

Attn: Beth Ehsan
LUEG Project Manager
County of San Diego
Planning and Development Services
5510 Overland Avenue, Ste. 110
San Diego CA 92123

Re: Valiano Draft Environmental Impact Report

Project No. 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

SCH No. 2013061042

Comments on the Draft EIR

Ms. Ehsan:

The Elfin Forest/ Harmony Grove Town Council (EFHGTC) and Friends Of Eden Valley For responsible Development (FEVFRD) appreciate the opportunity to comment on the Draft Environmental Impact Report for the project referenced above. The Town Council's interest in the project lies in the fact that a large portion of it (specifically, Neighborhood 5) is contained within the Town Council boundaries. In addition, the project has ramifications for the wider area which is both within the TC boundaries (Harmony Grove (HG) and Elfin Forest (EF)) and immediately adjacent to it (Eden Valley (EV), Coronado Hills (CH)). These areas encompass an established and well-connected community with roots going back to 1850.

The Wider Context

Harmony Grove, which has its own community plan that is contained within the San Dieguito Planning Area¹ and is also encoded in the latest General Plan of San Diego, is one of the oldest communities in San Diego County. It was founded prior to the incorporation of surrounding cities. Eden Valley was settled as far back as 1905. Harmony Grove was settled in 1850. The wider rural enclave of Elfin Forest, Harmony Grove and Eden Valley are linked by road elements (Elfin Forest, Harmony Grove and Country Club Roads) topography, geography, rural nature, open space, farmland and equestrian lifestyles. Together, these three towns form a distinct community, unique and separate from the incorporated cities that surround them. Furthermore, the communities are very tight-knit.

The annual Fourth of July Parade and Picnic, which has been ongoing for over 38 years is attended by members of the Harmony Grove, Elfin Forest and Eden Valley communities, providing an example of one of the many events that bring the community together to enhance the community character. In addition, the three communities regularly meet to address issues that impact the community (such as this development, but also other issues that come up like the equine ordinance, the fire protection district, etc.).

This unincorporated area, stretching from Escondido to San Marcos and Encinitas has a unique character, lifestyle and social environment that makes it a distinct community in San Diego County. It is the last remaining rural enclave in North County west of the 15 and is a treasure that a great many San Diego County residents enjoy. As an example: road cycling (Swamis, Tri Club), mountain biking, trail hiking and running (throughout the numerous preserved open space parcels) and through the simple act of driving the scenic route between San Marcos and Escondido on the windy and beautiful Elfin Forest and Harmony Grove Roads.

The fact that this area is a part of unincorporated County and not under the jurisdiction of the larger cities of Escondido and San Marcos is no mistake. The community has vociferously defended its rural lifestyle and, over the years, rejected overtures to be annexed by these cities because it could erode the rural nature of the community.

In addition, members of all three towns have worked hard to preserve open space throughout the area via various organizations, including the Escondido Creek Conservancy, Friends of the Creek and others. Because of this commitment to preserving the rural nature of our unincorporated rural island, there are upwards of 2,000 acres of preserved open space in the area for all to enjoy and to preserve crucial resources.

We believe that **the DEIR for this project should look at the ramifications it has not just on Harmony Grove and Eden Valley, but on the impact on the entire unincorporated rural area** we have chosen to live in. Unfortunately, the applicant has widely ignored the overall area in its study of impacts and focused on overly narrow and specific impacts.

Our Community has Been Fair and Reasonable

The communities of Elfin Forest, Harmony Grove and Eden Valley are not wholesale against any and all development. In fact, we are in favor of responsible and reasonable development that is consistent with the community values and character

of our areas. We have demonstrated we are willing to work with the County and developers to help craft plans that meets everyone's objectives.

County-led General Plan Community Workshops:

Members of all three communities (HG, EV and also EF) spent hundreds of hours working with County Staff in the early 2000's to develop a Community Plan that takes into account the unique and special nature of our community, as part of the General Plan Update process.

Recognizing that our community needed to absorb its "fair share" of the unincorporated county's projected growth, residents of all three towns worked with County Staff. In these workshops, they first evaluated different development patterns throughout the valley, and considered spreading the density over the entire area. Then they mapped out a plan for the area that was a fair compromise between the need to accommodate growth in the County, and the preservation of the rural character of the community. That plan is reflected in the approved General Plan as well as the Elfin Forest and Harmony Grove Community Plans, which include the Village Development Model (VDM) (later replaced by the Community Development Model).

The VDM establishes a denser village core featuring concentric circles of decreasing density so that the areas furthest away from the village core would be more in keeping with the surrounding area. The goal of this was to shield the existing community from the densely populated core and to preserve a rural/urban balance so that the rural voice would not be drowned out by the urban or suburban voices. It was meant to preserve our community character and to limit the effects of excessive density.

Harmony Grove Village:

The community (again, members of Eden Valley, Harmony Grove and Elfin Forest) banded together to work with the developer to make sure the project reflected the spirit and intent of our community plan as well as the GP. After many discussions and workshops with the developer, the county and members of the community, HGV was revised to take into account the VDM with precisely what was dictated in our Community Plan (the village core, feathering out to larger rural and equestrian lots at the periphery).

The Valiano project places high density clusters of small properties immediately adjacent to larger lots that form part of the "feathering out" dictated by the Village Development Model. This would cause a significant impact and would alter the nature

of the community in irreversible ways. This impact was not evaluated in the DEIR and needs to be analyzed.

