



FARM BUREAU SAN DIEGO COUNTY

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Letter O8

July 28, 2014

Marl Slovick
County of San Diego Department of Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

Re: DREIR for Lilac Hills

Dear Mr. Slovick:

Thank you for this opportunity to comment on the Draft Revised Environmental Impact Report for the Proposed Lola Hills Ranch Master Planned Community (DREIR). San Diego County Farm Bureau represents farmers throughout San Diego County with the mission to represent San Diego agriculture through public relations, education, and public policy advocacy in order to promote the economic viability of agriculture balanced with appropriate management of natural resources.

O8-1

Our first comment is that we believe the County of San Diego's agricultural policies should be front and center to in the discussion and analysis in regards to the project. In particular, attention should be paid to the policy under COS 6.2 that states:

O8-2

Discourage development that is potentially incompatible with intensive agricultural uses includes schools and civic buildings where the public gather, daycare facilities under private institutional use, private institutional uses (e.g., private hospitals or rest homes), residential densities higher than two dwelling units per acre, and offices and retail commercial.

O8-3

Our chief concern is for the continuing and unobstructed operation of current and future farming enterprises immediately adjacent to and in the vicinity of the proposed project.

By virtue that all of the uses mentioned in the policy above are proposed for placement in the project and that mitigation is proposed in consideration of adjacent agricultural uses, it must be assumed that the uses are, in fact, "potentially incompatible" and by county policy should be discouraged. We believe the DREIR should specifically address this point and include a discussion on the County's consideration to set aside the policy statement.

O8-4

In addressing COS 6.2 the DREIR on page 118 relies heavily on disclosure statements given to new residents and an education program for new residents on the role agriculture plays in the area. Over time we believe such a program will deteriorate. Most important to note is that no manner of

O8-5

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O8-1 The comment is an introduction to comments that follow. No further response is required.

O8-2 The comment expresses the opinions of the commentator. The comment will be included as part of the record and made available to the decision maker prior to a final decision on the proposed project. No further response is required.

O8-3 The comment voices a "chief concern" for continued agricultural operations in the vicinity of the project. The comment is noted and will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, as to the purported County policy, the text referenced in the comment is not a policy, but rather further clarification and reasoning for Policy COS 6.2. For clarification purposes, the actual text of County policy COS 6.2 is as follows:

Protection of Agricultural Operations. Protect existing agricultural operations from encroachment of incompatible land uses by doing the following:

- Limiting the ability of new development to take actions to limit existing agricultural uses by informing and educating new projects as to the potential impacts from agricultural operations
Encouraging new or expanded agricultural land uses to provide a buffer of non-intensive agriculture or other appropriate uses (e.g., landscape screening) between intensive uses and adjacent non-agricultural land uses
Allowing for agricultural uses in agricultural areas and designing development and lots in a manner that facilitates continued agricultural use within the development.
Supporting local and State right-to-farm regulations
Retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process

Consistent with Policy COS 6.2, the project includes measures to ensure existing agricultural operations would be protected from incompatible use. To analyze the potential indirect impacts to agricultural resources, the FEIR identified 13 "agricultural adjacency areas" or "AAs," around those portions of the project perimeter where the proposed development would abut existing off-site agricultural operations (FEIR, Figure 2.4-7; ARR Figure 16). Analysis of the

