Letter C1o

DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA),PDS2012-3810-12-001 (SP)

2.7 Hazardous Materials and Wild Fires – Comments

2.7.1.1 Regulatory Setting

Among other federal and state regulations, the County of San Diego's General Plan Safety Element sets goals for safety, particularly as they relate to land uses, planning, hazardous materials, and human safety. Goal S-11 reads:

Controlled Hazardous Material Exposure. *Limit human and environmental exposure to hazardous materials that pose a threat to human lives or environmental resources.*

Among the policies intended to achieve that goal is Policy S-11.5:

Development Adjacent to Agricultural Operations. *Require development adjacent to existing agricultural operations in Semi-Rural and Rural Lands to adequately buffer agricultural areas and ensure compliance with relevant safety codes where pesticides or other hazardous materials are used.*

Given the density of the proposed Lilac Hills Ranch development [the Project] [from 2.9 to 20+ dwelling units per acre on 608-acres], and given the intimacy of the proposed Project with the existing productive agricultural operations on the thousands of acres that surround it, why is there no discussion in this section of the DEIR of the buffering requirements needed to separate prospective residents of the Project from the on-going spraying of fumigants, pesticides, and fertilizers on agricultural lands that border the Project? C1o-1

Human safety, in these particular circumstances, would seem to warrant a discussion of buffers to existing agricultural operations. Why is the buffering plan not presented in connection with hazardous materials? C1o-2

The present plan appears to ignore buffering of neighboring agricultural operations completely. This Project is replete with sensitive receptors such as schools, parks, homes, a church and a senior assisted living facility. Does the applicant anticipate that the County will impose buffer areas on the surrounding agricultural operations after approval of the Project? C1o-3

Have the surrounding agricultural operations been notified that their operations may be significantly impacted if buffering is imposed on them rather than the applicant? C1o-4

C1o-1 Significant impacts associated with agricultural adjacency issues are addressed in the FEIR subchapter 2.4. Mitigation measures are required to buffer on-site residential and other uses from off-site agricultural operations which, in some cases, include pesticide usage. The FEIR was revised to direct the reader to the Agricultural Resources section for a full evaluation of the project's compatibility with off-site agricultural operations, including a discussion of adjacency areas and off-site spraying. The project design features combined with the required mitigation is adequate to protect future residences with adjacency issues. Refer to Global Response: Agricultural Resources, Indirect Impacts for additional details.

C1o-2 See response to comment C1o-1 above.

C1o-3 Refer to FEIR subchapter 2.4 and Global Response: Agricultural Resources, Indirect Impacts. The project identifies significant indirect Impacts AG-2 through AG-15 related to adjacency issues. Mitigation measures M-AG-2 though M-AG-5 are proposed to provide adequate buffering and reduce the potential impacts to below a level of significance.

C1o-4 Please see response to comments C1o-1 and C1o-3, and Global Response: Agricultural Resources, Indirect Impacts. All landowners have been notified in accordance with County notification requirements.

Policy S-11.5 seems to put the burden of buffering on the applicant, not the existing agricultural operations. Will this be one of the General Plan policies that will be changed to accommodate the Project at the expense of established agriculture?

C1o-4 cont.

A reasonable analysis of the buffering requirement would conclude that buffering surrounding agricultural operations from the Project presents a significant impact to existing agriculture. The applicant's "Analysis of Project Impacts and Determination of Significance," [2.7.2] points to how significant this impact is:

The project would result in a significant impact if it would:
1. Hazardous Substance Handling: Create a significant hazard to the public through the use of hazardous substances.

While the applicant's intention was to discuss the applicant's proposed on-site handling of hazardous materials, that discussion should have also included the issue of buffering the application of pesticides, herbicides, fungicides, amendments and fertilizers by existing agricultural operations. More than one operation adjacent to the Project uses helicopters to apply agricultural chemicals to broad swaths of orchards and fields. Overspray could be an issue if not properly buffered. How will the applicant address this CEQA mandatory finding of significance?

