

Comments Letter C

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TO: Robert Hingtgen (0650)
Department of Planning and Development Services

FROM: Chief, Governmental Services (0216)
Local Agency Formation Commission

SUBJECT: Draft Environmental Impact Report: Shadow Run Ranch;
PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-
3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH
NO. 2002061066

Thank you for the opportunity to provide additional information associated with this project. LAFCO submitted comments on June 25, 2002 when the Notice of Preparation for the Schoepe (Shadow Run Ranch) Tentative Map and Draft Environmental Impact Report (EIR) was initially circulated. To summarize, LAFCO's concerns focused on the conversion of prime agricultural land to other uses, the provision of sewer service, and the adequacy of structural fire protection. Because circumstances may have changed over the last 12 years, these issues should be discussed and addressed in the context of current conditions and incorporated into the environmental document.

At this time, the development plan includes subdividing 248 acres into 44 clustered residential parcels on two-acre minimum size lots, one biological open space lot of 91± acres, an agricultural open space lot of 39± acres, and one recreational open space lot of approximately 8 acres. Also, four parcels totaling about 12 acres under the same ownership will be added to the project area. A copy of LAFCO's previous letter is attached for reference. In addition, we offer the following remarks.

Agriculture

As discussed in our previous letter, the area proposed for development contains extensive acreage designated as Unique Farmland and is adjacent to land that was in agricultural production. LAFCO's definition of "prime agricultural land" differs from that used by the County. For your convenience, a copy of the definition contained in the Cortese-Knox- Hertzberg Act has been included with this letter. Moreover, San Diego LAFCO's Policy L-101 specifically discourages conversion of open space

Response to Comments Letter

1. The County of San Diego acknowledges the comment.
2. The comment is acknowledged. The issues of agriculture, sewer service, and fire protection have been analyzed in the DEIR that was released for public review. Prime agricultural land, as defined in Government Code 56064, and San Diego LAFCO's related Policy L-101 (the text of which were attached to and are included with the LAFCO letter), were addressed in DEIR Chapter 1, Project Description, on pages 1-6 under the LAFCO discussion, and on pages 1-7 (Water Service/Annexation), and 1-9 (Agriculture). A complete evaluation of the agriculture on the property is also included in Chapter 3.1.1. Sewer service is discussed in Chapter 1, Septic systems, on page 1-9 and in Chapter 3.1.6.2. The project will rely on private onsite wastewater systems for wastewater disposal. Fire protection service and annexation was discussed in the DEIR in Chapter 1, Fire Service/Annexation, on page 1-9, and Chapter 2.6.2.2 summarizes the fire protection plan design considerations prepared for the project. The full fire protection plan is Appendix E of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
3. The County acknowledges the comment; however, needs to clarify the statement made concerning the addition of "four parcels totaling 12 acres." The project application includes a Boundary Adjustment (BA 00-0205). The boundary adjustment will adjust the boundaries such that Parcel B is the site of the proposed subdivision and planned residential development. Resulting Parcels A, C, and D, located on the east side of Parcel B total approximately 16.9 acres and lie outside of the proposed subdivision. These three parcels would not be eligible for future subdivision given the current SR-10 land use designation. No changes were made to the DEIR documentation as a result of this comment.
4. The comment is acknowledged. The discussion in the DEIR, noted in Response 2 above, incorporates an analysis of LAFCO Policy L-101, which pertains to this provision. LAFCO Policy L-101 uses "prime agricultural lands" as a focus for its evaluation of agricultural lands. The definition of prime agricultural land provided on the San Diego LAFCO website (sdlafco.org, procedures/guidelines, glossary) was used in analyzing the Project's agricultural effects. The technical agricultural analysis completed for the Project determined that the site does not have prime agricultural land. There are no prime agricultural soils on the

and prime agricultural land to other uses. Thus, if conditions have remained consistent, the EIR must address preservation of open space and prime agricultural land in the context of both LAFCO's definition of prime agricultural land as well as Policy L-101, a copy of which is attached.

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Public Services

The proposed project involves annexation to the Yuima Municipal Water District (MWD) for provision of water and fire protection services. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive that water, property must be located in the boundary of a CWA member. At this time, none of the Shadow Run Ranch plan area is in the boundary of a member agency and thus is not eligible to obtain imported water.