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	<p>O8-3 (cont.)</p> <p>project's impacts relative to each AA is presented in FEIR subchapter 2.4.2.3 and ARR Section 3.0. For those AAs where the FEIR identifies potentially significant impacts, mitigation is proposed that requires: (1) establishment of a 50-foot-wide agricultural buffer planted with two rows of the appropriate tree crop; (2) establishment of a limited building zone ("LBZ") beyond the agricultural buffer of varying widths dependent upon the site specifics; and (3) construction of a 6-foot-high fence made of either solid masonry or a combination of masonry and metal. (FEIR mitigation measures M-AG-2, M-AG-3, and M-AG-4.) Refer to Global Response: Agricultural Resources, Indirect Impacts for additional detail. In addition, consistent with policy COS 6.2, a project design consideration requires disclosure statements in all sales documentation for all proposed residential units notifying potential owners that the adjacent property may be used for agricultural operations, which could result in odors, noise, and vectors, and, that these existing uses maintain certain rights to continue as agricultural operations. (FEIR, Chapter 1.0, Table 1-3) Additionally, the Specific Plan has been designed to locate open space or larger lots near the project boundaries to provide a land use transition to adjacent agricultural operations. Part III of the Specific Plan, Section D.3.c describes the naturalized transitional landscape zone, "Significant areas of open space are adjacent to portions of the community's perimeter, offering opportunities to create blended transitions between the community and the surrounding agriculture or natural open space.</p> <p>Primarily native drought-tolerant plant species will be used in these areas with possible addition of groves of fruit trees." Part III of the Specific Plan, Section J.2 describes the agricultural uses proposed in the onsite open space that would also provide land use transitions and increase compatibility with off-site agricultural operations. In addition, the Specific Plan allows for interim agricultural uses to continue on site prior to their development (Specific Plan, Part III, J.2.c.).</p> <p>Part III of the Specific Plan, Section E.4.b.xi. provides site planning guidelines for single-family detached residential neighborhoods and specifically states, "Certain Final Maps will be required to plot the largest of the lots proposed on each such map along the community boundary.</p>
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	<p>O8-3 (cont.) It also states that “consideration will be given to additional opportunities to reduce conflicts including providing a grade separation and planting buffers to allow vegetation to mature and screen the adjoining properties.” This Specific Plan Guideline will ensure that future maps are designed with sensitivity to off-site land uses.</p> <p>Therefore, considering the project design, Specific Plan policies and guidelines, and mitigation measures that would be implemented to ensure compatibility with surrounding agricultural operations, the proposed project is consistent with Policy COS 6.2.</p> <p>O8-4 As discussed in response to comment O8-3 above, the referenced text is not County Policy COS 6.2, but further clarification and reasoning for the Policy. Also, as discussed in response to comment O8-3 above, and O8-5 below, the proposed project is consistent with Policy COS 6.2.</p> <p>O8-5 The comment states that the FEIR “relies heavily” on disclosure statements in addressing Policy COS 6.2, referring to the FEIR Agricultural Resources Report, Appendix F, p. 118. However, as noted in response to comment O8-3 above, the disclosure statements are just one of a number of measures that would reduce potential conflicts between the proposed project and existing agricultural operations. Please also see Global Response: Agricultural Resources, Indirect Effects, for additional information regarding this subject. Additionally, the commentator’s statements that the disclosure statement program will “deteriorate” over time and that no manner of noticing or education will keep residents of the new community from filing complaints is acknowledged. The purpose of the noticing is to provide future residents with notice of the surrounding agricultural operations and the rights of those agricultural operations to continue using customary agricultural practices. The project does not rely on the noticing requirement to reduce significant impacts. Rather, the project relies on agricultural buffering, limited building zones and fencing to avoid impacts (M-AG-2, M-AG-3, and M-AG-4). Furthermore, disclosure statements would continue to be a requirement for new home sales and resales. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. See also response to comment O8-3 and Global Response: Agricultural Resources, Indirect Effects.</p>
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noticing or education can keep any individual resident of the new community from filing complaints that result from essential agricultural practices that can create noise, odors, early morning and late evening operations, or dust. We believe the statement that CC&Rs will limit new residents' ability to lodge complaints against farmers is a misstatement and should be struck and replaced with acknowledgement that there is no manner to prevent a citizen from exercising his or her right to file a complaint.

O8-5
cont.

In Section 3.2.2 it states "The pressure from adjoining neighbors' complaints related to legal farming activities may heighten the attractiveness of selling the farm for development." This shows that even within the DREIR there is acknowledgement that complaints without merit should be expected when incompatible uses are placed side by side.

O8-6

Agricultural buffers are included as a mitigation measure along specific boundaries of the project. Our concern is that the buffers are intended to be maintained by the HOA. We have two concerns. First, the HOA will soon learn that their linear buffers are difficult and expensive to manage as compared to commercial farms. Because of this a real possibility exists that the agricultural buffer will not be maintained in a commercially clean manner. That leads to our second concern, which would be the existence of ignored trees acting as a pathway for diseases and insect pests entering into adjacent farms. This has never been as dramatic a concern as it is today with Asian citrus psyllid (ACP) threatening the county's citrus producers. It has been shown that the movement of ACP into commercial groves was initiated by infestations in residential neighborhoods. Future infestation of other exotic pests and diseases are certain.

