter is not substantiated.	N-40 Please see response to Comment N-28. The Proposed Project TIS was prepared with the most current cumulative information available when the study was prepared. If the revised Campus Park West traffic requires dual-left turn lanes, then it is the responsibility of the Campus Park West applicant to ensure any direct impacts are mitigated to below a level of significance, including dual left-turn lanes. N-41 Please see response to comment N-28. The Proposed Project TIS was prepared with the most current cumulative information available when the study was prepared. If the revised Campus Park West traffic exceeds the currently identified TIF improvements, then the Campus Park West project will be required to update the TIF improvements. The Proposed Project traffic study can rely on the TIF as mitigation because the cumulative analysis was based on the most current information available when the traffic study was prepared. No additional funding is required by the Proposed Project because the cumulative projects were correctly represented. N-42 Please see response to comment N-28. N-43 Please see response to comment N-28. Additionally, it is the responsibility of the Campus Park West applicant to determine if the Campus Park West project as defined after the approval of the Proposed Project traffic study will require dual eastbound left-turn lanes at SR-76/Pankey Road. N-44 The County disagrees with this comment. EIR Chapter 4.3.3, beginning on page 4-28 of the Final EIR, outlines the cumulative impact analysis to public services, including fire services. As stated, design measures incorporated into surrounding cumulative projects will ensure any impacts are reduced to below a level of significance. The EIR accurately states that the applicant has on file a Project Facility Availability (PFA) form for fire protection services from the North County Fire Protection District. The Project Facility Availability form or "will serve letter"—from 2006—with the District's conditions was inadvertently omitted from the EIR. While this letter has now expired, an updated PFA form and has been included in the Final EIR as Appendix J-3.
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LETTER

RESPONSE

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 13 Additionally, the Draft EIR states that the "Project Site is proposed to be annexed to the NCFPD which <i>has the capacity to serve the site</i>." (DEIR, p. 4-29; see also pp. S-2, S-3, S-5, 4-25; and Fire Protection Plan, Appendix F-2, p. 1.) However, the Draft EIR provides no analysis as to whether the NCFPD has capacity to serve the proposed Project site <i>in addition to</i> the two actively planned projects (Campus Park and Campus Park West) and the approved Palomar College project. This cumulative analysis must be included in a revised EIR.	N-45 The County disagrees with this comment. The Campus Park and Palomar College projects are already within the District's boundary for fire service. Additionally, as stated in response to comment N-44, Final EIR Chapter 4.3.3 outlines the cumulative impact analysis to public services, including fire services. As stated therein, design measures incorporated into surrounding cumulative projects will ensure any impacts are reduced to below a level of significance.
N-45 N-46	The County disagrees with this comment. The NCFPD is currently identifying its future needs to serve anticipated development. The project applicant is participating in discussions regarding these needs with the NCFPD. As specific facilities and/or equipment that may be required are currently unknown, it is impossible to analyze such. Furthermore, there is currently a proposed annexation underway for 5,600 acres, including the Project Site. This annexation was initiated as part of the Orange Grove Energy power plant project, proposed by J-Power USA and located on a San Diego Gas & Electric site. As part of this annexation, extensive discussion will occur regarding the District's future needs. The project applicant is prepared to contribute its fair share toward these improvements, once identified.
N-47	As stated in response to comment N-44, the Final EIR Chapter 4.3.3 outlines the cumulative impact analysis to public services, including fire services and concludes that cumulative impacts would be less than significant. Additionally, the project applicant is currently engaged in conversations with the NCFPD regarding its future facilities/equipment needs. Once these needs are identified, the applicant is prepared to contribute its fair share toward these improvements.
N-48	This comment introduces statements regarding the Preliminary Drainage Study prepared for the Proposed Project. Responses to these comments are provided in N-49 through N-52 below.

N-49

The County has reviewed the Preliminary Drainage Study prepared for the Proposed Project and concurs with its findings. To accurately reflect all of the existing improvements that are included in the hydraulic model for Horse Ranch Creek, Rick Engineering Company performed several steps. First, as-built plans for the SR-76 bridge were obtained from Caltrans. Copies of these plans are located in Appendix I of the Preliminary Drainage Study. From the plans it was determined that the bridge has a cross-sectional area of approximately 670 square feet. Next, Rick Engineering Company coordinated with URS, who was the engineer associated with the widening of SR-76. URS performed hydraulic analyses for the San Luis Rey River and Horse Ranch Creek. The as-built plans and URS report were then supplemented by updated topographic information to reflect the recent widening improvements. All of this information was then verified at a recent site visit. The topographic information and plans in the URS report were confirmed with the as-built plans. Based on the as-built plans, updated topographic information, and the URS report, the County does not believe that the hydraulic models require revision.

For point of clarification, the bridge crossing is not skewed. The skewed cross-sections are the cross-sections located immediately upstream and downstream of the bridge. From the CalTrans plans and topographic information, it was determined that the bridge has a skew angle of 40 degrees. For the purposes of the hydraulic model cross-sections are compiled immediately upstream and downstream of a bridge. If these cross-sections were not skewed it would drastically overestimate the conveyance area. Additionally, we utilized an n-value to represent the dense vegetation within the vicinity of the bridge and modeled the ineffective flow areas that are caused by the expansion contraction effects at the bridge. This modeling approach combined with the research was utilized to determine the hydraulic characteristics of Horse Ranch Creek.

The skew factor does not significantly affect the frictional losses pertaining to the bridge length with respect to the flow direction.

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Additionally, the Draft EIR states that the "Project Site is proposed to be annexed to the NCFPD which has the capacity to serve the site." (DEIR, p. 4-29; see also pp. S-2, S-3, S-5, 4-25; and Fire Protection Plan, Appendix F-2, p. 1.) However, the Draft EIR provides no analysis as to whether the NCFPD has capacity to serve the proposed Project site *in addition to* the two actively planned projects (Campus Park and Campus Park West) and the approved Palomar College project. This cumulative analysis must be included in a revised EIR.

Further, the proposed Fire Protection Plan is not consistent with the Draft EIR. It states that the project applicant is currently involved in discussions with the NCFPD regarding potential *provision or upgrade* of fire suppression facilities and/or equipment to address additional infrastructure and/or response demands that may be placed upon the District as a result of the proposed Meadowood project. (Fire Protection Plan, Appendix F-2, p. 1.) However, neither the Draft EIR nor the Fire Protection Plan identify or analyze these upgrades or how they will be obtained or implemented. In short, the Draft EIR does not disclose whether new fire protection/suppression facilities are needed, or whether upgrades are required for existing fire protection/suppression facilities and/or equipment. These are the very issues that should have been addressed in the Draft EIR. Accordingly, the Draft EIR should be revised to reflect this information and analysis.

For the County's information, Pappas has engaged in discussions with NCFPD representatives concerning the proposed Campus Park West project. Pappas also has received a letter from NCFPD indicating that existing fire protection/suppression facilities are inadequate to serve the proposed project in the I-15/SR-76 quadrant, which begs the question: How can existing fire protection/suppression infrastructure/facilities be "adequate" for the Campus Park West project, but "adequate" for the Meadowood project? In short, these issues require coordination among the landowners in this quadrant, including the applicant of the proposed Meadowood project, and the Draft EIR will require revision to identify and analyze all of these issues.

The Draft EIR Does Not Accurately Describe the Meadowood Project's Drainage Impacts

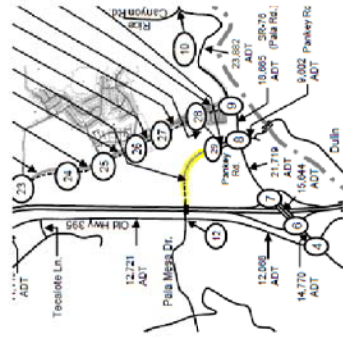
Based on a review conducted by Project Design Consultants, the Meadowood Preliminary Drainage Study, dated August 18, 2009, (Draft EIR, Appendix M-2) makes several inaccurate statements regarding drainage impacts on the proposed Meadowood project.

First, Rick Engineering's floodplain model for Horse Ranch Creek shows peak 100-year flows overtopping SR-76 and inundating a significant portion of the Campus Park West property under existing conditions. Project Design Consultants has surveyed the existing SR-76 bridge at the Horse Ranch Creek crossing, and has completed a separate floodplain study for the creek. The surveyed cross-section geometry indicates that the bridge crossing has much more cross-sectional area than that modeled by Rick Engineering. Therefore, the bridge capacity was

N-49

GATZKE DILLON & BALLANCE LLP Dennis Campbell October 12, 2009 Page 14 substantially underestimated in Rick Engineering's study. This portion of the technical report must be corrected to reflect the accurate modeling information. Second, the drainage report states that Horse Ranch Creek does not have a FEMA defined floodplain. (Appendix M-2, p. 31; see also DEIR, pp. 4-15, 4-19, 2.1-10.) This is inaccurate. A portion of Horse Ranch Creek south of SR-76 is defined as a special flood hazard area (SFHA) per FIRM panel 06073C0484. For purposes of clarity, the technical report and related Draft EIR text must be revised to state that Horse Ranch Creek does not have a FEMA defined floodplain <i>within the project limits</i>. It is our understanding that a Conditional Letter of Map Revision (CLOMR) will be required to revise the FEMA floodplain south of SR-76. Third, the drainage report inaccurately states that the southern Pankey Road crossing was not analyzed because it is currently located in the San Luis Rey 100-year floodplain. (Appendix M-2, p. 31.) This statement is incorrect according to the modeling performed for the Campus Park West project; specifically, based on the HEC-RAS model for Campus Park West and the Landmark model for Campus Park. Finally, it is not clear whether Rick Engineering included a tailwater condition for the detention analysis for the proposed Detention Basin DB8a. The bottom of the basin appears to be below the Horse Ranch Creek floodplain elevation, which may indicate that the detention will not function properly due to a high tailwater condition on the outlet structure. This analysis must be clarified. The Draft EIR Identifies The Wrong Alignment For Pankey Road As stated above, the Specific Plan claims that "coordination" took place with respect to the traffic circulation network shown for the proposed Meadowood project. (See, Specific Plan, p. 27, italics added; see also p. 21.) However, the Draft EIR, Specific Plan and other technical studies include an incorrect alignment of Pankey Road from SR-76 northerly to Pala Mesa Drive through the Campus Park West property. (See, DEIR, Figures 2.1-8, 2.3-1 through 2.3-13, Appendix E, at pp. 73, 77, 79.) As presently shown, the Draft EIR reflects the following alignment:	N-50 Based on the 1997 FEMA flood insurance rate map (FIRM Map Number 06073C0484 F), Horse Ranch Creek is not a FEMA mapped floodplain. There is a small area/finger, associated at the Horse Ranch Creek and San Luis Rey confluence that is shown within the floodplain, however the FIRM identifies it as the San Luis Rey Zone A 100-year floodplain. As for the FEMA floodplain, south of SR-76, which is associated with the San Luis Rey River, it is understood that a Map Revision must be submitted upon Final Design to reflect the recent SR-76 improvements. It is anticipated that this Map Revision will be performed by Caltrans. However if at the time of the Proposed Project's final design, Caltrans has not submitted the Map Revision, it is understood that a Map Revisions will be required. N-51 Based on the 1997 FEMA flood insurance rate map (Map Number 06073C0484 F) the portion of Pankey Road, south of SR-76 is inundated by the San Luis Rey River. N-52 Rick Engineering Company has revised the grading associated with this detention facility. In addition, tentative map level volume calculations have been performed to account for the tailwater condition. Upon final design, detailed calculations will be submitted, in accordance with the County's drainage design manual, to include the tailwater condition. N-53 The County acknowledges this comment. The proposed alignment of Pankey Road from SR-76 northerly to Pala Mesa Drive through the Campus Park West property is based on environmental and engineering studies which have been prepared and approved by the County and is consistent with the proposed Campus Park project. Any other alignment proposed as part of the Campus Park West project will require equivalent study. The applicant would have no objection, should another alignment be approved through the Campus Park West project. This would not affect the point of connection proposed on the Project Site as part of the Proposed Project.
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Page 15