NC-17

This property has asked for up-zoning several times before. Originally, they asked to increase from RR2 to RR1. This request was granted. Then, during the Property Specific Request process, they requested up-zoning from RR1 to RR0.5, which was denied based on staff review.

Land Use: Community Character

com·mu·ni·ty

kə'myōnədē/

noun

*noun: **community**; plural noun: **communities***

1. a group of people living in the same place or having a particular characteristic in common.:

Eden Valley and Harmony Grove, despite the applicant claimsⁱⁱ, is and has always been an established, existing community. Both Eden Valley and Harmony Grove are characterized by relatively large lots of an equestrian, agricultural and rural residential nature. This refers to not only the look and feel of the environment (decidedly rural) but also the values of the people who choose to make this area their home. The residents of Eden Valley consider themselves a community; have regular community meetings and share values, have friendships and associations among themselves as well as with the wider Harmony Grove and Elfin Forest communities. By any and most definitions, this is a community. The insertion of 326 houses in a clustered formation into an area that has a rural character would create significant impacts to the existing residents as it would physically split the community as well as begin

We believe that splitting the community makes the impact. As such, the EIR should analyze and mitigate this significant impact.

Community Character: What is Rural?

We are a rural community and Valiano is not. It does not fit into our character at all. "What exactly is rural?" one might ask. You know it when you see it, but according to Webster's:

ru·ral 'roorəl/ adjective

in, relating to, or characteristic of the countryside rather than the town. "remote rural areas"

Well, to us it is an overarching sense of community that comes from being slightly removed from the hustle and bustle of urban life. It is a visual, auditory and olfactory experience: Large lots with pastures, horse arenas, corrals, barns, animal pens and other out buildings as far as the eye can see. Domesticated animals, goats, horses, sheep, chickens, alpacas and even emus. The musky smell of horse manure, sage, eucalyptus, dry grass. The sounds of the country: horses whinnying, goats bleating, roosters crowing, red-tail hawks crying, cooper's hawks fighting, coastal gnatcatchers meowing, coyotes howling at night. Wildlife. Wild habitat. Open, undisturbed spaces. Split rail fences, white washed three rail ranch fencing as far as the eye can see. Dirt roads. Dirty vehicles. Pickup trucks. Tractors. Quads. Growing things, making things, being resourceful, working our land. Kids, splashing in streams, running outdoors, free, yelling, getting dirty, climbing trees, swinging from ropes, exploring. Outdoor junkies on mountain bikes zipping down single track trails. Horses on trails (and the occasional donkey). Trail runners, hikers, road bikers, triathletes. Independence: from traffic, from noise, from crowds, from the urban jungle, from the stress of modernity. Neighbors who are "in it together" sharing tips on farming, septic systems, wells, animal keeping, fire safety, wildlife, raising children in the country, all while leaning across a ranch fence. Tranquility, peacefulness, zen. THAT is what rural means to me.

What Valiano is proposing is absolutely contrary to a rural lifestyle. Houses clustered together on cul-de-sacs, barely any space between houses. 1000 foot long walls up to 20 feet high. Manufactured slopes. Lots of cars. Paved roads, suburbanites unused to the sounds, sights and smells of a rural community. Impatience brought by traffic. Impersonality brought by walls and the houses jammed together which create a barrier despite the closeness. How many people in suburbia truly know their neighbors? We may not often see our neighbors because we live on large lots, but we have an intimate closeness that comes from surviving in the country; we would drop everything to help our neighbors evacuate their animals out during a fire (and many of us have). We look out for each other. There is absolutely no definition of rural that the Valiano proposal fulfills, not even with "rural themes" whatever that means. If Valiano is approved, "rural" will no longer apply to our community and it will die a slow death. This is not just a significant impact. It is a critical, existential impact.

The following specific comments supplement those made by The Elfin Forest Harmony Grove Town Council's attorney, Johnson & Sedlack. The DEIR fails to

adequately analyze several important aspects of impacts on the community, as summarized below.

The failure of the DEIR to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Harmony Grove Community Plan requires that the DEIR be rewritten and re-circulated for public review and comment.

In previous comments submitted by both the San Dieguito Planning Group, the Elfin Forest Harmony Grove Town Council and Friends of Eden Valley for Responsible Development, we have challenged the applicant's assertions that this specific plan / general plan amendment is consistent with the adopted County General Plan or with the Elfin Forest Harmony Grove Community Plan.

The proposed SP / GPA is inconsistent with the San Diego County General Plan (GP), the Harmony Grove Community Plan (HGCP), and the San Dieguito Community plan. In addition the document fails to analyze these inconsistencies and their consequences, as CEQA requires. Therefore the conclusion that overall the project would be consistent with the General Plan, therefore land use impacts associated with policy inconsistencies would be less than significant answer is incorrect. A "reasonable person" could not find this project to be consistent with either the GP or the HGCP.

The amendments to the general plan necessary to accommodate this GPA would require changing the General plan from its fundamental vision of smart growth. The general plan is very specific in terms of smart growth being defined as projects meeting stringent standards such as distances to public transportation and services. Of these standards, it requires that a project be located one quarter mile from transit, for example. This project claims to be smart growth even though it is in fact located more than one mile from the closest public transportation station and has no sidewalks allowing for safe pedestrian travel to the Nordahl sprinter station. This project is near the opposite of Smart Growth, , as it is in the middle of a rural area and if allowed to proceed will represent one more example of urban sprawl which will require people to get in their cars in order to access work, school, or shopping opportunities.