O8-7

O8-8

O8-9

We believe the DREIR is lacking in consideration of the threat posed by residential uses and the accompanying fruit trees, whether in buffers or backyards, upon farms in the entire area.

O8-10

Among the mitigation measures are the call for 50 foot buffers and a six-foot fence along stretches of the proposed project boundary and adjacent farms. We believe those are woefully inadequate. Even in the stretches where a 100 foot LBZ is proposed, residential activities could take place right up to the barrier fence. We believe the development should be pushed further inward from the adjacent farmlands. This comment extends to the potential farmlands adjacent to or near the proposed development.

O8-11

Our final comment is on the DREIR's lack of an analysis on the impacts to rural agriculture when an intense urban use is placed in its midst. The DREIR focus on farm impacts outside the project look only at the farm operations directly adjacent to the proposed project. Our concern is for those farmers in the vicinity of the proposed project who wish to continue farming without the burden of urban/rural conflicts and intrusions onto their farms. It is our opinion that the size of the proposed project requires a more robust analysis of the impacts to farmers not only adjacent to the proposed project, but even those throughout the community who may be affected.

O8-12

Sincerely,

 Eric Larson
 Executive Director

O8-6 The FEIR does acknowledge that complaints without merit can occur as referenced by the commenter. The subsection of the Agricultural Resources Report, FEIR, Appendix F, referenced in the comment goes on to explain that "many of these farming concerns are addressed through the implementation of the County Agricultural Enterprises and Consumer Information Ordinance disclosure statements and mitigation measures." (Agricultural Resources Report, FEIR Appendix F, Section 3.2.2) As discussed in response to comment O8-5, and in more detail in Global Response: Agricultural Resources, Indirect Effects, the FEIR contains a detailed analysis of the potential impacts associated with agricultural land use compatibility and, in addition to the subject notice requirements, the project includes mitigation measures that would reduce the potential for indirect impacts to occur, including the establishment of agricultural buffers, limited building zones, and fencing.

O8-7 The comment notes a concern with maintenance by the homeowner's association (HOA) of the agricultural buffers, included as mitigation along specific boundaries of the project. The comment is an introduction to comments that follow and further response is provided in the following responses.

O8-8 The comment states that linear buffers are difficult and expensive to maintain and, as a result, a "real possibility" exists that the buffer will not be properly maintained. Preliminarily, the statement that the buffers will be difficult to maintain or will not be properly maintained is speculative. Furthermore, the agricultural buffers are not intended to be a commercial operation. The Specific Plan (Part III) sets forth the requirements of the community to maintain landscaping, common areas, and agricultural operations, including the agricultural mitigation buffers. By virtue of the fact that this requirement is part of the Specific Plan, it will be carried forward into future Site Plans that will have ongoing conditions that require common areas to be properly maintained. The project will include ongoing conditions on future site plans, enforceable by the County, requiring that landscaping shall be maintained. Lastly, there is no requirement that the agriculture must be commercially viable as the commenter suggests, which is why the HOA is conditioned to ensure that the agriculture is maintained consistent with County Landscape Standards.

