


COMMENTS	RESPONSES
<p style="text-align: center;">Comment Letter L1</p> <div style="display: flex; justify-content: space-between; align-items: center;">  <div> <p>9335 Hazard Way • Suite 200 • San Diego, CA 92123 (858) 614-7755 • FAX (858) 614-7766 Website: www.sdlafco.org</p> </div> </div> <p>San Diego Local Agency Formation Commission</p> <p>Chairman Sam Abed Mayor City of Escondido</p> <p>Vice Chairman Jo MacKenzie Vista Irrigation District</p> <p>Members Bill Horn County Board of Supervisors Dianne Jacob County Board of Supervisors Andrew Vanderlaan Public Member Lorie Zapf Councilmember City of San Diego Catherine Blakespear Mayor City of Encinitas Ed Sprague Olivenhain Municipal Water District</p> <p>Alternate Members Greg Cox County Board of Supervisors Chris Cate Councilmember City of San Diego Racquel Vasquez Mayor City of Lemon Grove Harry Mathis Public Member Judy Hanson Leucadia Wastewater District</p> <p>Executive Officer Michael D. Ott</p> <p>Counsel Michael G. Colantuono</p> <p>June 13, 2017</p> <p>Michelle Irace Department of Planning and Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, CA 92123</p> <p>SUBJECT: Notice of Availability of a Draft Environmental Impact Report, General Plan Amendment, Specific Plan, and Draft Habitat Loss Permit for the Harmony Grove Village South Project (Log. No. PDS2015-ER-15-08-006; SCH. No. 2015081071; PDS2015-GPA-15-002; PDS2015-SP-15-002; PDS2015-REZ-15-003; PDS2015-TM-5560; PDS2015-MUP-15-008; PDSXXXX-HLP-XXX)</p> <p>Ms. Irace,</p> <p>Thank you for allowing the San Diego Local Agency Formation Commission (LAFCO) to provide comments on the above referenced project. LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. Usually, LAFCO is a responsible agency for environmental review under the California Environmental Quality Act (CEQA) when jurisdictional changes and/or sphere amendments are proposed.</p> <p>As a responsible agency, LAFCO's discretionary review of proposed sphere of influence and/or jurisdictional boundary changes requires the associated environmental documents to contain, at a minimum: a discussion of the required jurisdictional and/or sphere of influence changes; a description of the ability of existing agencies to provide services; a detailed description of existing and proposed infrastructure; and a discussion of the proposed provision of public services to the subject territory. Therefore, we offer the following comments:</p> <p style="text-align: right;">L1-1</p>	<p>Response to Comment L1-1</p> <p>The County acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the EIR. Please see the responses below to specific comments.</p>