(Traffic Study, Appendix E, at p. 73.)

The alignment shown in the Meadowood EIR and Appendix E does not conform to the alignment shown on the Campus Park West Tentative Map and Specific Plan submitted to the County on November 12, 2008:



(Campus Park West Tentative Map No. 5424.)

N-53

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RESPONSE

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The Campus Park West digital files of the Pankey Road alignment were transmitted to the project applicant (Pardee) and its civil engineering consultant, Mike White of Rick Engineering, on December 17, 2008. (See enclosed email exchange from Russell Josue to Mike White and Curt Turner, dated December 17, 2008.) The County's Department of Planning and Land Use also was apprised of the proposed Pankey Road alignment shown on the Campus Park West project. To be consistent with the Campus Park West proposed alignment of Pankey Road, the Draft EIR and traffic study must be revised to reflect the alignment provided to the applicant in December 2008, well before the release of the Draft EIR for public review.

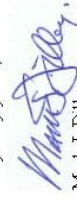
In addition, please be advised that Pappas will not grant any access rights, permission, or rights of way for the alignment of Pankey Road as incorrectly depicted in the Draft EIR and traffic study for the Meadowood project. As a result, the proposed Pankey Road alignment reflected in the Draft EIR is infeasible under CEQA.

The Draft EIR Also Identifies The Wrong Trail Alignment

Related to the incorrect alignment of Pankey Road through the Campus Park West property, the proposed trail shown on page 66 of the Specific Plan and Figure 1-3 of the Draft EIR also is incorrect. The trail traversing the Campus Park West site is intended to follow alongside Pankey Road. Therefore, the trail must be redesigned to run parallel to the corrected Pankey Road alignment. The Draft EIR also must be revised to show the correct trail alignment.

We appreciate the opportunity to submit the above comments and look forward to detailed responses from the County, including separate and additional responses to the enclosed PBS&J memorandum, dated September 29, 2009. We also are willing to work with County staff to resolve the above issues, and look forward to hearing from the County.

Very truly yours,


Mark J. Dillon

of
Gatzke Dillon & Ballance LLP

Enclosures: (1) Fax memorandum, dated September 15, 2008, from VCWD General Manager Gary Arant; (2) E-mail exchanges from and to Russell Josue, Mike White, and Curt Turner, dated December 17, 2008; and (3) PBS&J Draft comments on Meadowood EIR, water and wastewater technical studies, dated September 29, 2009

cc: Thad Johnson, Pappas Investments

N-54 Please see response to comment N-53.

N-55 Comment noted.

N-56 Comment noted. Please see response to comment N-53 as related to the trail intended to follow alongside the alignment of Pankey Road.

N-57 Comment noted. Responses to the PBS&J memorandum are addressed in N-58 through N-70 below.

LETTER

RESPONSE

SEP. 12. 2008 10:06AM

NO. 2217 P. 1

FAX Memo

To: Thad Johnson, Pappas Investments

From: Gary Arant, VCWD

Re: Formal Response to Request for Annexation

Thad,

Here is the memo which has gone to our Board about your annexation request. The meeting is Monday, 9/15/08 at 2:00 pm. Also, could I get your e-mail address?



Gary Arant
General Manager

LETTER

RESPONSE

SEP, 12, 2008 10:06AM

NO. 2217 P. 2

DATE: September 15, 2008
TO: Honorable President and Board of Directors
FROM: Gary Arant, General Manager
SUBJECT: REQUESTS FOR ANNEXATION FROM PARDEE HOMES AND PAPPAS INVESTMENTS

PURPOSE:

To provide the Board information about the above referenced requests for annexation and a recommendation for initial response and how to proceed in processing the requests.

SUMMARY:

As reported at the regular meeting of September 2, 2008, staff is in receipt of two requests for annexation to the District.

Pardee – Meadowood Project - The first request, dated August 11, 2008, came from Jimmy Ayala of Pardee Homes, San Diego, Calif. Mr. Ayala is requesting the District annex the 390-acre Meadowood Project parcel slated for residential development. This parcel is principally located east of I-15 and north of Highway 76, and currently resides in the San Luis Rey MWD service area.

Over the last two years or so, the Board and staff have had numerous contacts with Pardee Homes concerning their proposed Meadowood Project. In fact, Pardee was one of the principal funding partners of the earlier effort to secure service either through the San Luis Rey MWD, or by annexation to VCWD; an effort which has been set aside at this time. Prior to this request, Pardee has developed a proposal entitled, "**Meadowood - A Net Zero Water Community**" identifying the net imported water demand for the project and how the level of net demand will be achieved through the use of state of the art inside and outside water conservation methods, as well as the use of local non-potable ground water and reclaimed wastewater to meet the outside landscape irrigation demands.

Pappas - Campus Park West - The second request is from Thad Johnson of Pappas Investment, Sacramento, Ca, for annexation of the 107-acre 'residential, mixed-use, general commercial and limited impact industrial land uses' Campus Park West Project, also principally situated east of I-15 and north of Highway 76. While most of the property is in the San Luis Rey MWD service area, a small portion of the property south of Highway 76 is located in the Rainbow MWD.

Staff has more recent and more limited contact with Pappas Investments and has less knowledge about what is being proposed for this development and its associated net water demand.

SEP 12 2008 10:56AM

NO. 2217 P. 3

In reviewing the letters as submitted, several very basic issues are apparent:

1. Both requests will involve detachment from existing water agencies, Pardee from San Luis Rey MWD and Pappas from both San Luis Rey and Rainbow MWD. It has been our policy to seek concurrence for the proposed detachment or re-organization from the water agency currently hosting the subject property. Staff assumes that the Board would adopt the same position in these two instances and require concurrence from both SLRMWD and RMWD.
2. Both requests involve concurrent annexations into both MWD and the SDCWA, and, as such, are subject directly and indirectly through VCWD to the annexation policies of both agencies. One of the annexation policy requirements of the SDCWA is that the annexation not create service area islands. If annexed as proposed, neither the Pardee or the Pappas Properties would be contiguous to VCWD without including other properties in the annexation proposals.
3. Besides requiring water service, both developments will require wastewater treatment and water reclamation services. It would not be prudent to accept ownership and operational responsibility for two separate systems from developments in such close proximity and, as such, Pardee and Pappas would have to coordinate a joint treatment and disposal system.
4. The over-riding issue is the availability of imported water to serve the needs of both new developments, after the District has considered the needs of the lands currently in the District. Serving land and development outside the District's current boundaries should in no way impair the ability to meet the water needs of development on lands currently inside our boundaries. While our region is not in mandatory water usage reduction for residential and commercial uses at this time, our IAWP customers are under a 30% mandatory reduction. Further, there is great concern and speculation about the adequacy of water supplies for 2009, 2010 and another 5 to 10 years beyond until physical solutions are completed to secure the reliability of our State Water Project supply and develop additional local supplies.

Given these circumstances, it is not too difficult to determine that over the period of time that these two annexation requests would be processed (18 to 24 months) our region will likely experience mandatory water usage reductions of some level. If this does occur, the Water Supply Shortage Response Program Level 2, 3, or 4 provisions concerning annexations would apply.

Level 2 - Under Level 2, "Water Alert" conditions, net water demand associated with annexations would need to be offset, as well as provide additional water supply (.5 af per edu) through development of their own supplies or participation in local or regional offset programs.

Level 3 - In a Level 3, "Water Critical" condition, annexation proposals would have to provide the same offsets, but such offsets could only come through providing their own supply, or participation in a local supply development project and not through a local

SEP. 12. 2008 10:07AM

NO. 2217 P. 4

or regional supply offset program. Further, participation in a local supply project would only be allowed after it was determined that the demand offset requirements of developments on lands currently within the District service area could be met first.

Level 4 -- In a Level 4, "Water Emergency," condition, all annexation processing is terminated.

Even though we are currently in Level 1, a voluntary conservation mode, there is a great likelihood that we will be in at least Level 2 sometime during 2009 and certainly within the time frame covering the processing of these two annexation proposals. If it is assumed that this will be the case, these two proposals could only move forward under the auspices of local and regional demand offset programs, which are not yet in place.

