

COMMENTS

RESPONSES

Ehsan, Beth

From: Frauntene McLarney <frauntene@gmail.com>
Sent: Sunday, June 14, 2015 4:03 PM
To: Ehsan, Beth; Loy, Maggie A; Blackson, Kristin; Wardlaw, Mark; Sibbet, David
Cc: Cox, Greg; Jacob, Dianne; Roberts, Dave; Ron-Roberts; Horn, Bill;
Subject: Comments regarding Valiano Draft Environmental Impact Report: PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-003, PDS2013-ER-13-08-002

Dear Planning and Development Services Staff,

BP-1 First, I want to thank you for presenting to our community regarding the Valiant project. The information and maps provided were helpful. Dave Sibbets has been especially helpful in providing guidance through this process. While this project is very upsetting to me on many levels, I have tried to keep my opinions and feelings in check.

BP-2 The first issue I have questions about is the traffic study. As has been noted, there was no consideration of any traffic going West, to the communities of Encinitas, Carlsbad and parts of San Marcos. Elfin Forest Road/Harmony Grove Road is a well travelled country road between Escondido and the coast. For any residents of Harmony Grove Village, or residents of petitioned communities around HGV, this road will be used frequently to gain access to the coastal beach communities and Interstate 5 as the most direct path. The traffic study portion of this EIR must consider the impacts to this county road. Furthermore, at the opposite end of this road lies San Elijo Hills, a planned community that is still in the buildout phase, with several new neighborhoods and a new elementary school under construction. Impact to this community and it's intersections will also be affected as this is where Harmony Grove Rd/Elfin Forest Road dumps out. Currently, the intersections of Elfin Forest Road in San Elijo Hills are already very congested due to poor planning of another developer years ago. These intersections also need to be included in the traffic study with regards to traffic moving Westward.

BP-3 Other issues which are equally disturbing with regards to the study are the evacuation implications in the event of a fire and also the fact that these studies are 3 years old or older. These issues have been brought up at length during the community meetings held in May and June.

BP-4 I would also like to address the fact that the developer has stated that their plan keeps inline with the community feel and equestrian community due to the inclusion of an agriculture preserve and lots large enough for animal keeping. The lot sizes stated of 1/4 to 1/3 of an acre are hardly large enough for animal keeping, especially within a planned community where lot lines are plotted to make the maximum use of space for housing. My neighbor has horses which are a good 100 yards away from my house, yet at times, I can smell the horse manure like it was right outside my backdoor. The developers plans for animal keeping lots are only within our community plan IF residents chose to keep animals. The lots as their are designed are not conducive to animal keeping and will result in one of two outcomes, either residents will chose to keep animals in less than ideal conditions making for a disharmonious community among their neighbors or, those potential buyers with animal knowledge will choose to purchase somewhere else that is a logical choice for animal keeping. In the DEIR I did not see any stipulation that those larger lots HAD to be purchased with intent to keep animals. If those lots are purchased by buyers who are just looking for larger lots for manicured landscape, then the developers plan does not fit within our community culture. I feel it is necessary to have some sort of stipulation

BP-1 Thank you for your introductory comments.

BP-2 See Response K-165 regarding traffic distribution onto Harmony Grove Road going west and Response AD-14 regarding the extent of traffic analysis. The Project would add fewer than 25 peak hour trips to Harmony Grove Road west of Country Club Drive, which has an estimated peak hour traffic volume of 840 trips (assuming a 10 percent peak hour traffic rate) for an approximately 3 percent increase. This increase would not require further analysis within the TIA and the Project would not result in significant direct or cumulative traffic impacts at the mentioned intersections of Elfin Forest in San Elijo Hills.

BP-3 See Topical Response: Fire/Evacuations regarding fire evacuation. The FPP has been updated.

BP-4 The County does not have a minimum lot size associated with the keeping of equine or market animals. However, it does provide for minimum setbacks as it relates to the home's front, side and rear yards. Neighborhood 3 and 5 setbacks are compliant with the County's setback requirements for equestrian, leisure and market animals. The Project has proposed a number of lots large enough to allow for the keeping of horses and other farm animals. The County does have the authority to allow for the keeping of large animals but does not have the authority to require said keeping. Although Neighborhoods 3 and 5 allow for equestrian lots, all neighborhoods allow for the keeping of animals including leisure and market animals. This is consistent with the policies of the EFHGCP in that the Valiano plan "encourages the keeping of equestrian and market animals."

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BP-4 cont. requiring a certain amount of animal keeping or including lots that are actually large enough to house animals humanely and logically.

BP-5 The other concern I have with the DEIR is regarding the loss of 'Farmlands of Local Importance and Unique Farmlands'. The applicant states on page 2.3-37 of the DEIR that preserving these unique growing regions would make this development not economically feasible, and also states that losing these lands are significant. Their mitigation attempts in creating the agricultural preserve within the community is not viable. While it may create a scenario that gets them off the hook, it still does not take into account the loss of prime farmland and the opportunity lost for creating small scale vineyards, orchards or other types of agricultural use that would be consistent with our Community Plan.

