FINAL ENVIRONMENTAL IMPACT REPORT

San Diego County General Plan Update
DPLU Environmental Log No. 02-ZA-001
State Clearinghouse (SCH) #2002111067

COMMENT LETTERS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LATE LETTERS

Lead Agency:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
Contact: Devon Muto, Chief of Advanced Planning

October 2010

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Comment Letter X 1, Associated General Contractors of America

ASSOCIATED GENERAL CONTRACTORS OF AMERICA
SAN DIEGO CHAPTER, INC.
6212 FERRIS SQUARE - SAN DIEGO, CALIFORNIA 92121
(858) 558-7444 - FAX (858) 558-8444
WWW.AGCSD.ORG
SKILL - INTEGRITY - RESPONSIBILITY

September 4, 2009

Mr. Devon Muto
Chief, Advance Planning
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Devon:

On behalf of the Associated General Contractors (AGC) and the Engineering General Contractors Association (EGCA), I would like to provide comments on the Draft General Plan Update.

AGC and EGCA believe that county public entities have the responsibility to ensure that infrastructure under their control be maintained and modernized on a schedule that keeps the value of the public asset from deteriorating. Public entities must ensure their infrastructure investments are adequate. With that said, we support the following "Guiding Principals" from the Draft General Plan:

X1-1.

- "Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development".
- "Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities".

These principals show the County's commitment to planning and the need for new infrastructure.

However, there are a few points in the Draft General Plan that should be addressed (see specific comments in red on the following page):

- The Draft General Plan limits the ability to expand roadways when needed.
- It appears the County is willing to let roads fail as a means of controlling growth/ traffic.
- Widening of roads can have a positive effect, and shouldn't be "recommended as a last resort".

X1-2.

Thank you for reviewing our comments and recommendations on the Draft General Plan Update. We look forward to your response and working with you in completing the County's vision for its growth and development.

If you have any questions please don't hesitate to call us at 858-731-8158 (Brad) or 619-692-0760 (Debbie).

Sincerely,

Bradford E. Barnum
AGC Vice President Government Relations

Debbie Day
EGCA Executive Director

Comment Letter X 1, Associated General Contractors of America (cont.)

AGC/EGCA Comments on Draft GPU

CHAPTER 4 **Mobility Element**

Page 4-3
Guiding Principles for Mobility

X1-3. The Mobility Element balances competing goals of accommodating trips generated by land use, while strivin to retain a transportation network that compliments, rather than impacts, the character of communities, which is generally rural in much of the unincorporated County. Therefore, widening of roads, which can dramatically change the character of a community, is generally recommended as a last resort. (bad sentence – widening sometimes can be a good thing)

X1-4. Reducing vehicle miles traveled is also an important component of reducing greenhouse gas emissions. Along with compact land use patterns, a well□connected road network contributes to reducing vehicle miles traveled. The Mobility Element requires the provision of multi□modal facilities to accommodate alternative modes of travel, such as public transportation, bicycling, and walking. In addition, goals and policies are included to minimize single occupancy vehicular travel through carpooling, vanpooling, and other transportation demand management methods. (change "minimize" to "encourage")

Page 4-6
COUNTY ROAD OPERATIONS AND NETWORK

X1-5. The Mobility Element road network is based on a combination of physical and environmental conditions, community input, and SANDAG traffic model forecasts based on full build□out of the General Plan land use map. When physical and other constraints preclude constructing roads to the number of lanes required to accommodate traffic with a LOS D or better, exceptions, coordinated with community planning or sponsor groups, have been made to accept the road operating at LOS E or F, according to the SANDAG traffic model forecasts. The SANDAG traffic model used 2030 projections for build□out of the regional (freeways, state highways, and transit facilities) transportation network and the road networks and land use plans for incorporated jurisdictions. ("other constraints" is open-ended – will they allow roads to fail due to too much traffic?)

Page 4-12
GOALS AND POLICIES

X1-6. **M 1.1 Prioritized Travel within Community Planning Areas.** Provide a public road network that accommodates travel between and within community planning areas rather than accommodating overflow traffic from State highways and freeways that are unable to meet regional travel demands. (This doesn't accommodate regional coordination)

Comment Letter X 1, Associated General Contractors of America (cont.)

Page 4-13

M-2.1 **Level of Service Criteria.** Criteria for Accepting A Road Classification with Level of Service E / F (Is the County allowing roads to fail in order to shutdown growth?)

X1-7. Identified below are the applicable situations, and potential improvement options, for accepting a road classification where a Level of Service E / F is forecast. The instances described below specify when the adverse impacts of adding travel lanes do not justify the resulting benefit of increased traffic capacity. In addition, adding capacity to roads can be growth inducing in areas where additional growth is currently not planned, which is not consistent with County Global Climate Change strategies. (adding capacity may not necessarily be growth inducing)

Page 4-14
GOAL M-2

Town Center Impacts

X1-8. When This Would Apply – This situation would apply when the right-of-way required to add travel lanes would adversely impact established land development patterns and / or impede bicycle and pedestrian circulation. The Community Development Model (see the General Plan's Guiding Principle #2) concept strives to establish a land development pattern with compact villages and town centers surrounded by areas of low and very low density development. The construction of large multi-lane roads would divide an established town center, even though the intent of the road would be to connect areas within the community or improve access to areas within or surrounding the community. (This is not necessarily true)

Regional Connectivity

X1-9. When This Would Apply—Regional connectivity issues would apply when congestion on State freeways and highways causes regional travelers to use County roads, resulting in congestion on the County road network. Rather than widening County roads to accommodate this traffic, the deficiencies in the regional road network should be addressed. (Where is this an issue?)

Responses to Letter X 1, Associated General Contractors of America

X1-1 The County appreciates the support for General Plan Update Guiding Principles 2 and 3.

X1-2 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X1-3 The second paragraph of the Guiding Principles for Mobility section was changed to replace "is generally recommended as a last resort" with "should be pursued only after environmental and community character impacts are also considered."

X1-4 The County appreciates the comment, but does not agree to the proposed revision in last sentence of the third paragraph in the draft Mobility Element under the Guiding Principles for Mobility. The intent is to "minimize" rather than "encourage" single occupancy vehicular travel.

X1-5 The County disagrees that the use of "other constraints", in the draft Mobility Element Context Section under the "County Road Operations and Network" subheading, to describe conditions that preclude roads from being widened is "open-ended". These other constraints are more fully explained under draft Policy M-2.1, Level of Service Criteria, in the accompanying "Criteria for Accepting a Road Classification with Level of Service E/F" as Town Center Impacts, Regional Connectivity, and Impacts to Environmental and Cultural Resources.

X1-6 The County disagrees that draft Mobility Element Policy M-1.1, Prioritized Travel within Community Planning Areas, does not accommodate regional coordination. This policy simply addresses the role of County road network. While the County coordinates in the development of the regional road network, including freeways and State highways, it is not the County's responsibility to provide that network.

X1-7 The County disagrees that draft Mobility Element Policy M-2.1, Level of Service Criteria, would allow "roads to fail in order to shutdown growth." The policy is intended to allow growth to continue, while accepting a higher level of congestion on certain roadways rather than widening those roads. The County agrees that adding capacity to a road may not always be growth inducing. As such the statement is qualified with the word "can."

X1-8 Under the draft Mobility Element "Criteria for Accepting a Road Classification with Level of Service E/F," subheading "Town Center Impacts," the last sentence of the first paragraph has been revised to reflect that the statement is not necessarily always true by changing "would" to "could" as follows:

"The construction of large multi-lane roads could~~would~~ divide an established town center…"

X1-9 During the road network planning phase of the General Plan Update, various road network scenarios were developed. In instances where regional freeways did not have adequate capacity, traffic model forecasts indicated that much of that traffic diverted to County roads causing them to be congested. An example of this is Old

Responses to Letter X 1, Associated General Contractors of America (cont.)

