

I-405 David C. Walker and Elsa L. Morris

- I-405-1** The comment is an introductory paragraph pertaining to the balance of the comments to follow. The comment does not raise an issue or concern as it relates to the environmental analysis contained in the Draft EIR.
- I-405-2** The comment states that the EIR fails to disclose and analyze additional significant information and environmental impacts required to be included in an EIR. The comment references the *Laurel Heights Improvement Association v. Regents of University of California* court decision, as well as Public Resources Code § 21092.1, California Code of Regulations § 15088.5, and the *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* court decision. The comment is an introductory paragraph pertaining to the balance of the comments to follow. The comment does not raise an issue or concern as it relates to the environmental analysis contained in the Draft EIR. Therefore, no further response is required. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.
- I-405-3** The comment states that the project proposes three access roads (Mesa Rock Road, Sarver Lane, and Camino Mayor) and that no access is proposed to the north. The County reiterates information presented in the Draft EIR., namely that the County requires projects to have several points of access (primary and secondary) into a proposed project and that the project proposes two primary access points, one at Sarver Lane and a second at Mesa Rock Road, as well as a third secondary access point at Camino Mayor. As to the Camino Mayor secondary access, the Draft EIR consistently states that the project proposes to widen and improve the offsite portion of Camino Mayor as a private road for the purpose of providing ingress and egress into and out of the project only. As explained below, Camino Mayor is just one of three access points and it is a secondary access that will connect to an existing public road (N. Twin Oaks Valley Road) as identified in the Project Description section of the Draft EIR. N. Twin Oaks Valley Road is also a General Plan Mobility Element road.
- I-405-4** The comment states that the commenters' main concerns relate to the project applicant's proposed use of the commenters' properties on Camino Mayor as a public access road and other issues that the comment alleges are not adequately disclosed or analyzed in the Draft EIR relating to the use of Camino Mayor. The County does not concur with this comment.

As described in the Draft EIR and record (see below), the project proposes to widen and improve the offsite portion of Camino Mayor as a private road for the purpose of providing a secondary access point into and out of the project. Camino Mayor would

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not serve as a primary access for the project. Instead, Camino Mayor would be expected to experience minimal daily usage by project-generated traffic. Please see **Response to Comment I-405-16**.

The project's Draft EIR identifies three possible alignments for Camino Mayor, as follows:

The **first alignment** is shown on the Sheet 14 of the proposed Tentative Map and Sheet 14 of the Preliminary Grading Plan, and it substantially conforms to the existing 40-foot-wide easement beginning at N. Twin Oaks Valley Road and traversing generally west to east through Parcels 1, 2, 3, and 4 of Parcel Map 8306 (APNs: 174-300-21, -22, -23, and -24) and up to and into the project site.

The **second alignment** – the Camino Mayor Alternative Alignment 1 – conforms to the existing boundary of the 40-foot-wide easement for the first approximately 400 feet beginning at N. Twin Oaks Valley Road and within Parcel 4 of Parcel Map 8306 (APN: 174-300-24) and then traverses through Parcel 1 of Parcel Map 8306 (APN: 174-300-21) before reaching the project site boundary.

The third alignment – the Camino Mayor Alternative Alignment 2 – stays within the boundary of the existing 40-foot-wide Camino Mayor easement from N. Twin Oaks Valley Road to the project site boundary.

All three alignments would be built to the County's Hillside Residential Road Standards with 28 feet of paving, a reduced shoulder, and a reduced right-of-way (refer to Tentative Map Sheet 2, F1 and F2).

The Camino Mayor Alignment depicted on the Tentative Map and Preliminary Grading Plan and the Camino Mayor Alternative Alignment 2 would align Camino Mayor between the two parcels owned by the commenters (APNs: 174-300-22 and 174-300-23).

Camino Mayor Alternative Alignment 1 would not align Camino Mayor within any portion of the property owned by the commenters; instead, Alternative Alignment 1 would align Camino Mayor within property owned or controlled by the project applicant (APNs: 174-300-21 and 174-300-24). In its current condition, the first approximately 400 feet of Camino Mayor is paved with a paved width of approximately 12 feet. The paved portion of the road transitions to a dirt road just east of the shared driveway to Parcels 3 and 4 (APNs: 174-300-23 and 174-300-24).

I-405-5 The comment states that the commenters own the improved real property and residence at 3751 Camino Mayor, described as Parcel 3 of Parcel Map 8306

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consisting of approximately 14 acres, including a boundary adjustment that was recorded for the parcel's southeastern corner (APN 174-300-23). The comment also refers to property owned by David C. Walker, described as Parcel 2 of Parcel Map 8306 and consisting of 8 acres, which borders the north side of Parcel 3 along Camino Mayor (APN 174-300-22). The County acknowledges the ownership information presented in the comment related to these two parcels, APNs 174-300-22 and 174-300-23. The comment describes the property owned by the commenters, but does not raise an issue or concern with the environmental analysis contained in the Draft EIR. Therefore, no further response is required.

- I-405-6** The comment states that the commenters own both sides of Camino Mayor through APNs 174-300-22 and 174-300-23. The comment also states that the commenters' sole source of water is the well on Camino Mayor on Parcel 3 of Parcel Map 8306 (APN 174-300-23), in an area immediately adjacent to the applicant's proposed access route.

The comment describes the property owned by the commenters, but does not raise an issue or concern with the environmental analysis contained in the Draft EIR. Therefore, no further response is required. Further, the use of private easements, if any, is a private matter between the parties to the easement(s) and outside the County's land use authority.

However, as to the commenters' well, it is noted that the owners of land burdened by an easement are entitled to make all uses of the land that are not prohibited by the easement and that do not interfere unreasonably with the uses authorized by the easement. (*Dolnikov v. Ekizian* (2013) 222 Cal.App.4th 419, 429.) The commenters' well is located within the existing 40-foot-wide easement, and the comment does not indicate how the well is an appurtenant or an allowed use within the easement. In addition, groundwater is not the only source of water for the parcels along Camino Mayor. The Vallecitos Water District provides water service to customers along N. Twin Oaks Valley Road, including to 3725 Camino Mayor, Parcel 4 of Parcel Map 8306 (APN: 174-300-24), the property immediately adjacent to the commenters' property. Of note, Camino Mayor Alternative Alignment 1 would not align Camino Mayor within any portion of the property owned by the commenters; instead, Alternative Alignment 1 would align Camino Mayor within property owned or controlled by the project applicant (APNs: 174-300-21 and 174-300-24).

- I-405-7** The comment states that portions of the commenters' properties on Camino Mayor, including land and easements, are proposed to serve as an access route to the entire project from N. Twin Oaks Valley Road with access through to Mesa Rock Road and to I-15. The comment generally describes the project and states that the project

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proposes a park with an equestrian staging area (Saddleback Park). The comment also states that the public will have access to 1,209 acres of proposed open space, and that Camino Mayor is the closest access road to the open space.

The County does not agree that Camino Mayor provides the closest access to the project's 1,209 acres of open space preserve. The project's proposed 1,209 acres of open space preserve would have several access points within the project and all of these access points are more directly accessed by the project's internal road network and via the project's two primary access points at Sarver Lane and Mesa Rock Road compared to the secondary access from Camino Mayor. Instead, Camino Mayor is the farthest access point to the project's open space areas compared to alternative routes for the general public, with the exception of the limited amount of residents that live along N. Twin Oaks Valley Road. As a result, any public access of the project's proposed open space via Camino Mayor is expected to be minimal because Camino Mayor is only accessible by traveling approximately 2.7 miles on N. Twin Oaks Valley Road before reaching Camino Mayor and then traveling an additional approximately three quarters of a mile to the nearest public access point at Saddleback Park. Reaching other public access points in the project would require greater traveling distance when coming from Camino Mayor compared to the two primary access routes along Sarver Lane or Mesa Rock Road. In this way, N. Twin Oaks Valley Road to Camino Mayor would serve as a significantly longer, more circuitous route to the project's proposed open space areas. Therefore, N. Twin Oaks Valley Road does not serve as a convenient or direct access compared to the project's internal road network and the primary access points at Sarver Lane and Mesa Rock Road and, accordingly, the general public is expected to minimally use Camino Mayor.

- I-405-8** The comment states that it is impossible to be certain what exactly is being proposed for Camino Mayor and commenters' properties, because the Draft EIR and related documents set out many different descriptions/analyses/alternatives of Camino Mayor and its proposed, implied, and intended uses, and of the traffic forecasts and capacities. The comment states that, therefore, CEQA requirements as to the description of the project and its impacts have not been met, citing the 2017 California Supreme Court case *Banning Ranch Conservancy v. City of Newport Beach*.

The County does not concur with the comment. The descriptions and depictions of Camino Mayor, including the offsite portion, are consistent throughout the Draft EIR, the Appendices to the Draft EIR, and on the Tentative Map and Preliminary Grading Plan. The Draft EIR, Section 1.2.1.6, beginning on page 1-10, provides a clear

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description of the Camino Mayor access proposed by the project, including the two alternatives also analyzed in the EIR, as follows:

Camino Mayor

The Camino Mayor intersection at Twin Oaks Valley Road would not be signalized. Camino Mayor would be widened to 28 feet wide at the intersection of Twin Oaks Valley Road to provide one travel lane in each direction. There would be no parking along Camino Mayor. The off-site portion of the road would be designated as a private street. The on-site portion of Camino Mayor would include a pathway to Saddleback Park, but the portion between Saddleback Park [and] Twin Oaks Valley Road would not include a pathway (see Figure 1-27, Camino Mayor). The project would also include two Camino Mayor Alternative Alignments, the first of which would shift the alignment of the off-site portion of Camino Mayor slightly north, and the second of which would improve Camino Mayor within the existing easement (see Appendix D for full analysis of this alternative alignment). All other design aspects of the road would remain the same under these alternative alignments.

The Draft EIR, Section 1.2.1.10, Fire Safety, on page 1-16, describes Camino Mayor as follows:

The project Site is located within the Deer Springs Fire Protection District (DSFPD) and is designed to provide wildfire defensibility and minimize the risk of structural loss. Due to the terrain and topography on the project Site, special attention was paid to locate neighborhoods and structures to minimize the likelihood of wildfire spread and encroachment. An additional access road (Camino Mayor) would provide residents and emergency access vehicles access to the project Site. DSFPD travel times to the project Site meet the County General Plan standard of 5 minutes or less for all structures (County of San Diego 2011b). Fuel modification zones are conservatively sized at 250 feet on either side of development, almost 4 times the modeled flame length and 2.5 times the standard 100-foot fuel modification zone requirement.

From the standpoint of project traffic distribution and internal circulation, the Draft EIR, Section 2.13.7, Project Trip Distribution, states the following:

2.13.7 Project Trip Distribution

The project Site is located primarily within Traffic Analysis Zone (TAZ) 444 in the SANDAG model. The proposed project would be developed as seven neighborhoods: six of these neighborhoods would include residential uses and parks, and the seventh would include single-family clusters, retail uses, and a school. The residential and

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non-residential land uses each have different trip distribution characteristics and, hence, the non-residential (i.e., retail uses) were included in a separate TAZ. TAZ 444 was split into seven TAZs, which allows for the assignment of traffic generated by each neighborhood, resulting in a realistic assignment of project traffic. This methodology ensures that traffic is split appropriately between the three access points at Mesa Rock Road, Sarver Lane, and Camino Mayor. The distribution of project traffic is illustrated in Figures 2.13-2 and 2.13-3, which separately depict project traffic distribution for the residential and non-residential uses, respectively.

Thirty five percent of the residential traffic would be distributed to the west of Sarver Lane, and 62 percent to the east of Mesa Rock Road, on Deer Springs Road. Therefore, most of the traffic destined to the west would use Sarver Lane and most of the traffic destined to the east would use Mesa Rock Road. Depending on the point of origin on Site and the proximity to the two access roads, drivers would use the nearest access point to their home.

The project residential and non-residential traffic was assigned separately using the trip distribution percentages. Traffic was assigned to the three driveways Mesa Rock Road, Sarver Lane and Camino Mayor based on the location of the development within the Site and the destination of the trips.

The Traffic Impact Analysis, Chapter 13, Access and Internal Circulation Access (Appendix R1 to the EIR), concisely describes the project's proposed access points, including Camino Mayor, as follows:

13.0 Access and Internal Circulation Access

Three access points to the Project are planned. The first is the main access point via the north leg of the Deer Springs Road / Mesa Rock Road intersection in the southeast portion of the Project Site with access to Deer Springs Road. The second access is via the Deer Springs Road / Sarver Lane intersection towards the southwest portion of the Project Site. The third and minor access is located in the northeast portion of the Project Site with access to Twin Oaks Valley Road via Camino Mayor. **Figure 13–1** depicts the proposed Project access points on Deer Springs Road at Mesa Rock Road and Sarver Lane and Twin Oaks Valley Road at Camino Mayor.

Appendix D of the Draft EIR, Camino Mayor Alternative Alignment Analysis, also provides a general description of the purpose and nature of the proposed Camino Mayor access and outlines the two alternatives, as follows:

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One of the three access points provided to the Newland Sierra Project (project) is located in the northwest portion of the project Site, with access to Twin Oaks Valley Road via Camino Mayor. As part of the project, the existing Camino Mayor dirt road east of Twin Oaks Valley Road would be improved and connected to the Mesa Rock Road extension.

As part of these improvements, the project proposes to improve and widen the existing Camino Mayor intersection with Twin Oaks Valley Road to form a 28-foot-wide unsignalized intersection with one travel lane in each direction. There would be no parking along Camino Mayor, and the off-site portion of the road would be designated as a private street designed in compliance with the County's Hillside Residential road standards. The on-site portion of Camino Mayor would include a multi-use pathway to the project's equestrian area (Saddleback Park); however, no pedestrian, equestrian, or bicycle facilities would be incorporated into the design of the road west of Saddleback Park.

From its intersection with Saddleback Park inside the project Site to its off-site intersection with Twin Oaks Valley Road, Camino Mayor would be design to accommodate only vehicles and would be primarily intended for emergency ingress and egress. As the road does not provide a more direct route to the project's neighborhoods compared to Mesa Rock Road and Sarver Lane, no significant project traffic is forecasted to use the road to enter or exit the project Site. For the purposes of this analysis, this alignment as shown on the Tentative Map/Preliminary Grading Plan (TM/PGP) and analyzed as part of the project's EIR is considered the Camino Major Proposed Alignment (Proposed Alignment).