BP-6 Having worked in agriculture for many years, I have seen first hand how maintaining a commercially viable agricultural crop does not coexist well with residential neighborhoods. I worked for the Paul Ecke Ranch for 10 years and watched as housing developments were put up around their property. Public concerns for our use of water, pesticides and fertilizers increased in relation to the number of houses surrounding the property. I feel this notion of having a productive agriculture preserve within a residential community is also ill-conceived. Residents might like it in theory, but once they see men in protective gear spraying pesticides, that will give way to concerns with public safety. In order for this preserve to mitigate any loss of Farmlands of Local Importance, I feel it necessary for the developer to provide evidence that these types of arrangements have succeeded elsewhere.

BP-7 I am also concerned with the statement that the HOA will be tasked with managing the agricultural preserve. HOAs are not typically staffed with farmers or arborists and their main objective is to keep their community looking cohesive and well groomed to keep property values up. I can not see how a HOA will be capable of managing an agricultural crop, and once again, without proper design, community buy-in and oversight, there is no guarantee that this agriculture preserve within the Valiano community will survive. This part of the developers plan needs to have proper planning, funding, set-backs and oversight in order to ensure it's success in order for it to qualify to fit within our community plan.

BP-9 Bottomline, while the developer has altered their plan somewhat in order to try and pay lip service to our community plan within the counties General Plan, their attempts fall way short of providing a viable solution. I would like to see the county hold them accountable to their claims that this is viable, as well as require an updated traffic study that examines ALL routes in and out of the community.

BP-10

Thank you for your time and attention to these matters.

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BP-5 The County appreciate the comment. The conclusion of significant agricultural impacts, along with the feasibility determination for mitigation through on-site preservation, are not associated with the Farmland of Local Importance and Unique Farmland designations. Rather, these determinations are based on effects to, and the availability of, important agricultural resources which are defined in the County Agricultural Guidelines. In addition, the proposed on-site agricultural easement (rather than "agricultural preserve") is not proposed as mitigation, but rather is a design feature to maintain elements of rural character in the vicinity and provide an agricultural/visual amenity for residents of the Project site and surrounding areas. See Responses I-69a and O-13 for additional information on the proposed on-site agricultural easement; and Responses K-20 through K-25 for additional information on proposed mitigation for Project-related agricultural impacts.

BP-6 See Responses I-69a and K-174e for information regarding potential interface conflicts between residential and agricultural land uses. As discussed in Subsection 2.3.2.3 of the EIR, nearby agricultural uses consist predominantly of orchards, which are considered generally compatible with residential uses, and the referenced analysis notes:

Because orchard operations typically do not entail substantial noise, dust, vector or chemical generation as compared to more intensive agricultural operations, they are considered generally compatible with most urban uses, and would not result in substantial conflicts with (or associated impacts to) the Proposed Project. The County Agricultural Guidelines (2007d) note that "...orchard crops such as avocados and citrus are often compatible with residential uses...a project proposed near but not adjacent to orchard crops, will not usually result in significant indirect impacts to these resources." The Project design also includes minimum lot sizes of approximately 12,000 s.f., in areas with nearby orchards that are set back 150 feet or more (refer to Figures 1-4 and 2.3-1a). The resulting buffer areas and relatively low-density development would provide opportunities to further reduce potential conflicts through measures such as structure location/orientation and screening (e.g., with landscaping). It should also be noted that: (1) the Project design includes a 35.4-acre agricultural easement in the northern portion of the site (refer to Figure 1-4) that would be maintained to ensure the availability and viability of this area for agricultural use...; and (2) transitional uses such as small orchards and gardens would be allowable within applicable individual residential lots on the proposed development (including lots in Neighborhoods 1, 2, 4 and 5 that are near the off site orchards), creating the potential for blending with and/or screening from larger off-site orchards. As a result of the described conditions, no significant effects related to interface conflicts to or from adjacent orchards would result from Project implementation.

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- BP-6 cont. Section 2.3.5 of the EIR also notes that the Proposed Project includes a Design Feature related to the County Agricultural Enterprises and Consumer Information Ordinance (County Code Section 63.401 et seq.), which is intended to identify and limit the circumstances under which agricultural activities may constitute a nuisance. Specifically the Ordinance: (1) notes that agricultural uses may be converted to other uses or zones (whether or not the parcels are zoned for agricultural uses); (2) prohibits land use changes near existing agricultural uses that would result in existing agricultural uses to be deemed a nuisance; and (3) requires prospective property buyers (whether new sales or re-sales) to be notified that agricultural activities may occur in the vicinity, and that associated inconveniences, irritations or discomforts could potentially result. Based on these requirements, the Project Design Feature states that "...all prospective buyers of property (whether new sales or re-sales) within the Project site shall receive written notification regarding the potential occurrence of agricultural activities (and associated nuisance factors) in adjacent areas."
- BP-7 Thank you for your comment; it resulted in clarifications in the proposal. See Response I-69a for information regarding the nature, maintenance and potential agricultural uses related to the proposed on-site agricultural easement.
- BP-8 See Response I-69a regarding planning and oversight of the agricultural easement.
- BP-9 Your summary comment is noted and is hereby included as part of the record and made available to the decision makers prior to the final decision on the Project. See responses to specific comments above.
- BP-10 All routes in and out of the community were considered for the traffic analysis; per County of San Diego traffic impact analysis guidelines, routes with at least 25 directional peak hour trips were included in the traffic analysis. Therefore, all applicable routes were analyzed and an updated traffic study for these routes are not warranted.