RECOMMENDATION:

Given the circumstances discussed above, staff recommends that the Board:

- I. Receive and file the Pardee and Pappas annexation requests; and
- II. Defer action on the requests until such time that both local and regional offset programs are established; and
- III. Direct staff to facilitate the development of a regional offset program and further define and quantify local resource development and offset opportunities within the District's service area; and

IV. Advise Pardee and Pappas to consider the following actions:

1. Pardee should further document, refine and finalize their report, "Meadowood -- A Net Zero Water Community."
2. Pappas should begin the process of developing a similar analysis determining the net imported water demand for their proposed development.
3. Pardee and Pappas should seek counsel with both MWD and SDCWA on those agencies' respective positions on issuing Water Supply Assessments and general attitude toward processing large annexations under the current and pending water supply conditions.
4. Pardee and Pappas should initiate discussions with San Luis Rey MWD and Rainbow MWD, as appropriate, to seek concurrence for detachment from those agencies.
5. Pardee and Pappas should initiate discussions with properties lying between their properties and the existing District boundaries as to interest of those properties joining in the annexation process so as to achieve the service area contiguity as directed in the SDCWA Annexation Policy.

LETTER

RESPONSE

SEP 12 2008 10:07AM

NO. 2217 P. 5

6. Pardee and Pappas should, as appropriate, initiate discussions and planning on how to coordinate wastewater treatment and disposal facilities to jointly meet their respective needs, maximize the joint use of reclaimed water and other local non-potable sources, and construct facilities amenable to expansion to meet possible future needs in that area.

SUBMITTED BY:


Gary Arant
General Manager

Attachments

Rachel Cook

From: Russell Josue [Russell@projectdesign.com]
Sent: Wednesday, December 17, 2008 1:49 PM
To: Mike White; Curt Turner
Cc: Karen Van Ert; Karen Kosup (E-mail); Greg Shields; Karen Beighley
Subject: RE: Street R

Attachments: 3631PRMA_2008-12-17.zip



3631PRMA_2008-1
2-17.zip (790 K... Mike,

Attached please find the latest CL alignment information for Pankey Road (3631PRMA_2008-12-17.zip)

Feel free to let me know if you have any questions.

Thank you,

Russell Josue
Senior Civil Designer
Project Design Consultants
619.235.6471 Tel
619.234.0349 Fax
619.881.2572 Direct
russell@projectdesign.com
www.projectdesign.com

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-----Original Message-----

From: Mike White [mailto:mwhite@ndengineering.com]
Sent: Wednesday, December 17, 2008 1:18 PM
To: Curt Turner
Cc: Karen Van Ert; Karen Kosup (E-mail); Greg Shields; Karen Beighley; Russ Josue
Subject: RE: Street R

Thanks Curt,

We look forward to receiving the file.

-----Original Message-----

From: Curt Turner [mailto:Curt@Projectdesign.com]
Sent: Wednesday, December 17, 2008 11:26 AM
To: Mike White
Cc: Karen Van Ert; Karen Kosup (E-mail); Greg Shields; Karen Beighley; Russ Josue
Subject: RE: Street R

Mike,

We just received the ok from our client to provide you with alignment of the street you requested. We should be able to get this file to you by the end of the day today.

Curtis J. Turner, PE/PLS
Vice President
Project Design Consultants
(619) 881-2594 Direct
(619) 234-0349 Fax
curt@projectdesign.com
www.projectdesign.com

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-----Original Message-----
From: Mike White [mailto:mwhite@rickengineering.com]
Sent: Tuesday, December 09, 2008 1:06 PM
To: Curt Turner (E-mail)
Cc: Karen Van Ert; Karen Kosup (E-mail)
Subject: FW: Street R

Hello Curt,

Hope all is well with you. As per Karen's direction, can you send me your latest design file for Pala Mesa Rd? Have you looked at how street R would connect to your new alignment? Let me know when I can expect the file. Thanks for your help.

Mike

-----Original Message-----
From: Kosup, Karen [mailto:karen.kosup@pardeehomes.com]
Sent: Monday, December 08, 2008 8:35 AM
To: Mike White
Subject: Fw: Street R

Mike, see Jimmys reply below. Please coordinate with Curt Turner at PDC for alignment details.
Fyi, This will change our impact analysis

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Ayala, Jimmy
To: Kosup, Karen
Sent: Mon Dec 08 08:32:33 2008
Subject: Re: Street R

We should yes.

----- Original Message -----
From: Kosup, Karen
To: Ayala, Jimmy
Sent: Mon Dec 08 08:22:59 2008
Subject: Street R

Are we showing Pappas alignment?

LETTER

RESPONSE

Sent from my BlackBerry Wireless Handheld

10/12/09 COMMENTS ON MEADOWOOD EIR – WATER AND WASTEWATER TECHNICAL STUDIES Comment 1: Sizing of Water System Facilities <u>Issue:</u> The water system facilities for the Meadowood project need to be planned in a manner that accommodates the area development anticipated in the County's draft General Plan update. The Meadowood Water Study (Dexter Wilson Engineering, May 2009) presents a water supply system sized and otherwise planned to serve only the Meadowood project (see Table ES-1, Executive Summary). The system as presented does not accommodate any of the neighboring development anticipated in the County's draft General Plan update. It is reasonable to assume that whichever retail water agency ends up serving the area will require the backbone water transmission facilities be sized to accommodate planned growth, and that the treated water storage facilities be master planned to allow for phased expansion as needed to accommodate planned growth. <u>Implication:</u> The aqueduct connections, transmission pipelines, and treated water storage facilities identified in the Meadowood report are undersized in comparison to the facilities required to serve the anticipated water demands of the area. <u>Requested Action:</u> The Meadowood Water Study and EIR should be revised to identify the major backbone water facilities required for service to the whole of the area planned for development in the County's draft General Plan update. Specifically: • <i>Aqueduct Connections and Transmission Pipelines:</i> The aqueduct connections and pipelines should be upsized. Pipeline diameters will increase from the 12-inch diameter identified in the Meadowood report, to perhaps 18-inches to 24-inches, with the actual size to be determined based on appropriate area planning analysis. • <i>Treated Water Storage:</i> Treated water storage needs will increase commensurate with increased demands. As the Meadowood site is the only planned development parcel with adequate elevation for treated water storage, the Meadowood Water Study and EIR should identify master-planned opportunities to expand significantly the 5 MG of storage identified in the document.  1 October 12, 2009	N-58 Comment noted. The EIR has identified and analyzed the water facilities necessary to accommodate the Proposed Project. The sizing of facilities to serve any future development in the project vicinity can only be made after LAFCO determines the MWD to provide service to the area. The MWD thereafter, can determine the appropriate sizing of water facilities for its service area. N-59 Please see response to comment N-58. N-60 Please see response to Comment N-58. N-61 Please see response to Comment N-58.
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Comment 2: Location of Water Transmission Mains <u>Issue:</u> The alignment of the Pala Mesa Drive water transmission pipeline needs to be adjusted to be within the planned road network of the Campus Park West development. <u>Implication:</u> The Meadowood report shows water transmission pipeline alternatives originating in Pala Mesa Drive that are not within the planned road network of the Campus Park West project, and are therefore not compatible with the planned development of the site. <u>Requested Action:</u> The Meadowood Water Study and EIR should be revised to modify the alignments of water Pala Mesa Drive transmission pipelines, for consistency with the planned road network of the Campus Park West project. Comment 3: Recycled Water System Facilities <u>Issue:</u> The recycled water system facilities for the Meadowood project need to be planned in a manner that accommodates the development of neighboring parcels as anticipated in the County's draft General Plan update. The Meadowood Water Study (Dexter Wilson Engineering, May 2009) presents a recycled water supply system sized and otherwise planned to serve only the Meadowood project (see Table ES-2, Executive Summary). The system as presented does not accommodate any of the neighboring development anticipated in the County's draft General Plan update. It is reasonable to assume that whichever retail water agency ends up serving the area will require the backbone recycled water facilities be sized to accommodate the planned growth of the area. <u>Implication:</u> The recycled water backbone transmission and storage facilities identified in the Meadowood report are undersized in comparison to the facilities required to serve the anticipated development of the area. <u>Requested Action:</u> The Meadowood Water Study and EIR should be revised to identify the major recycled water facilities required for service to the whole of the area planned for development in the County's draft General Plan update. Specifically: • <i>Recycled Water Transmission Pipelines:</i> The recycled water transmission pipelines should be sized sufficient to serve the needs of the area. Pipeline diameters will increase	N-62 The County acknowledges this comment. The proposed alignment of the Pala Mesa Drive water transmission pipeline is consistent with environmental and engineering studies that have been prepared and approved by the County and the alignment is consistent with that on the proposed Campus Park project. Any other alignment proposed as part of the Campus Park West project will require equivalent study. The Proposed Project would have no objection to an alternative alignment, should another street alignment be approved by the County through the Campus Park West project. N-63 Comment noted. The EIR has identified and analyzed the recycled water facilities necessary to accommodate the Proposed Project. The sizing of facilities to serve any future development in the project vicinity can only be made after LAFCO determines the municipal water district to provide service to the area. The district thereafter, can determine the appropriate sizing of water facilities for its service area. Please also see response to comment N-9. N-64 Please see response to comment N-9 and N-63.
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from the 6-inch diameter identified in the Meadowood report to perhaps 8-inches to 12-inches, with the actual size to be determined based on appropriate area planning analysis. • <i>Recycled Water Storage:</i> The recycled water storage facility should be sized to accommodate the planned development of the area. Storage capacity may increase from the 0.65 MG identified in the Meadowood reports, to approximately 1 to 1.5 MG, with the actual size to be determined based on appropriate area planning analysis. Comment 4: Sizing of Wastewater System Facilities Issue: The wastewater system facilities for the Meadowood project need to be planned in a manner that accommodates the area development anticipated in the County's draft General Plan update. The Meadowood Wastewater Study ("Wastewater Service Alternatives Analysis for Meadowood", RW Beck, June 2009) presents a wastewater supply system sized and otherwise planned to serve only the Meadowood project. The system as presented does not accommodate any of the neighboring development anticipated in the County's draft General Plan update. It is reasonable to assume that whichever retail wastewater agency serves the area will require the backbone wastewater facilities be sized or otherwise master-planned to accommodate the planned growth of the area. <u>Implication:</u> The wastewater treatment plant and percolation ponds identified in the Meadowood report are undersized in comparison to the facilities required to serve the anticipated development of the area. <u>Requested Action:</u> The Meadowood Wastewater Study and EIR should be revised to identify the major wastewater facilities required for service to the whole of the area planned for development in the County's draft General Plan update. Specifically: • <i>Wastewater Treatment Plant:</i> The wastewater treatment plant should be master-planned to allow for phased expansion, and with ultimate capacity sufficient to serve the needs of the area. Plant capacity may increase from 0.225 mgd as shown in the Meadowood report, to approximately 0.5 to 1 mgd, with the actual size to be determined based on appropriate area planning analysis. • <i>Percolation Ponds:</i> The percolation ponds (the Meadowood report calls these Wet Weather Ponds) should be master-planned to allow for phased expansion, and with ultimate capacity sufficient to serve the needs of the area.  3 October 12, 2009	N-64 N-65 Please see response to comment N-63. N-66 Comment noted. The EIR has identified and analyzed the wastewater facilities necessary to accommodate the Proposed Project. The sizing of facilities to serve any future development in the project vicinity can only be made after LAFCO determines the municipal water district to provide service to the area. The district thereafter, can determine the appropriate sizing of water facilities for its service area. Please see response to comment N-9. N-67 Please see response to comment N-66. N-68 Please see response to comment N-66.
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Comment 5: Percolation Pond Permitting <u>Issue:</u> There is uncertainty as to Meadowood's ability to obtain necessary permits from the San Diego Regional Water Quality Control Board for operation of the proposed percolation ponds. The Meadowood Wastewater Study ("Wastewater Service Alternatives Analysis for Meadowood", RW Beck, June 2009) indicates the project's proposed percolation ponds will require a Waste Discharge Permit, but not an NPDES permit. There appears to be uncertainty as to the possible need for an NPDES permit, and as to ability of the Regional Water Quality Control Board to permit the project as proposed. <u>Implication:</u> If the wastewater disposal approach outlined in the Meadowood reports is not acceptable to the Regional Water Quality Control Board, then the approach will need to be revised. <u>Requested Action:</u> The Meadowood Wastewater Study and EIR should be revised to include confirmation from the Regional Water Quality Control Board of the acceptability of operating percolation ponds in the Bonsall Basin as proposed in the Meadowood reports. SUMMARY In order to provide adequate support and documentation, the Meadowood water and sewer studies should be revised as outlined in the above comments.	N-69 The specific approach for design and permitting of the treatment facilities, recycled water system, and wet weather ponds has been discussed with the San Diego Regional Water Quality Control Board which has agreed that the method and location of wet weather pond for disposal is generally acceptable, subject to additional comment during permit application and final design. The wet weather ponds will be located such that there will be no connection to surface waters of the US and therefore an NPDES permit and corresponding treatment to surface water standards is not required per San Diego Regional Water Control Board representatives. Proposed treatment will meet Basin Plan groundwater objectives and Title 22 criteria for reuse. N-70 Please see response to comment N-69. The Report of Waste Discharge permit will be applied for as part of the final design of the wastewater treatment plant upon final approval of the Proposed Project by the County. N-71 Please see response to comment N-9 and 11. Based on reasons described in responses to comments N-58 through N-70, these studies adequately address water, recycled water and wastewater impacts associated with the Proposed Project.
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LETTER