C1o-5

2.7.2.1 Hazardous Substance Handling

In the discussion about hazardous materials in connection with the Wastewater Recycling Facility [WRF], the DEIR states:

Based on conformance with the described requirements for hazardous materials, the project would result in less than significant impacts related to use of hazardous substances.

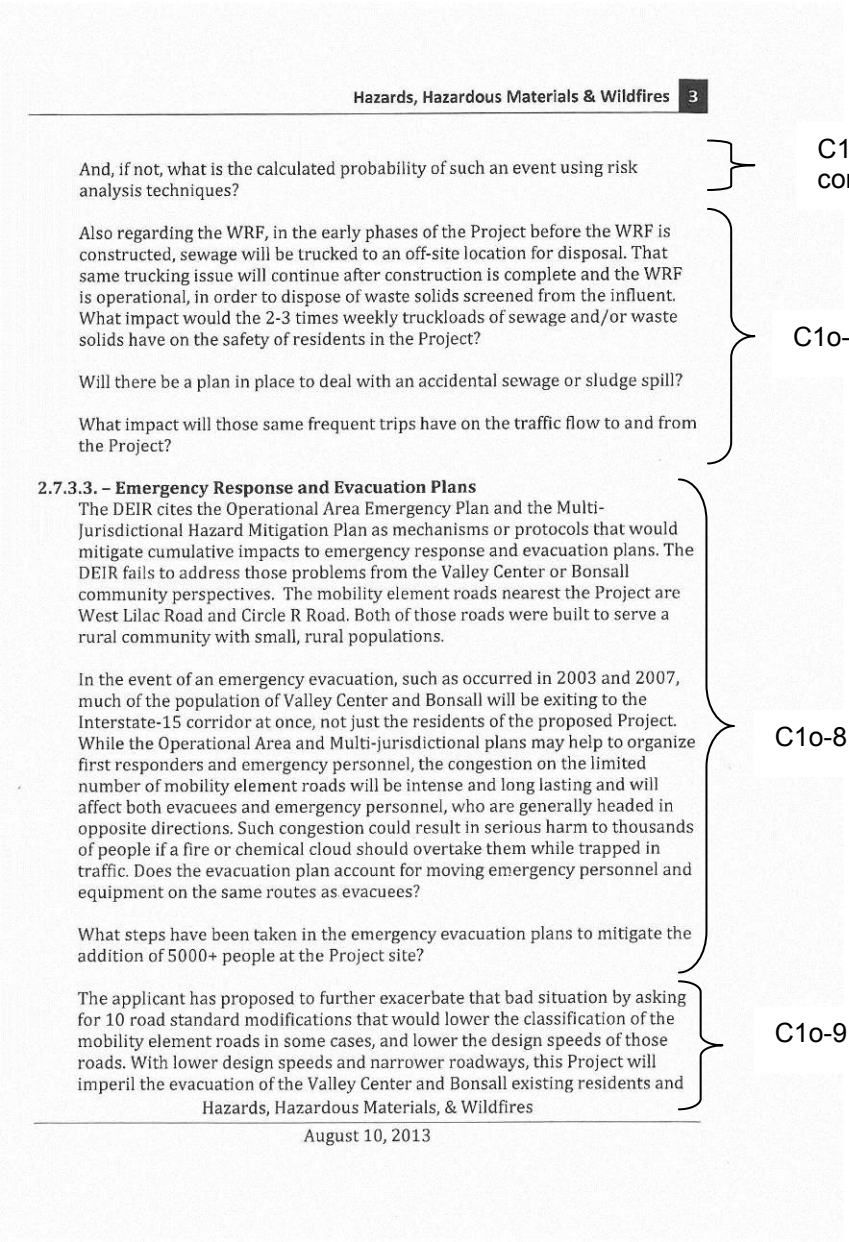
It seems to be saying that if all the rules are followed there is little risk of an accidental release of a hazardous material like chlorine gas. And yet, there was just such a release at the Escondido water treatment facility last year. That facility was operating under the same strict federal, state, and county controls that are being cited here.