The alignment of Camino Mayor in its existing condition generally follows the alignment of the private road easements created for the road with Parcel Maps 8306 and 11792 recorded in 1979 and 1981, respectively. The proposed alignment of Camino Mayor as shown on the Sierra Project TM/PGP also generally follows the alignment of the road's easements. Two additional alignments are considered in this analysis, as follows:

- Camino Mayor Alternative Alignment 1 (Alternative Alignment 1) would be directly north of the existing alignment (see Figure 1) and traverse through APN 174-300-21 to connect to the project Site. Beginning at Camino Mayor's existing intersection with Twin Oaks Valley Road, this alternative would improve a small, approximately 400-foot-long segment of the road to just north of the shared driveway

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to APNs 174-300-24 and 174-300-23 and then divert away from the existing easement onto APN 174-300-21. All other design details and functional assumptions for this alternative would be the same as the proposed alignment described above.

- Camino Mayor Alternative Alignment 2 (Alternative Alignment 2) would stay entirely within the existing easements for Camino Mayor to the point at which it reaches the project Site (see Figure 2). From inside the project site, this alignment alternative would match up with the alignment depicted on the Tentative Map/Preliminary Grading Plan. Like Alternative Alignment 1, all other design details and functional assumptions for this alternative would be the same as the proposed alignment described above.

Both Alternative Alignment 1 and Alternative Alignment 2 would be designated as private roads. Further, the Final EIR includes a minor modification to the Camino Mayor Alternative Alignment 1 within property owned and/or controlled by the project applicant to reduce grading impacts. As stated, Alignment 1 would not align Camino Mayor within any portion of the property owned by the commenters. Please refer to Appendix D to the EIR.

The Newland Sierra Fire Protection Plan (see Draft EIR, Appendix N-1), Section 4.1.3, Access and Egress, references Camino Mayor as follows:

The project provides roadways throughout each neighborhood as well as three potential ingress/egress ways. The primary ingress/egress is located at Deer Springs and Mesa Rock Road. Mesa Rock Road includes 4 lanes at this location and would be 72 feet wide (including 4 travel lanes, median, and bike lane/shoulders. Sarver Lane is the next project ingress/egress occurring along Deer Springs Road and will be 40 feet wide with no parking at the entrance to the Sierra Farms Park. The third ingress/egress is Camino Mayor which intersects North Twin Oaks Valley Road. Camino Mayor will be 28 feet wide with no parking. These three ingress/egress points occur along Deer Springs Rd., with the eastern ingress/egress point at Mesa Rock Rd. being separated from the western ingress/egress point at N. Twin Oaks Valley Rd. (via Camino Mayor) by approximately 2.1 miles.

The Newland Sierra Wildfire Evacuation Plan (see Draft EIR, Appendix N-2) describes Camino Mayor as an evacuation route as follows:

Egress to the west via Camino Mayor or the Camino Mayor Alternative –
either of these secondary access roads connect with North Twin Oaks Valley

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Road and provide southerly access to Twin Oaks Valley Road. Travel to the south to San Marcos on Twin Oaks Valley Road or Buena Creek Road or to the east via Deer Springs Road, and then north or south via I-15 or Old Highway 395 is available. Travel to the north on North Twin Oaks Valley Road may be directed by law enforcement. However, residents are not advised to utilize this route without law enforcement direction because it is a gated road and should not be assumed passable. In an emergency evacuation, any of the neighborhoods may be directed to utilize Camino Mayor or the Camino Mayor alternative, but based on proximity, Summit is the only neighborhood likely to use either of these routes to North Twin Oaks Valley Road.

There are various other references to Camino Mayor in the Draft EIR, all of which are either consistent with the description and intended purpose of Camino Mayor as an additional access point into the project or to provide context to the location of another aspect of the project or project site. Therefore, the County does not concur that the Draft EIR provides “many different descriptions/analyses” related to Camino Mayor. The EIR consistently describes Camino Mayor as an “additional access point,” it states that the portion of Camino Mayor west of Saddleback Park and the off-site portion would be designed “to accommodate only vehicles and would be primarily intended for emergency ingress and egress,” and that “the on-site portion of Camino Mayor would include a multi-use pathway to the project’s equestrian area (Saddleback Park); however, no pedestrian, equestrian, or bicycle facilities would be incorporated into the design of the road west of Saddleback Park.”

- I-405-9** The comment states that Camino Mayor is sometimes described as a private off-site road but depicted in all maps, plans, and graphics as connecting to an on-site public road with access to the entire project which, the commenter states, would result in public access to and over the commenters’ properties. The County will include the comment in the Final EIR for review and consideration by the decision-makers prior to a final decision, and notes that private road to public road connections exist throughout the County. For example, N. Twin Oaks Valley Road is a public road from its intersection with Deer Springs Road to north of its intersection with Par Valley Drive; it then becomes a private road that is gated before turning back into a public road south of its intersection with Gopher Canyon Road. The County also notes that Camino Mayor Alternative Alignment 1 would not align Camino Mayor within any portion of property owned by the commenters (APNs 174-300-22 and 174-300-23).
- I-405-10** The comment states that in sections of the Draft EIR, the appendices to the Draft EIR, and in other related project documents, Camino Mayor is variously referred to as an “access point,” as the “effectively off-site access road from the on-site project area of

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Sierra Summit with 151 dwelling units to North Twin Oaks Valley Road,” as “an evacuation road for emergency use by the entire project,” as a “secondary access road,” as a “project access road,” as “a road that will have limited traffic generated by the project,” as a road “primarily intended for emergency ingress and egress,” and as “Hillside Residential Street 2,500 feet long from the equestrian staging area to North Twin Oaks Valley Road. The comment also states that the Draft EIR contains various different calculations for the traffic the road would experience with the project. As it relates to the description of Camino Mayor in the Draft EIR, the appendices to the EIR, and in other related project documents, please see **Response to Comment I-405-8**. As it relates to the project traffic forecasted to use Camino Mayor, please see **Response to Comment I-405-16**.

- I-405-11** The comment states that in some sections of the EIR and the related documents, the project access on Camino Mayor is referred to several times as “Camino Mayor” and “Camino Mayor Alternative.” The comment adds that The Camino Mayor Alternative Alignment Analysis (Appendix D to the Draft EIR) is not discussed in the Project Alternatives section of the EIR. The comment states that Appendix D states “[a]s part of the project, the existing Camino Mayor dirt road east of Twin Oaks Valley Road would be improved and connected to the Mesa Rock Road extension.”

The County includes the comment in the Final EIR for review and consideration by the decision-makers prior to a final decision. As to the description of Camino Mayor in the Draft EIR, the appendices to the EIR, and in other related project documents, please see **Response to Comment I-405-8**. As to the three possible alignments for Camino Mayor analyzed in the project’s Draft EIR, please see **Response to Comment I-405-4**. The three Camino Mayor alternative alignments are identified to provide flexibility regarding the project’s final design. All three permutations for Camino Mayor connect to N. Twin Oaks Valley Road and to the project’s internal road network at the same point, but take slightly different routes between the same two points. All other design details, functional assumptions, and engineering standards are the same for all three of the project’s Camino Mayor alternative alignments, and none of which have any material effect on the balance of the project from a land use or circulation standpoint. The three Camino Mayor “alternative” alignments are not “project alternatives” within the meaning of CEQA, because they were not included in the Draft EIR to consider ways to avoid or substantially lessen the project’s significant environmental effects. Further, CEQA does not require an analysis of components of a proposed project. As a result, they are not required to be included in the Project Alternatives section of the Draft EIR.

- I-405-12** The comment states that the off-site Camino Mayor proposed alignment, as well as the two alternative alignments, are not depicted as “off-site” on the Tentative

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Map/Preliminary Grading Plan and the maps and plans attached to Draft EIR Appendix D, despite references in the text of the EIR, attached appendices, and other documents to Camino Mayor being off site. The comment also states that the off-site Camino Mayor alignments are depicted as directly connecting to Camino Mayor onsite, implying that public access is available from N. Twin Oaks Valley Road into the project. The County does not concur with the comments.

Sheets 1, 5, and 14 of the Tentative Map show the project site boundary as a dashed line and the legend on Sheet 1 of the Tentative Map depicts and describes this dashed line as the “tract boundary.” These details are depicted and described in exactly the same manner on Sheets 1, 5, and 14 of the Preliminary Grading Plan. Both the Tentative Map and the Preliminary Grading Plan have been prepared in conformance with the County’s requirements for tentative maps and preliminary grading plans. Therefore, the Camino Mayor alignments are correctly shown on the Tentative Map and Preliminary Grading Plan. The Camino Mayor Alternative Alignment Analysis (Appendix D of the EIR) also depicts and describes the project site boundary with a solid thicker black line and the label “project boundary.” Consistent with these depictions, Figure 1, Vicinity Map, contained in the Fire Protection Plan labels the off-site portion of Camino Mayor as “Camino Mayor Offsite Roadway Improvements.”

The County also does not agree that these depictions of Camino Mayor on the Tentative Map, Preliminary Grading Plan, and Appendix D imply public access along the off-site portion of Camino Mayor from N. Twin Oaks Valley Road. Both the Tentative Map and the Preliminary Grading Plan depict the onsite portion of the road from Saddleback Park southeast to its connection with Street “S-1” as public and the rest of the road from Saddleback Park west to its connection with N. Twin Oaks Valley Road, including the off-site portion of the road, as private. The two cross-sections for Camino Mayor (i.e., for the public and private portions) are found on Sheet 2 of the Tentative Map and Sheet 2 of the Preliminary Grading Plan. Further, as addressed in **Response to Comment I-405-9**, there are circumstances in the County where private roads connect on both ends to public roads.

- I-405-13** The comment states it is not clear whether the project is proposing two or three separate alignments be approved as access roads into the project. The comment also states that it is not clear what significant impacts required the analysis of impacts of the two alternative alignments (presented in Appendix D of the EIR) or why the alternative alignments were not included in the Project Alternatives section of the EIR. Finally, the comment questions whether the project applicant intends to abandon its rights to the existing Camino Mayor easement if Camino Mayor Alternative 2, which connects through Parcel 1 of Parcel Map 8306 (APN 174-300-21) is chosen.

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As addressed in **Response to Comment I-405-4**, the project proposes three separate alignment options for improving Camino Mayor and all three were analyzed in the Draft EIR. The project would utilize only one of these alternatives such that, for example, if Camino Mayor Alternative Alignment 1 is selected as the preferred alignment, the alignment depicted on the Tentative Map and Preliminary Grading Plan and the Camino Mayor Alternative Alignment 2 would no longer be required for the project. As to the question of why these three alignment alternatives were not analyzed in the Project Alternatives section of the EIR, please see the **Response to Comment I-405-11**.

- I-405-14** The comment states the Wildland Fire Evacuation Plan provides additional differing references to Camino Mayor and states that, in an emergency evacuation, any of the project areas may be directed to use Camino Mayor or the Camino Mayor Alternative, without identifying which of the two Camino Mayor Alternatives is referenced. The comment references language in the Evacuation Plan relating to the Camino Mayor Alternative Alignment 1 and states that this is the only reference in the Draft EIR to an impact on the commenters' properties.

As addressed in **Response to Comment I-405-4**, the project proposes three separate alignment options for improving Camino Mayor and the potential environmental impacts of all three alignment options are analyzed in the Draft EIR. (See Appendix D of the EIR, Camino Mayor Alternative Alignment Analysis.) For example, Draft EIR Section 2.10, Noise, evaluates potential noise and vibration impacts resulting from development of the project. As shown on Figure 2.10-4 and on page 2.10-11 of the Draft EIR, noise modeling was performed near commenters' properties along Camino Mayor (Receiver O10). The noise analysis determined that traffic noise at the residence located at Receiver O10 is not predicted to result in a significant impact. In addition, as shown in Draft EIR Table 2.10-19, the project would not result in a significant cumulative traffic noise impact at Receiver O10, taking into account other closely related past, present, and reasonably foreseeable future projects. Similarly, Draft EIR Section 2.13, Transportation and Traffic, found no direct or cumulative traffic impacts at the Twin Oaks Valley Road/Camino Mayor intersection. (See Draft EIR Tables 2.13-16 and 2.13-26.) As to the project traffic forecasted to use Camino Mayor, please see **Responses to Comments I-405-16 and I-405-20**. As to the Evacuation Plan, this plan evaluates the Camino Mayor alternative alignments purely from the standpoint of emergency ingress and egress. Whether one of the alignments differs slightly or even significantly in its specific alignment compared to another does not materially affect the Evacuation Plan provided that all three alignments connect N. Twin Oaks Valley Road to the project's internal road network, meet the same road standards for design and capacity, and are approximately the same length in terms of travel distance. The Evacuation Plan concludes that the Camino Mayor

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connection would serve as an emergency evacuation route out of the project for the project residents and existing residents along N. Twin Oaks Valley Road and Camino Mayor, as well as provide for more direct access to or from N. Twin Oaks Valley Road for emergency responders.

I-405-15 The comment states that the project's Fire Protection Plan refers to a Fire Fee Payment Agreement that would require the project to pay fire fees greatly in excess of what is required for mitigation and that the project can form a Community Facilities District (CFD, and also commonly referred to as a Mello-Roos Tax District) to pay these fire fees. The comment states that this should be disclosed as a potential new/additional tax to all the existing non-project property owners within the Deer Springs Fire Protection District. The comment states that such an outcome could result in additional environmental impacts in the form of defaults, litigation, and other unintended results. The County does not agree with this comment. In the event that the project applicant elects to form a CFD to meet its fee obligation as defined by the project's Fire Fee Payment Agreement, only the project applicant's property (i.e., the project Site) would be included in the boundaries of the CFD. Therefore, no non-project property owners would be impacted by this CFD. This is also true for any other CFDs the project would implement. Any CFDs created to fund the project's various obligations would necessarily be confined to the project Site boundaries and all properties outside of the project Site boundaries would be unaffected by these CFDs (i.e., not subject to any CFDs created by the project). Therefore, no new issues related to defaults, litigation, or other unintended results pertaining to off-site/non-project property would be expected to occur. The County also notes that impacts that are subject to review under CEQA must be related to a change in the physical environment; tax defaults and litigation do not constitute environmental impacts within the meaning of CEQA.