RESPONSE

Letter O Bobbi Herdes From: Campbell, Dennis [Dennis.Campbell@sdcountry.ca.gov] Sent: Monday, October 12, 2009 4:17 PM To: Ayala, Jimmy; Bobbi Herdes Cc: Blackson, Krislin; Real, Sami; Salazar, Salvador Subject: FW: Meadowood DEIR Public Comments Here are comments from a consultant hired by SmithTrager. Dennis Campbell Land Use and Environmental Planner Department of Planning and Land Use County of San Diego 5201 Ruffin Road, Suite B San Diego, CA 92123 Ph.: 858.505.6380 Fax: 858.694.3373 -----Original Message----- From: Sandy_Smith@casb.uscourts.gov [mailto:Sandy_Smith@casb.uscourts.gov] Sent: Monday, October 12, 2009 4:13 PM To: Campbell, Dennis Subject: RE: Meadowood DEIR Public Comments Dennis Please except this email as comments on the DEIR for the THE MEADOWOOD PROJECT; GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006, S04-007; MUP 08-023; LOG NO. 2004051028. This project should be included in the I-15/SR-76 Master Specific Plan (MSP). Only the western 92 acres are in the MSP, yet the intent of the BOS was to use the MSP for the four quadrants of the interchange as the vehicle for an integrated planning approach where all necessary facilities and services are not available. This project fits that description and is located contiguously to other projects in the MSP. The MSP is the vehicle for planning the development of the I-15/SR-76 interchange. Three projects in the northeast quadrant of I-15/SR-76 are active - Campus Park, Campus Park West and Palomar Campus. Other projects in the Pala Mesa area in the northwest quadrant are also active. Planned separately, the impacts caused by each project are not analyzed in a fair, comprehensive manner. The first project through the process will use more of the underutilized infrastructure causing later projects to have more conditions. The BOS intended for this area to be planned in a comprehensive manner as the MSP outlines. If the MSP is going to be amended, where is it? The MSP in the updated draft Fallbrook plan is the same as the original. The unit counts for this project are too high. The existing General Plan allows for 288 dwelling units, while this project is asking for 844-886. Add in the 3 other residential projects and over 2315 units are in the northeast quadrant of MSP. The original MSP limited housing to 956 units. Why is this not be adhered to? Even the most intense GPU map- the Draft Land Use map allows 1892 units. Urban densities are not justified for this project. The MSP limited parcel sizes to 15000 square feet, on land with slope with than 15%, no clustering. There is no commercial planned for this project, so it is a pure bedroom community. All residents would be working somewhere outside of the project. This does not meet the definition of a rural village. In fact, the Smart Growth designation is Special Use, intended for the Palomar Campus, where by definition 'non-residential land uses dominate'. Off-site road improvements are not identified. The impacts to the I-15 corridor and interchanges from all of these projects should be studied	O-1 Introductory comment noted. No response is necessary. O-2 The County concurs with this comment, in as much as a portion of the Proposed Project (western 92 acres) is included in the MSP Area (MSPA), identified in Appendix B of the I-15 Corridor Subregional Plan; therefore, the EIR includes a consistency analysis of the Proposed Project to the proposed studies identified for the I-15/SR-76 Interchange MSPA. Please note that this cited 92 acres is part of the original Campus Park Specific Plan Area, which was adopted in the early 1980s. The remainder of the Project Site is not included in that Campus Park Specific Plan Area or the MSPA. Further, the I-15 Corridor Subregional Plan covers the approximately one-half acre to two-mile "viewshed" area on each side of I-15 (page14). In other words, it extends over the area of I-15 that can be seen by vehicular drivers and passengers moving on I-15. Only the western-most portion of the Project Site falls within this "viewshed." The entire Project Site should not necessarily be included within the MSPA, as the remainder of the Project Site is not located within the boundaries of the I-15 Corridor Subregional Plan, nor in the adopted Campus Park Specific Plan. The analysis of the required studies found within Appendix B to the I-15 Corridor Subregional Plan (which provides guidelines for the preparation of the MSP) is located within Subchapter 4.1 of the Final EIR, at Appendix K (starting at page 18-23) to the Final EIR, as well as at Appendix 1 to the Meadowood Specific Plan Amendment/GPAR. As discussed in both Appendix 1 and Subchapter 4.1 of the Final EIR, the Proposed Project is consistent with Appendix B, given the fact that for the Proposed Project and Project Site, the necessary supporting MSPA studies are substantially complete. This conforms to the I-15 Corridor Subregional Plan Land Use Policy Number Five that requires the preparation of "... an overall Master Specific Plan for the Highway 76 - I-15 Interchange area in accordance with the conditions contained in Appendix B." Appendix B states that this overall or final MSP can be prepared by the County or the
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O-2 (cont.)

property owners within the MSPA (page 31 of Appendix B). Via the EIR, Specific Plan and GPA Report, this requirement of Appendix B has been satisfied and therefore, the I-15 Corridor Subregional Plan's Land Use Policy Five.

O-3 The County concurs that all projects proposed within the area identified within Appendix B should be planned comprehensively. In order to meet this goal, the County has worked with the applicants and property owners within the northeast quadrant of the MSPA to ensure that consistent thresholds have been applied to the environmental analyses and that the projects have coordinated directly regarding their respective project elements. In addition, since the MSP identifies regional infrastructure concerns, such as roadways, water, wastewater, trails, and drainage, the EIR and corresponding appendices document the infrastructure improvements throughout the northeast quadrant of the Interchange and interrelate in terms of trail and road connections, identification of public transit stops, timing of internal roadway improvements, etc.

The provisions of the MSP allow for individual property owners to prepare the studies required by Appendix B of the I-15 Corridor Subregional Plan and for individual property owners to propose development, which is based on the studies, to be processed and implemented via subsequent individual Specific Plans (e.g., Meadowood, Campus Park, and Campus Park West). The EIRs associated with each project include both project direct and cumulative environmental analysis. The cumulative impacts addressed in the EIR are associated with projects in the northeast quadrant of I-15/SR-76, as well as other projects within the cumulative analysis impact area (Table 1-7, as well as Figure 1-19 of the Final EIR).

Bobbi Herdes

From: Campbell, Dennis [Dennis.Campbell@sdcourt.ca.gov]
Sent: Monday, October 12, 2009 4:17 PM
To: Ayala, Jimmy; Bobbi Herdes
Cc: Blackston, Krislin; Real, Sami; Salazar, Salvador
Subject: FW: Meadowood DEIR Public Comments

Here are comments from a consultant hired by SmithTrager.

Dennis Campbell
 Land Use and Environmental Planner
 Department of Planning and Land Use
 County of San Diego
 5201 Ruffin Road, Suite B
 San Diego, CA 92123
 Ph.: 858.505.6380
 Fax: 858.694.3373

-----Original Message-----

From: Sandy_Smith@casb.uscourts.gov [mailto:Sandy_Smith@casb.uscourts.gov]
Sent: Monday, October 12, 2009 4:13 PM
To: Campbell, Dennis
Subject: RE: Meadowood DEIR Public Comments

Dennis
 Please except this email as comments on the DEIR for the THE MEADOWOOD PROJECT; GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006, S04-007; MUP 08-023; LOG NO. 04-02-004; SCH NO. 2004051028.