Highway 395, which became very congested until Interstate 15 was planned to be widened to 12 lanes north of State Route 78. During the General Plan Update road network planning phase, the SANDAG 2030 Regional Transportation Plan (RTP) did not plan any improvements to Interstate 15 north of State Route 78 beyond eight lanes. However, the current SANDAG 2030 RTP plans to widen Interstate 15 to 12 lanes. This revision to the RTP occurs subsequent to coordination efforts between the County and SANDAG as a result of the General Plan Update road network planning process.

Comment Letter X 2, CAL FIRE, State of California

State of California

Natural Resources Agency

Memorandum

To: County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Devon Muto

Date: August 31, 2009

Website: www.fire.ca.gov

Re: County of San Diego General Plan Update
SCH2002111067
Draft Environmental Impact Report (DEIR)

X2-1. After review of the above referenced document, the General Plan Update complies with applicable laws and codes. However, I was unable to determine if it complies with Fire Prevention Barriers, specifically goals and policies addressing access routes that if removed would prevent firefighter access. The EIR refers to section Lu-2.7, Lu-6.9, Lu-12.2, and M-4.4 of the proposed General Plan Update Policies.

The afore mentioned portions were not with the documents I received.

Mark Ostrander
CAL FIRE
San Diego Unit
Environmental Coordinator
P.O. Box 1560
Boulevard, CA 91905

Mandated Due Date:	~~8/14/09~~ 8/31/09
Date Document Received in Mail:	~~7/31/09~~ 8/14/09
Comment Letter Date:	8/31/09
Date Mailed:	9/1/09

Comment Letter X 2, CAL FIRE, State of California (cont.)

State of California **Natural Resources Agency**

Memorandum

To: County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Devon Muto

Date: December 10, 2009

Website: www.fire.ca.gov

Re: County of San Diego General Plan Update
SCH2002111067
Draft Environmental Impact Report (DEIR) **Addendum**

X2-2. After review of the above referenced document , the General Plan Update I was able to determine that it complies with Fire Prevention Barriers, specifically goals and policies addressing access routes that if removed would prevent firefighter access. The specific sections reviewed were Lu-2.7, Lu-6.9, Lu-12.2, and M-4.4 of the proposed General Plan Update Policies.

Mark Ostrander
CAL FIRE
San Diego Unit
Environmental Coordinator
P.O. Box 1560
Boulevard, CA 91905

:
Date Mailed: 12/11/09

Responses to Letter X 2, CAL FIRE, State of California

X2-1 This comment stated that the General Plan Update complies with applicable laws and codes; however was unable to determine if its goals and policies comply with Fire Prevention Barriers, specifically access routes that if removed would prevent firefighter access. No response to this comment is necessary based on response to comment X2-2 below.

X2-2 This comment (from an addendum to the August 31, 2009 letter) provides additional clarification to the issue raised by response to comment X2-1 above and determined that the General Plan Update also complies with Fire Protection Barriers.; No issues have been raised by this commenter; therefore, no further response is necessary.

Comment Letter X 3, California Construction & Industrial Materials Association

CALCIMA
California Construction and Industrial Materials Association
1029 J Street, Suite 420
Sacramento, CA 95814
916-554-1000

September 11, 2009

Mr. Devon Muto
County of San Diego - DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: County of San Diego General Plan Update – Conservation Element & Implementation Plan as they relate to Mineral Resources

Dear Mr. Gibson,

X3-1. The San Diego Chapter of the California Construction and Industrial Materials Association (CalCIMA) has recently reviewed San Diego County's General Plan Update, released in July 2009, as it relates to Mineral Resources. After our review of the Conservation Element and Implementation Plan our comments are presented in this letter. CalCIMA is the statewide trade association for aggregate, ready mixed concrete and industrial minerals in California, including producers in San Diego County. There are over 100 member companies in CalCIMA, representing over 500 production facilities.

Based on our review, the County of San Diego's Draft General Plan Update contains many improved policies towards being in compliance with the mineral resource conservation requirements outlined in SMARA. This letter is intended to address certain aspects of the draft goals and policies in order to make their meaning easier to understand.

X3-2. While not entirely relevant to a General Plan process, we would also like to note that designated mineral resources were included in SB 375 (Steinberg) for inclusion in the Sustainable Communities Strategy. Likewise, SANDAG is pursuing a comprehensive San Diego County Aggregate Supply Study with the assistance of CalTrans grants. Preserving our communities vital natural mineral resources is critical to our future ability to provide the basic building materials necessary to maintain and develop San Diego's infrastructure in the most environmental, economic and socially sustainable fashion. As such, preserving those resources in a comprehensive planning document

Comment Letter X 3, California Construction & Industrial Materials Association (cont.)

Mr. Devon Muto
9/11/2009
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X3-2. cont. such as the general plan is critical. To ensure consistency, the mineral resource section of the General Plan should be integrated with SANDAG's Sustainable Communities Strategy as well as their Aggregate Supply Study.

Comments

X3-3. After reviewing the Mineral Resources Section of the Conservation Element and the Implementation Plan of the County's Draft General Plan Update, it is our opinion that clarification is needed to ensure consistency and understanding. With the suggested additions and small changes, the General Plan goals and policies will be compliant with SMARA. For simplicity, this letter will address each Mineral Resource Goal and Policy of the General Plan that needs clarification.

I. Conservation Element Mineral Resource Introduction (pg. 5-21).

X3-4. The introduction provides a good summary of the shortage of construction aggregate in San Diego County. However, it is not clear what is meant by the 50-year demand to readers not familiar with the industry. The 50-year demand is a dynamic number and as a result, will change over the life of the General Plan. For instance, the estimated 50-year demand quoted in this section is for 2006-2056. If the General Plan is not adopted until sometime after 2010, the 50-year demand referred to in the introduction would be insufficient. It is suggested that when referring to the 50-year demand, the General Plan could also provide a definition, schedule or calculation of what volume of permitted aggregates would meet the 50-year demand depending on what year was being considered. For Instance, a schedule or table could be provided that would present the 50-year demand for each year after the General Plan is adopted. By referring to an actual volume as opposed to simply "50-year demand", a more measurable and understandable goal can be developed.

II. Goal COS-10 (pg. 5-23)

The wording of this goal needs to be enhanced in order to ensure the objective of the goal is understood. Suggested edits are provided below in bold. Again it is recommended that in order to create a more measurable goal, that the actual volume of reserves needed to meet the annual and 50-year demand be identified.

X3-5. Protection of Mineral Resources. **Protect lands that contain mineral resources to ensure the availability of permitted mineral reserves that will assure** long-term production of mineral materials adequate to meet the local County annual demand **(16-20 million tons)**, while maintaining permitted reserves equivalent to the estimated 50-year supply **of x-billion tons (refer to schedule/table)**. **This goal will be implemented in accordance with** using operational techniques and site reclamation methods.

Comment Letter X 3, California Construction & Industrial Materials Association (cont.)

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III. Policy COS 10.1 - Siting of Development

This policy uses phrases that may be difficult to define in practice. For instance:

X3-6. *" Encourage the conservation (i.e., protection from incompatible land uses) of areas that have substantial potential for mineral extraction. Discourage development that would substantially preclude the future development..."*

With regards to "substantial potential"; should the term "Mining Compatibility Designator" contained in the Implementation Plan be used? By using the Designator there is no confusion of the interpretation of what "substantial potential" means. The same concern applies to "substantially preclude". How will this be measured or defined in practice?

With regards to the reference to "development" and "incompatible land uses"; these should defined for clarification.

"...(i.e., protection from incompatible land uses)...Design development or uses to minimize the potential conflict with existing or potential future mining facilities."