This suggests that the risk of such accidents is real and not zero probability, even under strict control. One might conclude that even with Best Management Practices, the risk is real and likely significant. Given that the proposed school site is a mere 686-feet from the WRF and homes only 250-feet away, and down wind most days, isn't the conclusion that the risks from the use of toxic, hazardous chemicals are less than significant, overly optimistic?

C1o-6

C1o-5 Refer to response to comments C1o-1 and C1o-3, Global Response: Agricultural Resources, Indirect Impacts, and FEIR subchapter 2.4. As suggested by this comment, the FEIR identifies significant indirect impacts related to adjacency issues and identifies appropriate mitigation to reduce these impacts to below a level of significance.

C1o-6 As discussed in the FEIR, subchapter 2.7, the risk of accidental release of chlorine gas is less than significant. The multiple safety measures taken include required inspections by multiple agencies; a Risk Management Plan (RMP) and plant design all ensure that the impact of the location and operation of the Water Reclamation Facility (WRF) is less than significant.



And, if not, what is the calculated probability of such an event using risk analysis techniques?

C1o-6 cont.

Also regarding the WRF, in the early phases of the Project before the WRF is constructed, sewage will be trucked to an off-site location for disposal. That same trucking issue will continue after construction is complete and the WRF is operational, in order to dispose of waste solids screened from the influent. What impact would the 2-3 times weekly truckloads of sewage and/or waste solids have on the safety of residents in the Project?

Will there be a plan in place to deal with an accidental sewage or sludge spill?

What impact will those same frequent trips have on the traffic flow to and from the Project?

C1o-7

2.7.3.3. – Emergency Response and Evacuation Plans

The DEIR cites the Operational Area Emergency Plan and the Multi-Jurisdictional Hazard Mitigation Plan as mechanisms or protocols that would mitigate cumulative impacts to emergency response and evacuation plans. The DEIR fails to address those problems from the Valley Center or Bonsall community perspectives. The mobility element roads nearest the Project are West Lilac Road and Circle R Road. Both of those roads were built to serve a rural community with small, rural populations.

In the event of an emergency evacuation, such as occurred in 2003 and 2007, much of the population of Valley Center and Bonsall will be exiting to the Interstate-15 corridor at once, not just the residents of the proposed Project. While the Operational Area and Multi-jurisdictional plans may help to organize first responders and emergency personnel, the congestion on the limited number of mobility element roads will be intense and long lasting and will affect both evacuees and emergency personnel, who are generally headed in opposite directions. Such congestion could result in serious harm to thousands of people if a fire or chemical cloud should overtake them while trapped in traffic. Does the evacuation plan account for moving emergency personnel and equipment on the same routes as evacuees?

What steps have been taken in the emergency evacuation plans to mitigate the addition of 5000+ people at the Project site?

C1o-8

The applicant has proposed to further exacerbate that bad situation by asking for 10 road standard modifications that would lower the classification of the mobility element roads in some cases, and lower the design speeds of those roads. With lower design speeds and narrower roadways, this Project will imperil the evacuation of the Valley Center and Bonsall existing residents and

C1o-9

C1o-7 The FEIR, Chapter 1.0 and subchapter 3.1.7, has been revised to clarify that sewage may be collected and trucked to an off-site facility for the first 100 homes. This is necessary due to the fact that a minimum flow would be needed to operate the WRF and as soon as sufficient flows are available, trucking operators would cease.

The sewage will be hauled by a company that is familiar with the practices and response procedures needed when hauling sewage. These include safety procedures for the truckers themselves as well as procedures for accidental spill of material. Initial trucking of sewage will likely take place for a period of three to six months and would involve approximately one to three trucks per week.

The comment also discusses trucking after the construction of the WRF is operational. The other type of material that would be screened from an on-site treatment plant would be dry solids and would be disposed of in a bin. The company would be familiar with the procedures needed to deal with an accidental spill. In the case of the screenings it would be a spill of solid material not liquid material. The facility is designed to contain any spills that may occur on-site.

Trucking of sewage would be required for up to the first 100 homes. This would equate to approximately three truck trips per day and would not have any affect on traffic flow.