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<p style="text-align: right;">Comment Letter L1</p> <p>The proposed "Harmony Grove Village South" project involves the development of 453 residential dwelling units on approximately 111.0 acres within the unincorporated community of Harmony Grove, including the retention of approximately 75.0 acres, or 68% of the project site, as dedicated green space. The proposed project is presently located within the adopted sphere of influence and authorized service area of the Rincon del Diablo Municipal Water District (MWD) for the provision of imported water service; and is presently located within the adopted sphere of influence and authorized service area of the Rancho Santa Fe Fire Protection District (FPD) for the provision of fire protection services. No changes to the fire protection or water service provision arrangements are proposed as part of the project.</p> <p>The proposed project area is not presently located within the adopted sphere of influence or authorized service area of a public wastewater service provider. The project proposes two sewer options for the provision of wastewater collection and treatment services to the project site: the construction and operation of an on-site stand-alone wastewater treatment and water reclamation facility (WTWRF); or, connection to the existing Harmony Grove Village WRF. The Harmony Grove Village WRF is located within the adopted sphere of influence and authorized service area of the San Diego County Sanitation District (SD), which owns and operates the facility.</p> <p>Both of the sewer service options identified in the project's Draft Environmental Impact Report (DEIR) would require LAFCO review and approvals for inclusion of the project area within the San Diego County SD sphere of influence, and for annexation of the project area to the SD's authorized service area. Therefore, the DEIR should be revised to disclose and discuss all needed LAFCO approvals for changes to adopted spheres of influence and authorized service area boundaries, as well as to identify the project's connection distances to existing service infrastructure. In addition, the subject agency maps in the DEIR should include the respective agency's adopted sphere of influence.</p> <p><i>Section 1.8.4 Growth Inducement Due to Extension of Public Utilities</i> does not adequately disclose or discuss the project area and the unincorporated vicinity in terms of being presently unserved by an authorized sewer service provider. This section should be revised to quantify and provide additional discussion on the potential growth inducement impacts due to the extension of sewer services into currently unserved unincorporated territory.</p> <p><i>Section 3.2.1 Agriculture</i> should be revised to identify and discuss the LAFCO statutes and local policies for preservation of Prime Agricultural Lands and Open space. References to and discussions of the project in relation to Government Code Sections 56064 and 56377; and San Diego LAFCO Policy L-101 (Preservation of Open space and Agricultural Lands) should be included in the DEIR.</p> <p style="text-align: center;">2</p>	<p>Response to Comment L1-2</p> <p>The commenter requests that the EIR disclose and discuss all needed Local Agency Formation Commission (LAFCO) approvals for changes to adopted spheres of influence and authorized service area boundaries as well as to identify the Project's connection distances to existing service infrastructure.</p> <p>Factors such as topography, drainage basins, future growth in the area, public service and utilities impacts, agricultural resource impacts, and conformity with General Plan policies are described in the EIR. A Sewer Master Plan prepared for the Project provides an overall sewer service plan and determines the requirements for an on-site collection system (Dexter Wilson Engineering 2016). With respect to the Project's connection distances to existing service infrastructure, Figure 3-1 of the Sewer Master Plan (Appendix Q) shows the proposed sewage conveyance system for all of the alternatives described for the Project, including the connection distances. Specifics regarding the sewer system scenarios are provided in Section 1.2.2.2 and Subchapter 4.7 of the EIR and in the <i>Sewer Master Plan</i> contained in Appendix Q. Figure 1-6b, <i>Off-site Utilities</i>, depicts the sewer connections required to implement the Project.</p> <p>With respect to the needed LAFCO approvals, the County acknowledges that LAFCO would have discretion over governmental structure changes associated with the Proposed Project and would be a responsible agency for the related environmental review. This is consistent with the information in the EIR in Chapter 1.0, <i>Project Description, Location and Environmental Setting</i>, Section 1.5.1, <i>Matrix of Project Approvals/Permits</i> and Section 1.5.2, <i>Related Review and Consultation Requirements</i>, where LAFCO is identified as a Responsible Agency for approval of annexation and formation approval (water, sewer district, fire district) as necessary. Chapter 1.0, <i>Project Description, Location and Environmental Setting</i>, Section 1.5.2 provides that additional coordination will be required with water/sewer utilities and the school districts, regarding annexation, detachment, and authorization for sewer and fire, if the Project requires expansion of a service area or creation of a new service provider for sewer and reclaimed water. A completed Project Facility Availability – Sewer form dated March 3, 2015, was received from the San Diego County Sanitation District (CSD) (Appendix O). <u>An updated Project</u></p>