I-405-16 The comment states it is unclear whether the project's residents, guests, and visitors of the equestrian staging area would have legal access via Camino Mayor through the private properties along the road. The comment states that many potential issues could arise related to the equestrian staging area, including members of the public hauling horse trailers or riding horses through the project's residential and commercial areas to get to the equestrian staging area, and these traffic impacts are not discussed in the Draft EIR. The comment states that the Draft EIR implies that such access, as well as public access to the entire project, would be available via Camino Mayor.

As to the comment that the Draft EIR does not address the potential traffic impacts associated with the equestrian staging area, the County does not concur. The Traffic Impact Analysis (Appendix R1 to the EIR) includes distribution of 1% of the

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project's net residential daily vehicle trips—approximately 150 Average Daily Trips (ADT)—as utilizing the off-site portion of Camino Mayor as a secondary access into and out of the project (refer to updated Figure 8-3 in Appendix R1 to the EIR). This number is calculated by using the San Diego Association of Governments (SANDAG) travel demand model, and includes all trip types, including recreation-based trips such as those associated with the equestrian staging area. The project trip generation for the project's various land uses (residential, commercial, school, and parks) was calculated using the trip rates published by SANDAG in the *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002* (SANDAG Guide, 2002). The trip generation rates contained in the SANDAG Guide account for various types of vehicle trips associated with each land use type. For example, the trip generation rate of ten (10) Average Daily Trips (ADT) per single family home accounts for the full range of trips driving to and from that home on a daily basis as an average, including trips from the residents, guests, delivery vehicles, vendors, and service providers (e.g., babysitters, repair people, etc.). The same applies to the other land uses in the project, including the project's school site, commercial area, and parks. Thus, to the extent the project's Saddleback Park would generate trips in the form of vehicles hauling horse trailers to that park, the trip generation calculated for that park accounts for these trips.

With respect to available road capacity, as a Hillside Residential Street, the estimated Level of Service (LOS) C capacity of the road would be approximately 1,500 ADT; and, therefore, the addition of 150 ADT (10% of the LOS C capacity) would be substantially below the available capacity of the road. Accordingly, this amount of project traffic would not result in a significant traffic impact to Camino Mayor. The project's Traffic Impact Analysis (Appendix R1 to the EIR) also found that the project would not result in a significant traffic impact to N. Twin Oaks Valley Road or to the intersection of Camino Mayor and N. Twin Oaks Valley Road (refer to Tables 10-5 and 10-8, Appendix R1 to the EIR). Please also see the **Response to Comment I-405-14**.

As to whether horse trailers will utilize Camino Mayor, while the occasional equestrian user may utilize Camino Mayor by vehicle to access the equestrian staging area, there will be no horse trail along the off-site portion of Camino Mayor. Specifically related to the amount of horse trailers driving into the project to access the equestrian staging area, that specific type of vehicle traffic is expected to be minimal and not result in any separate traffic impacts, which would be unaccounted for in the project's traffic impact analysis. As to equestrian users riding their horses into and through the project's neighborhoods, the project includes multi-use pathways along its backbone roads for joggers, walkers, hikers, and equestrian users.

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As to the EIR implying public access via Camino Mayor, as addressed in **Responses to Comments I-405-7 and I-405-8**, and in this response herein, the purpose of Camino Mayor would be to serve as a secondary access in and out of the project, and as a result, the road would not be expected to support significant project traffic or significant use by the general public.

- I-405-17** The comment states that clarification is needed on whether a right of way (ROW) will be sought on the commenters' properties or other private property for the Camino Mayor access or for a fuel modification zone easement outside of any existing easements. The comment states that in the ROW exhibits listed as "Additional Items" to the Draft EIR, there is no depiction of Camino Mayor being described as "required right-of-way." The comment states that all required ROW should be shown on the ROW exhibits and that it should be explained whether the project applicant intends to ask the County to use its powers of eminent domain to take private property for the project to acquire the "required right-of-way." The project proposes to widen and improve the off-site portion of Camino Mayor as a private road for the purpose of providing secondary ingress and egress to the project. Private roads do not require the dedication of ROW. The on-site portion of Camino Mayor from Saddleback Park southwest to its connection with Street "S-1" would be a public road and dedicated to the County. No use of eminent domain is required to implement any of the three Camino Mayor alignments. All fuel modification areas would require the dedication of a fuel modification zone easement.
- I-405-18** The comment states the Draft EIR and related documents provide a conflicted and confusing presentation of the description of Camino Mayor as well as the analysis of impacts related to the same. The comment is a concluding paragraph pertaining to the preceding comments. The County does not agree with this comment for the reasons set forth herein. In particular, please see the **Response to Comment I-405-8** and **Response to Comment I-405-20**.
- I-405-19** The comment states that a clear description of what the applicant is proposing has not been set forth. The comment states that the Draft EIR is disparaging of the title to the commenters' properties in that it describes uses of their properties to which applicant has no legal right, and requests a revised and recirculated EIR to correct the erroneous information contained in the EIR pertaining to Camino Mayor. The County does not concur with the comments.

The Draft EIR and its supporting documents (e.g., the Tentative Map/Preliminary Grading Plan, the Camino Mayor Alternative Analysis, the Traffic Impact Analysis, the Fire Protection Plan, and the Evacuation Plan) that describe, depict, and contain other relevant information pertaining to Camino Mayor are internally consistent in

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such description, depiction, and references to the Camino Mayor easements and proposed improvements. Please see the **Response to Comment I-405-8**. As it pertains to the project applicant's rights to Camino Mayor, please see **Response to Comment I-405-22**.

I-405-20 The comment states that if legal access to the entire project over Camino Mayor exists or is obtained, the potential impacts of public traffic in and out of the project on the off-site portion of the road, including to the equestrian staging area and the 1,209 acres of open space, should be fully disclosed and analyzed in EIR. The County notes that these issues and impacts were fully analyzed in the Draft EIR.

As to public access to the 1,209 acres of open space preserve and use of the equestrian staging area in Saddleback Park, please see **Responses to Comments I-405-7 and I-405-16**.

As to the environmental impacts associated with Camino Mayor and the two alternative alignments analyzed in Appendix D to the Draft EIR, the Draft EIR analyzed the environmental impacts associated with each of the three Camino Mayor alignments. The impacts associated with the alignment depicted on the Tentative Map and Preliminary Grading Plan are analyzed as part of the project's overall impacts in the Draft EIR, including impacts related to aesthetics (refer to Section 2.1 of the Draft EIR), agricultural resources (refer to Section 2.2 of the Draft EIR), air quality (refer to Section 2.3 of the Draft EIR), biological resources (refer to Section 2.4 of the Draft EIR), cultural resources (refer to Section 2.5 of the Draft EIR), geology, soils, and seismicity (refer to Section 2.6 of the Draft EIR), greenhouse gases (refer to Section 2.7 of the Draft EIR), hazards and hazardous materials (refer to Section 2.8 of the Draft EIR), mineral resources (refer to Section 2.9 of the Draft EIR), noise (refer to Section 2.10 of the DEIR), paleontological resources (refer to Section 2.11 of the Draft EIR), population and housing (refer to Section 2.12 of the Draft EIR), transportation and traffic (refer to Section 2.13 of the Draft EIR), utilities and service systems (refer to Section 2.14 of the Draft EIR), energy (refer to Section 3.1 of the Draft EIR), hydrology and water quality (refer to Section 3.2 of the Draft EIR), land use (refer to Section 3.3 of the Draft EIR), parks and recreation (refer to Section 3.4 of the Draft EIR), and public services (refer to Section 3.5 of the Draft EIR). The Draft EIR also analyzed the "Significant Irreversible Environmental Changes Resultant from Project Implementation" in Section 2.15 of the Draft EIR as well as alternatives to the project in Section 4, Project Alternatives, of the Draft EIR. All of these sections of the Draft EIR analyze the impacts associated with implementation of the project.

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The impacts associated with the two Camino Mayor Alternative Alignments are also analyzed in the Appendix D to the Draft EIR: “Camino Mayor Alternative Alignment Analysis”. For each of the categories of impacts referenced in this response (aesthetics, agricultural resources, biological resources, etc.), Appendix D found that both alternative alignments would have the same or similar impacts as the alignment depicted and described on the Tentative Map and Preliminary Grading Plan and no change to significance determinations related to the various impact categories listed herein and addressed in the Draft EIR would result.

I-405-21 The comment states that Camino Mayor is not an access road to the entire project and that, as one of three possible access roads to the project, it was not accurately or fully described in the Draft EIR. The comment provides a general description of the existing conditions along Camino Mayor, and states that the Draft EIR implies the entire project has a right to use Camino Mayor, but that the access rights are limited to the parcels within Parcel Maps 8306 and 11792.

The County does not concur that the Draft EIR description of Camino Mayor is inaccurate or incomplete. Please see **Response to Comment I-405-8** and **I-405-16**. As it pertains to the project applicant’s rights to Camino Mayor, please see **Response to Comment I-405-22**.

I-405-22 The comment states that the applicant does not have a right to extend access to the 40-foot private road easement to the entire project, and that use of the easement cannot be increased by the owner of the easement, citing *Wall v. Rudolph* (1961) 198 Cal.App.2d 684, 686 (“A principle which underlies the use of all easements is that the owner of an easement cannot materially increase the burden of it upon the servient estate or impose a new and additional burden.”). The comment also states that a roadway easement cannot be used to benefit additional persons or another parcel of property that was not part of the dominant tenement at the time the easement was created; the comment references California Civil Code § 811(a) and other sources.

As to whether the project would increase the burden of (i.e., “overburden”) the Camino Mayor road easement, the County notes that the use of private road easements is a private matter outside of the County’s land use authority. Further, the County offers the following response:

- a) The issue of overburdening a road easement is not an environmental issue within the meaning of CEQA, notwithstanding situations where the vehicle use of the road that is the subject of the overburdening argument is also creating potential significant environmental impacts (e.g., air quality, traffic, etc.). In this case, the project traffic forecasted to use Camino Mayor would not result in a significant traffic impact to Camino Mayor, to N. Twin Oaks

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Valley Road, or to the intersection of Camino Mayor and N. Twin Oaks Valley Road (refer to **Response to Comments I-405-14 and I-405-16**).

- b) The question of overburdening the Camino Mayor easement is a legal determination pertaining to the extent the easement holder may intensify the easement's use. (As shown, the environmental effects of improvements to Camino Mayor were analyzed in the EIR pursuant to CEQA.) Of note, however, the language of a grant of an easement determines its scope. (*County of Sacramento v. Pacific Gas & Elec. Co.* (1987) 193 Cal.App.3d 300, 313.) The grant of an easement must be interpreted liberally in favor of the grantee. (*Dolnikov v. Ekizian* (2013) 222 Cal.App.4th 419, 428.) The grant gives the easement holder both those interests expressed in the grant and those necessarily incident thereto. (*Ibid.*)

Here, the Camino Mayor road easement is actually a combination of easements established by different instruments recorded at different points in time across approximately 248 total acres of land. The western segment of the Camino Mayor road easement was created by an Individual Grant Deed (Document No. 79-014340, recorded January 10, 1979) as a 40-foot-wide private road easement for ingress, egress, utilities, and appurtenances across the land that became Parcel 8306 (recorded approximately 1 week later on January 18, 1979, as Document No. 79-029847 encompassing approximately 54 acres). The easement is depicted on Parcel 8306 and granted by Charles Main (owner of Parcels 1 through 4 of Parcel Map 8306) to his father, Richard Main, owner of the land that subsequently became Parcels 1 through 4 of Parcel Map 11792 (recorded on November 12, 1981, as Document No. 81-358916 encompassing approximately 194 acres). In addition, a Grant Deed (Document No. 79-227072) granted an easement and right of way for ingress, egress, road and utility purposes, and appurtenances thereto, across Parcel 8306, within the 40-foot easement delineated on the Parcel Map. The easement created by Document No. 79-227072 states it may be conveyed to others and that it is for the use and benefit of the present and future owners of any portion of Parcel 8306, which includes the project applicant. The eastern segment of the Camino Mayor road easement was created by Grant Deeds (Document Nos. 81-360481 and 81-406749, recorded November 13, 1981 and December 30, 1981) as a 40-foot-wide private road easement for ingress, egress, utilities, and appurtenances across the four parcels of land created by Parcel Map 11792. Thus, the Camino Mayor easement, as described above, is for ingress and egress (vehicle access), utilities, and appurtenances; and it was created at separate points in time through separate instruments.

As addressed in **Responses to Comments I-405-7 and I-405-8**, the primary purpose of Camino Mayor would be to serve as a secondary access point for the project.

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In addition, the legal question of whether the project is within the scope of the Camino Mayor easement based on the project's proposed uses, and the reasonability of those uses, is a legal determination between the parties to the easement(s). Of note, however, in interpreting the writing creating an easement, the paramount goal is to determine the intent of the parties. (*Mosier v. Mead* (1955) 45 Cal.2d 629, 632-633.) Accordingly, the extent of the easement includes "such uses as the parties might reasonably have expected from the future uses of the dominant tenement." (*Rye v. Tahoe Truckee Sierra Disposal Co., Inc.* (2013) 222 Cal.App.4th 84, 92.) Normal future uses of easements are within the reasonable contemplation of the parties and, therefore, are permissible; but, unanticipated, abnormal uses that greatly increase the burden, are not. (*Wall v. Rudolph* (1961) 198 Cal.App.2d 684, 692, 694.) What the parties might reasonably have expected is to be ascertained from the circumstances existing at the time of the conveyance. (*Rye, supra*, 222 Cal.App.4th at p. 92.) As previously noted, this is a private matter. The need for such easement(s) or their use is not an environmental issue under CEQA.

As to whether the project would result in a change in traffic volume compared to the traffic volume the easement was originally planned to accommodate, Fuscoe Engineering prepared a dwelling unit yield analysis associated with the land served by the easement (i.e., the land within Parcel Maps 8306 and 11792) (refer to Camino Mayor Yield Study, January 2018, Appendix JJ-11 to the Final EIR). The Camino Mayor Yield Study shows that, based on the General Plan Land Use Designations in place at the time the two parcel maps were recorded, the approximately 248 acres could support a yield of 28 dwelling units. The Yield Study states:

This yield study was based on the General Plan designations in place at the time these two parcel maps were recorded, which, for the subject area, was a slope dependent Multiple Rural Use land use designation of 1 dwelling unit per 4, 8, and 20 acres, for slopes less 25%, slopes between 25% and 50%, and slopes over 50%, respectively. In accordance with the General Plan land use designation applicable at the time the Camino Mayor easements were created, the approximately 248 acres encompassed by Parcel Maps 8306 and 11792 would result in a development yield of 28 dwelling units.