X3-7. It is suggested that a definition of incompatible land uses be provided. Also, what is being referred to when "development and uses" are used? What kind of development or uses is being referred to, incompatible land uses? SMARA provides the following definition of incompatible land uses in Section 3675, this could be used or referenced by the General Plan for clarification:

> *"Incompatible land uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial."*

IV. COS 10.2 - Protection of State Classified or Designated Lands.

X3-8. The Goals and Policies should be compatible with the Implementation Plan. In addition to lands identified by the Department of Conservation (MRZ-2&3), Section 5.4.1.D of the Implementation Plan refers to lands identified by the California Construction and Industrial Materials Association and SANDAG. Policy COS 10.2 should also protect these lands by providing reference to them in the policy.

"*Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2)* ***as well as lands identified by the California Construction and Industrial Materials Association and SANDAG"***

Comment Letter X 3, California Construction & Industrial Materials Association (cont.)

Mr. Devon Muto
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V. COS 10.3 - Road Access.

X3-9. Goals and policies should be consistent with the Implementation Plan by using the same terms. In the Implementation Plan section, 5.4.1.C and 5.4.1.D, the term "Mining Ordinance Mining Overlay" is used. Policy COS 10.3 should refer to areas identified in the "Mining Overlay identified in the County's Mining Ordinance" as opposed to just the "County Zoning Ordinance".

"...or areas identified in the ~~County Zoning Ordinance~~ Mining Overlay identified in the County's Mining Ordinance..."

VI. COS 10.5 – Reclamation Plans

X3-10. Phased reclamation plans are not required by SMARA but are encouraged when applicable. Phasing is often practiced for large to medium sized operations but can be difficult to apply to smaller sites. In addition, the configuration of an operation may make multiple phases impractical. As a result, please consider changing the language of this policy to **encourage** phasing when practical not **requiring** it.

"...~~Require~~ **Encourage** the reclamation plan to include a phasing plan **when practical..."**

VII. COS 10.6 – Conservation of Construction Aggregate

X3-11. This policy also refers to the 50-year demand. As mentioned earlier, the 50-year demand for San Diego County is a dynamic number and as a result, the General Plan should provide a definition, schedule or a calculation that would allow for a goal to maintain permitted reserves that would be sufficient for the 50-year time frame that is being considered. This will enable the County to work towards establishing a measurable number of permitted reserves.

VIII. COS 10.7&8 – Recycle and Permit Type

X3-12. The construction aggregates industry within San Diego is very supportive of these two policies. We appreciate that County staff has listened to our concerns and have created these policies to address them.

IX. COS 10.9 – Overlay Zones

X3-13. This is also a good policy. However, to maintain consistency with the Implementation Plan, lands identified by the California Construction and Industrial Materials Association and SANDAG should also be included in the overlay.

Conclusion

X3-14. Thank you for the opportunity to provide these comments on the draft General Plan Update. CalCIMA and EnviroMINE appreciate the willingness of County staff to

Comment Letter X 3, California Construction & Industrial Materials Association (cont.)

Mr. Devon Muto
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X3-14. cont. listen and incorporate our concerns with regards to mineral resource policies. The current draft General Plan mineral resource policies are much improved over the December 2008 draft and we thank the County for developing policies that are more in-line with SMARA requirements. We feel the County staff have done a great job and we appreciate the opportunities we have had to be involved in the process. We look forward to working with you as the General Plan Update continues to develop.

Should you have questions or comments, please call.

Sincerely,

Crystal D. Howard

Crystal D. Howard
CalCIMA San Diego Chapter
www.CalCIMASanDiego.org
619-284-8515

cc: Brian Baca, Chief of Project Planning
Bob Citrano, AICP
Gary Hambly, CalCIMA President

Responses to Letter X 3, California Construction & Industrial Materials Association

X3-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X3-2 This comment recommends that the General Plan Update be integrated with SANDAG's Sustainable Communities Strategy and their Aggregate Supply Study. The County is coordinating with the preparation of the Sustainable Communities Strategy, which considers the General Plan Update. In addition, the General Plan Update information is available for use in the preparation of the Aggregate Supply Study.

X3-3 This comment is general in nature and does not raise a significant environmental issue for which a response is required.

X3-4 The fourth paragraph under the subheading "Mineral Resources of San Diego County" in the Mineral Resources section of the General Plan Update Conservation and Open Space Element has been amended with "years 2006 to 2056" after "50 year estimated demand" to better clarify what is meant by the 50-year demand. The General Plan Update is meant to be a policy-driven plan; therefore, the County disagrees that specific annual 50-year demand amounts are necessary to incorporate into this document. The amount provided in the Context section represents an approximation of the 50-year demand amount, estimated under current conditions during the life of the plan; therefore, a table showing the demand for each year is unnecessary.

X3-5 The County does not agree that draft Conservation and Open Space Element Goal COS-10, Protection of Mineral Resources, should be revised as recommended. The recommended changes, such as specifically identifying the local County demand, are too specific and it is the County's preference to keep the intent of the Goal broad so that it is not susceptible to annual fluctuations in demand. The annual demand represents one fiftieth of the 50-year demand. As such, the Goal has been revised by adding "average" before "annual demand." In addition, the County does not agree with removing the objective to minimize adverse effects on surrounding land uses, public health, and the environment from the Goal.

X3-6 The County appreciates the comment, but disagrees that it is necessary to more clearly define "substantial potential" and "substantially preclude" in General Plan Update draft Policy COS-10.1, Siting of Development. The policy is intended to have broad language that will provide for discretion for decision makers in meeting these goals. However, the policy has been revised by replacing the text between "areas" and "substantial potential" with "<u>designated as having</u>" rather than "that have."

X3-7 The County appreciates the comment and has amended the General Plan Update draft Policy COS-10.1, Siting of Development, by adding the following at the end of the policy:

"<u>For purposes of this policy, incompatible land uses are defined by SMARA Section 3675</u>."

Responses to Letter X 3, California Construction & Industrial Materials Association (cont.)

X3-8 The County disagrees that draft Policy 10.2, Protection of State-Classified or Designated Lands, is inconsistent with the draft Implementation Plan because it does not also refer to lands identified by the "California Construction and Industrial Materials Association (CalCIMA) and SANDAG". The County does not agree that it is appropriate to refer to a private organization, such as CalCIMA, either in a General Plan policy or in the Implementation Plan. As such, draft Implementation Plan measure 5.4.1.D, Identification of Mineral Resources, has been revised by replacing "California Construction and Industrial Materials Association and SANDAG" with "other appropriate government agencies." In addition, the following has been added to the end of the first sentence of Policy COS-10.2, Protection of State-Classified or Designated Lands:

"<u>as well as potential mineral lands identified by other government agencies</u>"

X3-9 The County disagrees that draft Policy 10.3, Road Access, should be changed to refer to "Mining Overlay" rather than "Zoning Ordinance" to make the policy consistent with the draft Implementation Plan. The proposed Mining Overlay would be designated in the Zoning Ordinance; therefore, the specific reference to Mining Overlay is unnecessary. As proposed, the policy language would more broadly prevent access restrictions to all areas identified in the Zoning Ordinance, not just those areas identified by a Mining Overlay.

X3-10 The County disagrees that draft Policy COS-10.5, Reclamation Plans, should be changed to "encourage" rather than "require" phasing plans. As proposed, this policy is in accordance with Surface Mining & Reclamation Act (SMARA) Section 2772(c)(6).

X3-11 The County acknowledges that the 50-year demand is a dynamic number and has amended the Mineral Resources section of the Conservation and Open Space Element, under the Mineral Resources of San Diego County heading by providing a specific timeframe for the 50-year demand quantity included in this section (refer to response to comment X3-4 above). See also response to comment X3-5 above.

X3-12 The County acknowledges and appreciates the support shown for Policies COS-10.7, Recycling of Debris, and COS-10.8, New Mining Facilities.

X3-13 Please refer to response to comment X3-8 above.

X3-14 This comment provides concluding statements and does not raise a significant environmental issue for which a response is required.