In addition, smart growth stresses the retention of or enhancement of the county's rural character and preservation of environmental resources and unique communities where they exist. This project plopped in the middle of the communities of Eden Valley and Harmony Grove, which are all but ignored by the applicant, would in fact destroy and divide the rural character of the existing communities, instead of enhancing them,.

One of the most important ways this project is inconsistent with the general plan is failure to comply with land use goal LU-1. This goal states that "*a land use planning*

and development doctrine that sustains the intent and integrity of the community development model and the boundaries between regional categories". Though this project is zoned as SR instead of VR, it offers densities which are actually higher than the neighboring Village project, Harmony Grove Village. As such it destroys, if not the letter, certainly the intent of the community development model, which aims to feather density from a dense center to less and less dense areas forming a buffer with the neighboring communities. In this case this project would locate 5000 square foot lots next to the largest lots within the footprint of the Harmony Grove Village which are actually several acres in size. Virtually all the surrounding parcels adjacent to the project area (including Coronado Hills, Eden Valley and Harmony Grove) in one, two, or more acres in size.

As such it destroys if not the letter certainly the intent of the Community Development Model, which aims to feather density from a dense center to less and less dense areas forming a buffer with the neighboring communities. In this case this project would locate 5,000 square foot lots next to the largest lots within the footprint of the Harmony Grove Village, some of which are actually several acres in size.

Though this project is describing itself as a "semi rural" project the densities in fact are more akin to these of a village. Policy LU - 1. 2 specifies that "*for purposes of this policy, leapfrog development is defined as village densities located away from established villages or outside established water and sewer service boundaries*". This project proposes village densities and is outside established sewer service boundaries.

The proposal is inconsistent with the Community Development Model. The General Plan states on page 3 - 6 that "*the community development model directs the highest intensities and greatest mix of new uses to village areas while directing lower intensity uses, such as estate style residential lots and agricultural operations to semi rural areas*". It is clear from this description that semi rural areas are to be used for estate style residential lots. This project proposes Village densities within a semi rural area, making a farce of the distinction between regional categories.

A. INADEQUATE PROJECT DESCRIPTION

S 1.1 LOCATION:

The project description misstates the ACTUAL distances to various points, in a thinly veiled attempt to make it appear closer than it is to existing infrastructure, and pretend to qualify for Smart Growth, a term used repeatedly in this DEIR although County Staff soundly rejected the argument during the NC17 Property Specific Request hearings at the Board of Supervisors. Instead of being located "*approximately 1.7 miles west of Interstate I-15 and 0.6 mile south of State Route 78*

(SR-78) at its closest points”, actual distances as measured by driving distances are 2.7 miles and 1.4 miles respectively (Google maps attached as appendix).

To further rebuke the argument made elsewhere in the DEIR that this constitutes a Smart Growth project “walkable to public transportation”, it is worth noting that the distance to the Sprinter station from Integral’s closest ingress/egress point is:

- 1.5 miles through the business park
- 1.6 miles via Country Club and Mission
- 1.8 miles to Neighborhood 5

When talking about accessing the Sprinter by foot it is important to note that there are no sidewalks for a good portion of those trips, making them unsafe to walk to.

Similarly, the project is not “*in an unincorporated portion of San Diego County within the Eden Valley portion of the San Dieguito Community Planning Area*”, which conveniently for the applicant does not have an adopted Community Plan (CP) but partly contained within the Elfin Forest/ Harmony Grove (EFHG) Community Area, which has an adopted CP the applicant is choosing to ignore. Hence the impacts to the EFHG Community Plan are not sufficiently analyzed in the DEIR, which constitutes a substantial adverse environmental effect of the project for which the public is deprived of a meaningful opportunity to comment.

S1.2. DESCRIPTION:

There are a number of discrepancies and inaccuracies under this section that again render meaningful public input impossible.

While the document states that “*The Proposed Project consists of a residential community with 326 single-family dwelling units (du), a resident’s/builder’s option to include Second Dwelling Units on 54 lots and related facilities (...)*”, the impacts throughout the document do not refer to the maximum build out, which is 326+54 units, or 380 units, but only to a reduced number of dwelling units. As such the impacts throughout the document need to be recalculated to take into account the potential worst case impact of the proposed project. Should these 54 units be built, occupied and rented out, as they can by code, the additional potential occupants will contribute to traffic, to risk of starting fires, to evacuation traffic during emergencies, and in general to the overall impact of the Project. They represent a 17% increase over the baseline number, an increase too substantial to simply leave out of the pertinent calculations.

Likewise, the area disturbed is noted as “*(...) within a total disturbance area of approximately 127 acres*”, when in fact the total area disturbed including during construction is likely significantly higher than noted: according to the biology report the total impacts are 164.9 acres. These figures need to be reconciled to ensure they capture the full impact of disturbance, including fire clearing.

S 1.3 SETTING:

Again in what appears as a deliberate effort to confuse the decision makers perhaps not familiar with the area, the Project setting is described as “*Nearby urban development includes high-density residential and commercial uses to the north (San Marcos) and east (Escondido)*”. The closest San Marcos residential area visible from the project, Coronado Hills, is actually San Marcos Land Use A1, or Agriculture with minimum of 1 acre lots, as pointed out by letter from San Marcos Planning Department expressing concern about compatibility with these size lots given a project proposing 5,000 sq ft lots. The “high density residential to the North” is neither visible nor accessible from the project side or the valley in which it sits (driving distance to the area mentioned from the closest project entrance is a full 1.5 miles, hardly a relevant neighborhood for project description purposes).