In accordance with the ITE Trip Generation Manual, 1st Edition, published in 1976 (ITE Manual, 1st Edition; included as Appendix JJ-12 of the Final EIR), a semi-rural land use designation would generate 10.0 trips per dwelling unit (refer to Section IV., Generation Rates, Land Use Code 210—Single Family Detached Housing of the ITE Manual, 1st Edition). Therefore, at the period of time the Camino Mayor easement was established (between 1979 and 1981), the total traffic volume that the easement was planned to accommodate is equal to the dwelling unit yield of 28 units multiplied

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by the applicable trip generation rate of 10 ADT/dwelling unit, or 280 ADT (28 dwelling units x 10.0 ADT/dwelling unit = 280 ADT). As addressed in **Response to Comment I-405-16**, the project would generate 150 ADT along the road, which is approximately 54% of the traffic volume the easement was originally sized to accommodate.

In addition, the project would not result in any other “abnormal” use of the easement. The project’s 150 ADT would be trips associated with residential uses, which are the same or substantially the same as the trips that would be associated with development of the land within Parcel Maps 8306 and 11792 based on the General Plan land use designations in place at the time those parcel maps were recorded. Therefore, the project would not result in a change in the nature or type of traffic the easement was created to accommodate in a manner that would negatively affect the parties’ access rights with respect to the easement.

As to whether the Camino Mayor easement as depicted on Parcel Maps 8306 and 11792 was intended to provide access to land outside of these parcel maps, the road easement extends to the eastern boundary of Parcel Map 11792, indicating that the original owners of the land created by these parcel maps (Richard and Charles Main) intended Camino Mayor to provide access to property outside of and to the east of Parcel Map 11792, including property now part of the project site.

Finally, the project applicant owns fee title or controls the land necessary to implement Camino Mayor Alternative Alignment 1, an alignment that would not impact any portion of the commenters’ properties (APNs 174-300-22 and 174-300-23).

I-405-23 The comment states that the Draft EIR fails to disclose the applicant’s easement rights over APNs 174-300-22 and 174-300-23 (commenters’ property). The comment states that the Tentative Map and Preliminary Grading Plans do not reference a recorded document evidencing the applicant’s right to use the existing 40-foot-wide private road easement (aka Camino Mayor). The comment also states that the applicant’s easement rights are limited and appurtenant to Parcel Map 11792 and do not extend to the entire project area. The comment states that the references to the recorded easement documents are incorrectly set forth as having 6 numbers instead of 7 following the year of recording, which interferes with attempts to access the documents through the County’s online Grantor-Grantee Index.

The comment does not raise an issue or concern as it relates to the environmental analysis contained in the Draft EIR. Therefore, no further response is required. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. Further, for information purposes an

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EIR is not to disclose access rights or property rights related to various easements; the purpose is to analyze the environmental impacts associated with a proposed project pursuant to CEQA. As it relates to the applicant's access rights pertaining to the Camino Mayor easements, the Camino Mayor easement is correctly depicted and described on the Tentative Map and the document numbers that establish the intended uses and rights associated with the easement are also shown on the Tentative Map. As it relates to the references to the various documents that pertain to the Camino Mayor easements, those documents are referenced based on the document number assigned by the County Clerk Recorder at the time of document recordation and those document numbers are correctly referenced on Sheets 3 and 14 of the Tentative Map and Sheet 3 of the Preliminary Grading Plan with one exception: on Sheet 14, Document No. 82-033272 is shown twice, once as 82-033272 and a second time as 82-33272. The second document reference is a mistake and has been deleted.

As it relates to performing document searches through the County Clerk Recorder's website, the County's document search application uses an expanded numbering system. For example, a search for document number 79-014340—the original Grant Deed recorded on January 3, 1979, establishing the Camino Mayor easement—would require the user to enter the number 1979-0014340 (with the additional numbers shown in underline). There are other means by which the public can research documents related to properties, including through preliminary title reports and at the County Operation Center. As it pertains to the project applicant's rights to the Camino Mayor easement and whether the project would overburden the easement, please see **Response to Comment I-405-22**.

I-405-24 The comment states that the project's Specific Plan shows the three parcels owned by the project applicant within Parcel Map 11792 as open space. The comment states that this open space is also referenced on the Tentative Map, which references another area described in an Open Space Easement recorded in 1981 as a condition of Parcel Map 11792, concludes that the applicant has not demonstrated a valid use, or right to use thereof, for Camino Mayor and reiterates the claim that the project applicant's easement rights do not extend past the applicant's three parcels within Parcel Map 11792. The comment states that an explanation should be provided as to the intent of an access route to an area described as open space and questions the intended use of the access.

The comment reiterates the commenters' claims that the project applicant does not have access rights to the easement, the project will overburden the easement, the EIR is confusing and conflicting, and that the EIR, therefore, is not in compliance with CEQA. The County does not concur with the comments. The description and intended purpose of the Camino Mayor access are described clearly and consistently in the Draft EIR.

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Please see **Responses to Comments I-405-8 and I-405-16**. As it pertains to the project applicant's rights to the Camino Mayor easement and whether the project would overburden the easement, please see **Response to Comment I-405-22**.

- I-405-25** The comment states that the project applicant met with the commenters approximately two years ago to discuss use of the Camino Mayor road for the proposed project but that the proposals presented by the project applicant were not acceptable to the commenters.

The County notes that the comment provides background information on previous discussions between the project applicant and the commenters and that it does not raise any issue with the adequacy of the environmental analysis contained in the Draft EIR or within the meaning of CEQA. Nonetheless, the comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-405-26** The comment states that the commenters told the project applicant that if the project were to be approved, in the event of a fire, the commenters would not stop project residents from exiting the project via Camino Mayor or emergency equipment using Camino Mayor, but requested that the road be gated at the project boundary. The comment states that present and future owners of the commenters' property have no responsibility for the improvement or maintenance of Camino Mayor. The comment states that the commenters have repeatedly requested documentary evidence of the project applicant's rights to the easement.

The County notes that the comment provides background information on previous discussions between the project applicant and the commenters and that it does not raise any issue with the environmental analysis contained in the Draft EIR or within the meaning of CEQA. Nonetheless, the comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. As it pertains to the project applicant's rights to the Camino Mayor easement, please see **Response to Comment I-405-22**. As it pertains to maintenance of the private road portion of Camino Mayor, the applicant will be required to enter into a maintenance agreement with the County as a condition of approval.

- I-405-27** The comment states that at a 2016 meeting, the commenters provided applicant with proof of an easement over applicant's property, but the commenters received nothing from applicant regarding its easement rights over commenters' properties to access the project. The comment does not raise an issue or concern as it relates to the environmental analysis contained in the Draft EIR. Therefore, no further response is required. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. As it pertains to the

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project applicant's rights to the Camino Mayor easement, please see **Response to Comment I-405-22**.

- I-405-28** The comment states that an exhibit titled, "Camino Mayor Exist. Gen. Plan ADT Study," provided by applicant to commenters in 2016, is supportive of the applicant having acknowledged its easement is limited to access to its three parcels in Parcel Map 11792, but ignores the existence of the area shown on Parcel Map 11792 as open space and its own proposed Specific Plan with no dwelling units proposed for these parcels. The comment states that it is misleading to describe Camino Mayor as an access route to its entire project when the easements do not extend past Parcel Map 11792 and when the easements end in open space. The comment adds that the Tentative Map and the Preliminary Grading Plans are not consistent with the existing easement rights.

The County does not concur with the comments. Also, the scope and extent of easement right(s), particularly those based on discussions between private parties, are not environmental issues under CEQA, because they do not address any physical change in the environment resulting from the proposed project. Please also see the **Responses to Comments I-405-22** and **I-405-23** for generally responsive information.

- I-405-29** The comment states that there are various conflicting statements in the Draft EIR and supporting documents concerning the proposed use of Camino Mayor and the estimated number of vehicles that would use the road that conflict with the applicant's easement rights across the commenters' properties. The comment refers to the Newland Sierra Wildfire Evacuation Plan, the estimated hourly capacity of Camino Mayor (1,000 vehicles/hour), and the estimated amount of vehicles that would use the road for evacuation (470 vehicles). The comment states that there is no indication in the Draft EIR from where in the project the 470 vehicles would be coming.

The County does not agree that there are conflicting statements in the Draft EIR about the proposed use of Camino Mayor. The description and intended purpose of the Camino Mayor access is described clearly and consistently in the Draft EIR. Please see **Responses to Comments I-405-8** and **I-405-16**. As it relates to the estimated capacity of Camino Mayor to handle vehicles during an emergency and the volume of vehicles that would potentially use Camino Mayor during an evacuation, the Wildfire Evacuation Plan (pages 19 and 20 of Appendix N-2 to the Draft EIR) estimates the total number of vehicles that would be evacuating the project during a wildfire emergency to 4,697 vehicles; provides the estimated hourly capacity of the project's three proposed access roads (Mesa Rock Road, Sarver Lane, and Camino Mayor), as

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well as offsite County roadways within the vicinity of the project; and states the following about how the project's residents would use the three access roads in an emergency:

The potential amount of time needed to evacuate the Newland Sierra Community, based on the planned roadway improvements, was calculated based on the following factors: 1) the internal roadway capacities, 2) three available egress routes with estimated 60% of vehicles (2,820) using Mesa Rock Road, 30% (1,410) using Sarver Lane, and 10% (470) using Camino Mayor, and 3) off-site roadway capacities. The lowest capacity roadway was given priority and was the determining factor for determining the vehicle capacity and accounting for slower speeds during some evacuations.

As stated above, the estimate of 470 vehicles using Camino Mayor as an evacuation route is specific to a wildfire evacuation scenario, a scenario that would be under the direction and control of first responders/County and state police and fire personnel, and bears no relation to the amount of the project traffic that would be expected to use Camino Mayor under normal conditions. Please see **Response to Comment I-405-16**, which addresses the usage of Camino Mayor by project traffic during normal operating conditions.

As it relates to what portion of the project would be expected to use Camino Mayor in an evacuation scenario, the Wildfire Evacuation Plan (Appendix N-2 to the DEIR) states on page 27 in Section 6.1:

- 3. Egress to the west via Camino Mayor or the Camino Mayor alternative, if approved**—these secondary access roads (one or the other would be considered secondary access for the project) interconnect with North Twin Oaks Valley Road and provide ungated access to the south to Twin Oaks Valley Road. Travel to the south to San Marcos on Twin Oaks Valley Road or to the east via Deer Springs Road, and then north or south via I-15 or Old Highway 395 is available. Likely neighborhoods using this access road during an evacuation are Summit, and upper Knolls.

This same information about the neighborhoods in the project that would be expected to use Camino Mayor in an evacuation is stated on page 2 of the Wildfire Evacuation Plan (Appendix N-2 to the Draft EIR). Therefore, Appendix N-2 addresses what portions of the project would be expected to use Camino Mayor in a wildfire evacuation.

I-405-30 The comment states that conflicting information regarding the proposed use of Camino Mayor is set forth as Item 15 and Item 16 in the Design Exception Requests, which

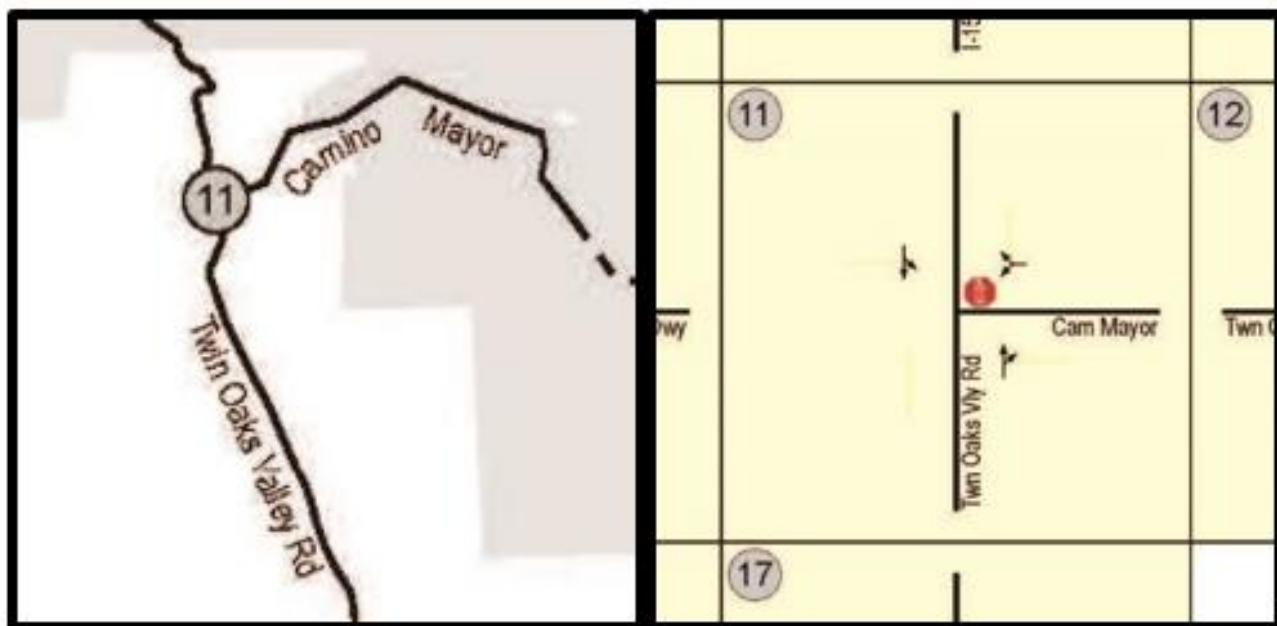
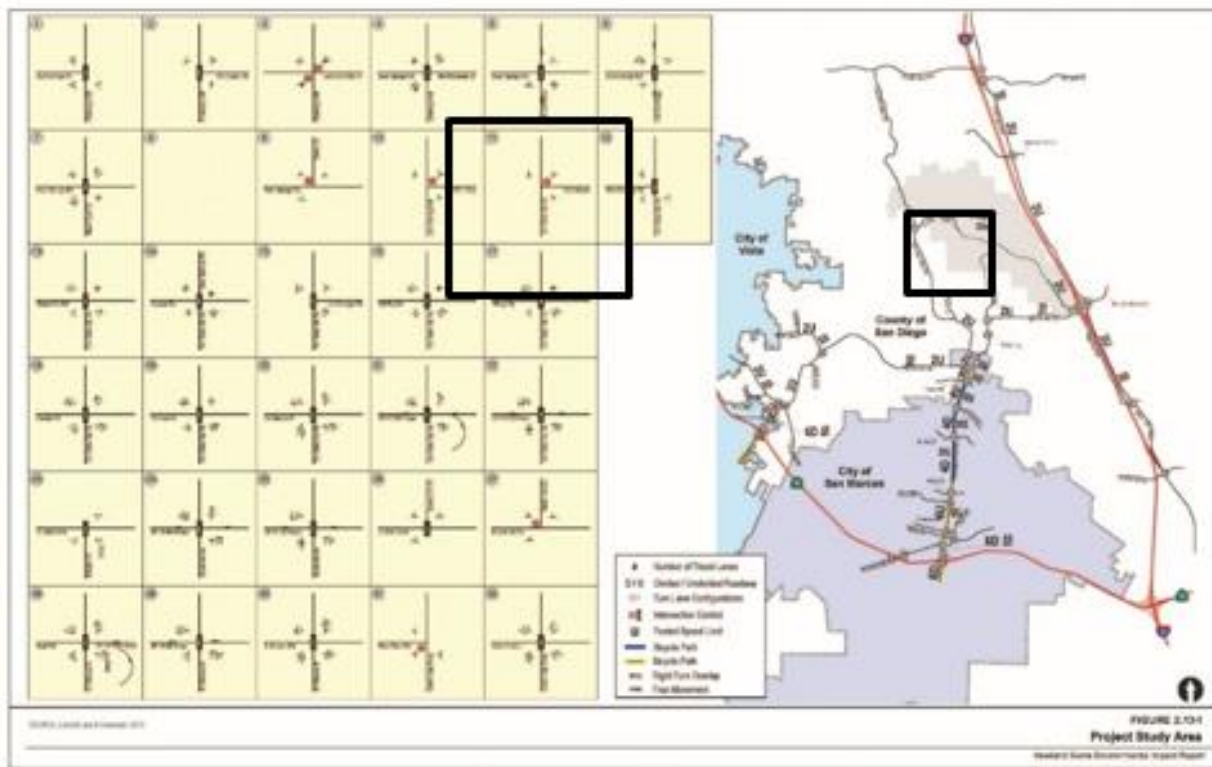
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state that the maximum ADT for Camino Mayor is 320. The comment states that Figure 2.13-1 in Section 2.13 of the Draft EIR incorrectly shows Camino Mayor as signalized.