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	<p><u>Facility Availability form was received, dated March 7, 2018 (Appendix O). The form notes that the Project is not in the CSD and is not within its sphere of influence boundary, but facilities to serve the Project are reasonably expected to be available within the next 5 years and would be available subject to the conditions in the attachment provided with the form. As described above, a Sewer Master Plan has been prepared for the Project that determines the best sewer service plan alternatives for the Project and determines the requirements for all the identified sewer system scenarios, including an on-site collection system (Dexter Wilson Engineering 2016). Specifics regarding the sewer system scenarios are also provided in Section 1.2.2.2 and Subchapter 4.7 of the EIR. In accordance with the completed Project Facility Availability Sewer Form from the CSD. It is noted that LAFCO took action to extend Rincon MWD latent sewer powers to HGV on June 4, 2018. The HGV South Project was included within a “Special Study Area,” but no action was proposed to extend the service area to incorporate the Project. It is anticipated that the Project will request annexation into the a sewer service area for the Sanas Diego CSD appropriate, subsequent to LAFCO’s approval of the Project’s amendment to the sphere of influence for this a district. Since the treatment system could be owned and operated by the County, it would be designed to County standards. When a final wastewater treatment scenario is selected, a more detailed design report outlining the specific design requirements and associated infrastructure would be prepared and submitted to the County as a condition of Project approval (EIR, Section 3.1.10). The attached map shows the sphere of influence area as related to the Project.</u></p> <p>Response to Comment L1-3</p> <p>The County disagrees that the EIR did not adequately disclose or describe the Project area and the unincorporated vicinity in terms of being presently unserved by an authorized sewer service provider. As described in <u>DEIR</u> Section 3.1.11, <i>Utilities and Service Systems</i>, the Project is not located within a current sanitation district. A wastewater treatment facility that is sized to serve only the Proposed Project will be built and the Project Applicant will apply to be annexed into the <u>CSD appropriate district</u>. The option of utilizing the Harmony Grove Village (HGV) Water Reclamation Facility (WRF) for the Proposed Project’s wastewater treatment needs is also discussed in EIR</p>

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	<p>Subchapter 4.7, in lieu of the proposed on-site Water Treatment and Water Reclamation Facility (WTWRF) and related facilities. As described in EIR, the Project is located immediately south of (within approximately 550 feet of) the HGV WRF that is currently in the process of being considered by LAFCO to be incorporated into the CSD. HGV South is closer to public HGV park facilities south of Harmony Grove Road that is being proposed to be served by the CSD. The CSD provides sewer service for approximately 50,000 customers within the unincorporated communities of the County of San Diego. Collectively, the County's wastewater collection and conveyance system includes approximately 432 miles of pipeline, 8,200 manholes, and 12 lift stations. A discussion of facility needs related to wastewater treatment for the HGV South Project necessary in all scenarios is provided in Appendix Q, including administration, operations building, recycled water use areas, and solids disposal needs.</p> <p>The County disagrees that the EIR did not adequately disclose potential growth inducement impacts due to extension of sewer services, nor does this comment provide further specifics as to why the information is inadequate. Section 1.8.4, <i>Growth Inducement due to Extension of Public Facilities</i>, adequately discloses these potential impact as follows:</p> <p><i>With regard to sewer services, most existing County residences in the Project vicinity use septic systems for treatment of wastewater, with the exception of future HGV residents who will be served by the HGV WRF. Similarly, the Proposed Project would construct an on-site sewer system to serve future HGV South residents through one of several scenarios. These include a stand-alone WTWRF proposed as part of Project design and described above, or one of the alternatives described in Chapter 4.0 of this EIR that could include the provision of private sewer mains linking to the existing Harmony Grove Village WRF. If the Project provides an on-site WTWRF, it would be a small treatment facility that based on current use rates, would accommodate only the wastewater generated by the Project and would not include the processing equipment or capacity to treat effluent from other areas or future growth. No upgrades to the existing HGV pump station are anticipated. Capacity would be provided for Project needs only as</i></p>

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	<p><i>determined based on current technology and would not be extended to future development. In addition, there are no known large blocks of land equivalent to HGV South in the Harmony Grove community that owners could propose for development. Should that occur, however, future efforts to tie into any facilities by off-site users would be required to undergo independent environmental review and approval by the Board of Supervisors.</i></p> <p>Response to Comment L1-4</p> <p>The County disagrees that the EIR, Section 3.2.1, <i>Agriculture</i>, should be revised to discuss the LAFCO statutes for preservation of Prime Agricultural Lands and Open Space. The County acknowledges that San Diego LAFCO Policy L-101 encourages preservation of open space and prime agricultural land and that state law and LAFCO policy require the evaluation of how spheres of influence changes and/or changes of local governmental organization may affect open space and prime agricultural lands. However, the Project site does not support Prime Farmland or Prime Agricultural Lands, pursuant to County or LAFCO definitions, and as addressed in the attachment to the letter providing the definition of “prime agricultural land” under California Government Code Section 56064. Therefore, a conformance discussion is not warranted.</p> <p>Section 3.2.1 of the EIR states:</p> <p><i>The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. According to the State Farmland Mapping and Monitoring Program (FMMP), only Farmland of Local Importance (approximately 20 acres) and "Other" (approximately 91 acres) are present. Farmland of Local Importance is land that meets all the characteristics of prime and statewide farmland, with the exception of irrigation. "Other" includes timber, brush, wetlands, riparian habitats not suitable for cattle grazing, vacant and non-agricultural land surrounded by development, etc.</i></p> <p><i>Based on a site visit and a review of historic aerial photography, as well as a prior agricultural report</i></p>