This project should be included in the I-15/SR-76 Master Specific Plan (MSP). Only the western 92 acres are in the MSP, yet the intent of the BOS was to use the MSP for the four quadrants of the interchange as the vehicle for an integrated planning approach where all necessary facilities and services are not available. This project fits that description and is located contiguously to other projects in the MSP. The MSP is the vehicle for planning the development of the I-15/SR-76 interchange. Three projects in the northeast quadrant of I-15/SR-76 are active - Campus Park, Campus Park West and Palomar Campus. Other projects in the Pala Mesa area in the northwest quadrant are also active. Planned separately, the impacts caused by each project are not analyzed in a fair, comprehensive manner. The first project through the process will use more of the underutilized infrastructure causing later projects to have more conditions. The BOS intended for this area to be planned in a comprehensive manner as the MSP outlines.

If the MSP is going to be amended, where is it? The MSP in the updated draft Fallbrook plan is the same as the original. The unit counts for this project are too high. The existing General Plan allows for 288 dwelling units, while this project is asking for 844-886. Add in the 3 other residential projects and over 2315 units are in the northeast quadrant of MSP. The original MSP limited housing to 956 units. Why is this not be adhered to? Even the most intense GPU map- the Draft Land Use map allows 1892 units.

Urban densities are not justified for this project. The MSP limited parcel sizes to 15000 square feet, on land with slope with than 15%, no clustering.

There is no commercial planned for this project, so it is a pure bedroom community. All residents would be working somewhere outside of the project. This does not meet the definition of a rural village. In fact, the Smart Growth designation is Special Use, intended for the Palomar Campus, where by definition 'non-residential land uses dominate'. Off-site road improvements are not identified. The impacts to the I-15 corridor and interchanges from all of these projects should be studied

LETTER

RESPONSE

O-3 (cont.)

The County does not agree that the "first project through the process will use more of the underutilized infrastructure causing later projects to have more conditions." Every project at this interchange quadrant has different objectives and each would affect resources/require infrastructure in different ways. Nonetheless, the projects are all being processed within the same general timeframe and County staff monitors each project relative to the others. Each project will be individually required to mitigate for each project's own direct impacts and/or pay its fair share of regional infrastructure improvements. Staff believes this process is meeting the comprehensive planning intended in the MSP.

O-4

The 1988 Appendix B recommended that the area covered by the proposed MSP would be designated as an interim S90 Holding Area until supporting studies were completed and alternative zoning would be implemented. These studies have now been completed (or are in the process of being completed) by the individual property owners and the zoning reclassification will occur, as part of the Proposed Project, should the decision makers approve it. This is consistent with the intent of Appendix B. The Final EIR contains a complete analysis of the required studies cited on pages 33-34 of Appendix B, of the I-15 Corridor Subregional Plan, at Appendix K starting at page 18 of 23. This fulfills the requirement of Land Use Policy Five within the I-15 Corridor Subregional Plan, which is the responsibility of the property owners of land located at the four quadrants of the I-15 and SR-76 Interchange. Please see the parenthetical note after Land Use Policy Five, which identifies the responsible party to fulfill each Land Use Policy.

O-5

It is agreed that Appendix B to the I-15 Corridor Subregional Plan recommended a maximum of 956 residential dwelling units within the I-15/SR-76 Interchange quadrants. However, this provision was written in 1988 and the County's land use conditions have changed since that time to the present. At this time, SANDAG has identified a housing shortage in San Diego County, which indicates that vacant land should be considered for higher densities to increase the housing supply.

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1

O-5 (cont.)

Further, under the Implementation Section of Appendix B, the property owners would need to prepare certain studies to determine the appropriate land use designations, as well as the infrastructure needs, timing and financing. These studies are found in the EIR and appendices for the Proposed Project. The Planning Commission and Board of Supervisors may now use this information to make a decision regarding the appropriate number of dwelling units at the subject property. It should be noted that Appendix B anticipated a host of potential uses (including an industrial park on the Campus Park site, Campus Park West and the western portion of the Project Site) that could occur within the Plan Area. However, Appendix B was not a specific plan developed to guide specific development. The function of Appendix B was to identify properties within the I-15/SR-76 quadrant that should not be developed until comprehensive planning was undertaken.

The EIR addresses impacts associated with the Proposed Project at 844-886 units. Alternative 2 addresses impacts associated with potential development consistent with the General Plan designation (262 units), within Subchapter 5.3 of the Final EIR.

O-5

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1

O-6

The EIR addresses impacts of development consistent with the General Plan Update Draft Land Use Map (848 units on the Project Site) in comparison to the Proposed Project. Based on the information in the EIR, the Board of Supervisors will make a decision whether to approve the Proposed Project or one of the Proposed Project Alternatives.

O-7

Please see responses to comments O-4 and O-5. Increased density for this area is anticipated by SANDAG, Caltrans, and in the County General Plan Update. Regardless, the Proposed Project is requesting a General Plan Amendment (GPA) in order to address features of the Proposed Project that would meet these more recent goals. Additionally, under the Implementation Section of Appendix B, the property owners need to prepare certain studies to determine the appropriate land use designations, as well as the infrastructure needs, timing, and financing. These studies are found in the EIR and Appendices for the Proposed Project. The studies assist in determining the appropriate lot sizes and densities. The Planning Commission and Board of Supervisors may now use this information to make a decision regarding the appropriate number of dwelling units at the subject property.

O-8

The comment is correct in stating "there is no commercial planned" for the Proposed Project. However, in a broader context, the Proposed Project is part of mixed-use center consisting of several projects in the northeast quadrant of I-15/SR-76 (i.e., Campus Park, Campus Park West and Palomar College). This area is designated as a Special Use Center, as described in SANDAG's Regional Comprehensive Plan (RCP). The characteristics of a Special Use Center in the RCP include:

- Employment draws from throughout region, with other uses being community serving
- Special use centers may be located within larger area that has several designations
- Dominated by one non-residential land use (Palomar College)
- Retail support services
- Potential residential component.

As further described in the RCP, land use intensity targets of the Special Use Center are:

- Variety of low-mid-and high-rise building types
- 45+ employees/average net acre within ¼ mile of transit station
- Optional residential: 50+ dwelling units/average net residential acre.

This comment refers to the Rural Village definition. As described in the RCP, characteristics of a Rural Community include:

- Distinct communities that include Rural Villages defined by a village limit line with concentrated areas of residential and commercial development
- Draws from nearby rural areas
- Includes semi-rural and rural areas outside the village limit line.

Bobbi Herdes

From: Campbell, Dennis [Dennis.Campbell@sdcountry.ca.gov]
 Sent: Monday, October 12, 2009 4:17 PM
 To: Ayala, Jimmy; Bobbi Herdes
 Cc: Blackson, Krislin; Real, Sami; Salazar, Salvador
 Subject: FW: Meadowood DEIR Public Comments

Here are comments from a consultant hired by SmithTrager.

Dennis Campbell
 Land Use and Environmental Planner
 Department of Planning and Land Use
 County of San Diego
 5201 Ruffin Road, Suite B
 San Diego, CA 92123
 Ph.: 858.505.6380
 Fax: 858.694.3373

-----Original Message-----

From: Sandy_Smith@casb.uscourts.gov [mailto:Sandy_Smith@casb.uscourts.gov]
 Sent: Monday, October 12, 2009 4:13 PM
 To: Campbell, Dennis
 Subject: RE: Meadowood DEIR Public Comments

Dennis
 Please except this email as comments on the DEIR for the THE MEADOWOOD PROJECT; GPA
 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006, S 04-007; MUP 08-023; LOG NO.
 04-02-004; SCH NO.
 2004051028.

This project should be included in the I-15/SR-76 Master Specific Plan (MSP). Only the western 92 acres are in the MSP, yet the intent of the BOS was to use the MSP for the four quadrants of the interchange as the vehicle for an integrated planning approach where all necessary facilities and services are not available. This project fits that description and is located contiguously to other projects in the MSP. The MSP is the vehicle for planning the development of the I-15/SR-76 interchange. Three projects in the northeast quadrant of I-15/SR-76 are active - Campus Park, Campus Park West and Palomar Campus. Other projects in the Pala Mesa area in the northwest quadrant are also active. Planned separately, the impacts caused by each project are not analyzed in a fair, comprehensive manner. The first project through the process will use more of the underutilized infrastructure causing later projects to have more conditions. The BOS intended for this area to be planned in a comprehensive manner as the MSP outlines.

If the MSP is going to be amended, where is it? The MSP in the updated draft Fallbrook plan is the same as the original. The unit counts for this project are too high. The existing General Plan allows for 288 dwelling units, while this project is asking for 844-886. Add in the 3 other residential projects and over 2315 units are in the northeast quadrant of MSP. The original MSP limited housing to 956 units. Why is this not be adhered to? Even the most intense GPU map- the Draft Land Use map allows 1892 units. Urban densities are not justified for this project. The MSP limited parcel sizes to 15000 square feet, on land with slope with than 15%, no clustering.

There is no commercial planned for this project, so it is a pure bedroom community. All residents would be working somewhere outside of the project. This does not meet the definition of a rural village. In fact, the Smart Growth designation is Special Use, intended for the Palomar Campus, where by definition 'non-residential land uses dominate'. Off-site road improvements are not identified. The impacts to the I-15 corridor and interchanges from all of these projects should be studied

O-8 (cont.)

Land use intensity targets for the Rural Community

Bobbi Herdes

From: Campbell, Dennis [Dennis.Campbell@sdcountry.ca.gov]
Sent: Monday, October 12, 2009 4:17 PM
To: Ayala, Jimmy; Bobbi Herdes
Cc: Blackson, Kristin; Real, Sami; Salazar, Salvador
Subject: FW: Meadowood DEIR Public Comments

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Sent: Monday, October 12, 2009 4:13 PM
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 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006, S04-007; MUP 08-023; LOG NO.
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1

O-9

Figure 1-4 in the Final EIR shows off-site road improvements, which are addressed as part of the Proposed Project. These off-site roads include Pala Mesa Heights Drive, Pankey Road, Horse Ranch Creek Road, Street "R," and Pala Mesa Drive. The EIR discloses the impacts associated with these road improvements. The statement that Warner Ranch was excluded from the cumulative traffic analysis is in error. Warner Ranch was included in the TIS cumulative traffic analysis and is included as #45 on Table 2.3-8 in the Final EIR, and page 68 of the TIS and page 337 of the TIS Appendix.