The “high density residential to the East in Escondido”, again, is on the other side of a granite ridge, neither seen nor heard, and a full four driving miles from the closest project entrance. The closer Escondido project over the other side of the ridge, Hidden Hills, averages ½ acre lots so cannot be referred to as “high density”. As such the Project Setting is misleading in a way that favors the applicant and deprives the public of a fair opportunity to comment, lest they be intimately familiar with the area falsely described.

1.4.1 Project Vicinity

It is not accurate to state that the “semi-rural area encompassing a mix of **urban development**, agriculture and open space. The Harmony Grove Village lots closest to the project are mostly 1/2 acre and 1 acre lots, a few are 1/3 acre, and the largest is 19 acres; they are all horse keeping lots. These do not qualify as “urban”

B. INADEQUATE PROJECT ALTERNATIVES DESCRIPTION AND ANALYSIS

S.5.3.1 Description - General Plan Density Alternative

Building 118 homes vs. potentially 380 on this 239 acre site cannot possibly be described as

“Although this alternative would be lower in development intensity than the Proposed Project, **the same potable water and sewage lines and on-site roads (and focused off-site road improvements) would still be required. Similarly, the WTRF and associated pump stations would be required to serve the Project site**”. It is patently incorrect to state that the same potable water and sewer lines would be required, for several reasons:

- ✓ 118 dwelling units use less potable water than 380 – less showers and toilets usage, and surrounding homes are not landscaping and watering their entire yards as smaller lots plus landscape easement would. Hence potable water requirements would be substantially less, but the DEIR fails to adequately analyze this impact.

- ✓ The General Plan has no provision for sewer lines and those homes could be on individual septic tanks, especially with the recently approved Alternative Septic Systems, therefore it is not correct to state: *“the same sewage lines would be required”*. The DEIR fails to adequately analyze this impact.
- ✓ Less roads and general disturbances would be required to accommodate a third of the housing stock proposed, hence the statement *“the same on-site roads (and focused off-site road improvements) would still be required”* is incorrect. The DEIR fails to adequately analyze this impact.
- ✓ As stated above, 118 homes built to the current GP would not require a WTWRF: they would use the same waste treatment system as the homes currently surrounding the proposed project, both in the Unincorporated communities of Eden Valley and Harmony Grove, and the closest homes in the City of San Marcos: they would use individual septic systems. With the Board of Supervisors approval of the Alternative Septic System On June 10, 2015, this alternative needs to be re-analyzed under the new regulatory framework.

Further, the analysis provided misstates the difference in impact of building to the GP vs. the Proposed Project in ways that are misleading to the public and the decision makers. Examples includes:

- ✓ *“the identified impacts would be greater than that identified for the Proposed Project based on the provision of less dedicated open space under this alternative”*: much of the so-called “open space” in the Proposed Project is actually backyard open space, with limited to non-existent biological value, there are no provisions for the minimum of 1,000 feet of connected O/S for wildlife corridors in the Proposed Project, and the Agriculture open space would remain since it consists primarily of a granite mountain with 20 to 25% slope where the 118 units would certainly not be located.
- ✓ *“earthwork would not be balanced on site and would require import of substantial amounts of soil.”* The building of the vast majority of the existing estate residential homes surrounding the project did not require “import of substantial amounts of soil”, and there is no reason to posit that more homes built to the same estate residential standards would require more soil import.
- ✓ The analysis of this alternative contradicts itself in that it states on the one hand *“The General Plan Density Alternative would meet Project objectives related to complementing and responding to the unique topography and character of the Project site and surrounding area, and embracing and preserving the equestrian nature of the surrounding area”* yet ends the same paragraph stating: *“This alternative would not meet Project objectives related to (...) providing amenities for the equestrian community.”* The surrounding equestrian community has neither asked for nor needs any “amenities” beyond those existing in the community as it exists today. The fact the applicant has chosen to add this objective to its list of Project Objectives is a self-serving but empty gesture to the existing community, which this DEIR elsewhere states “does not exist”.

S.5.4.1 Description - Septic Option Alternative

This alternative description is neither accurate nor fairly describes what a true septic option alternative would be. Since size of leach field is directly related to number of bedrooms, to use only 5 bedrooms homes for this alternative is disingenuous at best. This alternative should analyze a range of 3BR, 4BR and 5BR d.u.s, similar to the surrounding estate residential homes, and certainly not assume that 5 acres is the minimum lot size, give that surrounding homes both in the county and in the San Marcos community of Coronado Hills operate on septic on lots as small as ½ acre, and most have only one or two acres, not five and more. As such this alternative needs to be re-analyzed with more realistic homes and lot sizes numbers, as opposed to inflated numbers that completely obfuscate the actual difference in environmental impacts, hence depriving the public of a meaningful opportunity to comment on a feasible way to mitigate or avoid a substantial adverse environmental effect of the project.