C1o-8 The Evacuation Plan (Draft REIR Appendix K) considers both evacuation and the first responder traffic, as shown by it stating the following: “[d]uring an emergency evacuation from the proposed Lilac Hills Ranch development, the primary and secondary roadways will have to be shared with responding emergency vehicles…”

As indicated in the FEIR subchapter 2.7.6, impacts associated with emergency response and evacuation plans would be less than significant and no mitigation is warranted. In summary, contingency plan evacuations will be implemented in phases, based on predetermined trigger points, so smaller percentages of the evacuees are on the road at the same time. When a wildfire occurs, if it reaches a predetermined trigger point, then the population segment located in a particularly vulnerable area downwind of that trigger point would be evacuated.

impede the prospective residents of the Project at the same time. Such a large urban Project located in a rural setting with limited mobility options could single-handedly, never mind cumulatively, severely and significantly put hundreds of people at risk in the event of a large scale hazardous event like those experienced in 2003 and 2007. Will the applicant be allowed to modify the mobility element roads and private access roads standards with lower design speeds and narrower roadways?

C1o-9 cont.

And, if yes, what impact will those modifications have on emergency evacuations from Bonsall and Valley Center requiring travel from east to west, west to east, north to south, and south to north?

C1o-10

The Project's Evacuation Plan, which amounts to "Ready! Set! Go!", is overly simplistic and fails to address the surrounding communities and the impacts caused by evacuating the entire community of Valley Center, twenty to thirty thousand people, over limited west-east evacuation routes, through a new city of 5000+ residents. Congestion was the rule, not the exception during earlier catastrophic fire events. This evacuation plan is oblivious to the wider requirements for West Lilac Road, Circle R Road, and Old Highway 395 by the Valley Center and Bonsall communities and will put those communities at greater risk than previously experienced.

C1o-11

2.7.3.4. – Wildland Fires

The 1991 Oakland Hills Fire led to the passage of the Bates Bill in 1992. This bill, aimed at reducing wildfire hazards in what is now termed the Wildland-Urban Interface [WUI], is based on fire hazard assessment and zoning. CALFire assesses and maps the potential fire hazard severity for the entire state. Besides fuel management and fire-resistant building codes, the Bates Bill also addresses zoning laws that apply to various aspects of land use including *preventive land use planning*. That is, evaluating the fire hazards at development sites and determining whether or not they are smart locations. The DEIR reports that,

"Portions of the project site are within a very high FHSZ [Fire Hazard Severity Zone]*, and the remainder of the project site is within a moderate FHSZ (CALFIRE 2009)."*

The location of urban densities adjacent to a 'very high FHSZ' does not present itself as a smart location consistent with preventive land use planning. The present General Plan incorporates land use and zoning designations that concentrate high-density housing at the core of the Valley Center and Bonsall communities. Such high densities were not planned for the margins of the two communities. Those areas were intentionally planned for large acreages to accommodate agricultural pursuits according to the Community Development Model. If approved, this Project will defeat the intent of the Community

C1o-12

C1o-8 (cont.)

Then, when the fire reaches the next trigger point, the next phase of evacuation would occur. This would allow smaller groups of people and correspondingly fewer vehicles to more freely evacuate areas. The Evacuation Plan determined that the location of the project and the existing and planned roads provide adequate multi-directional primary and secondary emergency evacuation routes (Evacuation Plan, page 8). As with the existing conditions, adequate emergency evacuation planning would be conducted.