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	<p><i>prepared for the property (RECON 2006), there is no evidence of agricultural use on the project site for over 65 years. In order to qualify for the Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance designations, land must have been cropped at some time during the four years prior to the last FMMP mapping date. Given the lack of agricultural use on the site, the Farmland of Local Importance designation of this area according to the State is incorrect. As noted in Appendix A, the Farmland designation was likely misapplied as a result of the large scale of the Statewide mapping effort—which assigns Farmland designations based on aerial photography and limited ground verification.</i></p>

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<p style="text-align: right;">Comment Letter L1</p> <p>Accordingly, San Diego LAFCO would serve as a Responsible Agency under CEQA for the proposed project's environmental review. The suggested revisions will help to ensure that the project's Final EIR is germane to LAFCO's responsibilities and will be adequate for subsequent use as a Responsible Agency.</p> <p>Should you have any questions, or if San Diego LAFCO may be of any further assistance, please contact me at (858) 614-7788.</p> <p>Sincerely,</p>  <p>ROBERT BARRY, AICP Chief Analyst</p> <p>Attachment: LAFCO Policy L-101</p> <p style="text-align: right;">3</p>	<p>Response to Comment L1-5</p> <p>These are conclusion comments. They do not raise specific issues regarding the content of the DEIR, but will be included as part of the administrative record and made available to the decision makers prior to a final decision on the Proposed Project.</p>

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<p style="text-align: right;">Comment Letter L1</p> <p style="text-align: right;">LEGISLATIVE POLICY L-101↑</p> <hr/> <p>Subject PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS</p> <p>Purpose To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation of open space and prime agricultural lands.</p> <p>Background The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Codes § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).</p> <p>Gov. Code § 56064 contains a definition of "Prime Agricultural Land." "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:</p> <ul style="list-style-type: none"> (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible. (b) Land that qualifies for rating 80 through 100 Storie Index Rating. (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003. <p style="text-align: right;">↓</p> <hr/> <p>SAN DIEGO LOCAL AGENCY FORMATION COMMISSION Page 1 of 2</p>	<p style="text-align: right;">L1-4 (con't from pg 2)</p>

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<p style="text-align: right;">Comment Letter L1</p> <p>L-101 LEGISLATIVE POLICY</p> <hr/> <p>(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.</p> <p>(e) Land that has returned from the production of unprocessed agricultural plan products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.</p> <p>Policy</p> <p>It is the policy of the San Diego Local Agency Formation Commission to:</p> <ol style="list-style-type: none"> 1. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area <i>or</i> the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use; 2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development; 3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands. <p>Adopted: November 6, 1978 Amended: June 4, 1990 Amended: May 4, 1998 Technically Updated: January 1, 2001 Technically Updated: June 16, 2015</p> <p>Cross-reference:</p> <p>SAN DIEGO LAFCO PROCEDURES: -Open Space and Agricultural Preservation</p> <hr/> <p>Page 2 of 2 SAN DIEGO LOCAL AGENCY FORMATION COMMISSION</p>	<div style="position: relative; height: 792px;"> <div style="position: absolute; top: 0; right: 0; width: 100px; height: 100px; border: 1px solid black; transform: rotate(90deg); transform-origin: right top;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; background: linear-gradient(to right, transparent 49%, black 49%, black 51%, transparent 51%); background-size: 200% 100%;"></div> </div> <div style="position: absolute; top: 430px; left: 430px; transform: rotate(90deg);">L1-4</div> </div>