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	<p>O8-8 (cont.) Additionally, as the agricultural buffer will be implemented through mitigation measure M-AG-2, which requires establishment of a 50-foot-wide agricultural buffer planted with two rows of the appropriate tree crop (e.g., citrus, avocado), the buffer requirement will be included in a mitigation monitoring and reporting program (MMRP) adopted by the County to ensure proper implementation. (See Pub. Resources Code Section 21081.6; CEQA Guidelines Section 15097.)</p> <p>Please see Global Response: Agricultural Resources, Indirect Effects, for additional information regarding agricultural buffers.</p> <p>O8-9 The comment states that the “ignored trees” that would result due to the difficulty in maintaining agricultural buffers would act as a pathway for diseases and insect pests entering into adjacent farms. Preliminarily, the comment is based on the assumption that the agricultural buffers will not be maintained. However, each homeowner will fund the HOA to provide for proper maintenance of common areas. Please see response to comment O8-8 above, and Global Response: Agricultural Resources, Indirect Effects.</p> <p>In addition, the Specific Plan has been revised to specify the management responsibility of the HOA with regard to Asian citrus psyllid and common area fruit trees in general. In addition, this requirement has been added as a project design feature to Table 1-3 and is discussed in the FEIR, subchapter 2.4 and Appendix F.</p> <p>Part III of the Specific Plan, section M.15.k has been revised to state:</p> <p>“k. Lilac Hills Ranch will use commercially acceptable farming practices for on-site agriculture that are consistent with surrounding uses and County Ordinances. All fruit trees within common areas shall be managed using best practices to avoid breeding of pests that could cause economic damage to agricultural crops. The HOA shall allow placement of traps by the Agriculture, Weights and Measures Pest Detection Program within common areas. The HOA will be required to manage common areas including agricultural areas are will be required to ensure that ripe fruit is harvested and is not allowed to remain on the ground. Citrus trees planted in common areas shall be managed for prevention of the Asian citrus psyllid, as detailed below:</p>
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	<p>O8-9 (cont.)</p> <ul style="list-style-type: none"> • Plant trees from reputable, licensed California nurseries and use only registered budwood that comes with source documentation. • Conduct regular inspections for the Asian citrus psyllid and Huanglongbing. • Dry or double bag plant clippings with evidence of Asian citrus psyllid and/or Huanglongbing infestation prior to disposal.” <p>O8-10 The comment is a summation of the commenter’s concerns, which have been addressed in the preceding responses. Please see responses to comments O8-8 and O8-9, above, and Global Response: Agricultural Resources, Indirect Effects, for information responsive to the comment.</p> <p>O8-11 While the agricultural buffer widths are identified as minimum 50-foot areas, additional buffer widths are proposed through the use of a limited building zone in which construction is restricted to certain types of structures. See FEIR Table 2.4-7. As shown, depending on the individual land use, total separation of land uses vary. As noted in FEIR subchapter 2.4.6, County Guidelines recognize that there is no scientific literature available that provides guidance as to exactly what buffer widths are required for each type of compatibility impact; but buffers are nevertheless, the most important tool to minimize interface conflicts. In determining the appropriate buffer widths to be applied in this case, the County reviewed and considered relevant studies, and the site-specific conditions, including the Pennebaker report, “Agricultural Buffer Criteria for the City of Arroyo Grande” as discussed further in the Agricultural Technical Report, Appendix F. Based on this literature review, the County has determined that the recommended mitigation measures are adequate. In particular, the Pennebaker study reports that minimum buffer widths can be as small as 10 feet, with maximum buffer widths ranging between 66 to 131 feet. The recommended mitigation measures would provide a minimum 50-foot agricultural buffer, including one to two rows of trees, and an additional buffer of varying widths through implementation of a LBZ, as shown in FEIR Table 2.4-7.</p>
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	<p>O8-12 The comment requests a “more robust analysis” of the impacts to farmers in the vicinity of the proposed project who might be affected by the proposed project. FEIR subchapter 2.4, the supporting Agricultural Resources Report, FEIR Appendix F, and Global Response: Agricultural Resources, Indirect Effects adequately address the proposed project's potential effects on the area's farming community, including adjacent and nearby agricultural operations, within one-quarter mile of the project. While the focus of the analysis is on agricultural lands adjacent to the project site, indirect impacts to agricultural operations at those farms further away from the project boundaries would be less in light of the increased distance.</p> <p>In addition, the FEIR includes a thorough analysis of General Plan consistency, which addresses the preservation of the rural and agricultural character in the overall community. Refer to Appendix X of the FEIR and the Global Response: General Plan Amendment CEQA Impacts Analysis, which demonstrates that the project would be consistent with General Plan policies relative to the surrounding community, including agriculture related policies. For example, Appendix W provides analysis of Bonsall Community Plan Policy LU-1.1.1, which requires that development preserve the rural qualities of the area, minimize traffic congestion, and not adversely affect the natural environment. The analysis determined that the project is consistent with this policy because the project was designed consistent with the Community Development Model, which locates housing close to retail, services, schools, and jobs, and preserves open space, natural habitat, and agriculture, which will contribute to the retention of the rural setting and lifestyle of the adjacent community.</p>
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