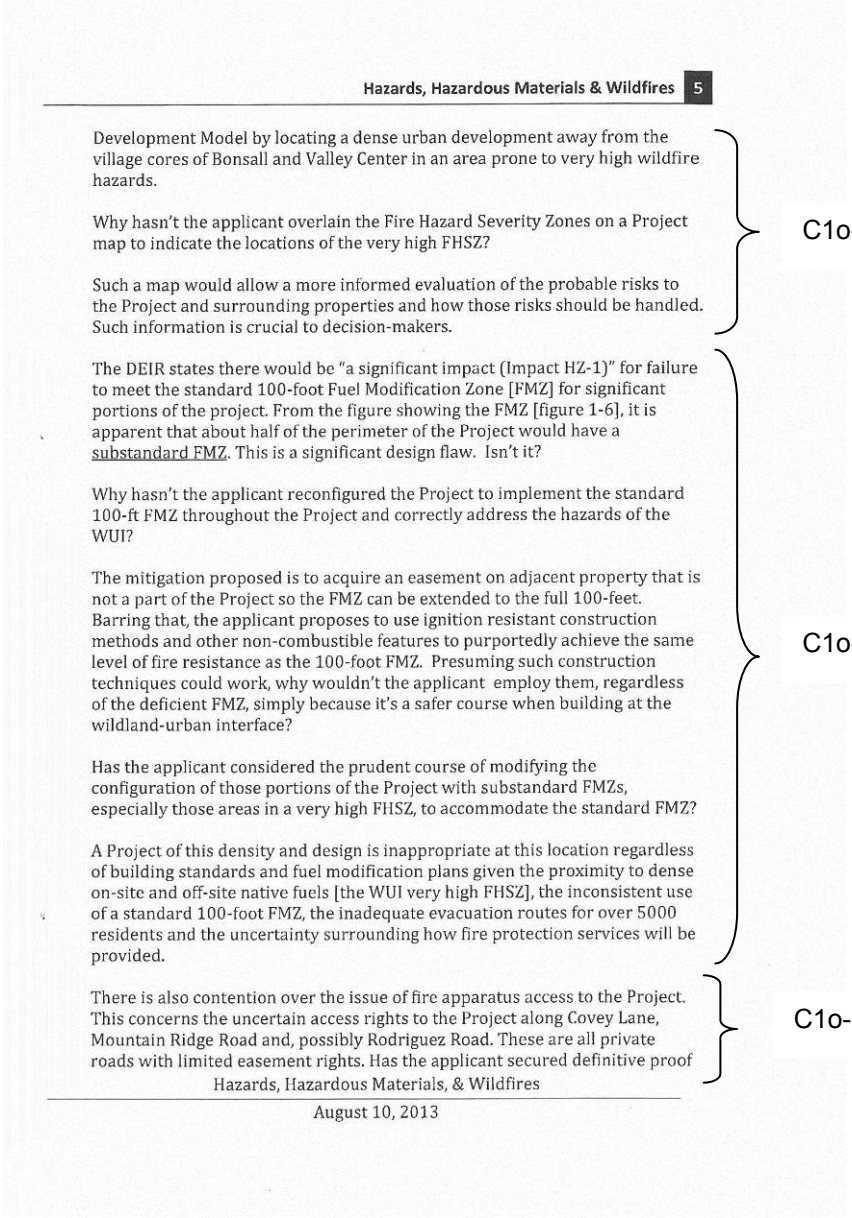
C1o-9 The Evacuation Plan determined that the location of the project and the existing and planned roads provide adequate multi-directional primary and secondary emergency evacuation routes. (Evacuation Plan, page 8.) The primary evacuation routes are shown on Figure 2.7-3 of the Evacuation Plan, consisting of Main Street, Street "F," Lilac Hills Ranch Road, Covey Lane, and Mountain Ridge Road. The project site also has a number of secondary emergency evacuation routes also shown on Figure 2.7-3 (FEIR, subchapter 2.7.2.3) All proposed roads have been designed in accordance to the County Consolidated Fire Code and would exceed the driveway minimum horizontal radius, fall within the 20 percent maximum allowable grade, and meet or exceed the minimum paved width requirements. Specifics of the proposed roadway designs compared to the Consolidated Fire Code are detailed in the Road Standard Comparison Matrix, Attachment P of the FPP.

With respect to concerns regarding the exceptions being requested for the roadway improvements, these exceptions were included as part of the project's circulation design and considered as a part of the analysis for each subject area discussion within the FEIR. The exceptions could be granted by the County where capacity and safety are not unduly affected (FEIR, subchapter 2.3.2.3). Regardless, it is noted that there is not one area of San Diego County that offers roadways that can handle a mass evacuation without some level of congestion, and it is infeasible to build roads to that standard.