As to the ADT volume shown in the summary table of the Design Exception Requests, the estimate of 320 ADT pertains to the onsite portion of the road between the Summit neighborhood and Saddleback Park, and reflects the estimated internal project traffic between Saddleback Park and the project's other neighborhoods (e.g., Summit Neighborhood). As addressed in **Response to Comment I-405-16**, the offsite portion of Camino Mayor is forecasted to handle approximately 150 ADT from the project. For the purposes of evaluating the design exceptions, however, the higher volume of 320 ADT was used. Accordingly, the County does not agree that there are conflicting statements in the Draft EIR about the proposed use of Camino Mayor.

The County does not agree that Figure 2.13-1 shows Camino Mayor as signalized. The Figure shows the intersection of Camino Mayor and Twin Oaks Valley Road as intersection "11" and shows the intersection on the left side of the figure as a stop control for Camino Mayor, as follows (please note also the enlargement of these two areas in the figure located just below the top figure):

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I-405-31 The comment states that the proposed use of an easement over the commenters' properties would overburden the easement and serve as the basis for an action for extinguishment of the applicant's easement rights as well as for injunctive relief.

The County notes that the comment does not raise any issue related to the adequacy of the environmental analysis contained in the Draft EIR or an issue within the meaning of CEQA. Nonetheless, the comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The County also notes that legal issues concerning the "overburdening" of an easement are private matters outside the County's land use authority (refer to the **Response to Comment I-405-22**) and that the project applicant has secured ownership and control of the property (APNs 174-300-21 and 174-300-24) necessary to implement Camino Mayor Alternative Alignment 1, which would not impact any portion of the commenters' properties (APNs 174-300-22 and 174-300-23).

I-405-32 The comment states that the inaccurate and erroneous information concerning the commenters' properties (APNs 174-300-22 and 174-300-23) and that of others, and the lack of description of limitations on easement rights is potentially the basis for legal actions. The comment concludes that the probability of prevailing on such actions is high.

The County notes that such claims are private matters between parties to easement documents and outside the County's land use authority. Further, as addressed in **Responses to Comments I-405-8 and I-405-20**, the information provided on the project's proposed use of Camino Mayor, including Camino Mayor Alternative Alignments 1 and 2, is both accurate and internally consistent. As it pertains to the project applicant's rights to the Camino Mayor easement, please see **Response to Comment I-405-22**. Because the comment does not raise any issue related to the adequacy of the environmental analysis contained in the Draft EIR or an issue within the meaning of CEQA, no further response is required.

I-405-33 The comment states that the commenters delivered a letter (Exhibit B to this Comment Letter I-405) to the County regarding the status of easements over the commenters' properties (APNs 174-300-22 and 174-300-23) to access Parcel Map 11792 and the limitations thereof, adding that the commenters' letter states they have not entered into any agreements with anyone regarding use of their properties, and that the status of the use is as per existing recorded documents. The comment asks how their letter is part of the public record.

The County notes that the letter was received on February 21, 2017. As an attachment to this letter, the February 21, 2017 letter is included in the Final EIR for review and

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consideration by the decision-makers prior to a final decision on the project. Please see **Response to Comment I-405-90**, for the County's response to the February 21, 2017 letter.

I-405-34 The comment states that the Draft EIR should be revised and recirculated to address the issues raised by the comments. The County does not concur. The Draft EIR analyzed the impacts associated with the project, including the project's proposed use of Camino Mayor and Camino Mayor Alternative Alignments 1 and 2. Please see **Responses to Comments I-405-8, I-405-16, and I-405-20**.

I-405-35 The comment states that the project does not include a meaningful description of the land uses, including agricultural operations and equestrian facilities on the west side of the project nor an analysis of the project's impacts on these land uses. The County does not concur with the comments.

The Land Use Consistency Analysis (Appendix DD to the Draft EIR) contains a description of land uses in the Twin Oaks Valley area as part of its analysis of the project's consistency with the County General Plan Guiding Principle 3, as follows:

The Twin Oaks community began as a predominantly agricultural community north of an area known originally as Vallecitos de San Marcos, today, what is the City of San Marcos. In 1963, San Marcos became an incorporated city, and since that time, various annexations of the southern portions of Twin Oaks have occurred to the City of San Marcos. Today, Twin Oaks supports a mix of land uses, including a range of housing types and lot sizes, small farms, nurseries, and ranchettes in its northern portions, the Twin Oaks Golf Course, an equestrian center and a handful of equestrian ranchettes, and retail, commercial, and light industrial uses.

The Draft EIR analyzed its impacts on surrounding land uses, including impacts related to land use and planning (Section 3.3 of the Draft EIR), to agricultural resources (Section 2.2 of the Draft EIR), to aesthetics and visual resources (Section 2.1 of the Draft EIR), and from project traffic along N. Twin Oaks Valley Road (Section 2.13 of the Draft EIR).

Consistent with Appendix G of the CEQA Guidelines, Draft EIR Section 3.3, Land Use and Planning, analyzes the project's potential to divide an established community, conflict with applicable land use plans, policies, or regulations, or conflict with an applicable habitat conservation plan or natural community conservation plan. Section 3.3 contains a detailed analysis of the project's impacts related to these three CEQA thresholds of significance and finds the project's impacts would be less than significant. The Land Use Consistency Analysis (Appendix DD to

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the Draft EIR) analyzes the project's consistency with the County General Plan Guiding Principles, Goals, and Policies, the North County Metropolitan Subregional Plan Goals and Policies, and I-15 Corridor Scenic Preservation Guidelines, and SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy (2050 RTP/SCS). Appendix DD was used to support the findings the project's land use impacts would be less than significant.

As it relates to agricultural resources, Section 2.2 of the Draft EIR, Agricultural Resources, identified potentially significant direct impacts to offsite agricultural lands (refer to **Impact AGR-1**) and identified the purchase of agricultural mitigation credits in the County's Purchase of Agricultural Easements (PACE) Program as mitigation for these impacts (refer to Mitigation Measure **M-AGR-1**). As it relates to indirect impacts, including impacts to Williamson Act Lands, impacts related to incompatible development near existing agricultural uses (i.e., Land Use Conflicts), and the potential for the project to result in conversion of existing agricultural lands (i.e., "Changes to Existing Environment") Section 2.2.3.2 of the Draft EIR found impacts to be less than significant.

As it relates to visual resources, Appendix E, Visual Resources Technical Report, of the Draft EIR analyzed the visibility of the project Site in a developed state from 24 public Viewshed Analysis Points and 3 non-public Viewshed Analysis Points, including seven (7) separate points along N. Twin Oaks Valley Road (refer to Figures 18 through 24 in Appendix E). As shown in Figures 18 through 24, the majority of the project's developed areas would not be visible from any point along N. Twin Oaks Valley Road. Instead, only small portions of the project Site would be visible at all from N. Twin Oaks Valley Road and the majority of the views would only be of the project's open space or fuel modification areas. Thus, from the standpoint of impacts to visual resources, the project would not have a significant impact to the overall visual character of the area along N. Twin Oaks Valley Road. Section 2.1, Aesthetics, of the Draft EIR (pages 2.1-39 and 2.1-40) states that:

...views of the proposed project from roadways in the viewshed located south and/or west of the proposed project Site, including Deer Springs Road (west of Mesa Rock Road) and North Twin Oaks Valley Road, and from Walnut Grove Park in the City of San Marcos would largely be composed of roadway improvements, slope alteration, perimeter fuel modification, and/or unmodified open space. From these locations, visual change occurring on the proposed project Site associated with residential, commercial, and educational development would be difficult to detect and be relatively subtle.

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As it relates to project-generated traffic on N. Twin Oaks Valley Road, Appendix R1 (Traffic Impact Analysis) of the Draft EIR analyzed the project's traffic impacts to N. Twin Oaks Valley Road and found that the project would generate 150 residential Average Daily Trips (ADTs) and 280 non-residential ADTs along N. Twin Oaks Valley Road for a total of 430 residential and non-residential ADTs combined. N. Twin Oaks Valley Road accommodates approximately 3,000 ADTs today and operates at an acceptable Level of Service (LOS) B, at 18.5% of its maximum capacity before the road operates at a deficiency LOS. With the project's traffic added, the road would still operate an LOS B and with project traffic and traffic from cumulative projects added, the road would operate an LOS C. Thus, neither the project traffic nor the project traffic plus cumulative projects traffic would cause the road to operate a deficient Level of Service. Therefore, the project would not result in significant direct or cumulative impacts to the road. Please also see **Responses to Comments I-405-16 and I-405-20**.

- I-405-36** The comment states that the existing water wells for properties along N. Twin Oaks Valley were not described and impacts to these wells were not analyzed in the EIR, including the commenters' well within the existing Camino Mayor road easement. The comment states that the blasting and construction activities and elimination of natural ponding areas due to residential lot placement may destroy or damage wells. The comment describes the commenters' well. The County does not concur with the comments.

The existing wells on- and off-site are discussed in the Draft EIR and the project analyzed its potential impacts to groundwater resources, including recharge rates. Section 3.2.1.3, Groundwater Resources, in the Hydrology & Water Quality Chapter of the Draft EIR (page 3.2-4) addresses the existing wells offsite along N. Twin Oaks Valley Road as follows (*emphasis added*):

The project Site is not located within an alluvial groundwater basin as defined by California Bulletin 118 (DWR 2015), and, therefore, is not subject to the Sustainable Groundwater Management Act passed in 2014 (see Section 3.2.2, below). In addition, *the primary bedrock unit on-site is Cretaceous-aged Granitic rocks (monzogranite) which is very hard, moderately weathered, slightly fractured and exhibits steep topographic relief. Based on these characteristics, much of the project Site is not likely support significant groundwater resources and the potential recharge rates within the Site are very low (Appendix J-3)*. However, four existing wells reside in the lowest elevations of the project Site where the Site supports a narrow band of alluvial deposits. These wells intercept fractured rock formations that yield water, however, these existing wells are not in use, no portion of the project would

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use or pump groundwater to support the water demand of the project, and the existing wells on-site would be abandoned as part of the project development in compliance with applicable state and County regulations.

Both the Vallecitos and Valley Center water districts provide potable water service within the vicinity of the project Site, but certain properties, including residential, agricultural, and golf course uses, in these districts continue to use groundwater from permitted private wells (Appendix V). Twin Oaks Valley, a watershed of 2.2 square miles in size, is to the west of the project Site and supports the majority of these private wells. The primary geologic unit found on the project Site and in the hills surrounding Twin Oaks Valley is granitic rock with the bottom of the Valley being composed of sedimentary and volcanic rock and deposits. Alluvial deposits can be found in the Valley area of the project Site and directly south of the project Site. *The granite geologic unit results in poor infiltration rates whereas the sedimentary, volcanic, and alluvial deposits support better infiltration rates, thus the majority of the groundwater recharge within Twin Oaks Creek and the larger San Marcos Creek Watershed likely occurs in these narrower bands of sedimentary, volcanic, and alluvial deposits primarily off-site of the project Site and found within the Valley bottoms.*

The Draft EIR, Section 3.2.3.3, Groundwater Resources, (beginning on page 3.2-24) analyzes the project's potential impacts on groundwater resources and found the project's impacts would be less than significant as follows (*emphasis added*):

The project would result in an increase in demand for water, which would be provided by the Vallecitos Water District. For analysis regarding water demand, usage, and supply, refer to this EIR, Section 2.14, Utilities and Service Systems. The project would not rely on any source of groundwater and not result in the depletion of any existing groundwater within the Site. *The project would result in the introduction of new impervious surfaces that could alter groundwater recharge within the Site during rain events; however, as discussed in Section 3.2.1.3, primary bedrock unit onsite is Cretaceous-aged Granitic rocks (monzogranite) which is very hard, moderately weathered, slightly fractured and exhibits steep topographic relief. Based on these characteristics, much of the project Site is not likely support significant groundwater resources and the potential recharge rates within the Site are very low. In addition, the project proposes to retain approximately 73 percent of the Site's existing natural topography, and the majority of the groundwater recharge within Twin Oaks Creek and the larger San Marcos Creek Watershed likely occurs off of the project Site in the sedimentary, volcanic, and alluvial deposits along the valley bottoms.* Irrigation water applied in the

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project's developed areas would also serve to offset any altering of the project Site's contribution to groundwater recharge in its existing undeveloped state. Therefore, impacts to groundwater resources would be **less than significant**.