In this case, the DEIR does state that *“this option would avoid or reduce most significant impacts associated with the Proposed Project, including: (1) “significant and unmitigated aesthetics and air quality impacts; and (2) significant and/or potentially significant impacts related to biological resources, cultural resources, noise, paleontological resources, transportation/traffic, hazards and hazardous materials, public services (fire protection) and geology and soils, all of which would be avoided or reduced to less than significant through identified mitigation measures and/or design features.”* But it goes on to state that such an alternative would *“fail to meet all of the Proposed Project objectives”*. Those project objectives are chosen by the applicant to ensure none of the alternatives will meet them all, except the Proposed project. In this case, the DEIR needs to be re-circulated to analyze a more realistic septic only alternative, with the following criteria:

- ✓ Range of bedroom sizes
- ✓ Range of lot sizes
- ✓ Implementing alternative sewer systems as well as conventional
- ✓ Minimal grading and land form modification
- ✓ Similar in look and feel to the surrounding estate residential homes in both County and San Marcos, because those are the homes that are within the community view shed.
- ✓ Biological open space contained within a separate lot as opposed to “backyard open space” whose functionality can more easily be compromised.
- ✓ Redesigned with 2-acre minimum lots on the portion of the site that has prime soils, to reduce agricultural impacts.
- ✓ Incorporating a dedicated agricultural easement over the portion of those lots that remains usable for agriculture, which would be counted as mitigation and potentially eliminate the need to purchase off-site mitigation.

An alternative septic only project with these criteria would likely meet some of the Project Objectives, such as providing a range of home sizes.

Proposed Alternative Project to be analyzed in re-circulated DEIR

A “septic-system-mostly” hybrid design with varied home sizes featuring predominantly 3- and 4- bedroom homes with some 2- and 5- bedroom homes on varying lot sizes from 3/4 to 2 or more acres. Newly approved advanced treatment septic system units should be used as required to reach GP allowed density. There should be no more than 23 homes on individual septic systems only in neighborhood 5 per the Harmony Grove adopted Community plan, and no more than 95 homes on the remaining neighborhoods throughout the 239 acres using this design (per GP densities).

All project homes should allow horse keeping, like the surrounding community, and a public trail system would connect all homes to the larger regional trails. Little community landscaping is necessary. No additional community amenities are necessary, but if provided, there should be provision to share, on a paid basis, with the existing residents. There should be no community-wide gates or walls, and the portion of the development in Harmony Grove should be associated with the name “Harmony Grove” and the portion in Eden Valley should be associated with the name “Eden Valley”.

C. HAZARDS – WILDLAND FIRE RISKS ARE SEVERELY UNDERESTIMATED

Our greatest concern with this project is the added density proposed in its location given the risk to life and safety from wildfires in the area. In the Coco’s fire in 2014, which burned over 90% of the project footprint, and is not analyzed in the FPP for this project, current residents of Eden Valley and Harmony Grove had difficulties evacuating because of congested road conditions. There is only one narrow two lane road (Country Club Drive) to exit the community, and with only the 80 or so residents of Eden Valley and perhaps another hundred from Harmony Grove, the roads were blocked by horse trailers and traffic, making the exit towards Hwy 78 very difficult as traffic was backed up on Auto Parkway and on Country Club Drive trying to turn onto Auto Parkway. To the West evacuating traffic taking Harmony Grove Road to Elfin Forest Road found itself ensnared in a traffic jam at the corner of Elfin Forest Road and Twin Oaks/San Elijo, with delays of over an hour to try to reach Rancho Santa Fe Road. (see Union Tribune coverage at <http://www.utsandiego.com/news/2014/jun/07/san-elijo-traffic-review-cocos-fire-san-marcos/> and as appendix)) To the East traffic was congested for about an hour along Country Club Drive at Auto Parkway, and along Harmony Grove Road at Kauana Loa.

The project as described does not improve the infrastructure to evacuate but simply adds up to 380 dwelling unit traffic on the same 2-lane road which has been shown to be inadequate before even one Valiano resident moved in.

The DEIR does identify some the impacts specific and peculiar to this project: asking neighboring property owners to host and bear the burden for the Fuel Modification Zone for the Project on their own property (sic!), and building structures for occupancy in an area beyond the 5 minute response time mandated by County code from its jurisdictional fire service (SMFD).

2.9.2.6 Potential conflicts with the FPP could occur, as follows: a) Certain areas offsite (APNs 232-491-01, 232-491-42, and 232-492-02) will require ongoing fuel modification and these areas may not be within control of the Applicant; b) Certain Project areas (for occupation of structures in Neighborhoods 2, 4 and portions of Neighborhood 3 as shown on Figure 7 of the approved FPP) do not currently have fire service meeting the County's required 5-minute travel time

Specific issues with HZ 3-a and 3-b as described include:

- a) The APNs mentioned above are not the only ones affected by the FMZ spilling out of the project envelope, they are just the largest – the FMZ maps shows upwards of 21 affected parcels, and as such the DEIR needs to properly identify them all in order for the public to get a full picture of the burden the project would impose on existing property owners.
- b) None of the owners of the APNs mentioned have been notified by the applicant or the county that their property would be encumbered by an FMZ easement in their favor, and the project cannot move forward without that agreement being secured; this is reminiscent of the situation during the General Plan Update process when this applicant presented project maps to the Board of Supervisors showing several properties as part of their project without bothering to notify or ask the property owners affected.
- c) The very notion of imposing an FMZ on someone else's private property may well represent a taking by the County for the benefit of a private entity, which exposes County taxpayers to legal liability.
- d) The project should be redesigned to include the entire 150' FMZ within the project footprint, for the safety of both current and future residents.