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4. CONT. project site. The soils onsite, Soboba stony loamy sand (SsE), 9 to 30 percent slopes; Cienega-Fallbrook rocky sandy loam (CnG2), 30 to 65 percent slopes, eroded; Stony Land (SvE); and Cienega-Fallbrook rocky sandy loam (CnE2), 9 to 30 percent slopes, eroded, and rocky outcrop land, while adaptable to agriculture, are not considered prime soils. There is no Prime Farmland or Farmland of Statewide Importance on the site. The majority of the site is designated Unique Farmland, which is a classification for land producing the state's major high economic value crops on land not qualifying for Prime or Statewide Importance. A portion of the site is designated Other Land, which is land that does not meet the criteria of any other category. While no data on carrying capacity of the land is available, the site's current production is completely dependent on irrigation. This requirement is acknowledged by the State of California as an integral part of the Unique Farmland classification, and a key reason why the site is not Prime or Statewide Importance land. Consequently, the DEIR concluded that there would not be significant impacts to Prime Agricultural Land because there are no prime soils on the site, and there is no Prime Farmland or Farmland of Statewide Importance. Additionally the LARA Model analysis indicates the site is not a significant agricultural resource, as discussed in the DEIR, Section 3.1.1.2. Further, the project proposes an agricultural open space lot of 39.12 acres to preserve part of the existing agricultural grove operation and protect visual resources in a buffer along SR-76. This area is extensive enough to operate as a commercial agricultural activity. Provisions are also made to encourage and support the continuation of agriculture on individual lots. For example, lot grading will be restricted to building pads and a driveway, while grove trees outside these areas may be retained. Lastly, biological open space totaling 91.31 acres will be preserved and protected, mainly along Frey Creek in the western portion of the site, and higher elevation areas in the northern portion of the site. The Project does not affect prime agricultural land, but does preserve functioning commercial agriculture on the site. No changes were made to the DEIR documentation as a result of this comment.

5. The County acknowledges the comment that the project site is not within a County Water Authority (CWA) member agency boundary. The project proposes to annex to the Metropolitan Water District (MWD), CWA, and Yuima Municipal Water District (YMWD), which is a CWA member agency. See response C-6 for a description of the annexation process. No changes were made to the DEIR documentation as a result of this comment.

Therefore, water service provision is contingent upon the following actions: (1) annexation to Yuima MWD, which is a CWA member; (2) concurrent annexation to CWA and MET; and (3) amendments to include the territory in all three agencies' spheres of influence. Moreover, current drought conditions require that the EIR evaluate the District's ability to provide an adequate water supply to the project as well as addressing potential impacts to existing customers and resources resulting from distributing water to additional territory.

At this time, the project proposes that subsurface sewage disposal systems be installed on the residential lots. Provision of sewer service for the recreational open space lot was not mentioned and should be discussed and addressed. Utilizing septic systems appears to be the most feasible method of wastewater disposal since Yuima MWD does not have infrastructure in place to provide sewer service, and does not have authorization to do so. Extensive construction, numerous permits and approvals as well as activation of latent powers from LAFCO would be required for Yuima MWD to become a sewer service provider. Thus, annexation to Yuima MWD for wastewater service would not be a viable alternative.

Provision of structural fire protection and emergency medical services in San Diego County has changed dramatically over the last several years. LAFCO's previous letter questioned the adequacy of service provision to the increased population associated with residential development given the terms contained in Yuima's contract for fire services with the State. The current contract with information pertaining to response time and staffing levels should be examined and discussed in the environmental document. Specifically, the projected response times and the number of new staff members that would be hired to address the addition of at least 44 new residential units.

Sphere of Influence

Prior to or concurrent with consideration of the proposed annexation to Yuima MWD and the associated sphere of influence amendment, LAFCO needs to conduct a Municipal Service Review and Sphere of Influence Update Study. This type of report periodically evaluates service provision by each special district and includes recommendations for any potential sphere changes. Yuima, Mootamai, and Pala MWDs would be reviewed together based on their geographic location

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6. Since public review it has become clear that amendments to the sphere of influence and annexation to MWD, CWA, and YMWD will be necessary. A policy is in place for annexation, described in "San Diego County Water Authority Annexation Packet" (April 2016), Attachment A of Appendix P of the DEIR) which details annexation procedures for the MWD, CWA and YMWD. This attachment has been included in the public review files. The project will follow these procedures in annexation to the MWD, CWA, and YMWD for potable water service. The DEIR was changed in Section 5.1, 1.2, 1.2.1, 1.2.2.1, 1.5.1, 1.5.2, 2.6.2.2, 3.1.5.2, 3.1.6.2, and 4.3 to reflect this information. A summary of these changes is provided in Table 8.2 of the EIR Chapter 8.0. The primary text changes, from Section 1.2.1, items 4-6, pages 1-2 and 1-3, read as follows:

4. Amendment of the MWD, CWA, and YMWD spheres of influence to include the project site, three BA-adjusted lots, and three existing off-site lots not a part of the project;
5. Annexation to the MWD, CWA, and YMWD to provide potable water to the residential area of the proposed project. Three BA-adjusted lots, and three existing off-site lots not a part of the project will also be annexed but will not receive potable water from the project;
6. Detachment of one off-site parcel from Mootamai MWD prior to annexation to the MWD, CWA, and YMWD to provide potable water;

7. YMWD has indicated it has adequate resources to serve the project. An updated service availability letter to this effect has been included in the project record and is attached to these responses. The proposed 44 residential lots and recreational lot are anticipated to require 22 acre-feet per year of potable water. An additional three acre-feet would be needed if the six parcels outside the proposed subdivision included in the annexation eventually connect to YMWD's supply. According to the YMWD Comprehensive Annual Financial Report ending June 30, 2016, a total of 5,955 acre-feet of water was produced which was comprised of 39 percent groundwater (2,334 acre-feet) and 61 percent imported water (3,621 acre-feet). The 25 acre-feet that would be needed as a result of the proposed annexation would comprise 0.6 percent of the imported water amount for fiscal year ending 2016. Since 2007 the amount of imported water has ranged from a low of 1,184 acre-feet in 2012 to a high of 3,720 acre-feet in 2008. The additional 25 acre-feet of potable water demand is well within the annual fluctuations of total water produced by the District the past 10 years. No new facilities to supply this water are anticipated other than the water line extension shown in Figure 1-3 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.

8. The County appreciates the comment. The proposed recreation area had proposed the use of a septic system for the restroom; however, the project no longer proposes a restroom on the recreation lot, mainly due to increased annexation costs to provide potable water to the recreation lot. The recreation lot is not included in the proposed annexation area. The annexation narrative in Section 3.1.6.2 has been revised to clarify that annexation of only the residential area of the project is proposed.
9. The County concurs with the comment that annexation to YMWD for sewer service would not be advisable and that septic systems represent the best approach to wastewater disposal. Impacts related to installation of septic systems were assessed in Section 3.1.6.2 of the DEIR, page 3-64. Impacts were less than significant and no mitigation is proposed. No changes were made to the DEIR documentation as a result of this comment.
10. Chapter 4.1 of the fire protection plan for the project (DEIR, Appendix E) discusses the availability of fire service and the response times. The DEIR summarized this information in Section 2.6.2.2, "Analysis—Fire Hazards/Emergency Services", page 2-92 and concluded that the Calfire Rincon station, located approximately 4.8 miles from the project site, can provide service to the project site and meet the 10-minute travel time requirement. As described on page 1-9 of the DEIR, Calfire provides fire protection service to the Yuima Municipal Water District by contract, and the project site will annex into this District for fire protection service. No changes were made to the DEIR documentation as a result of this comment.
11. The County acknowledges the comment that states LAFCO needs to conduct a Municipal Service Review and Sphere of Influence Update Study in conjunction with annexation. No changes were made to the DEIR documentation as a result of this comment.

LAFCO will be a responsible agency for environmental review for this project because the jurisdictional changes including annexations to Yuima MWD, San Diego CWA, and MET as well as amendments to their spheres of influence are proposed. To satisfy our requirements, the EIR should: (1) discuss the project's agricultural implications as they relate to Government Code Section 56064 (definition of prime agricultural land) and LAFCO's Policy L-101; (2) identify proposed changes of organization (sphere amendments and annexations); and (3) evaluate the fire services contract to ensure that an adequate level of fire protection will be available.

Should you have any questions, or if LAFCO can provide additional assistance, please contact me either by e-mail at ingrid.hansen@sdcounty.ca.gov or by phone at 858/614-7755.

INGRIDE. HANSEN
Chief of Governmental Services

IEH:ih
Attachments: June 25, 2002 LAFCO Letter
LAFCO Policy L-101
Government Code Section 56064

- 12. The County acknowledges the comment that LAFCO will be the responsible agency for environmental review as related to annexations. No changes were made to the DEIR documentation as a result of this comment.
- 13. The County acknowledges the comment. Agriculture is addressed, as detailed in the responses to comments nos. 2 and 4 above. No changes were made to the DEIR documentation as a result of this comment.
- 14. Changes in the sphere of influence and Annexation requirements for the project are discussed in Chapter 1, "Water Service/Annexation", pages 1-7, and "Fire Service/Annexation", page 1-9 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
- 15. Fire protection services are addressed as detailed in the responses to comments nos. 2 and 10 above. No changes were made to the DEIR documentation as a result of this comment.