Therefore, the project has analyzed its impacts to groundwater resources, and by extension, existing off-site wells, and found its impacts to be less than significant. As it relates to the commenters' well, which is within the existing Camino Mayor easement, the County notes that the Camino Mayor Alignment 1 and the Camino Mayor alignment shown on the Tentative Map and Preliminary Grading Plan would both avoid impacts to commenters' well.

- I-405-37** The comment states that the project description and analysis incorrectly describes the former quarry site within the project site as "abandoned," but that the EIR should state that the Major Use Permit for the quarry expired. The comment states that the Draft EIR does not disclose that the quarry was not reclaimed as required by the State Mining and Reclamation Act (SMARA). The comment asks about the proposed use of the quarry site and whether the project applicant intends to use material from the quarry for construction of the project. The description of the quarry in the Draft EIR as "abandoned" is correct. The project does not propose any use of the abandoned quarry except as open space. No mineral extraction is proposed from the quarry to support construction of the project. Upon project approval, the project would extinguish the MRZ-2 designation.
- I-405-38** The comment states that it should be disclosed that while portions of the project area may be either classified and/or designated as containing significant mineral resources, it should be noted that the rock is not unique, that it is widespread throughout the Peninsular Batholith extending from Riverside County to Baja California, and refers to testimony provided by the late Doctor Richard Merriam, a geologist and USC Professor Emeritus. The County notes that the comment expresses an opinion, but does not raise an issue related to the adequacy of the Draft EIR. The relative uniqueness of the material or, by extension, the relative demand for the material found on the project site is not relevant to the environmental analysis for the proposed project as the project does not propose a mining operation. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.
- I-405-39** The comment states that the project description is also lacking and misleading in that it fails to disclose that another quarry site, National Quarries, is a very active production quarry on N. Twin Oaks Valley Road. The comment states that this active quarry produces the most vehicular traffic in the form of truck traffic on N. Twin Oaks Valley Road and refers to the Camino Mayor intersection with N. Twin Oaks

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Valley Road. The comment states that this truck traffic mixes with other traffic on the road and refers to additional comments to follow on the project's impacts to the same. The County does not concur that the project description fails to disclose the National Quarries site along N. Twin Oaks Valley Road. The Draft EIR, page 2.1-5, Section 2.1.1.1, Environmental Setting, states the following (*emphasis added*):

“Commercial land uses, limited industrial businesses and mobile home and resort-living communities are located in the surrounding area.... *An active quarry for construction aggregate products is located on Twin Oaks Valley Road, approximately 0.6 mile northwest of the abandoned quarry located in the northwestern corner of the project Site.*”

Figure 1-37 titled, Aerial Map and Surrounding Land Uses, also shows the location of the active quarry along N. Twin Oaks Valley Road with symbol “AcQ” on the figure. As it relates to the concern raised about truck traffic and, more broadly, traffic safety concerns, please see **Response to Comment O-1.11-4**.

I-405-40 The comment states that the Draft EIR should be revised to include a description of the active quarry and analysis of environmental impacts of the project on such uses, in particular, as it relates to traffic impacts. The comment requests that the Draft EIR be recirculated. The County does not concur with the comments.

As stated in **Response to Comment I-405-39**, the existing active quarry was disclosed in the Draft EIR. The project also analyzed its traffic impacts as well as impacts related to traffic hazards on offsite roadways impacted by the project, including N. Twin Oaks Valley Road. Please see **Response to Comment I-405-16** and **Response to Comment O-1.11-4**.

I-405-41 The comment refers to the commenters' well located within the existing Camino Mayor easement on Parcel 3 of Parcel Map 8306 and provides background information about the well and its associated improvements. The comment refers to the power source and accessory equipment that support the well and states that any proposed use of Camino Mayor needs to take into consideration the commenters' well and associated improvements.

As stated in **Responses to Comments I-405-6 and I-405-36**, well and groundwater impacts have been addressed, and two of the three Camino Mayor alignment alternatives would avoid impacts to the commenters' well (Alternative 1 and Tentative Map alignment).

I-405-42 The comment states that there is no mention in the Draft EIR of the potential impacts the project would have on the commenters' property from construction or operation

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of the project. The comment refers again to the commenters' well and discussions with the project applicant about the same and expresses concerns about construction activities, including blasting and vibration, damaging or cutting off sources of groundwater to the commenters' well. The comment states that mitigation for well damage and/or destruction should be mandatory and along with provision for an alternative source of water.

The County does not concur and notes that the comment does not provide any evidence of how the project would cause the potential impacts outlined in the comment. The project includes project design features and mitigation measures to prevent or minimize impacts to private property as a result of construction and operation of the project. As it relates to concerns about impacts related to blasting, please see **Topical Responses AQ-1 and AQ-2**; and **Topical Response NOI-1: Construction and Blasting Noise**. As it relates to concerns expressed about potential impacts to groundwater sources for the commenters' well as well as other wells in the area, please see **Response to Comment I-405-36**.

- I-405-43** The comment states that the mitigation referenced in **Comment I-405-42** above has been required by the courts in CEQA litigation, referring to *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1117, specifically that a project's potential to reduce water supply available to others is a "potentially significant problem that requires effective mitigation."

Based on the Draft EIR, the County notes that the project was determined to have a less than significant impact on groundwater resources, which support the commenters' well as well as other offsite wells west of the project site. Further, as stated, two of the three Camino Mayor alignment options would avoid impacts to the commenters' well (Alternative 1 and Tentative Map alignment). Please see also **Response to Comment I-405-36**.

- I-405-44** The comment states that if the commenters' well were to be damaged or destroyed by the project's uses during construction or when operational, the applicant would need to provide an alternative permanent source of water to the commenters and asks for a mitigation measure in the form of financial assurances and immediate provision of water to the commenters should be a mitigation measure. The County does not concur that a mitigation measure is required to address the commenters' concern and the comment does not provide any evidence of how the project's construction activities or operation of the project could damage the commenters' well or affect the commenters' source of groundwater. Mitigation Measures M-N-1 would ensure that impacts related to blasting activities would be less than significant. As addressed in **Response to Comment I-405-36**, the project would not result in significant impacts

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to groundwater resources and, relatedly, to wells. Impacts associated with operation of the project would also not be expected to result in any impacts to groundwater resources. If the project implements an alignment for Camino Mayor that is inside or substantially inside the existing Camino Mayor easement through the commenters' property, then the project applicant would be required to post grading and construction bonds for the improvements and be financially responsible for any damage caused to the commenters' well as a result of the project's construction activities. The County also notes that the Camino Mayor Alternative Alignment 1 and the Camino Mayor alignment shown on the Tentative Map and Preliminary Grading Plan would not impact any portion of the commenters' property or well.

I-405-45 The comment states that the County must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, refers to *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, and states that the Draft EIR should be revised to analyze the water issues raised in this comment letter. The County does not concur with the comments. As stated in **Response to Comments I-405-36 and I-405-44**, the project would not have significant impacts to groundwater resources, or to the commenters' well from construction or operation of the project.

I-405-46 The comment states that the Draft EIR's analysis of noise impacts associated with use of Camino Mayor by project traffic is inadequate because the road is a quiet rural area, refers to existing sources of noise along Camino Mayor from trucks, motorcycles, SUVs, people and gunfire, and states the impacts of possibly 24 hours of project traffic on the road to neighboring properties needs to be analyzed in the Draft EIR. The County does not concur with the comments.

As stated in **Response to Comment I-405-16**, the project would result in an estimated 150 vehicle trips per day using Camino Mayor. The majority of these trips would also reasonably be expected to be limited to the morning, daytime, and evening periods when ambient noise levels are higher and not extend into the middle of the night. This amount of vehicle traffic would not result in a significant noise impact to the area or exceed any County threshold for noise impacts. Therefore, no additional analysis is required.

I-405-47 The comment states that the commenters hear noise coming from inside the project site at the abandoned airstrip and on the trails and boulders onsite. They state that they have notified the project applicant on many occasions of gunfire, automatic weapon fire, and trespassers and that the applicant has made many attempts to control these activities without success. They state that they requested the applicant to install a locked gate at its property boundary, but that the gate was subsequently destroyed.

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The County notes that the comments provide background information on issues related to trespassing and other unauthorized activities and that it does not raise any issue with the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.

- I-405-48** The comment states that if Camino Mayor is approved as an access route, it will serve as a direct paved route to the project's proposed preserve area and that there is no disclosure of the impacts of Camino Mayor on the preserve area of the project. The comment states that Camino Mayor will allow for degradation of the preserve area due to unwarranted traffic day and night and that fencing, signage, and site visits by the preserve manager would be inadequate to prevent this damage to the preserve area. The County does not concur with the comments.

The project's preserve areas will be managed in accordance with the project's Resource Management Plan. At buildout, the project will have residents immediately adjacent or near the project's preserve area along Camino Mayor. These future residents would reasonably be expected to hear and report any unwanted activity occurring in the project's preserve areas, particularly at night when ambient noise levels would be considerably lower and the sound of people in the project's preserve areas after hours would be expected to carry significantly farther. Finally, the project's preserve area adjacent to Camino Mayor would only be accessible through the Saddleback Park parking lot or from inside the project and the park would be closed in the evening after dark. The project's Homeowners Association (HOA) and the County would be responsible to ensure the security of the project's private and public parks, respectively, to minimize improper access or use of the project's preserve areas.

- I-405-49** The comment states that the San Diego County Sheriff's Department presented to the Twin Oaks Valley Sponsor Group within the past two years and made clear that due to funding shortages, the Sheriff's Department lacks the resources to provide more law enforcement to the Twin Oaks Community including the project area. The comment states that the ability or inability of law enforcement to meet the needs of the project should be disclosed. The County does not concur with the comments.

The Draft EIR, Section 3.5, Public Services, describes the services provided by the San Diego County Sheriff's Department and relies on Appendix G of the CEQA Guidelines to determine whether the project would result in a significant impact, stating a significant impact would result if (*emphasis added*):

The project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or

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physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire Protection
- *Law Enforcement*
- Schools
- Other Public Facilities

The Draft EIR, Section 3.5 provides an analysis of the project's impacts on Sheriff's facilities as well as services, states that the project would generate property tax revenue to support law enforcement services, and concludes that "with incorporation of the project design features and the requirement for the proposed project to pay its fair share for increased law enforcement services via property taxes, the potential impact to law enforcement services would be **less than significant**." The project also received a letter from the Sheriff's Department confirming the Sheriff's Department can provide service to the project (refer to Appendix EE-1a and EE-1b of the Draft EIR).

I-405-50 The comment states that the Draft EIR should be revised to analyze the issues pertaining to law enforcement and the impacts to the project's preserve area due to unauthorized access from Camino Mayor. These issues have been addressed in the Draft EIR. Please refer to **Responses to Comments I-405-46 through I-405-49**.

I-405-51 The comment refers to Key View 10 in the Draft EIR as presenting a sanitized, urban-style, master-planned development project access road entrance at Camino Mayor and states that the descriptive narrative of the proposed view versus the existing view is subjective and not reflective of the impact of changing the aesthetics of a rural road in a rural community to serve the needs and aesthetics of an urban scale development. The County does not concur with the comments.

The Draft EIR, Section 2.1, Aesthetics, analyzed the visual impacts of the project on the surrounding area, including the project's proposed road improvements such as Camino Mayor. Impacts relating to the visual character and quality of the project site as viewed from the surrounding area were found to be **significant and unavoidable**. Specifically related to Key View 10, Existing and Proposed, the County notes that the road improvements as shown on Sheets 2 and 14 of the Tentative Map and Sheets 2 and 14 of the Preliminary Grading Plan and visually depicted in Key View 10 are based on a 28-foot-wide paved road within a 36-foot-wide right-of-way (i.e., the County's hillside residential private street standard and road design and classification

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that should be considered appropriate for such areas). Therefore, the County does not concur that the project's proposed road improvements for Camino Mayor would be inconsistent with the character of area along N. Twin Oaks Valley Road.

I-405-52 The comment states that no Key Views were included in the EIR of the existing and proposed version of Camino Mayor as it ascends up to the project site and that no Key Views were included of the two Camino Mayor Alternative Alignments described in Appendix D of the Draft EIR, such as a Key View of Camino Mayor Alternative Alignment 2 showing the retaining walls associated with that alignment. The County does not concur with the comments.

Camino Mayor Alternative Alignments 1 and 2 would have the same or similar visual effect when viewed from the existing intersection of Camino Mayor and N. Twin Oaks Valley Road, a public road. Once Camino Mayor ascends up toward the project site, very little to none of the proposed road would be visible from any location within the public right of way. Further, as stated in **Response to Comment I-405-51**, Section 2.1 of the Draft EIR found impacts relating to the visual character and quality of the project site as viewed from the surrounding area to be **significant and unavoidable** and, related to the two alternative alignments, Appendix D to the Draft EIR found the following (*emphasis added*):

Alternative Alignment 1 would have similar impacts as described above for the Proposed Alignment. Although the new alignment is not an existing paved roadway, it would have similar aesthetic impacts and would result in a similar change to the landscape. A minor deviation in the alignment of Camino Mayor under this alternative would result in similar aesthetics impacts as described above.

Alternative Alignment 2 would also have similar impacts as described above for the Proposed Alignment. As this alternative would stay entirely within the easements and not include any grading outside of the easements until the road reached the project Site, the road would have reduced aesthetic impacts as a result of grading; however, this alternative would require the use of retaining walls along certain portions of the road. As the existing easements generally fall within a steep canyon from Twin Oaks Valley Road all the way into the project Site, these walls would not be visible from neighboring properties and residents.

Thus, both Alternative Alignment 1 and Alternative Alignment 2 would have similar impacts as the Proposed Alignment, and no change to the significance determination for the project's aesthetic impacts would result. Aesthetic

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impacts would remain significant and unavoidable under either of the alternatives analyzed herein.