The project should be required to create another ingress and egress to safety via La Moree Road in San Marcos, for which we believe an easement exists from the onsite avocado orchard . That would be the only meaningful mitigation the applicant could offer to offset the documented increased risk they will place the existing community at on page 13 of the FPP :“ *as the density of structures and the number of residents in the interface increases, potential ignition sources will multiply and a large wildfire occurrence increases.*”

FIRE PROTECTION PLAN

The Fire Protection Plan (Appendix L dated April 2015) does not analyze or include the Coco's fire in its historical analysis. We believe this is a major flaw and that given the seriousness of the impact of that fire on the proposed project location,

which 90% burned down, and surrounding immediate area (with two houses burned on Mt. Whitney in their entirety, and 3 other structures as well as cars and heavy equipment incinerated in the immediate vicinity of the project, plus another 35 structures destroyed elsewhere in Harmony Grove), a full analysis of weather and fire fighting conditions for that specific fire needs to be included in order for decision makers to fully appreciate the potential impact of adding density in a valley prone to devastating fires.

In addition, the major fire in EF required mandatory evacuation of Harmony Grove residents in 2007, and there were two other small fires in the last 5 years on or immediately adjacent to the project site that required deployment of air tankers and fire crew support and evacuation of nearby Harmony Grove residents. EFHG Fire department and/or Cal fire were first responders and would have dates. Local residents report having evacuated, including horses, a total of 4 times in the last 7 years, underscoring the necessity of clear evacuation routes for this fire-prone community. Yet none of these local fires were reported in the analysis, which therefore does not fully disclose the potential project impacts by omitting such relevant data.

Other shortcomings of and inaccuracies in the FPP include:

1. Travel times discussed in response time also do not they do not acknowledge the Sprinter crossings that the San Marcos Fire Department *must* cross (either the Barham Road crossing or the Nordahl road crossing) to reach the project site in their calculation of emergency response times.
2. The project uses adjacent private properties as part of their FMZ, requiring 3 property owners to agree to easements to reduce fuel, while the FMZ extends to many more private properties. These adjacent properties allow horse keeping and the FMZ restrictions on possible locations of animal facilities should be studied and mitigated.
3. "Fire History" on page 12 makes a brief note of Cocos Fire but does not analyze how it burned nearly the entire project footprint, and what was learned from the fire about fire behavior in the valley. The Figures 3 and 4 only mention 2003 and 2007 fires, omitting the most recent onsite. These should include all fires that required evacuation of residents, which local residents indicate there are two more, one of which included the loss of a small outbuilding.
4. Even if a fire does not burn on the project site, several nearby brush fires have required evacuation in Harmony Grove, so the impact of fire on residents should not be calculated solely on the number of fires that burned

the project site.

5. The Cumulative Impact Analysis fails to mention not only the 2014 fires, but the other fires in last 10 years which have required residents to evacuate.

D. TRAFFIC IMPACTS CANNOT BE MITIGATED SIMPLY WITH TIFs

The Traffic Impact analysis is deficient in at least the following areas, and needs to be re-circulated once these additional and significant impacts have been measured and analyzed – please also take note of the letter submitted on our behalf by Darnell & Associates and sent with Johnson & Sedlack letter:

- Country Club Drive analysis does not discuss back-up at Auto Parkway at rush hour. This is especially acute when the Sprinter runs – forecast to double track (every 15 minutes instead of every 30 minutes) in the future. NCTD indicated the frequency of trains will increase before the double tracking occurs. So trains will be arriving every 15 minutes instead of the current 30 minutes, but this will occur without double tracking at that station. Once the double tracking does occur, the frequency may increase even more. The lack of analysis of this major impact is a serious deficiency of the TIA and needs to be analyzed and re-circulated so the public and decision makers have a more accurate picture of the true impacts of adding more drivers to an already severely impacted area.
- Of most concern, no discussion of emergency evacuation given all egress is on Country Club Dr, 2 lane road, and over 50% of existing 80 residences have horses and large animals to evacuate, hence trailers and emergency vehicles impair evacuating traffic. It is particularly difficult to back up or maneuver large trailers and thus these tow vehicle/trailer combinations can quickly clog escape routes and create very dangerous conditions during evacuations where exits are blocked by congestion.

The following mitigation measure should be added to relieve the impacts of added traffic, especially in case of emergency evacuation: require applicant to study completing a road through to La Moree Road in San Marcos to relieve traffic on Country Club. The developer stated to the community that the City of San Marcos opposed an earlier version of project, which had that road as an egress point. Nevertheless given the project could create a death trap for evacuating traffic, and the fact it is dumping traffic on an LOS F road, this mitigation measure should be made part of the project description and fully evaluated.

E. LAND USE – INCONSISTENCY WITH COMMUNITY PLAN

The DEIR fails to analyze the impacts on community character.

EIR section 1.6: The Valiano project is inconsistent with the Harmony Grove Community Plan **Policy LU-2.2.1**.

***Policy LU-2.2.1** Ensure that the number of urban residences does not greatly exceed that of the rural residences in the greater unincorporated communities of Harmony Grove and Eden Valley.*

Although the project's density falls into the semi-rural category, and the project emphasizes semi-rural elements and themes, the project design features clustered, suburban homes with the majority allowing no horse keeping. Because the associated **Issue LU-2.2.1** specifically calls out an "urban, clustered, or suburban design" as the types of residence this policy is directed toward, and further specifies that this clustered design "threatens the continued existence of the rural residential and equestrian character of Elfin Forest / Harmony Grove," the project's contributions to the urban /rural balance must be calculated and any impacts identified and mitigated.