C1o-10 As indicated in response to comment C1o-9 above, the overall road network design for the project would provide adequate ingress and egress for evacuation as well as emergency access and conform to General Plan Goal M-4. The roads within the project site were designed to accommodate emergency vehicles and allow residents to evacuate efficiently if necessary (General Plan Policy M-4.4). The project would provide four connecting points to existing roads ensuring that both local and surrounding residents have alternate routes (General Plan Policy M-4.2) (FEIR, subchapter 2.3.3.3). The proposed project roadway improvements, including design exceptions, would not alter the ability of the roadways to act as evacuation routes. The exceptions may be granted by the County where capacity and safety are not unduly affected (FEIR, subchapter 2.3.2.3).

C1o-11 As described in the Evacuation Plan (FEIR Appendix K), the first and most logical choice for all of the residents and guests within the boundaries of the project is to adhere to the principles and practices of the READY!SET!GO! Program. It is important for residents to make the decision to evacuate as soon as possible as it may take more than two hours to complete the evacuation process. The Evacuation Plan recognized that potential backups on the public roads and intersections may occur. No area of San Diego County has roads that can handle a mass evacuation without some level of congestion. It would be infeasible to build roads large enough to preclude some level of congestion during a mass evacuation, given the infrequency of mass evacuations and the many variables involved in emergency situations. Instead evacuation plans call for evacuations to be implemented in phases as described in response to comment C1o-8. In addition, there may be circumstances where it would be better for residents to take temporary refuge in schools, churches and commercial buildings. Finally, for residents in the DSFPD, the Deer Springs Fire Safe Council offer a separate telephone system which residents can sign up for to provide residents with early warnings (Evacuation Plan, pp. 8-11).

C1o-12 The project is located in an area that is designated as moderate and very high FHSZ as is much of the Valley Center area. The Fire Protection Plan goes beyond the FHSZ mapping in evaluating fire hazards and considers topography, vegetation, fire history and other factors. Chapter 3 of the FPP addresses anticipated fire behavior and



Hazards, Hazardous Materials & Wildfires 5

Development Model by locating a dense urban development away from the village cores of Bonsall and Valley Center in an area prone to very high wildfire hazards.

Why hasn't the applicant overlain the Fire Hazard Severity Zones on a Project map to indicate the locations of the very high FHSZ?

Such a map would allow a more informed evaluation of the probable risks to the Project and surrounding properties and how those risks should be handled. Such information is crucial to decision-makers.

C1o-12

The DEIR states there would be "a significant impact (Impact HZ-1)" for failure to meet the standard 100-foot Fuel Modification Zone [FMZ] for significant portions of the project. From the figure showing the FMZ [figure 1-6], it is apparent that about half of the perimeter of the Project would have a substandard FMZ. This is a significant design flaw. Isn't it?

Why hasn't the applicant reconfigured the Project to implement the standard 100-ft FMZ throughout the Project and correctly address the hazards of the WUI?

The mitigation proposed is to acquire an easement on adjacent property that is not a part of the Project so the FMZ can be extended to the full 100-feet. Barring that, the applicant proposes to use ignition resistant construction methods and other non-combustible features to purportedly achieve the same level of fire resistance as the 100-foot FMZ. Presuming such construction techniques could work, why wouldn't the applicant employ them, regardless of the deficient FMZ, simply because it's a safer course when building at the wildland-urban interface?

Has the applicant considered the prudent course of modifying the configuration of those portions of the Project with substandard FMZs, especially those areas in a very high FHSZ, to accommodate the standard FMZ?

A Project of this density and design is inappropriate at this location regardless of building standards and fuel modification plans given the proximity to dense on-site and off-site native fuels [the WUI very high FHSZ], the inconsistent use of a standard 100-foot FMZ, the inadequate evacuation routes for over 5000 residents and the uncertainty surrounding how fire protection services will be provided.