Comment Letter X 4, Department of Conservation, State of California

NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

September 3, 2009

VIA FACSIMILE (858) 694-2485
Devon Muto
San Diego County
Department of Planning & Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Subject: Draft Environmental Impact Report (DEIR) County of San Diego General Plan Update **SCH# 2002111067**

Dear Mr. Muto:

X4-1. The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

X4-2. The DEIR for the General Plan Update proposes that instead of providing specific agricultural land use designations, the General Plan Update would allow agricultural operations to occur under any land use designation and would eliminate the existing land use designations for agriculture. That land would then be designated for open space, rural lands, or semi-rural

X4-3. lands. The proposed General Plan Update would also be implemented to preserve the rural backcountry areas of the unincorporated County. Residential densities allowed under the *rural* land use category, the lowest of all densities proposed in the General Plan Update,

X4-4. would allow for one dwelling per 20 acres to one dwelling per 160 acres. Residential densities permissible under *semi-rural* land use category would allow one dwelling per one acre to one dwelling per 10 acres.

Comments

X4-5. The Division is concerned over the proposed change of definitions for agricultural properties within the County. In the future, how will the County address potential impacts on agricultural

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Comment Letter X 4, Department of Conservation, State of California (cont.)

Mr. Devon Muto
September 3, 2009
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X4-5. cont. resources as defined by Appendix G of the CEQA Guidelines if the land use designations are changed from "agriclultural"? Would the County's LARA model be used to ascertain the

X4-6. importance of agriculture on each individual parcel zoned semi-rural and rural in the County? And finally, how does the County propose to reduce sprawl and protect these agricultural

X4-7. lands if there are no agricultural buffers in place?

X4-8. It is understandable that small farms may have the potential to be more profitable within the County; however the potential loss of large scale agriculture and the lack of agricultural buffers, due to the proposed changes in the County's agricultural general plan and zoning designations, raise concerns. With the proposed method of zoning it is possible that very few agricultural operations will be able to occur in areas zoned semi-rural because of conflicts with adjacent residential properties, and the lack of necessary buffers normally associated with agricultural zoning designations. Land uses once protected by these designations,

X4-9. which protected farmers' and ranchers' right to farm, may be tested as the uses of semi-rural designated properties and rural farming practices conflict. Therefore the Division suggests the following:

Right to Farm

X4-10. The County of San Diego Code of Regulatory Ordinances Sections 63.401 and 63.402, Agricultural Enterprises and Consumer Information Ordinance outlines the importance of the agricultural industry within its boundaries. As follows: "The ordinance recognizes that the commercial agricultural industry in the County of San Diego is a significant element of the County's economy and a valuable open space/greenbelt resource for County residents. The ordinance establishes a procedure whereby prospective purchasers of property are notified in writing of the inherent potential conditions associated with agricultural operations found throughout the unincorporated area. These conditions include, but are not limited to, noise, odors, dust, insects, rodents, and chemicals."

It is suggested that when the residents of San Diego County are notified of the change in their zoning to semi-rural and rural land use designations that they are concurrently notified of the right to farm ordinance that exists in the County and how it pertains to their new zoning designations. This noticing should also be distributed to new property owners when properties change hands and when new parcels are created via the Planning Department and/or the Assessor's Office.

Farming Program

X4-11. The DEIR touches briefly on the proposed Farming Program within the County. The Program should be approved and in place prior to the County's approval of the Final EIR and proposed change in General Plan designations and zoning.

Mitigation Measures

X4-12. Conservation easements can protect a portion of those remaining agricultural land resources and lessen project impacts in accordance with CEQA Guideline §15370. If growth inducing

Comment Letter X 4, Department of Conservation, State of California (cont.)

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X4-12. cont. or cumulative agricultural impacts are involved, the Department recommends that the ratio of conservation easements to lost agricultural land be increased. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements.

X4-13. The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

http://www.conservation.ca.gov/dlrp/index.htm

X4-14. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered such as establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible uses.

Agricultural Resources under CEQA

Upon review of the DEIR it was noted that a definition of agricultural resources under the proposed semi-rural and rural land use designations was prepared. How agricultural resources would be evaluated in the County under CEQA once land use designations are changed is not addressed. The Division would like to suggest that the County use the following text from the DEIR, or a modified version, as an introduction to determining future impacts to Agricultural Resources under CEQA for future environmental documents.

X4-15. "The definition of an agricultural resource has been broadened .... to include any land with an active agricultural operation, or any site with a history of agricultural production based on aerial photography or other data sources identifying agricultural land uses. The reason for the broadened definition is to include in the analysis the many small farms in San Diego County .... It should be noted that not all agricultural resources that have been identified within the County and discussed below are in active operation. The agricultural resources discussed below include lands within the unincorporated County that are available and suitable for agricultural use, although they may not be in current agricultural use. These resources have been included to provide a broad picture of the potential agricultural resources that exist within the County."

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X4-15. cont.

"Although agricultural acreage has been declining over the past three decades, agriculture continues to be a vital component of the San Diego County economy. This is due, in part, to the many small farms in the County that produce high value crops. Sixty-eight percent of farms within the County range in size from one to nine acres, with the median size of farms being four acres. The agricultural trend of producing high value crops on small amounts of land has allowed San Diego County farmers to continue economically productive operations."

"The conversion of agricultural resources to non-agricultural land uses would result in a direct impact to agriculture by significantly reducing or eliminating the productive capacity of the land. This is due to a number of issues which create pressures on the continuation of agriculture, such as high land values, conflicts with the urban/agricultural interface, and the high economic cost of operation.'

Agricultural Preserves

X4-16. The DEIR mentions that parcels under Williamson Act contract will be left untouched until the contracts finish their non-renewal process and terminate, but the surrounding lands (not under contract) will be rezoned-- effectively removing the agricultural preserve designation. Such a removal is subject to a number of statutes under the Land Conservation (Williamson) Act of 1965.

X4-17. Regarding the size of the remaining agricultural preserves, Section 51230 states that agricultural preserves shall consist of no less than 100 acres, provided, that two or more parcels may be combined if they are contiguous or in common ownership. A County may establish agricultural preserves of less than 100 acres if it finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishments of those preserves are consistent with the general plan of the County. Please see section 51230 on reestablishing agricultural preserves by resolution of the Board of Supervisors (BOS) to meet these requirements.

Section 51236 of the Land Conservation (Williamson) Act requires a County or City to serve a notice of non-renewal to the landowners (60 days prior) and Director of Conservation (30 days prior) to the removal of land from an agricultural preserve (as stipulated in §51245). Land that is under contract cannot be removed from an agricultural preserve until that contract has terminated in non-renewal. A notice shall also be recorded with the County Recorder no less than 20 day after approval from the BOS (§51248).

X4-18. Thank you for giving us the opportunity to comment on this DEIR. Please provide this department with the date of any hearings for this particular action, and any staff reports pertaining to it.

Comment Letter X 4, Department of Conservation, State of California (cont.)

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X4-18. cont. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

Responses to Letter X 4, Department of Conservation, State of California

X4-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X4-2 The County agrees with this comment. No further response is required.

X4-3 The County does not agree with this comment. Land used as agriculture would not likely be designated as open space, rural lands, or semi-rural lands on the General Plan, but would remain under the given designation shown on the land use map unless the landowner applied for a General Plan Amendment.

X4-4 The County agrees with this comment. No further response is required.

X4-5 Evaluations of impacts to agriculture pursuant to CEQA do not depend on the Regional Category or Land Use Designation of the General Plan. Instead, such analyses depend on determinations of what resources are on the ground at the time of the development application. See the County's Guidelines for Determining Significance: Agricultural Resources, available at: http://www.sdcounty.ca.gov/dplu/docs/AG-Guidelines.pdf.

X4-6 The Local Agricultural Resources Assessment (LARA) model is used to ascertain the importance of agriculture for any parcels that support agriculture and are proposed for development that requires environmental review (i.e., discretionary applications) regardless of the General Plan designation on the property.