Calculations:

Per GP - there are various factors to consider, and various ways to calculate:

- Existing residences only or entitlements per current GP?
 - HG has 125 existing residences according to EFF Fire department, Eden Valley has 80, so about 205 existing residences,
 - If we add GP current entitlements for large parcels, Valiano adds 118, so about 320, and Kovach still as SR regional category after the upzone received during the GP Update (from 26 to 210), so we can count it as "rural" at 210 on 110 acres, for a total of 533 rural residences.
- What is the deciding factor to classify a given property as "rural" vs. "urban"?
 - The county proposes to use the SR category as the definition of "rural" even if clustered on tiny lot (see planner comment below). By that count Harmony Grove Village has 742 homes within the Village Limit Line zoned as VR, therefore we would have 205/742 at current build or 533/742 at build out.
 - Or we would argue size of lot and/or whether it is zoned equestrian is a better measure of a truly "rural" vs. "urban" property. To count the condos in Valiano as rural because they are in an SPA zoned SR is plain silly, just as 55 of the HGV lots at the village periphery are zoned equestrian with lot sizes up to several acres, so we can argue these are more rural in nature -
- So, at a minimum, there are 533 existing rural lots in HG/EV and 742 urban going by SR vs. VR designation, or **58% urban, 42% rural**, or 588 rural if we incorporate the 55 HGV equestrian lots vs. 687 urban **or 54% urban, 46%**

rural; urban residences do not greatly exceed rural residences - a carefully crafted compromise

With Valiano

Adding 318 urban residences and subtracting 118 from rural= **1,005 urban and 400 rural or 72% urban vs. 28% rural; urban residences outnumber rural residences two to one**

EIR 2.2.2 Community Recreation Areas The on-site public multi-use trail system should include linkages to the proposed public multiuse trail in Harmony Grove that would connect the HG Village trails with residents to the northeast and through the SDG&E property immediately east of neighborhood 5 to the ERTC trail (leading to business park and hospital). It is listed on the County Master trails Plan. The only way currently to make this connection would be to use the narrow, 5-foot wide DG pathway trail that is adjacent to County Club Drive and is unsuitable for the expected volume of trail users anticipated to use this important commuter trail.

Effects of Land Use Incompatibility Not Analyzed

The EIR fails to consider and analyze the incompatibility of suburban housing densities with equestrian facilities. With over 160 horses currently living in Eden Valley today, the project will be foisting significantly smaller lots than the current larger parcels into an area that was specifically intended to accommodate horsekeeping. Despite lip service in the Valiano plan, there will not likely be horsekeeping on these relatively small parcels. No true equestrian would humanely keep a horse on 1/3 acre. Not only was the San Dieguito Community Plan revised to protect and celebrate the semi-rural setting that is perfect for equestrian businesses as well as individual horse owners, but the County passed an Equestrian Ordinance to promote the continuance of equestrian activities in places just like Eden Valley, and has an extensive trails system suitable for riding in the immediate vicinity.

In short, the County has done everything in its power to help maintain this traditional and important sector of the economy. Indeed, world champion competition horses come out of Eden Valley, with associated support businesses benefitting. All of that is threatened by the Valiano project, and no analysis was done in the DEIR to examine what the effects of a suburban-density project would have on this community. Horsekeeping entails some effects that the general public, especially residents living next door to horse ranches, might find annoying. These include noise from horses themselves, noise from horse events & shows, dust, flies, manure odor and disposal, and most serious, possible conflicts between riders and automobiles. Horses spook easily, and many more cars coming and going will lead to potentially serious accidents. Eventually, due to greater numbers, the suburban homeowners can effectively drive the equestrians out of business.

G. AGRICULTURE IMPACTS ARE NOT EVALUATED PROPERLY

The DEIR fails to properly mitigate the impact of the project on viable agriculture. The applicant proposes to take 36 acres of productive agriculture, previously farmed by a bona fide farmer and turn it over to a suburban HOA to "manage" a "farm manager".

The impact of this mitigation measure would be the following:

- since the "farm manager" would likely be paid much like a landscaper, and the farm under HOA management would actually be subsidized hereby manufacturing unfair competition for bona fide farmers making a living out of farming selling the same crops.
- taking these 16 acres out of the farming market by subsidizing both the operator and through an endowment prevents a bona fide farmer to have a chance to expand or start their operations on land that is increasingly expensive or off limits due to environmental constraints defeating the purpose of agricultural mitigation and the County PACE program.
- Farm acreage managed by an HOA, which has no expertise or experience in agricultural operations, is a recipe for disaster as far as continuing productive agriculture onsite. The HOA's concerns are likely to have more to do with cost, impact of chemicals used in agricultural production on nearby residences, and aesthetics than anything to do with running a viable farm operation. As such chances are that after the 10 year endowment runs out, onsite agriculture would be abandoned and it would likely never be available to farm which was the point of the mitigation.
- Instead the DEIR should make provisions for the land to be leased to a farmer with either at least 15 years of experience, or a college degree in ag and 2 years experience.
- Even better would be the 36.5 acres in agriculture just to be made available with the County agriculture easement in place, the lower entry cost of pure agriculture land would most certainly result in a viable agriculture operation even if it may take a few tries.
- The alternative project with 2 acre lots and agricultural easements should be fully evaluated and analyzed as it is likely to have considerably less impacts on the loss of agricultural resources.

Because of the numerous shortcoming of this DEIR, we respectfully ask that it be re-circulated with the project alternative suggested, and the missing analysis for impacts noted in this document as well as in letters submitted on our behalf by Johnson & Sedlack, JWA & Associates, Darnell & Associates, and Tierradata.