C1o-13

There is also contention over the issue of fire apparatus access to the Project. This concerns the uncertain access rights to the Project along Covey Lane, Mountain Ridge Road and, possibly Rodriguez Road. These are all private roads with limited easement rights. Has the applicant secured definitive proof

C1o-14

Hazards, Hazardous Materials, & Wildfires

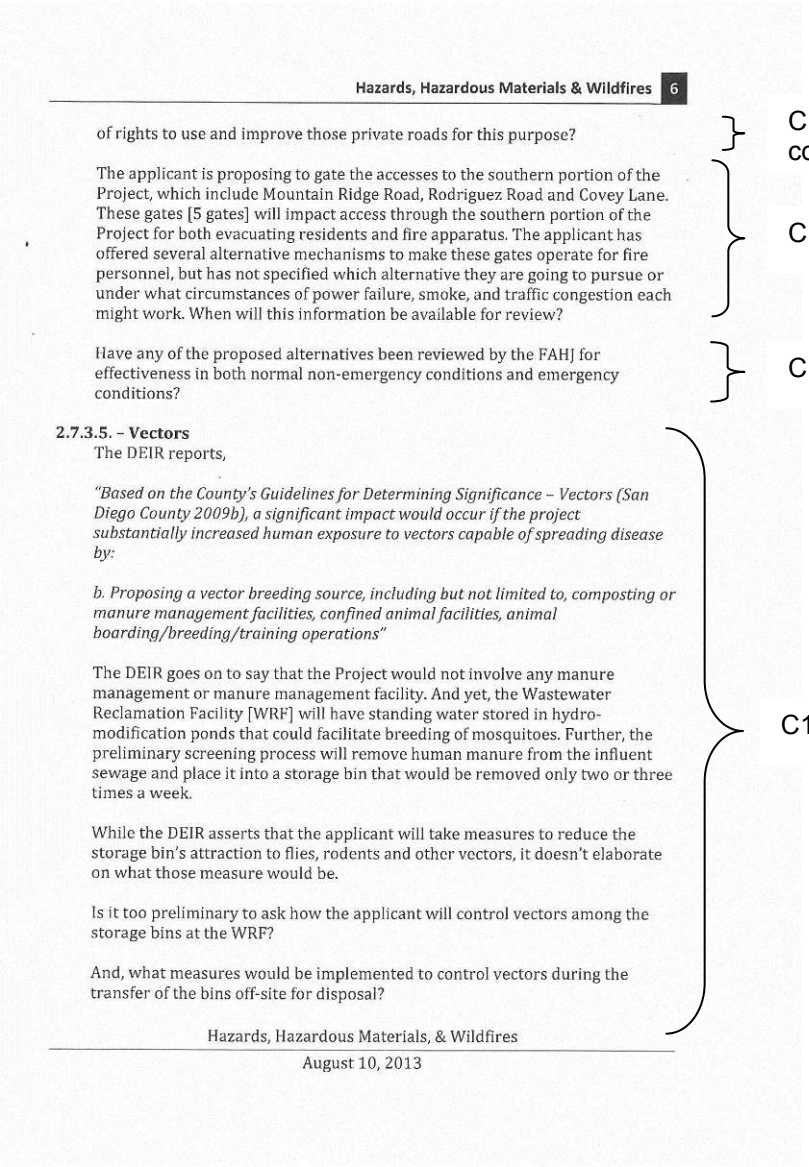
August 10, 2013

C1o-12 (cont.)

develops four worst case fire scenarios. Chapter 4 of the FPP includes the measures and design considerations that would address the identified scenarios. Please see the Appendix J of the Draft REIR FPP for additional detail. In summary, the FEIR subchapter 2.7 adequately evaluates wildlife impacts and identifies appropriate mitigation to reduce the project impact to below a level of significance.

C1o-13 In San Diego County's Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection, it states that the FPP is a document that describes the level of fire hazard that would affect or be caused by a proposed development and the methods proposed to minimize that hazard. The FPP also evaluates the consistency of the proposed project with applicable fire protection regulations. In order to minimize hazards and meet fire code requirements, the FPP may include recommendations that involve limitations on future land use on the subject property, building construction standards, vegetation management, access improvements, installation of fire suppression facilities, and other design measures. The FPP must include measures to address the specific location, topography, geology, level of flammable vegetation and climate of the proposed project site. The FPP for the proposed Lilac Hills Ranch development follows the guidelines outlined by the County of San Diego for a FPP.