X4-7 The County proposes the reduction of sprawl and protection of agricultural resources by implementing the General Plan Update, which reduces densities in areas important for agriculture and includes policies for the protection of agriculture. In addition, agricultural buffers will be included as a matter of policy in the General Plan and in the Community and Subregional Plans (see draft Conservation and Open Space Element Policy COS-6.2, DEIR mitigation measure Agr-1.5, and draft Implementation Plan Section 5.3.2.C).

X4-8 The County does not agree with this comment. While the General Plan Update does not include a regional category that specifically designates areas for agriculture, all zones will include agriculture as an allowed use, which is not any different from the existing General Plan. There are many reasons that large-scale agriculture is uncommon in San Diego (e.g., economic changes, water supply, lack of state funding, etc.); however, the County does not agree that the proposed General Plan Update would exacerbate this issue. On the contrary, the proposed project will reduce the potential for incompatible uses to occur where important farmlands are located.

X4-9 The County does not agree with this comment. With regard to allowed agriculture and allowed residential uses, the General Plan Update is not proposing a substantial change except to densities where appropriate. The existing General Plan already allows residential uses in agricultural designations and vice versa. The County of San Diego has a long-established pattern of residential uses mixed among small

Responses to Letter X 4, Department of Conservation, State of California (cont.)

farming operations. This is the more economically viable pattern given the arid climate and topography.

X4-10 The County does not agree with this comment. With regard to the General Plan Update designations, landowners affected by changes have been notified and no additional noticing is warranted. However, with regard to zoning changes that will occur during future Zoning Ordinance updates pursuant to the General Plan Update, affected landowners will be notified of the change. Since the proposed changes do not change allowed use types (i.e., agriculture, residential, etc.), the County does not agree that special noticing is required related to the Right to Farm Ordinance. In addition and for the same reasons, the County does not agree that such noticing is required when properties change hands or parcels are created.

X4-11 The approval process for the Farming Program was completed in March of 2009.

X4-12 This comment recommends use of conservation easements as appropriate mitigation for agricultural resource impacts. The County agrees with this comment, which is not at variance with the content of the DEIR. The County's Guidelines for Determining Significance – Agricultural Resources identify on-site preservation as the primary type of mitigation for such projects. Page 47 of the guidelines includes the recommendation from the Department of Conservation regarding increases in mitigation ratios for when growth-inducing or cumulative impacts are identified (http://www.sdcounty.ca.gov/dplu/docs/AG-Guidelines.pdf).

As mitigation for the General Plan Update, the DEIR includes several measures and policies that promote the use of open space or conservation easements. Agr-1.2 requires the County to develop and implement programs and regulations that protect agricultural lands (such as the CEQA guidelines, Zoning Ordinance, Right to Farm Act, Open Space Subvention Act, Farm and Ranch Lands Protection Program, San Diego County Agricultural Enterprises and Consumer Information Ordinance, BOS Policy I-133, and the San Diego County Farming Program). Agr-1.3 requires the creation of a Conservation Subdivision Program that facilitates conservation-oriented project design as necessary with the goal of promoting conservation of natural resources and open space (including agricultural lands). Agr-1.4 requires the County to develop and implement the Purchase of Agricultural Conservation Easements (PACE) Program which will be used to provide monetary compensation to farmers that are willing to place agricultural conservation easements over their land. And Policy COS-6.4, Conservation Easements, supports the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural lands.

X4-13 The County incorporates all feasible and appropriate conservation tools when mitigating project impacts to agriculture. It is not clear from the comment how or if the County's policies and measures in the DEIR are insufficient.

X4-14 This comment is not at variance with the existing content of the DEIR or the draft General Plan. Please see Policy COS-6.2, Protection of Agricultural Operations, and

Responses to Letter X 4, Department of Conservation, State of California (cont.)

draft Implementation Plan Measure 5.3.2.C., Important Agricultural Areas (also mitigation measure Agr-1.5).

X4-15 Evaluations of impacts to agriculture pursuant to CEQA do not depend on land use designations. Therefore, the County will continue to use the Guidelines for Determining Significance for future environmental documents. See also response to comment X4-5 above.

X4-16 This comment regarding Williamson Act statutes does not raise a significant environmental issue pursuant to CEQA for which a response is required.

X4-17 This comment summarizes requirements set forth by the Williamson Act. It does not appear to raise a significant environmental issue pursuant to CEQA for which a response is required.

X4-18 The County will notify the Department of Conservation Division of Land Resource Protection prior to Board of Supervisors hearings on the project.

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Carlsbad Fish and Wildlife Office
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In Reply Refer To:
FWS/CDFG-09B0146-09TA1153

Mr. Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Comments on the San Diego County Revised Draft General Plan and Implementation Plan (July 2009), San Diego County, California

Dear Mr. Muto:

X5-1. This letter provides supplemental comments from the California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service) on the Revised July 1, 2009, draft of the County of San Diego's (County) General Plan (GP) Update and Implementation Plan (IP). The Department and Service (jointly, the "Wildlife Agencies) met with the County on July 21, 2009, to review our previous comment letter (January 30, 2009) on the November 2008, version of the draft General Plan. On August 18, 2009, the County provided the Wildlife Agencies with a table that identifies all the policies in the draft General Plan related to clustering. The Wildlife Agencies' previous comments on the November 2008, draft General Plan are incorporated into this supplemental letter by reference, and are included as Enclosure A (*) to this letter. Additional recommendations and/or comments may follow pending further review and discussions.

X5-2. The Wildlife Agencies acknowledge the many years and stakeholders involved in this planning process and commend the County for their time and effort to meet and discuss General Plan issues. The comments provided herein focus on the changes to the draft General Plan since the previous November 2008, version, as well as the IP, which has now been further developed. Enclosure B (**) contains our previous comments on the County Resource Management Plans (RMPs) and Enclosure C (***) includes our previous draft comments on the General Plan Draft EIR (DEIR): both of these documents are also incorporated by reference in this letter.

The following are the Wildlife Agencies' major comments on the Revised July 1, 2009, draft GP and IP. Per our previous January 30th letter, our comments remain focused on several GP issues, including: GP consistency; the ability to cluster development to improve preserve design; trails

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-2. cont. in open space; vegetation/fuel management; GP implementation; management-enforcement issues; and, agency coordination. Where applicable, comments from our previous letters are denoted with an asterisk(s) (*):

A. **GENERAL PLAN CONSISTENCY AND FORMATTING**:

X5-3. 1. * Some policies appear to be internally inconsistent with the intent of GP law, inconsistent with other elements, and potentially undermine existing adopted plans (e.g., Multiple Species Conservation Program [MSCP]). The GP should be reorganized to include all biological preservation-related topics (e.g., MSCP, trails, vegetation management) in one element (e.g., Conservation) with references to other relevant elements where appropriate. For example, the discussion on trails in the Conservation Element (CE) should focus on how they are required to be compatible with species preservation. The GP should not address conservation-related policies for trails in the Mobility Element (ME). As currently presented, the Draft CE and ME appear to be internally inconsistent, and, may create conflicts with the County's existing South County MSCP and future North County and East County MSCPs. The GP must make it clear that it does not override or replace the MSCP obligations where trails and other resource-based uses are designated/allowed under the GP.

X5-4.

B. **LAND USE ELEMENT (LUE)**

X5-5. 2. *** To the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP to Natural Community Conservation Plans (NCCP) and/or Habitat Conservation Plans (HCP) would be potentially significant. The EIR should clearly disclose where the GP development density would occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step). Moreover, if the County GP does not include a land use tool to allow clustering to minimize impacts to open space/PAMA (via the Subdivision Ordinance or otherwise), it is unlikely that this conclusion can be supported in the General Plan and related EIR.

X5-6.

X5-7. 3. LU-2.4 (Greenbelts to Define Communities)/page 3-22: Please revise this text as follows to include open space as part of greenbelts, "Identify and maintain greenbelts and open space between communities to reinforce the identity of individual communities."