Respectfully,

JP Theberge, Chair, Valiano Committee
Vice Chair, Elfin Forest Harmony Grove Town Council

Bill Osborn,
Co-Chair
Friends of Eden Valley For responsible Development

Attachment: Union Tribune article 6/5/2014

CC: Greg Cox
Bill Horn
Dianne Jacobs
Dave Roberts
Ron Roberts
Mark Wardlaw

Cocos fire traffic jams to be reviewed
By [Teri Figueroa](#) 11 A.M. JUNE 7, 2014



Traffic backs up along San Elijo Road at its intersection with Elfin Forest Road during the Cocos fire on May 14. — *Photo courtesy Randy Houghton*

SAN MARCOS — Within the first two hours of the Cocos fire, with black smoke cresting the hill and winds whipping west, hundreds of San Elijo Hills residents decided it was time to get out.

But the main road out of town was clogged with neighbors also intent on leaving. Many said it took an hour or more to get through the gridlock.

“Trying to remain calm and not panic — that was probably the scariest part. (I had) that feeling of ‘stuck,’” said resident Alicia Stephens, who hit the road with her three young children not long after the fire started.

That traffic tie-up is on the list of things San Marcos officials want to evaluate in the aftermath of the fire to determine what worked and what needs a fix.

“You learn from every event, and we will do that here,” San Marcos Councilman Chris Orlando said last week.

The Cocos fire started around 3:30 p.m. May 14 in the hills behind Cal State San Marcos. Over the next few days, it burned nearly 2,000-acres in San Marcos and Harmony Grove, and destroyed three dozen homes. It came with a price tag upwards of \$10 million, between firefighting efforts and recovery.

Within hours of the blaze erupting, thousands of people fled their homes including those in master-planned San Elijo Hills community on the south side of Double Peak Park, a San Marcos hilltop with panoramic views of North County.

There are essentially three ways out of San Elijo Hills, and all rely on the main route through the community — San Elijo Road. Nearly all the residents use that road to access their neighborhoods.

To the west, San Elijo Road hits Melrose Drive and Rancho Santa Fe Road. To the east, it becomes South Twin Oaks Valley Road. There is also Elfin Forest Road, a backcountry route into Escondido through brushy open space that burned in the 1996 Harmony Grove fire.

On the afternoon of May 14, people fleeing San Elijo Hills weren’t heading onto South Twin Oaks — that’s where the fire was coming from. Most headed to San Elijo Road with plans to go west.

But the number who wanted out and the time of day — rush hour — left traffic at a standstill.

Longtime resident Dustin Smith said he packed up his pets and headed off about 4:15 p.m., but couldn’t leave his gated Promontory Ridge community. In front of him was a line of vehicles backed up even before the gate. Those drivers were waiting for their turn to squeeze onto another packed road, one that eventually led to an already-full San Elijo Road.

“It caused for a lot of anxiety,” Smith said, adding that the drivers appeared to remain calm in the face of the gridlock. “But in the moment, you realize that if you start seeing flames up the hill, you gotta run out of there, because you would not make it out in a car.”

He said he gave up, tried again an hour later but found the same situation. Tried again shortly after 6 p.m. and finally found roads clear enough to leave.

Resident Marla Trussell said she had packed up but stayed until midnight.

“I didn’t want to get stuck in a huge crush and stampede of people leaving,” Trussell said. “That situation looked more dangerous than the fire,” which she said she surmised was still at a distance.

“At the end of the day, we need more ingress and egress out of this community — and I have no idea how they are going to do that,” Trussell said.

Sheriff’s Capt. Scott Ybarrondo, who runs the San Marcos station, said deputies were initially deployed to go door to door to evacuate neighborhoods facing the most immediate fire threat, including Coronado Hills, just east of San Elijo Hills.

From there, some deputies were moved to San Elijo to help with evacuations and to direct traffic.

Eventually, once there was enough manpower for road closures, traffic on all lanes of San Elijo Road was directed westbound toward Rancho Santa Fe.

Ybarrondo said his department will meet with other agencies — including the city, CalTrans, and the California Highway Patrol — to delve into what went well during fire evacuations and what improvements need to be made.

“My biggest message is that we had no serious injuries and no loss of life,” he said. “No matter how successful we are, we always want to be better — and that is what we are going to do in this case.”

Councilman Orlando, a San Elijo resident, said reviews of the incident can bring about improvements. He pointed to concerns residents raised in 2007 regarding lack of information from the city during wildfire evacuations at that time. That led directly to continual fire-related updates on the city’s website during the Cocos fire, he said.

“You are obligated to learn what you can, and be better next time,” he said.

Orlando also said that what is most important is that everyone affected by the Cocos fire got out safely.

None of the property losses were in San Elijo. Residents said they were relieved that the fire never hit their community, and repeatedly expressed gratitude to the first

responders and firefighting efforts. Stephens also noted her joy at seeing the community come together after the fire.

“That was wonderful to see good come from something so terrible,” she said. “But being stuck and not being able to get away was terrifying.”

ⁱ EFHG Community Plan.

http://www.sandiegocounty.gov/pds/docs/CP/ELFIN_FOR_HARM_GROVE_CP.pdf

ⁱⁱ *“There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide.”* PDS2013-SP-13-001-DEIR-Chap3.1.4-Land-Use-Planning.pdf