LETTER

RESPONSE

comprehensively. Other large scale projects to the east on SR76, such as Warner Ranch are not on the Comprehensive list although those residents will likely use the I-15/SR76 interchange as their main route. All projects should contribute fair share to these regional infrastructures to ensure no reduction of service for existing residents. This project is outside the MWD boundaries and has no water or water treatment service provider. These are critical obstacles that should be resolved prior to the project approval.

Thanks-
Sandy Smith
31524 Oak Glen Rd
Valley Center, CA 92082

*Campbell,
Dennis*
<Dennis.Campbell@
sdcounty.ca.gov>
10/08/2009 12:25
PM
To
<Sandy_Smith@casb.uscourts.gov>
cc
Subject
RE: Meadowood DEIR Public Review -
for Andy Washburn, SmithTrager (SLR
MWD)

Hello Sandy,

From your voicemail message, I was not aware that you were looking for the Interchange Master Specific Plan (MSP). I'm glad you found it. To my knowledge, the Board of Supervisors has not directly acted on the MSP, since its adoption in June 1988. The MSP is an interim plan and upon further study could change. The project applicants in the NE Quadrant have applied to amend the County General Plan, which includes the Fallbrook Community Plan and the NSF.

The existing General Plan allows approximately 805 dwelling units in the NE quadrant of that interchange. For the same quadrant, the Draft Land Use Map recommends approximately 1,892 dwelling units.

As to Lake Ranch Viejo, in order to answer your question, I will need to conduct further research on that project. I have not been involved with it. I may not make your deadline of tomorrow. However, I will do my best to respond before then.

Thank you, Dennis

Dennis Campbell
Land Use and Environmental Planner
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123
Ph.: 858.505.6380
Fax: 858.694.3373

- O-10
- Please see response to comment O-3.
- O-11
- The comment is correct that the Project Site is outside the Metropolitan Water District, as well as County Water Authority boundaries. As stated in the EIR, a portion of the Project Site is within the San Luis Rey Municipal Water District and the remainder is outside the jurisdiction of any water and wastewater provider. If approved by the decision makers, the Proposed Project will be required to obtain LAFCO determination of the appropriate water and sewer service provider. Before any final approval is granted by the County, a Municipal Water District that will be the logical water and wastewater provider for the Proposed Project will have to be identified through the LAFCO process. The Proposed Project will then be required to be annexed into the Municipal Water District prior to obtaining final approval from the County. Water and sewer issues will therefore be resolved prior to the final approval being granted by the County.

-----Original Message-----
From: Sandy_Smith@casb.uscourts.gov [mailto:Sandy_Smith@casb.uscourts.gov]
Sent: Thursday, October 08, 2009 9:28 AM
To: Campbell, Dennis
Subject: Re: Meadowood DEIR Public Review - for Andy Washburn, SmithTrager (SLR MWD)

Dennis
Thanks for getting back to me. I found a copy of the I-15/76 Master Plan in the Fallbrook Community Plan. I am attaching it below.

Now that I've read it, I have more questions.

Why are these projects not following this plan? The MSP requires them to work together for the entire site, not as separate projects. Was this waived by the BOS in some board action?

The MSP allows for a maximum 956 dwelling units. What does the existing GP allow? What about the GPU Draft Land Use map? I know the Referral map allows for 1400 units. The project descriptions seem to add up to 2315 units.

Is Lake Rancho Viejo project built out? The MSP allows for 816 units, but I see only 460 have been built at this time.

I am trying to make sense of these numbers before I speak to the Planning Commission tomorrow, so it would really be helpful if you could share whatever responses you have as soon as possible.

(See attached file: fallbrook.I15.76 MSP.pdf)

Thanks-
Sandy
619-557-5935

*Campbell,
Dennis*
<Dennis.Campbell@
sdcounty.ca.gov>
10/08/2009 08:37
AM
Meadowood DEIR Public Review - for
Andy Washburn, SmithTrager (SLR
MWD)

To
<sandy_smith@casb.uscourts.gov>
cc
Subject

Hello Ms. Smith:

In response to your question regarding a master site plan for developments that are located, at the NE quadrant of the I-15/SR 76 interchange, I do not have a detailed master plan, at this time. The Campus Park DEIR is now out for public review and you may view that plan, at:
<http://www.sdcounty.ca.gov/dplu/ceqa/GPA03-004.html>

Please note that the Campus Park West development's DEIR has not yet been prepared.

Thank you, Dennis

LETTER

RESPONSE

Dennis Campbell
Land Use and Environmental Planner
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123
Ph.: 858.505.6380
Fax: 858.694.3373

401 B Street, Suite 800 San Diego, CA 92101-4231 (619) 699-1900 Fax (619) 699-1905 www.sandag.org October 14, 2009 File Number 7000300 LATE REC'D 10/16/09 Mr. Dennis Campbell Department of Planning and Land Use County of San Diego 5201 Ruffin Road, Suite B San Diego, CA 92123 Dear Mr. Campbell: SUBJECT: The Meadowood Project Draft Environmental Impact Report and General Plan Amendment / Specific Plan Amendment Thank you for the opportunity to comment on the Draft Environmental Impact Report and General Plan Amendment / Specific Plan Amendment for the Meadowood Project. Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP) and the Regional Transportation Plan (RTP), are submitted from a regional perspective emphasizing the need for land use and transportation coordination and implementation of smart growth principles. Freeway Impacts - Fair share mitigation for impacts to the I-15/SR 76 interchange should be identified in the EIR. Timing considerations of the SR 76 East project should not be the basis for Overriding Considerations. It is the position of SANDAG that fair share towards improvements to the I-15/SR 76 interchange is feasible and reasonable under the California Environmental Quality Act (CEQA). - The recently approved Palomar College EIR includes fair share mitigation towards the I-15/SR 76 interchange improvements. Approval of the Meadowood EIR without fair share mitigation for the I-15/SR 76 improvements would be in conflict with the Palomar College EIR. Multimodal Transportation Analysis The 2030 Regional Transportation Plan provides a multimodal approach to meet the region's transportation needs. As such, it is requested that the traffic analysis for this project also consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists, and include the following impact analysis.	Letter P P-1 Introductory comment noted. No response is necessary. P-2 Comment noted. P-3 Please see response to comment B-2. P-4 Please see response to comment B-2. P-5 Project design measures illustrate the Proposed Project's incorporation of the RTP's multimodal approach. Specifically, Subchapter 1.2.1, <i>County of San Diego</i>, Circulation, provides a brief description of the trail plan which includes pedestrian and bicycle paths to connect on- and off-site areas. Additionally, in recognition that the 2030 RTP identifies that the northeast quadrant of I-15 and SR-76 is planned for BRT and High Frequency Local bus service, the Proposed Project will be conditioned to participate, along with the other projects in the vicinity, in the contribution of funds for the acquisition, design, and construction of a future Transit Node. This project design measure is included in Table 1-5. Subchapter 1.2.1, <i>County of San Diego</i>, Circulation, of the Final EIR has been revised to clarify that the Proposed Project will include bus turnouts along Horse Ranch Creek Road.
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LETTER

RESPONSE

Transportation Demand Management (TDM). Please consider providing strategies to ensure implementation of alternatives to driving alone during peak periods, such as carpooling, vanpooling, telecommuting, flexible work hours for employees, and implementation of a Transportation Demand Management (TDM) plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting SANDAG's Ridelink to explore transit options, the regional vanpool program, ride-matching services, a guaranteed-ride-home program, regional bicycle lockers, and SchoolPool services. Ridelink also provides free consulting services to help local businesses implement employee commute programs.

Bicycle/Pedestrian Access. In general, the project should provide appropriate connectivity and facility integration to nearby local residences and businesses. Improved bicycle and pedestrian access to local destinations can help mitigate the traffic effects of projects and provide mobility options for residents.

Consult with NCTD and Caltrans. It is advised that the project applicant also consult with the North County Transit District (NCTD), the transit service provider within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements, if any. Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the RTP Reasonably Expected funding scenario.

Natural Environment:

A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider this criteria if applicable to your project.

Conclusion

We appreciate the opportunity to comment on the Draft EIR for the Meadowood Project. We encourage the County to evaluate the project based on SANDAG's two design guideline publications: (1) Designing for Smart Growth, Creating Great Places in the San Diego Region; and (2) Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region. Both publications can be found on our Web site.

If you have any questions or concerns regarding SANDAG's comments on the DEIR, please contact me at 619.699.1943 or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner
SBARSA6gr

P-6 To be conservative, the Meadowood TIS was prepared without a TDM program, thus the highest amount of project traffic was added to the surrounding roadways. A TDM program for carpooling would not be applicable for a residential project such as the Proposed Project. TDM programs are best suited for employer based projects (traffic destination).

P-7 As shown in the Trails Plan (Final EIR, Figure 1-3), the Proposed Project includes bicycle/pedestrian trails throughout which connect to the nearby commercial areas in the Campus Park project and to the Palomar College site. The trails plan also allows for connectivity to the south of SR-76 via trails along Pala Mesa Drive and to the north via a trail along Pankey Road.

P-8 Comment noted. The County and applicant have coordinated with NCTD and Caltrans regarding transit and highway improvements.

P-9 The County concurs with this comment. Accordingly, the TIS and EIR traffic analysis based future (2030) Series 11 traffic volumes on SANDAG's traffic model that utilized the "Reasonably Expected" network as defined in the RTP.

P-10 As seen in the Final EIR, Figure 1-2, the majority of the eastern and northern portions of the Project Site would be maintained as natural open space. Trails in this open space will be accessible to the region's residents.

P-11 Comment noted.

P-12 Closing comment noted.