Therefore, for the purposes of CEQA, the visual impacts associated with Camino Mayor, including the two alternative alignments, have been disclosed and analyzed in the Draft EIR and no additional disclosure or analysis is required.

- I-405-53** The comment states that the removal of protected southern willow scrub, oak trees, and pine trees along Camino Mayor should be avoided. The comment states that the description of the area as “jumbled and chaotic” in the EIR is subjective and offensive. The comment states that removal of native habitat would be a taking of the commenters’ native natural landscape, would impact the rural aesthetics of the area, and, there is no justification for the fuel modification along a road anticipated to have very little use. The County does not concur with the comments.

Fuel modification is a necessary component along roads in areas subject to fire hazards. The project’s biological impacts, including wetland and riparian habitat, would be mitigated by implementation of Mitigation Measures M-BIO-1 through M-BIO-13. Please see Draft EIR, Section 2.4, Biological Resources.

- I-405-54** The comment states that the Draft EIR, Section 2.13, Transportation and Traffic, lists roadway segments and intersections included in the Traffic Impact Analysis (Appendix R1 to the Draft EIR), but there is no disclosure or analysis of the existing conditions on the roadway segment of N. Twin Oaks Valley Road from Camino Mayor south to Twin Oaks Crest Drive or an accurate description of the existing conditions at the intersection of Camino Mayor and N. Twin Oaks Valley Road. The comment concludes that, therefore, this segment of N. Twin Oaks Valley Road and its intersection with Camino Mayor were not considered significant and not studied. The County does not concur with the comments.

The EIR, Appendix R1 analyzes the project’s traffic generation on N. Twin Oaks Valley Road between Camino Mayor and Deer Springs Road and to the intersection of N. Twin Oaks Valley Road and Camino Mayor, and found the addition of the project’s traffic to this road and intersection would not cause a significant impact (i.e., the project’s traffic in conjunction with existing and cumulative projects’ traffic to N. Twin Oaks Valley Road and to its intersection with Camino Mayor would not cause the road to fall below LOS D). Instead, under existing plus project traffic and existing plus project plus cumulative project traffic conditions, N. Twin Oaks Valley Road and the its intersection with Camino Mayor would continue to operate a LOS C or better. Refer to Draft EIR Tables 2.13-16, 2.13-17, 2.13-26, and 2.13-27. Therefore, the project would not have a significant traffic impact to the Camino Mayor intersection or N. Twin Oaks Valley Road. Please also see **Response to Comment I-405-16**.

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I-405-55 The comment states that the road segment of N. Twin Oaks Valley Road from Camino Mayor south to Twin Oaks Crest Drive is one of the most dangerous segment of N. Twin Oaks Valley Road on the County-maintained portion of the road due to its narrowness and curves as it winds through and divides Parcel 4 of Map 8306 (APN 174-300-24). The comment states that the curve along Camino Mayor near the project boundary is also a dangerous, hairpin curve. The comment states that the EIR failed to disclose and analyze the project's potential significant impacts related to these existing dangerous road conditions. The County does not concur with the comments.

As it relates to the safety concerns for the segment of N. Twin Oaks Valley Road in and around its intersection with Camino Mayor, please see **Response to Comment 1.11-4**. As it relates to the proposed curve for Camino Mayor inside the project site referenced in the comment, in all three Camino Mayor Alternative Alignments, the horizontal curve radius would be 300 feet, which is consistent with the County's design standards for the Hillside Residential classification. It is also consistent with the County's non-Mobility Element Road Standards (refer to Table 2B of the County's Public Road Standards) for two-lane roads with the same or similar paved width and right-of-way (e.g., rural residential collector). Therefore, the curve for Camino Mayor inside the project site would not constitute a dangerous, hairpin turn. Instead, it would comply with applicable standards for horizontal curve radii.

I-405-56 The comment states that the EIR does not mention the narrowness of the segment of N. Twin Oaks Valley Road between Camino Mayor and Twin Oaks Crest Drive resulting in trucks heading to or from the quarry not being able to pass each other along this segment of road. The County notes that the comment provides background information on the nature of truck traffic along this segment of N. Twin Oaks Valley Road. As it relates to potential safety concerns for this segment of N. Twin Oaks Valley Road, please see **Response to Comment I-1.11-4**.

I-405-57 The comment references a traffic safety study requested by the Planning Commission at a hearing in 2005 for N. Twin Oaks Valley Road, provides background information on that Planning Commission hearing, references litigation involving the County and the quarry owner/operator pertaining to truck traffic, states that the quarry appears to have recently expanded its boundary up the east side of San Marcos Mountains, and questions whether this fact nullifies their existing grandfather status as it relates to truck traffic. The comment states that this expansion of the quarry's mining operation could change the project's proposed open space areas.

The comment provides background information on the existing active quarry northwest of the project site and concerns raised in 2005 about traffic safety. The County does not agree that an expansion of the quarry's mining area, which is within

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the boundary of the property owned by quarry owner/operator, would have any effect on the project's proposed open space configuration. The project proposes to preserve 1,209 acres (61%) of the project site as an open space preserve, including 870 acres (approximately 44%) in the northern half of the project site. As it relates to traffic safety concerns along N. Twin Oaks Valley Road, please see **Response to Comment O-1.11-4**. As it relates to the traffic safety study that was requested by the Planning Commission in 2005, please see **Response to Comment I-405-58**.

I-405-58 The comment asks about the status of the traffic safety study for North Twin Oaks Valley Road and states that the County is aware of the dangerous road conditions that prevent safe travel on N. Twin Oaks Valley Road and through its intersection with Camino Mayor. The comment states that the County Board of Supervisors denied a request to expand the quarry on property that is now part of the project site in the 1980s in part because of the dangerous road conditions and traffic on N. Twin Oaks Valley Road and references litigation by the quarry owner against the County that was unsuccessful. The County does not concur with the comments.

Further, the comment is raising general concerns about traffic safety on the road related to the haul trucks that travel back and forth to the active quarry and provides background information on the abandoned quarry on the project site. The comment does not present any statistics or data as evidence to support the comment's description of N. Twin Oaks Valley Road as dangerous. Specific to the segment of N. Twin Oaks Valley Road in and around Camino Mayor, the March 12, 2014, 24-hour Speed Surveys (refer to Item 15 of the Design Exception Requests, Additional Items to the Draft EIR) conducted for this road segment demonstrate that the average speeds in the northbound and southbound directions were 23.5 miles per hour (MPH) and 20.8 MPH, respectively. The lower speeds through this segment of N. Twin Oaks Valley Road reduce the likelihood of a serious or fatal collision.

As to the traffic safety study requested by the Planning Commission in 2005, the County Public Works Department did survey the road conditions along N. Twin Oaks Valley Road and installed additional signage to improve driver awareness of road curves ahead, the speed limit through curved sections of the road, and other applicable signage to improve driver awareness.

As it relates to traffic safety concerns along the road, as addressed in **Response to Comment O-1.11-4**, an analysis was conducted of the rate of traffic accidents along this road for the period between January 2013 and December 2017 (refer to *Sierra—Accident Analysis and Pedestrian/Bicycle Activity*, Appendix JJ-8 to the Final EIR). Appendix JJ-8 shows that a total of 10 accidents occurred along the road during this timeframe. Based on the 2.7-mile-long length of the road segment where these

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accidents occurred, an accident rate of 0.68 was calculated for the road (refer to Table A of Appendix JJ-8). By comparison, the expected accident rate for this road type is 1.14. The road is defined as being in the Rate Group H03 (speed limit less than 55 miles per hour and rolling terrain) in the “2014 Collision Data on California State Highways (road miles, travel, collisions, collision rates)” report published by the California Department of Transportation, Division of Research, Innovation, and System Information. Therefore, the accident rate for N. Twin Oaks Valley Road is lower than that of equivalent roads evaluated across the state, indicating that, at least from the standpoint of the road conditions having the potential to result in accidents, statistically the road is experiencing a lower than average number of accidents for its Rate Group.

- I-405-59** The comment states that the Draft EIR should have disclosed and studied the impacts of the project on the existing dangerous road conditions in the area of Camino Mayor and to consider a reasonable feasible alternative that would address the impacts and cites language from the case *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369 stating that “when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents and users.”

The County notes that the comment does not present any statistics or data as evidence that the road conditions along N. Twin Oaks Valley Road are dangerous. Please see **Responses to Comments O-1.11-4 and I-405-58** for the accident rate data for N. Twin Oaks Valley Road.

- I-405-60** The comment states the Draft EIR contains conflicting descriptions of Camino Mayor and the anticipated or forecasted project traffic that would use Camino Mayor and that whether Camino Mayor is open to the public or closed and gated, the project’s impact on the existing conditions at the Camino Mayor/N. Twin Oaks Valley Road intersection need to be disclosed and studied. The comment states that the intersection of Camino Mayor and N. Twin Oaks Valley Road are not safe now and the impacts of adding the project traffic to this intersection and to N. Twin Oaks Valley Road need to be analyzed by the Draft EIR. The County does not concur with the comments.

Please see **Responses to Comments I-405-8, I-405-16, and I-405-20** above; and **Response to Comment O-1.11-4**.

- I-405-61** The comment refers to the two Design Exception Requests, Items 15 and 16, associated with Camino Mayor and states that the project seeks to downsize Camino Mayor from the required County road standards and states that this is contrary to the text in the Draft EIR that the road would constructed to County road standards. The

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comment states that the design exception requests downplay the significance of the inadequacy of the Camino Mayor/N. Twin Oaks Valley Road intersection, adding that there is no description of how the site distance issue or the narrow road width will be addressed by the project. The County does not concur with the comments.

As to the comment regarding the Design Exception Requests Items 15 and 16, neither design exception request would reduce the paved width of Camino Mayor. In an effort to reduce the physical impacts of the road, both design exception requests propose a narrower parkway and a reduced right of way. As to the issue pertaining to site distance at the Camino Mayor/Twin Oaks Valley Road intersection, please see **Response to Comment O-1.11-4**.

- I-405-62** The comment states that the information in Design Exception Requests 15 and 16 is misleading, the intersection of Camino Mayor and N. Twin Oaks Valley Road is not safe, and an explanation is needed as to why the project is not required to realign the road. The comment states that the information in Design Exceptions 15 and 16 makes it additionally clear that the EIR should have analyzed the road segments of N. Twin Oaks Valley Road north and south of Camino Mayor and asks for confirmation that N. Twin Oaks Valley Road is not constructed to County Public Road Standards. The comment asks for confirmation that there is an Irrevocable Offer to Dedicate (IOD) land for the realignment of N. Twin Oaks Valley that would comply with the County's Public Road Standards. The comment concludes that the EIR should be revised to address these issues. The County does not concur with the comments.

As it pertains to Design Exception Requests 15 and 16 and traffic safety issues, please see **Responses to Comments O-1.11-4 and I-405-58**. As it pertains to the analysis of project traffic on N. Twin Oaks Valley Road, as addressed in **Response to Comment I-405-16**, the Draft EIR analyzes the project's traffic impacts and found the project's impacts to be less than significant. For this reason, the project is not required to widen or realign the road. As to the existing Irrevocable Offer of Dedication (IOD) for the widening and realignment of N. Twin Oaks Valley Road, please see Sheet 14 of the Tentative Map and Sheet 14 of the Preliminary Grading Plan, which describe and depict the IOD.

- I-405-63** The comment states that alternatives to access from the west need further analysis, cites language from the Public Resources Code and case law pertaining to project alternatives. As to the comment that feasible reasonable alternatives to access from the west need further analysis, the project site supports two viable options for a third access point, one to the east out to Lawrence Welk Court and one to the west via Camino Mayor down to N. Twin Oaks Valley Road. The Camino Mayor option was determined to be the better option because it would provide an evacuation route to the

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- west away from the likely direction of an oncoming wildfire, and it would connect to N. Twin Oaks Valley Road, which provides access through an area of reduced wildfire risk for southbound traffic (much of the area on either side of N. Twin Oaks Valley Road south of Camino Mayor is designated as a “Moderate Fire Hazard Severity Zone”). Compared to an emergency ingress/egress route out to Lawrence Welk Court, the Camino Mayor route would also result in reduced biological impacts and reduced fragmentation of open space. As to the Public Resource Code and case law references, the County notes that the comment provides background information and that it does not raise any issue with the adequacy of the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.
- I-405-64** The comment states that the Project Alternatives section of the Draft EIR does not include any alternatives to use of Camino Mayor as a third access point. As addressed in **Response to Comment I-405-63**, the Camino Mayor access was determined to be the better of the project’s two options for a third access point from the standpoint of evacuation and biological impacts. As addressed in **Response to Comment I-405-11**, the purpose of project alternatives is to reduce the environmental impacts of the project, not to analyze permutations of a single aspect of the project such as a third access point.
- I-405-65** The comment states that a feasible and reasonable alternative to the proposed Camino Mayor access would be a gated and locked emergency access private road only, adding that this alternative would avoid some of the impacts of the proposed route and the impacts of the two alternative alignments analyzed in Appendix D to the EIR. The County notes that the comment expresses the commenters’ desire for the Camino Mayor access to be gated. Gating the Camino Mayor access would limit use of Camino Mayor as an emergency access point, and its limited use by the project’s residents and members of the public, would not result in a significant traffic impact to Camino Mayor or to N. Twin Oaks Valley Road (refer to **Response to Comment I-405-16**); and, therefore, gating Camino Mayor is not necessary or required to reduce the project’s traffic impacts to below a level of significance. The comment will be provided to the decision-makers for their consideration.
- I-405-66** The comment states that a “[n]o West Side Access at Camino Mayor Alternative” should be studied in the Draft EIR. The County does not concur with the comment. Please see **Responses to Comments I-405-63** and **I-405-64**.
- I-405-67** The comment states that there is little to no justification to improve a private road over private properties that would impact native vegetation if the road is not needed or intended for general use by the project or the public and asks whether there is a

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state law or local regulation that requires the project to have an access road on the west side of the project.

Section 503 of the County's Consolidated Fire Code outlines the requirements to provide fire apparatus access roads, stating in Section 503.1 that "[f]ire apparatus access roads, except private residential driveways, shall be provided and maintained for purposes of rapid and reliable fire apparatus access and for unobstructed traffic circulation for evacuation or relocation of civilians during a wildfire or other emergency." Section 503.1.2, Additional Access, states "[t]he fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. When additional fire apparatus access roads are necessary as mitigation for the exceedance of the maximum allowable dead-end road length, the additional fire apparatus access road must be remote from the primary fire apparatus access road."