X5-8. 4. Page 3-17 (Open Space-Conservation): Please revise this text as follows to add MSCP lands, "This designation is primarily applied to large tracts of land, undeveloped and usually dedicated to open space that are owned by a jurisdiction, public agency, or a conservancy group and/or count towards MSCP obligations."

X5-9. 5. Page 3-18 (Open Space-Conservation): Please revise this text as follows to add MSCP

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-9. cont. lands, "This designation is not normally applied to conservation easements within residential subdivisions on private lands that are not within MSCP areas."

Open Space Subdivision Ordinance

X5-10. 6. *** The current proposal is implemented by amending the existing zoning and subdivision ordinances. It is the Wildlife Agencies understanding that where some clustering could achieve significant benefits in open space, some County Planning Groups have recommended lot size restrictions and other obstacles that would go even further to hamper successful implementation of the Open Space Subdivision Ordinance. For example, fixed lot sizes and other numerical restrictions could effectively circumvent the Conservation Subdivision's clustering requirements in favor of maintaining rural, scenic, historical, community, and/or agricultural character, which in many cases would permit only new development that perpetuates existing land use patterns and would render the Open Space Subdivision Ordinance tool for clustering ineffective for open space purposes. Some of the North County and East County communities, in particular, contain the most intact natural resource, agricultural, and viewshed values and present the most specific conflicts with the preservation goals of the program.

X5-11. 7. The Wildlife Agencies are unclear whether or not the Open Space Subdivision Ordinance currently proposed by the County would allow for local Community Plans to override or preclude development clustering for "community character" reasons. If there is a potential to override the benefits gained in biological open space, preservation of landscape and aesthetics, increased housing opportunities, and increased recreational open space, then an alternative in the EIR that would allow clustering to occur independent of community character (e.g., overriding biological or other benefits) should be included and fully analyzed in the EIR as a project alternative (not one that is merely considered but rejected).

X5-12. 8. *** The statement in the DEIR (page 2.1-34) that the Land Use Element provides policies that, "support conservation-oriented project design when consistent with the applicable community plan…" is problematic. This defers implementation of this policy to future community plan updates, which may render these policies not applicable to their community character and render them meaningless. The policy should read that all

X5-13. community plans will adhere to policies that support conservation-oriented project design; otherwise, those community plans that do not support them should be identified and disclosed in the EIR and General Plan.

X5-14. 9. *** It appears that without a firm policy to ensure that increased density can occur within each community, the County's overall General Plan goal of increased density cannot be achieved. The DEIR and revised GP should clearly show how increased densities can be achieved, or not, in each County community. Moreover, the EIR should clearly disclose

X5-15. where the GP development density would occur in relation to the County's MSCP and

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-15. cont. include an analysis of how it would affect the County's ability to meet their conservation goals (e.g., rough step).

10. On August 18, 2009, the County provided the Wildlife Agencies with a table that identifies all the policies in the draft General Plan related to clustering. The following are our comments on the table provided by the County:

X5-16. a) Many of the GP policies and IP actions related to clustering are dependent upon whether a project is consistent with "community character." For example, LU-1.10 (Density Allocation on Project Sites), LU-6.3 (Conservation –Oriented Project Design), LU-6.4 (Sustainable Subdivision Design), COS-11.3 (Development Siting and Design), and IP Nos. 5.1.2.D [Conservation Subdivision] and 1.2.2.B [Subdivision Ordinance]) are all contingent upon "community character," which is not well-defined in the General Plan and can vary according to each Community Plan. However, the Wildlife Agencies note that some GP policies (e.g., Guiding Principle #4 [page 2-11] and COS-2.2 [Habitat Protection through Site Design]) make some effort to require consolidating development without mentioning "community character." The General Plan and IP (including GP LU-1.10, LU-6.3, LU-6.4, COS-2.2, COS-11.3, and IP Nos. 5.1.2.D and 1.2.2.B) should be revised to state that all community plans will adhere to policies that support conservation-oriented project design; otherwise, those community plans, where implementation could be a problem, should be identified and disclosed in the EIR and General Plan.

X5-17.

X5-18. b) The General Plan should include a policy (e.g., in the Open Space Subdivision and Subdivision Ordinances) that no future Community Plans shall preclude "clustering" or "consolidating development" to achieve a better open space/MSCP preserve design because it may vary from perceived existing community development patterns and character.

11. * To ensure that the GP is consistent with the adopted South County MSCP (and future NCCP/HCPs in progress), the County should provide specific direction in the GP that using development clustering to best achieve County NCCP/HCP goals will not be precluded by the County's Subdivision Code, BMO, RPO, or other implementing ordinance or regulation. In addition, community character should not override open space protection when clustering could be used to achieve a biologically superior project. Where rural clustering is used to maximize biological open space preservation, the County should make it an explicit policy that the open space resulting from the clustering is dedicated to the MSCP for biological purposes and cannot be converted to other uses in the future.

X5-19.

X5-20. 12. The Wildlife Agencies recommend that the County revise the Open Space Subdivision Ordinance and IP to require that "clustering" or "lot consolidation" is mandatory within MSCP lands in all Semi-Rural and Rural designations, with minimum open space requirements defined for each General Plan and Community Plan density level. The

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-21. County's Zoning Code (e.g., RPO, BMO, Subdivision Ordinance) should require each project to prepare findings for "community compatibility and/or character" through rural design standards that are not dependent upon lot size. The Community Plans should not supersede the Conservation Subdivision provisions, Lot Area Averaging, or Planned Development Standards or other tool that would help achieve better preserve design by "clustering" or "consolidating development". Some potential problems with future Community Plans include setting a conflicting minimum lot size, requiring "consistency" with subjectively defined "community character," or restricting development that does not fit established patterns but would clearly have a net environmental benefit. To prevent future Community Plan from undermining the ability to achieve better preserve design by "clustering" or "consolidating development" through the Conservation Subdivision, IP and General Plan policies, the following two major changes in all sections in the Community Plans that affect the Conservation Subdivision should be included in the General Plan and EIR:

X5-22.

X5-23.

a) References to lot size in the Community Plans should be removed and deferred to the Zoning Ordinance and Subdivision Ordinance; and,

b) Within the Community Plans, policies for preservation of community character should require: 1) each project to prepare findings for "community compatibility and/or character" through rural design standards that are not dependent upon lot size; and, 2) not to exclude patterns of development that meet these rural design standards guidelines but vary from perceived existing community development patterns and character.

Consistency with Adopted Plans and NCCPs/HCPs

X5-24. 13. *** The Wildlife Agencies cannot concur at this time with the conclusion in the EIR that, "[a]s discussed in 2.4.3.5 above, the proposed General Plan Update would not be in conflict with any local policies or ordinances as the County is ensuring consistency among its regulations during this comprehensive update. Therefore, the proposed project would not contribute to a significant cumulative impact." Anywhere in the EIR where this or similar conclusory statements are made regarding future County commitments to ensure consistency, they must be substantiated in the record under CEQA so as not to be deferential. Moreover, the actions the County plans to take to "ensure consistency" should be clearly identified in the GP Implementation Plan, and evaluated in the EIR.

X5-25. 14. *** The Wildlife Agencies cannot concur at this time with the conclusion in the EIR that, "[a]s discussed in 2.4.3.6 above, the proposed General Plan Update would not be in conflict with any known HCPs or NCCPs. Therefore, the proposed project would not contribute to a significant cumulative impact." To the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-25. cont. plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP to NCCPs and/or HCPs would be potentially significant. The EIR should clearly disclose where the GP development density would occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step). Moreover, the actions the County plans to take to "ensure consistency" with NCCPs and/or HCPs should be clearly identified in the GP Implementation Plan, and evaluated in the EIR.