San Diego County Water Authority 4677 Overland Avenue • San Diego, California 92123-1233 (858) 522-6600 FAX (858) 522-6568 www.sdcwa.org October 27, 2009 Mr. Dennis Campbell County of San Diego Department of Planning and Land use 5201 Rufin Road, Suite B San Diego, CA 92123 Subject: Comments on the Meadowood Project Draft EIR – SCH. No. 2004051028 Dear Mr. Campbell: The San Diego County Water Authority (Water Authority) has reviewed a copy of the above-referenced document on the County's website. The Water Authority has examined the relevant portions of the document and offers the following comments and clarifications. The Water Authority attended a consultation meeting on May 11, 2009, with the County of San Diego, the Project Proponent, Rainbow Municipal Water District, Valley Center Municipal Water District, San Luis Rey Municipal Water District, and LAFCO. At that meeting, the Water Authority raised a concern that the Project's <i>draft</i> Water Supply Assessment and Verification (WSA&V) report did not contain information regarding the recent regulatory restrictions placed on the State Water Project (SWP), resulting in reduced supply deliveries. The Water Authority had requested that the WSA&V report be updated to reflect the current SWP conditions. After reviewing the final WSA&V, included as Technical Appendix O-2 to the draft EIR, the Water Authority requests the following changes be made in the interest of full disclosure, in light of the current SWP situation: <u>Appendix O-2: Water Supply Assessment and Verification Report for the Meadowood Project</u> Chapter 2, Findings Page 2, third paragraph, first sentence and last sentence: ... "If the Water Authority and member agency supplies are developed as planned, along with implementation of Metropolitan's IRP, no shortages are anticipated within the Water Authority's service area in a normal year through 2030." ... "The analysis through 2030 demonstrates that the Water Authority will be able to meet the normal, single, and multiple dry year demands with a demand by the Meadowood project of 1,000 ac-ft/yr." LETTER # 60, 62, 100 <i>A public agency providing a safe and reliable water supply to the San Diego region</i> PRINTED ON RECYCLED PAPER MEMBER AGENCIES Carlsbad Municipal Water District City of Del Mar City of Escondido City of Imperial City of Oceanside City of Poway City of San Diego Fallbrook Public Utility District Helen Water District Lakeside Water District Oceanside Municipal Water District Oro Valley District Palmdale Municipal Water District Camp Pendleton Marine Corps Base Rainbow Municipal Water District Banning Municipal Water District Boron del Diablo Municipal Water District San Diego Municipal Water District San Diego Municipal Water District South Bay Irrigation District Vallecitos Water District Valley Center Municipal Water District Vista Municipal Water District Yuma Municipal Water District OTHER REPRESENTATIVE County of San Diego	Q-1 Introductory comment is noted. No response is necessary. Q-2 Subchapter 4.6.4, Water Supply, of the Final EIR and the WSA&V have been revised to state that the Metropolitan Water District's (MET) Integrated Resource Plan (IRP) has not been developed as planned; however, sufficient evidence is available to make the finding in accordance with Government Code Section 66473.7 that sufficient water supply is available as follows: - Water Code Section 10910 indicates that the water supply determination should be based on the latest UWMP from the providing agency. The EIR and WSA&V utilized the most current UWMP available which demonstrates that sufficient water supply is available for current and future demands, specifically including the Proposed Project. The Metropolitan and Water Authority documents and plans referenced in this comment have been cited in the text of the EIR as requested by the Water Authority. - Although there are no real "contracts" which exist between the water districts and the SDCWA, the SDCWA essentially promises to provide the member agencies with the supplies they need based on the supplies they have. There is no evidence of current uncertainties regarding water supply, but if there were the SDCWA would rely on its Drought Management Plan (DMP) to assure fair distribution of supply during shortages. Both the SDCWA and MET have planning documents in place to address water shortages and have implemented these plans over the past year as necessary. Subchapter 4.6.4, Water Supply of the Final EIR has been revised to clarify that changed supply conditions have triggered the implementation of these plans in an effort to manage short-term supply conditions and long term supply reliability.
---	---

Q-2 (cont.)

Additionally, Subchapter 4.6.2, Water Supply and Service, of the Final EIR has been revised to include an overview of the SDCWA DMP Water Supply Allocation Plans (WSAP) and details are provided in this response. The DMP provides a regional approach to managing shortage situations by developing methods to reduce demands and augment supplies. Part of this plan includes WSAPs for its member agencies. WSAPs are created based on a specific methodology beginning with a determination of each agency's base period demands upon which adjustments are added to account for local supply conditions and demand characteristics.

Next, the amount of municipal and industrial (M&I) supplies available from the SDCWA is determined. This includes SDCWA's own supplies along with supplies available from MET. The individual member agency's percent share of the total regional M&I adjusted base period demand is calculated and then multiplied by the total SDCWA M&I supplies available. This results in an allocation for each member agency. The WSAPs were most recently revised in December 2008 due to changes in MET's February 2008 WSAP.

Prior to implementing WSAPs to reduce demands, the SDCWA DMP outlines mechanisms and approaches to reduce or eliminate shortages. These efforts include ongoing implementation of BMPs, calling for voluntary conservation, securing and calling transfer options, and buying spot transfers. Examples of measures recently implemented by the SDCWA include their March 2009 contract with Placer County Water Agency to purchase 20,000 acre-feet of dry year supplies. In April 2009, SDCWA declared a drought response "Drought Alert" Level 2 Condition. In response the SDCWA Board authorized the General Manager to call for this water.

Although Subchapter 4.6.2 of the EIR does contain a brief discussion of the series of actions available to respond to different stages of drought, additional detail is provided below to



San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

October 27, 2009

Mr. Dennis Campbell

County of San Diego
Department of Planning and Land use

5201 Rufin Road, Suite B

San Diego, CA 92123

Subject: **Comments on the Meadowood Project Draft EIR – SCH. No. 2004051028**

Dear Mr. Campbell:

The San Diego County Water Authority (Water Authority) has reviewed a copy of the above-referenced document on the County's website. The Water Authority has examined the relevant portions of the document and offers the following comments and clarifications.

The Water Authority attended a consultation meeting on May 11, 2009, with the County of San Diego, the Project Proponent, Rainbow Municipal Water District, Valley Center Municipal Water District, San Luis Rey Municipal Water District, and LAFCO. At that meeting, the Water Authority raised a concern that the Project's *draft* Water Supply Assessment and Verification (WSA&V) report did not contain information regarding the recent regulatory restrictions placed on the State Water Project (SWP), resulting in reduced supply deliveries. The Water Authority had requested that the WSA&V report be updated to reflect the current SWP conditions. After reviewing the final WSA&V, included as Technical Appendix O-2 to the draft EIR, the Water Authority requests the following changes be made in the interest of full disclosure, in light of the current SWP situation:

Appendix O-2: Water Supply Assessment and Verification Report for the Meadowood Project

Chapter 2, Findings

Page 2, third paragraph, first sentence and last sentence: "... "If the Water Authority and member agency supplies are developed as planned, along with implementation of Metropolitan's IRP, no shortages are anticipated within the Water Authority's service area in a normal year through 2030. ..." "The analysis through 2030 demonstrates that the Water Authority will be able to meet the normal, single, and multiple dry year demands with a demand by the Meadowood project of 1,000 ac-ft/yr."

LETTER # 60, 62, 100

A public agency providing a safe and reliable water supply to the San Diego region

PRINTED ON RECYCLED PAPER

MEMBER AGENCIES

Carlsbad

Municipal Water District

City of Del Mar

City of Escondido

City of Imperial

City of Oceanside

City of Poway

City of San Diego

Fallbrook

Public Utility District

Helen Water District

Lakeside Water District

Orangeburg

Municipal Water District

City Water District

Palmer Dam

Municipal Water District

Compt. President

Marine Corps Base

Rainbow

Municipal Water District

Riverside

Municipal Water District

Riverside

Municipal Water District

San Diego

South Bay Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center

Municipal Water District

Yuma

Municipal Water District

Yuma

Municipal Water District

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San Diego County Water Authority

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October 27, 2009

Mr. Dennis Campbell

County of San Diego
Department of Planning and Land use
5201 Rufin Road, Suite B
San Diego, CA 92123

Subject: **Comments on the Meadowood Project Draft EIR – SCH. No. 2004051028**

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LETTER # 60, 62, 100

A public agency providing a safe and reliable water supply to the San Diego region

PRINTED ON RECYCLED PAPER

MEMBER AGENCIES

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Municipal Water District

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Palmer Dam

Municipal Water District

Comptown

Municipal Water District

Marine Corps Base

Rainbow

Municipal Water District

Rancho

Municipal Water District

Rincon del Diablo

Municipal Water District

San Diego Water District

South Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center

Municipal Water District

Watts Irrigation District

Yuma

Municipal Water District

OTHER

REPRESENTATIVE

County of San Diego

Q-2 (cont.)

clarify this issue. The potentials actions associated with drought response as outlined in the DMP are generally grouped in three stages. These stages are as follows:

- Stage 1, Voluntary –The voluntary stage would likely occur when MET has been experiencing shortages in its imported water supply (from either the Colorado River or the State Water Project, or both) and is withdrawing water from storage due to the drought conditions to meet normal demands. Voluntary action could include ongoing BMP implementation, communication strategy, monitoring supply conditions and storage levels, call for voluntary conservation, draw from SDCWA Carryover Storage, and secure transfer option contracts.
- Stage 2, Water Authority Supply Enhancement – This stage would occur when MET reduces water deliveries to its member agencies. The SDCWA Board of Directors will consider the potential actions in this stage, to eliminate any cutbacks to the member agencies from the reduction in MET supplies. Examples of actions in this stage include those same actions in Stage 1 plus buy phase 1 spot transfers, call transfer options, and buy phase 2 spot transfers.
- Stage 3, Mandatory Cutbacks – The final stage follows once both MET and the SDCWA Board have exhausted all supply enhancement options due to lack of supplies and/or increasing costs, and mandatory cutbacks are required. Examples of actions in this stage include those same actions in Stage 2 plus implement of WSAPs, and utilize ESP supplies.

Based on the SDCWA Model Drought Response Ordinance, both VCMWD and RMWD have adopted their own drought response plans to address new development in times of supply cutbacks from the SDCWA. Subchapter 4.6.2, Pertinent Regional Water Supply Plans, of the Final EIR has been revised to include a summary of these programs. VCMWD Water Shortage Response Program contains items related to new development as follows:



San Diego County Water Authority

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October 27, 2009

Mr. Dennis Campbell

County of San Diego
Department of Planning and Land use

5201 Rufin Road, Suite B

San Diego, CA 92123

Subject: **Comments on the Meadowood Project Draft EIR – SCH. No. 2004051028**

Dear Mr. Campbell:

The San Diego County Water Authority (Water Authority) has reviewed a copy of the above-referenced document on the County's website. The Water Authority has examined the relevant portions of the document and offers the following comments and clarifications.