The project proposes customized fuel modification based on site-specific fire behavior modeling and risk assessments as evaluated in the FPP. In these areas, off-site, adjacent land uses and overall fuel densities and terrain justify less than 100 feet of fuel modification zone. Also, the justification is based on adjacent flame lengths and heat intensity. For all locations where less than 100 feet of fuel modification are identified, the project is required to implement mitigation measures, as detailed in FEIR subchapter 2.7, to assure that impacts associated with the reduced FMZs would be less than significant. These mitigation measures would provide fire protection equal to a 100-foot FMZ.



of rights to use and improve those private roads for this purpose?

The applicant is proposing to gate the accesses to the southern portion of the Project, which include Mountain Ridge Road, Rodriguez Road and Covey Lane. These gates [5 gates] will impact access through the southern portion of the Project for both evacuating residents and fire apparatus. The applicant has offered several alternative mechanisms to make these gates operate for fire personnel, but has not specified which alternative they are going to pursue or under what circumstances of power failure, smoke, and traffic congestion each might work. When will this information be available for review?

Have any of the proposed alternatives been reviewed by the FAHJ for effectiveness in both normal non-emergency conditions and emergency conditions?

2.7.3.5. – Vectors

The DEIR reports,

"Based on the County's Guidelines for Determining Significance – Vectors (San Diego County 2009b), a significant impact would occur if the project substantially increased human exposure to vectors capable of spreading disease by:

b. Proposing a vector breeding source, including but not limited to, composting or manure management facilities, confined animal facilities, animal boarding/breeding/training operations"

The DEIR goes on to say that the Project would not involve any manure management or manure management facility. And yet, the Wastewater Reclamation Facility [WRF] will have standing water stored in hydro-modification ponds that could facilitate breeding of mosquitoes. Further, the preliminary screening process will remove human manure from the influent sewage and place it into a storage bin that would be removed only two or three times a week.

While the DEIR asserts that the applicant will take measures to reduce the storage bin's attraction to flies, rodents and other vectors, it doesn't elaborate on what those measure would be.

Is it too preliminary to ask how the applicant will control vectors among the storage bins at the WRF?

And, what measures would be implemented to control vectors during the transfer of the bins off-site for disposal?

C1o-14 cont.

C1o-15

C1o-16

C1o-17

C1o-14 See Global Response: Easements (Covey Lane and Mountain Ridge Roads). In summary, the project would limit access to off-site portions of Mountain Ridge Road and Rodriguez Road via on-site gates, and Covey Lane would be a public road with no access restrictions. During an emergency situation, these gates would be opened and the roadways identified in this comment may be utilized for emergency access.

C1o-15 As stated in the Fire Protection Plan (FEIR Appendix J), gates are proposed for the southern portion of the project (phases 4 and 5) and will be in compliance with DSFPD guidelines and County Consolidated Fire Code, Section 503.6.

The Consolidated Fire Code requires an automatic gate across a fire access roadway or driveway to be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate. A gate accessing more than four residences or residential lots shall be equipped with an approved emergency traffic control activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus. Any gate or barrier across a fire access roadway shall have specific plans reviewed and approved by DSFPD prior to installation. Therefore, regardless of the ultimate selection of gate mechanism, the proposed gate system will comply with the requirements of the DSFPD and County. Section 2.7.2.4 of the FEIR describes the gate operations for residents as well as in emergency situations.

C1o-16 All agencies have had the opportunity to review the EIR during the public review and recirculation period.

C1o-17 Wet weather storage ponds typically do not have mosquito vector problems. This is because they normally do not contain water during the spring, summer, or fall. During dry winters they may not even contain water. They are used for water storage during wet weather periods. If needed, a temporary spray recirculation system could be placed on the pond to eliminate vector issues. Refer to FEIR Appendix L.

What are the assurances that the measures taken would be effective?

This is particularly interesting considering the proximity of the school site to the WRF [within 686-feet]. These potential impacts are judged less than significant only if all protocols are followed routinely.

C1o-17 cont.