C. **INTRODUCTION AND VISION/GUIDING PRINCIPLES**:

X5-26. 15. */** The GP LUE, CE and ME should include policies that direct locating public use trails along the edges of urban lands uses adjacent to the proposed core lands and linkages and avoiding encroachment into sensitive habitats or defined (or subsequently identified) wildlife movement areas. Furthermore, the GP and IP should make it a policy that lands purchased and counted towards NCCP/HCP commitments cannot have a net increase in trails on-site without an agency-approved compatibility study, and that any proposed new trails must avoid increased impacts to sensitive resources; otherwise, any difference must be credited back or otherwise offset. This should also be incorporated into the County's Trails Plan (CTP), the Community Trails Master Plan (CTMP), Resource Management Plans (RMPs) and public access plans. Last, the GP should clearly define the relationship between population-based park standards and habitat-related conservation to ensure that appropriate restrictions are placed on NCCP/HCP lands and that they are managed accordingly.

X5-27. 16. */** The GP should include a policy that monitoring and enforcement is a critical part of natural resource planning and NCCP/HCP implementation (e.g., encroachment, trail management). Without enforcement (e.g., adequate number of rangers, ensuring that new, unauthorized trails are not being cut/maintained, etc.), realization of conservation goals set forth in the CE and other goals in the GP may be problematic.

X5-28. 17. * The GP should include an overarching policy that the goals and policies in the LUE for energy facilities should not supersede the biological goals and objectives outlined in the County's NCCP/HCP, in particular within the MSCP's existing or planned PAMA areas. See page 3-23 (LU-4.6; Planning for Adequate Energy Facilities).

X5-29. 18. * The GP should accurately reflect the County's ongoing North and East County MSCP Planning efforts. The preserve boundaries and major policy issues from these plans (in-progress) should be consistently incorporated into the GP. Important policy issues include, but are not limited to: the value of agricultural land for conservation; brush clearing; open space management; funding and land conveyance; trails; and, participant contributions to the preserve assembly. Additionally, the GP should consistently identify open space activities and any restrictions consistent with adopted and planned NCCP/HCPs.

Comment Letter X 5, State of California, Department of Fish & Game, and the United States Fish and Wildlife Service, Joint Letter (cont.)

X5-30. 19. * The GP and/or supporting documentation (e.g., IP) should clearly demonstrate how the County's zoning code will be updated to achieve consistency with the GP, in particular the County's BMO, RPO, Open Space Subdivision Ordinance, County Trails Plan, vegetation management, vector management, low-impact development guidelines, trails planning/management, and any other GP goal/policy that would affect NCCP/HCP implementation and species conservation (See page 9-1 [3rd bullet]).

X5-31. 20. * The Wildlife Agencies appreciate that the County included a policy to not allow variances or other project approvals where it would result in direct or indirect impacts to public and/or NCCP/HCP-preserve lands (e.g., brush management, lighting, trails, road access, etc) as part of the IP (i.e., 6.2.2.D) (See also page 3-22 (LU2.5; Development Near Neighboring Jurisdictions).

D. **CONSERVATION ELEMENT (CE)**:

X5-32. 21. */** The GP should provide a policy in the Conservation Element that provides adequate interim protection of biological resources from the period between the discretionary approval and issuance of grading permits. This time period should also be tracked in County records. Often, there is a considerable lag time between the hearing approval and ministerial permits, which leaves "protected" resources at risk. In most cases, the Applicant needs to be clearly held responsible for protecting these resources until the transfer of management responsibility has been transferred (along with any endowment or funding mechanism) to another entity approved by the County. Failure to account for this interim protection potentially results in management organizations refusing to assume unanticipated clean-up or restoration obligations and could affect the County from achieving conservation goals for covered species and habitats.

X5-33. 22. * To ensure that the County's NCCP/HCP preserve is assembled in a proper and timely manner in rough proportion to development, the Draft GP should establish a policy that in the MSCP-PAMA, land outside the permitted developable area shall be conveyed to the preserve through an appropriate mechanism (e.g., conservation easement, fee title, etc.) as a condition of approval. These lands can be used to meet mitigation and adjustment requirements for the proposed project; however, they cannot be used (i.e., "banked") to mitigate for future projects. This policy should be incorporated into the BMO as a standard permit requirement and incorporated in the GP IP. Typically, the conveyance should occur prior to issuance of grading authorization, or building/occupancy permits if no grading is involved.

X5-34. 23. The General Plan should provide a County-wide policy that, generally, biological surveys are valid for one year for CEQA purposes (two years at the most). Moreover, before determined to be valid for County purposes, the proponent should go out and verify/ confirm that habitat conditions are the same as in biology report [no alterations occurred (e.g., clearing)], ideally prior to public review.

X5-35.

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X5-36. 24. */*** The draft EIR should include an update of the MSCP conservation status and implementation (e.g., MSCP preserve boundaries and acreages) as part of the baseline for the Conservation Element. This could possibly be in the form of a summary of the all the MSCP annual report (AR) since the County's MSCP was signed (1997).

X5-37. 25. ** To accurately address potential impacts from wildlife movement corridors from GP implementation, the EIR (page 2.4-30) and GP should include policies to limit brush management in movement and corridor areas as well as provide bridge and crossing to facilitate movement, as required under the County's MSCP. Many of the measures identified as mitigation are actually requirements under the County's existing MSCP. Without such policies included in the GP and analyzed in the EIR, the EIR must conclude that impacts would remain potentially significant to wildlife movement corridors.

X5-38. 26. Page 5-40 (Preserves): Please revise the second sentence as follows to acknowledge that open space can contribute to community character, "The dual purpose of preserve is to protect biological, cultural and historical resources, as well as community character, and to make these resources available for compatible public recreation opportunities."

X5-39. 27. Goal COS-24 (Park and Recreation Funding)/page 5-43: Please add "open space and MSCP lands" to this goal. Otherwise, please clearly explain why open space/MSCP lands are not identified as a Park and Recreation management responsibility with associated budgeting. If the intent is for Park and Recreation to not manage open space/MSCP lands, the GP and IP must clearly identify which Department will assume this existing (for South County) and future (for North and East County MSCPs) requirement.

X5-40. 28. COS-24.2 (Funding Opportunities)/page 5-43: Per our previous comment on Goal COS-24, please add "open space and MSCP lands" to this policy.

E. **MOBILITY ELEMENT (ME)**:

Trails and Open Space

X5-41. 29. */** The Wildlife Agencies have reviewed the revised language in the Mobility Element regarding trails and still recommend that our previous comments be incorporated into the final General Plan. Specifically, the policy on "maximizing development of trails" should be revised to state that, "… provide for adequate bicycle facilities…"

X5-42. 30. */** The Draft Mobility Element has several policies that emphasize the maximum development of trails within open space and NCCP/HCP lands. This policy must be revised to reflect the current policies on trails in the MSCP, which requires that the footprint for trails be minimized within PAMA, that existing roads should be used, that easements should be co-located with trails, that trails be limited or excluded from core resource areas, that trail management (including waste pick-up) must occur for all trails in the CTP, and trails may have seasonal closure provisions to protect sensitive species

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X5-42. cont. (See Section 1.9 of the County's South County MSCP). The emphasis in the Mobility Element (pages 4-1 to 4-33) to "maximize the provision of bicycle facilities…" should be replaced with "provide for adequate bicycle facilities…", especially where facilities would be within or adjacent to NCCP/HCP-PAMA lands. The term "maximize" implies a higher priority over other elements, such as the CE. This directive should also be carried through other sections of the Mobility Element, Land Use Element, Conservation Element and the IP (e.g., County Trails Plan).

X5-43. 31. */*** Per our previous comments on the GP, please delete the word "maximize" in policy M-11.3.

X5-44. 32. * The GP should clearly distinguish between "active" and "passive" recreational uses (i.e., provide an inclusive list of both) and describe which uses would be allowed on and adjacent to various types of open space (e.g., NCCP/HCP lands, active parks, urban amenity, etc.). Moreover, the GP and IP should describe how much annual funding goes into administrative versus stewardship and monitoring, management and enforcement.