The Health and Safety Code (H&S Code) requires the State to adopt building standards related to fire and public safety. H&S Code section 13869.7(a) provides that a fire protection district organized pursuant to Part 2.7 (commencing with section 13800) of Division 12 of the H&S Code, may adopt building standards relating to fire and public safety that are more stringent than the building standard adopted by the State Fire Marshal and contained in the California Building Standards Code. H&S Code section 13869.7(c) requires a fire protection district to transmit its adopted ordinance to the county where the ordinance will apply and allows the legislative body of a county to ratify, modify or deny an adopted fire protection district ordinance. The fire protection districts within the boundary of San Diego County have collaborated to adopt by an ordinance for each district – the 2016 California Fire Code and amendments applicable to each district. The Consolidated Fire Code consists of the County's 2017 Fire Code and the amendments of each fire protection district to the State's Building Standards Code. Therefore, the County's Consolidated Fire Code, as required by the State's Health & Safety Code, establishes the justification for a third access point at Camino Mayor.

- I-405-68** The comment states that Camino Mayor Alternative Alignment 2 is preferred as it is limited to easement rights of the project applicant and would avoid many of the impacts to the proposed private road on the commenters' properties, adding that the southern willow scrub impacts would remain, and Camino Mayor Alternative Alignment 1 creates significant impacts because it does not follow the natural curvature of the land. The comment states that Alternative Alignment 2 would be subject to the same issues raised by the commenters as it pertains to the Camino Mayor alignment depicted on the Tentative Map and Preliminary Grading Plan. The

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County notes that the comment summarizes the commenters' concerns and opinions about the Camino Mayor alignment options and that it does not raise any issue with the adequacy of the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.

- I-405-69** The comment states a clear description of the project's requirement to have an access on the west should be provided, the project's impacts on the dangerous road conditions along N. Twin Oaks Valley Road should be addressed in a reasonable and feasible alternative, and that this alternative should include the widening and realignment of N. Twin Oaks Valley Road in conjunction with a gated and locked emergency access road on Camino Mayor. The Draft EIR contains a clear description of the project's proposed third access point at Camino Mayor (refer to **Response to Comment I-405-8**). The Camino Mayor access is the better of the two options for a third access point (refer to **Response to Comment I-405-63** above). The comment does not present any statistics or data as evidence to support the commenters' description of N. Twin Oaks Valley Road as dangerous (refer to **Response to Comment I-405-58** above and **Response to Comment O-1.11-4**). Finally, as it pertains to the analysis of project traffic on N. Twin Oaks Valley Road, as addressed in **Response to Comment I-405-16** above, the Draft EIR analyzed the project's traffic impacts on N. Twin Oaks Valley Road and found the project's impacts to be less than significant. For this reason, the project is not required to widen or realign N. Twin Oaks Valley Road (refer to **Response to Comment I-405-62**).
- I-405-70** The comment states that the project should not be allowed to go forward without an analysis of the project's impacts to the Camino Mayor/Twin Oaks Valley Road intersection and N. Twin Oaks Valley Road as well as an analysis of an alternative that would seek to reduce the impacts of the narrow roads over and above just improving the line of sight, adding that an environmental review of the construction of N. Twin Oaks Valley Road should be included in the Draft EIR. The County notes that the comment raises issues that have been previously raised and addressed in the Draft EIR and in **Response to Comment I-405-16** and **Response to Comment O-1.11-4**.
- I-405-71** The comment states that further reasonable and feasible alternatives exist for a west or north access to the project which should be analyzed, including an access directly from the project Site where it crosses N. Twin Oaks Valley Road and to the north where the project borders El Farra Street. The County does not concur that these alternative routes require consideration in the Draft EIR. Both of these access alternatives would create significantly greater biological impacts and open space fragmentation compared to the Camino Mayor alternative alignments and, as longer,

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more circuitous routes through significant more flammable vegetation before reaching a County Mobility Element road, would be inferior emergency ingress/egress routes compared to Camino Mayor.

I-405-72 The comment states that the alternatives analyzed appear to have been presented haphazardly and as an after-thought without an explanation as to why they were studied, that the alternatives do not address the hazardous road and intersection conditions, and that the proposed use of Camino Mayor by the project would create an overburdening condition. The County does not concur with the comment. Please see **Responses to Comments I-405-69** and **I-405-70**. As it pertains to the issue of overburden, please see **Response to Comment I-405-22**.

I-405-73 The comment states that all references and descriptions of the off-site private road Camino Mayor as an access to the project should be removed from the EIR unless the applicant is able to describe, disclose, and plot a clear legal right to use an easement over the commenters' properties. The County does not concur with the comment. Please see **Responses to Comments I-405-8, I-405-12, I-405-20, I-405-22, and I-405-23**.

I-405-74 The comment states that the Draft EIR should be revised and recirculated to include reasonable and feasible alternatives to the proposed Camino Mayor and refers to the dangerous road conditions along N. Twin Oaks Valley Road. The County does not concur with this comment. Please see **Response to Comment I-405-63** and **Response to Comment O-1.11-4**.

I-405-75 The comment refers to growth inducing impacts to North Twin Oaks Valley from an West-East Route and refers to Appendix D to the Draft EIR. The comment states that the growth inducing impacts could be mitigated by a locked and gated Camino Mayor, adding that, without this mitigation, the impacts to North Twin Oaks Valley could be more significant than those disclosed in the Draft EIR and which is not called for in the County's General Plan. The County does not concur with the comments.

The project's growth inducing impacts are described in Section 1.8 and addressed in Section 2.12 of the Draft EIR. The project does not generate significant new traffic on N. Twin Oaks Valley Road or Camino Mayor (refer to **Response to Comment I-405-16**), nor does it propose any improvements to N. Twin Oaks Valley Road that would result in growth inducing effects. Therefore, the project's Camino Mayor access alone would not result in any growth inducing effects.

I-405-76 The comment refers to the gated and private road section of N. Twin Oaks Valley Road (approximately 1.4 miles to the north of the Camino Mayor/N. Twin Oaks Valley Road intersection) and states that the potential for law enforcement to unlock

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this gate in an emergency and for it to potentially serve as an evacuation route could be a growth inducing impact of the project. The County does not concur with this comment. The potential for law enforcement to require a gate across a private road to be opened in an evacuation scenario is not a growth inducement issue within the meaning of CEQA. Please also see **Response to Comment I-405-75**.

I-405-77 The comment states that Camino Mayor would impact areas identified in the Draft North County MSCP Plan as a result of growth inducing impacts and the project's proposed improvements to Camino Mayor should be added to the project's list of growth inducing impacts. The comment expresses the opinion of the commenters, but does not present any evidence to support the claim. As it relates to the project's growth inducing impacts, please see **Response to Comment I-405-75**.

I-405-78 The comment states that there is no mention in the Draft EIR of the project's impacts on the canyons on either side of Camino Mayor or the biological resources within those canyons. The county does not agree with the comment. The project's biological impacts and mitigation measures are outlined in Biological Resources Technical Report (Appendix H to the Draft EIR) and Section 2.4, Biological Resources, to the Draft EIR. Section 2.4.4.11 (on page 2.4-15), Southern Willow Scrub, describes the southern willow scrub habitat along Camino Mayor as follows:

Southern willow scrub is a dense, broad-leafed, winter-deciduous riparian thicket dominated by several willow species (*Salix* spp.), with scattered emergent Fremont's cottonwood (*Populus fremontii*) and western sycamore (*Platanus racemosa*). This community was formerly extensive along the major rivers of coastal Southern California, but is now much reduced (Appendix H). Southern willow scrub is mapped throughout the project Site along North Twin Oaks Valley Road, the abandoned airstrip, and east of Gist Road (Figures 2.4-5A through 2.4-5E). There is also a small patch of southern willow scrub mapped adjacent to Camino Mayor in the off-site improvement area.

As it relates to the canyons and drainages found onsite, including in the northwestern portion of the project Site (i.e., in the vicinity of Camino Mayor), refer to Section 2.4.9.2 Hydrologic Context and Connectivity, of the Draft EIR. Please see **Response to Comment I-405-79** below for additional information on the project's wetland impacts and mitigation.

I-405-79 The comment states that a feasible and reasonable alternative that avoids the impacts to the southern willow scrub adjacent to the existing Camino Mayor dirt road should be addressed in the Draft EIR. All three Camino Mayor Alternative Alignments would result in impacts to 0.05 acre (approximately 2,200 square feet) of southern

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willow scrub (refer to Section 2.4.9, Wetlands/Jurisdictional Waters, RPO Wetland Determination (Off Site) on page 2.4-46 of the Draft EIR). The project's riparian and wetland habitat impacts would be mitigated in accordance with mitigation measure **M-BIO-12** on page 2.4-121 of the Draft EIR.

I-405-80 The comment refers to various species of animals and tropical plants that the commenters' state can be found on their properties. The comment provides background information, but does not raise an issue with the adequacy of the environmental analysis in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration. For information on the project's mitigation measure for impacts to migratory birds and raptors and other nesting birds, please see mitigation measure **M-BIO-5** beginning on page 2.4-110 of the Draft EIR.

I-405-81 The comment states that the project is a new community with more people and houses than in all of the unincorporated area of Twin Oaks Valley and that it will effectively end the lifestyle of the Twin Oaks Community, adding that the impacts on community character were not fully disclosed in the Draft EIR. The comment expresses the views of the commenters, but does not present evidence to support the comment and does not raise an issue with the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.

As it relates to the project's consistency with the County's General Plan Goals and Policies pertaining to community character, please refer to the project's conformity analysis (Appendix DD to the Draft EIR) for the General Plan Guiding Principles, Goals, and Policies, specifically the following Conservation, Housing, Land Use, and Mobility Goals and Policies: Policy COS-1.8, Policy COS-11.3, Policy COS-14.1, Policy COS-14.4, Policy COS-21.3, Goal H-2, Policy H-2.1, Policy LU-2.4, Policy LU-6.3, Policy LU-9.2, Policy LU-9.12, Policy LU-11.2, Policy LU-12.4, Goal M-2, Policy M-2.3, Policy M-4.3, and Goal M-10.

I-405-82 The comment refers to North County Metropolitan Subregional Plan Land Use Policy 1 relating to unincorporated land that is within the sphere of influence of a city. The project site is within the spheres of influence of the cities of San Marcos and Escondido. Please refer to the project's conformity analysis for the North County Metropolitan Subregional Plan Goals and Policies (Appendix DD to the Draft EIR beginning on page DD-143).

I-405-83 The comment states that a large part of the project site is within the City of San Marcos sphere of influence and states that San Marcos has pre-zoned the property for rural and agricultural uses. The comment states that the Twin Oaks Valley

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Community Plan portion of the City's General Plan does not allow for lots less than one acre in size north of La Cienega Road and Twin Oak Valley Road. The County does not concur with the comments.

The City of San Marcos General Plan does not apply to land outside of the City's boundaries (refer to **Responses to Comments O-1-466** and **O-1-473**). As to the reference to the Twin Oaks Valley Community Plan, no such plan formally exists. The Twin Oaks community is part of the North County Metropolitan Subregional Plan area.

I-405-84 The comment states that the Draft EIR fails to demonstrate how the project is consistent with the North County Metropolitan Subregional Plan Policy 1 (referenced in Comment I-405-82 above). The County does not concur with the comment. Please see the **Responses to Comments I-405-82** and **I-405-83**.

I-405-85 The comment states that the Community of Twin Oaks should be described as one community regardless of political boundaries and its existence predates the formation of either the City's or the County's boundaries. The comment expresses the opinion of the commenters, but does not raise an issue with the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.

I-405-86 The comment states that the project is inconsistent with County General Plan Safety Element Policy S-3.5, Mobility Element Policy M-4.3, Mobility Element Policy M-4.6, and Land Use Element Policy LU-6.10. The project has prepared a consistency analysis related to the County General Plan Guiding Principles, Goals, and Policies, including the policies mentioned in this comment. Please refer to Appendix DD to the Draft EIR, pages DD-131, DD-106, DD-107, and DD-84 for the project's conformity analysis with regard to Policies S-3.5, M-4.3, M-4.6, and LU-6.10, respectively.

I-405-87 The comment states that, given the issues raised in the commenters' letter pertaining to Camino Mayor and N. Twin Oaks Valley Road, the project is not consistent with the County's General Plan, and Camino Mayor will not meet the County's public or private road standards. The County does not concur with the comments.

As it pertains to issues raised by the comments on consistency with the County's General Plan, please refer to **Responses to Comments I-405-81** through **I-405-86**. As it pertains to Design Exceptions 15 and 16, please refer to **Responses to Comments I-405-30**, **I-405-62**, and **O-1.11-4**.

I-405-88 The comment states that the Draft EIR needs to be revised and recirculated and that the commenters reserve the right to submit additional comments. The comment

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expresses the opinion of the commenters, but does not raise an issue with the environmental analysis contained in the Draft EIR or within the meaning of CEQA. The comment will be provided to the decision-makers for their consideration.

I-405-89 The comment is Exhibit “A” to the comment letter, an ADT study prepared by Fuscoe Engineering for the parcels within Parcel Maps 8306 and 11792 based on the County’s current General Plan Designations for these parcels. Please refer to **Responses to Comments I-405-22 and I-405-27**.

I-405-90 The comment is Exhibit “B” to the comment letter, and it is the letter from the commenters to the County dated February 21, 2017, pertaining to the parcels owned by the commenters (APNs 174-300-22 and 174-300-23) and the Camino Mayor easement. The comment states that the owners of Parcel Map 11792 do not have the right to grant an easement over the commenters’ properties to anyone else and that there is no access from commenters’ properties to any other properties other than an easement owned by the commenters to access their parcel. The comment states that this information is provided to explain that nothing has changed in terms of the ownership of the commenters’ property and the rights to the existing Camino Mayor easements and that all such ownership rights are currently of record. The County notes that the concerns expressed in the letter about project access through the commenters’ properties. The County also points out that Camino Mayor Alternative Alignment 1 (which would go through APNs 174-300-21 and 174-300-24) would not impact any property owned by the commenters. As it pertains to issues related to the project applicant’s easement rights and issues related to overburdening of the Camino Mayor easement, please see **Response to Comment I-405-22**.

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