The Water Authority attended a consultation meeting on May 11, 2009, with the County of San Diego, the Project Proponent, Rainbow Municipal Water District, Valley Center Municipal Water District, San Luis Rey Municipal Water District, and LAFCO. At that meeting, the Water Authority raised a concern that the Project's *draft* Water Supply Assessment and Verification (WSA&V) report did not contain information regarding the recent regulatory restrictions placed on the State Water Project (SWP), resulting in reduced supply deliveries. The Water Authority had requested that the WSA&V report be updated to reflect the current SWP conditions. After reviewing the final WSA&V, included as Technical Appendix O-2 to the draft EIR, the Water Authority requests the following changes be made in the interest of full disclosure, in light of the current SWP situation:

Q-2

Appendix O-2: Water Supply Assessment and Verification Report for the Meadowood Project

Chapter 2, Findings

Page 2, third paragraph, first sentence and last sentence: "... "If the Water Authority and member agency supplies are developed as planned, along with implementation of Metropolitan's IRP, no shortages are anticipated within the Water Authority's service area in a normal year through 2030. ..." "The analysis through 2030 demonstrates that the Water Authority will be able to meet the normal, single, and multiple dry year demands with a demand by the Meadowood project of 1,000 ac-ft/yr."

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Q-2 (cont.)

- Level 1, Watch Condition – Availability letters are still issued, but with qualifications concerning the uncertainty of the future water supply availability and its impact on the ability of the District to provide actual water service in the future.
 - Level 2, Alert Condition – No new statements of availability shall be issued unless the applicant provides substantial evidence of an enforceable commitment that the net water demands for the project from the District will be offset prior to the provision of any new water meter(s) for the project.
 - Level 3, Critical Condition – The same requirements as Level 2; however, only existing (not new) annexations will be considered with the appropriate offset.
 - Level 4, Emergency Condition - any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided under any circumstance until the Level 4 condition abates, except for those meters for projects required to protect public health and safety.
- RMWD Drought Response Ordinance, similarly contains items related to new development as follows:
- Level 1, Watch Condition – No conditions apply.
 - Level 2, Alert Condition – No new services and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) unless the applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter. Annexation considerations are suspended.



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Appendix O-2: Water Supply Assessment and Verification Report for the Meadowood Project

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Page 2, third paragraph, first sentence and last sentence: ... "If the Water Authority and member agency supplies are developed as planned, along with implementation of Metropolitan's IRP, no shortages are anticipated within the Water Authority's service area in a normal year through 2030." ... "The analysis through 2030 demonstrates that the Water Authority will be able to meet the normal, single, and multiple dry year demands with a demand by the Meadowood project of 1,000 ac-ft/yr."

MEMBER AGENCIES

Carlsbad

Municipal Water District

City of Del Mar

City of Escondido

City of Imperial

City of Oceanside

City of Poway

City of San Diego

Fallbrook

Public Utility District

Helen Water District

Lakeside Water District

Orange

Municipal Water District

Orrey Water District

Pacific Dam

Municipal Water District

Comptondale

Municipal Water District

Marine Corps Base

Rainbow

Municipal Water District

Rancho

Municipal Water District

Rincon del Diablo

Municipal Water District

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South Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center

Municipal Water District

Yuma Irrigation District

Yuma

Municipal Water District

OTHER

REPRESENTATIVE

County of San Diego

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Q-2 (cont.)

- Level 3, Critical Condition – Same requirements as Level 2.
- Level 4, Emergency Condition – Same requirements as Level 3.

Presently, the SDCWA is at a Drought Response Level 2, "Drought Alert" and at a Drought Management Plan Stage 3, "Mandatory Cutbacks." In April 2009, Rainbow MWD declared a Level 2 Drought. Valley Center MWD declared a Level 2 Drought in May 2009. Subchapter 4.6.2 of the Final EIR has been revised to reflect the District's drought levels.

In summary, there are mechanisms in place through implementation of both SDCWA and individual MWD planning documents that allow active management of short-term supply conditions to assure long term supply to the Project Site.

Q-2

LETTER

RESPONSE

Mr. Dennis Campbell, County of San Diego DPLU
Comments on Meadowood Draft EIR
October 27, 2009
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COMMENT 1: The statements here are inaccurate, given that supplies from Metropolitan's IRP have *not* been developed as planned (i.e., SWP cutbacks), and the Water Authority is at risk for shortages. Text should be added after the first sentence that supplies from Metropolitan's IRP have not been developed as planned. (See bullet points at the bottom of page 4-50, Chapter 4 of the draft EIR, on SWP changed conditions.)

Q-2

The last sentence should be stricken and replaced with the following language: *"There are current uncertainties regarding the Water Authority's supplies from Metropolitan due to the changed condition associated with the SWP deliveries. The changed conditions put into question the sufficiency of the Water Authority's supplies in the short-term. To manage the current short-term supply condition, the Water Authority is implementing its Drought Management Plan. Metropolitan is also implementing its WSDM, 5-Year Action Plan, and Water Supply Allocation Plan. To plan for long-term supply reliability, the Water Authority continues to implement its diversification strategy, will participate in the update of Metropolitan's IRP and update its UWMMP in 2010 to reflect changed supply conditions."*

Q-3

These same changes should also be made to Chapter 5, page 14, of the WSA&V report, "Water Supply Reliability", third paragraph, fifth sentence, beginning: "The plan states that if projected Water Authority and member agency supplies are developed as planned, no shortages are anticipated to occur."

Chapter 1.0 – Project Description, Location and Environmental Setting

Section 1.2, Project Description Overview, LAFCO

Page 1-11, third paragraph, second sentence: "Furthermore, should the SLRMWD be selected, it will need to apply for membership to the Water Authority and Metropolitan."

Q-4

COMMENT 2: Please note the current Water Authority annexation policy, which states: "Addition of territory through annexation of a new member agency shall be discouraged..."

Section 1.5, Intended Uses of the EIR

Page 1-23, Table 1-6, and last paragraph, second sentence: "The responsible agencies are LAFCO, MET, and SDCWA..."

Q-5

COMMENT 3: It is acknowledged that the Water Authority (i.e., SDCWA) is a Responsible Agency under CEQA, pursuant to Section 15381 of the State CEQA Guidelines. The Water Authority was not included on the mailing list for the Notice of

Q-3 Please refer to response to comment Q-2.

Q-4 Although the SDCWA annexation policy discourages the addition of new members, the fact remains that in order for SLRMWD to serve the Project Site, it will require annexation.

Q-5 The County acknowledges that the SDCWA is a Responsible Agency under CEQA, as indicated by the comment. The County apologizes for the administrative oversight. This comment letter has been included in the Response to Comments portion of the EIR.

LETTER

RESPONSE

Mr. Dennis Campbell, County of San Diego DPLU
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October 27, 2009
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Preparation or the Notice of Availability of a Draft EIR for the Project; thus, the Water Authority did not receive the notice for either of these important CEQA documents, therefore missing the opportunity to comment during scoping.

Chapter 4.0, Environmental Effects Found Not to be Significant

Section 4.6.4 Analysis of Project Effects and Determination as to Significance

Water Supply

Page 4-51, third paragraph, first sentence: "As detailed in the WSA&V, the water supply analysis through 2030 demonstrates that the SDCWA will be able to meet the normal, single, and multiple dry year demands of the Proposed Project."

COMMENT 4: This sentence is inaccurate and will now need to be modified using the language provided in Comment 1 above for the WSA&V.

Page 4-51, fourth paragraph, fifth sentence: "Regardless of the reduced water demand these actions yield, the Proposed Project will further reduce its water demand by participating in offset programs or projects offered by SDCWA..."

COMMENT 5: At this time, the Water Authority does not anticipate offering offset programs or projects. Offset projects or programs may be developed through the local member agencies, however the Proposed Project should not rely on the assumption that offset programs or projects will be in place. The Proposed Project may have to develop its own projects to offset anticipated project demands. Text should also be added that any offset projects might be subject to further CEQA review, outside the scope of this document.

Thank you for this opportunity to comment. Please retain the Water Authority on your mailing list to receive the final EIR and any other information concerning this project. If you have any questions, please contact Ms. Kelley Gage at (858) 522-6763.

Sincerely,



Dana Frieauff
Principal Water Resources Specialist

cc: Kelley Gage, SDCWA

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Q-5

Q-6

Q-7

Q-6 Please refer to response to comment Q-2.

Q-7

The requirement for net zero comes from the County Water Authority's Model Drought Response Ordinance – March 2008, which states "The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the member agency." Consistent with SDCWA, VCMWD and/or RMWD policies, Subchapter 4.6.4, Water Supply, Table 1-5 and Chapter 8 (MMRP) of the Final EIR have been revised to reflect that the Proposed Project will be conditioned to provide net zero demand on SDCWA supplies, regardless of the existence of off-set programs.

Further, the EIR and WSA&V identify examples of offset programs and projects which the Proposed Project could develop independently. Subchapter 4.6.4, Water Supply of the Final EIR has been revised as follows," offset programs and projects generally fall into three categories - potable water conservation, expanded use of recycled water, and supply development. Examples of conservation programs include utilization of low-flush toilets, low-use fixtures, and weather-based irrigation controllers (details of a project sponsored exchange program would be decided by the MWD). Infrastructure could be funded by the project which would increase recycled water use within a MWD. A recent example is project in the City of San Diego which extended an existing recycled water line to a school site. In this case, the project financed and constructed the improvement to provide recycled water in order to replace the use of potable water. The third off-set program type involves the development of new supply. This could include financially participating in projects such as the Oceanside or Sweetwater Desalting plants which treat brackish groundwater and ocean water for potable water supply."

LETTER

RESPONSE

Mr. Dennis Campbell, County of San Diego DPLU
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Page 3 of 3

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Principal Water Resources Specialist

cc: Kelley Gage, SDCWA

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Q-7

While the specific offset program(s) will be identified during the annexations proceedings and the sphere of influence update process which will occur after approval of the Proposed Project, Subchapter 4.6.4, Water Supply of the Final EIR has been revised to state, "Should the MWD select the off-set program where recycled water improvements are required, infrastructure shall be placed within existing roadways avoiding any potential impacts associated with construction. The implementation of the off-set project shall be a condition of annexation into the SDCWA and MWD prior to the delivery of water."

Q-7

Q-8

Closing comment is noted. The County will retain the SDCWA on its mailing list to receive the EIR.

Q-8

LETTER

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RESPONSE