X5-45. 33. */** The GP and IP should clarify that the CTP, CTMP, RMPs and related guidelines identify trails as "conditionally compatible" within or adjacent to existing or planned NCCP/HCP preserve lands and must place priority on species/habitat protection of species/habitat first, including respecting all narrow endemics, vernal pools, breeding seasons, etc. Any potential conflicts between species conservation and trail use within or adjacent to the preserve must be evaluated and any conflicts should be resolved, erring on the side of species protection.

X5-46. 34. */** The Draft GP should clearly state in the LUE, CE and ME that "[t]rails within or adjacent to open space preserves are guided by ecological principles and the County's MSCP, which require resource protection first, active recreational uses are subservient and err on the side of species protection if there are potential conflicts." Furthermore, DFG believes that additional CEQA and, where applicable, CESA review and/or compliance should be required for many of the trails planned within the County's MSCP and/or where natural habitat and/or sensitive species exist.

X5-47. 35. Per the County's response to comment E2 of our January 30, 2009, letter, please revise the General Plan and/or response letter to indicate that prior to CEQA evaluating a specific trail, the trail must be designed to be consistent with the County's MSCP and County Trails Master Plan (e.g., Appendix G); trail design and siting should not wait to be evaluated first at the CEQA stage, but rather the CEQA document should clearly demonstrate how the trail is consistent with the MSCP and County Trails Master Plan, and then identify appropriate mitigation consistent with the MSCP.

X5-48. 36. Per the County's response to comment E5 of our January 30, 2009, letter, the Wildlife Agencies respectfully do not agree. The General Plan must work in collaboration with current requirements for trails in the MSCP and CTP.

X5-49.

X5-50.

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X5-51. To date, there is substantial evidence that the County has not been implementing trail planning, design, construction and maintenance to MSCP and CTP standards (see also Enclosure B).

X5-52. 37. Policy Rec-2.3 should be revised as follows to delete the reference to community character" "Amend the Subdivision Ordinance to require new residential development to be integrated with existing neighborhoods by providing connected and continuous road, environmentally sensitive pathway/trail and recreation/open space networks. Also add new conservation-oriented design guidelines for rural lands projects as part of this amendment. These measures will assist in the planning for recreational facilities as new development is proposed while minimizing impacts to sensitive resources consistent with the County's MSCP."

X5-53. 38. Page 4-30 (1st sentence): Please revise the text to state, "…by ecological principles and the County's MSCP, which require mitigation of impacts to biological resources where avoidance is not possible."

F. **SAFETY ELEMENT (SE)**:

Fuel/Vegetation Management

X5-54. 39. * The GP should take into account all proposed fuel modification zones and maintenance activities (including a buffer area) when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries, consistent with the obligations of NCCP/HCP. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the GP should identify a policy of no net habitat loss from fuel modification within the preserves and require mitigation and/or a boundary line adjustment to fully replace the area of the Preserve being impacted.

X5-55.

X5-56. 40. Per the County's response to comment F1 of our January 30, 2009 letter, the Wildlife Agencies understand that the Vegetation Management Program (a.k.a. Fuel Management Plan) contains action items and recommendations that are intended to be implemented County-wide. These actions and recommendations should be identified in the GP and addressed in the EIR.

G. **IMPLEMENTATION PLAN (IP) AND AGENCY COORDINATION**:

X5-57. 41. */** The GP should include policies on how it would be implemented across the various departments within the County. There needs to be a commitment from all of the departments to comply with the GP and an organizational structure that allows the department given the responsibility of implementation (including project review,

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X5-57. cont. management, and monitoring) to ensure compliance. A flow-chart showing these relationships would be helpful in this regard.

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X5-58. 42. Per the County's response to comment G2 of our January 30, 2009 letter, please clearly explain in the General Plan how the County's MSCP annual reporting will be coordinated with the GP annual reports.

X5-59. 43. ** The response letter to our January 30, 2009, letter states that many of the Wildlife Agencies' comments (e.g., B3, B4, B6, C3, C7, C9, C10, E2,) are too specific for the General Plan and, therefore, are not appropriate at the General Plan level, and are more (or already are) addressed by the County's draft Resource Management Plans (RMPs). The Wildlife Agencies provided a master comment letter on the County's draft RMPs on June 18, 2009. Based on that June 2009, letter on the draft RMPs, the County revised the draft RMPs. However, many issues raised on our June 2009, letter have yet to be resolved; therefore, it is not appropriate to defer addressing these County-wide policies issues to the RMPs when our comments on the RMPs have not been resolved, nor have the RMPs been finalized. Moreover, the RMPs are NOT policy documents, but rather site-specific management directives on how land that contributes to the MSCP will be managed to meet the County's permit obligations. Our June 2009, letter on the RMPs is also attached to this letter (See Enclosure B).

X5-60. 44. ** Without a firm commitment by the County to appropriately implement area specific management directives (ASMDs) as part of their RMPs, the Wildlife Agencies cannot concur with the County's statement that "[t]he GPs effect on NCCP/HCP planning areas is addressed in the Draft EIR and all indications are that the Draft GP would improve the situation (page 4 of County's response letter).

X5-61. 45. Per our meeting on July 21, 2009, please delete the second sentence in the County's draft response to comment D1.

X5-62. 46. */*** At our July 21, 2009, meeting, the County agreed to include language in the IP that would ensure clustering is an available tool to implement the MSCP. The Wildlife Agencies have reviewed the IP and we did not see any reference to "clustering" or "consolidating the development footprint" (e.g., Nos. 5.1.2.D [Conservation Subdivision] or 1.2.2.B [Subdivision Ordinance]). Please add language that would allow clustering as

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X5-62. cont. a tool for General and Community Plan development in these IP items, especially where it would occur within MSCP lands.

X5-63. 47. */*** Per the County's response to comment D4 of our January 30, 2009, letter, the EIR should include an update on the MSCP preserve boundaries and acreages since its adoption in 1998. A summary of the County's annual reports would be helpful in this regard for the Draft EIR.

X5-64. 48. Per the County's response to comment D9 of our January 30, 2009, letter, please clearly explain what the County means by an "implied shall."

X5-65. 49. *** Per our meeting, the General Plan and supporting EIR should clearly disclose that Resource Management Plan (RMPs), which must be approved by the Wildlife Agencies within MSCP areas, specifically identify areas available within MSCP preserves that are available for park and recreation needs.

X5-66. Thank you for providing the Wildlife Agencies with a copy of the County's Revised Draft GP. The Wildlife Agencies appreciate the opportunity to review and comment on the revised Draft GP and EIR and to assist the County of San Diego in developing County-wide policies that minimize and mitigate impacts to biological resources from implementation of the GP. We also appreciate the time and effort the County has taken in meeting the Wildlife Agencies to discuss our concerns on the General Plan and to address them in the final document. Our goal is to assist the County in developing a plan that works synergistically with MSCP and provides the County with region-wide policies that best protect and manage species and habitat.

We look forward to working with your staff in finalizing the GP and EIR, and resolving any issues identified in this letter and supporting enclosures, in a timely manner. If you have any questions or comments regarding this letter, please contact Randy Rodriguez of the Department at (858) 637-7100 or Susan Wynn of the Service at (760) 431-9440 ext. 216.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

X5-67. Enclosures (3):

1. Enclosure A - Wildlife Agency Previous GP Comment Letter/Related Attachments (1/30/09) – (28 pages)
2. Enclosure B - Wildlife Agency Previous RMP Comment Letter/Related Attachments (6/18/09) – (40 pages)
3. Enclosure C - Department of Fish and Game Draft Comments on GP DEIR (9/2/09) – (13 pages)

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X5-1 The County concurs with this overview of correspondence with the Service and Department (Wildlife Agencies). Based on previous comments and issues raised during meetings, the County prepared revised responses to the January 30, 2009 Wildlife Agency letter on August 29, 2009. These comments and revised responses are available at: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/draftgp/comments013009/revisedwa072909.pdf

X5-2 This comment is introductory and describes the format of the Wildlife Agencies' letters. No further response is required.

X5-3 DPLU does not agree with the statement on inconsistency or the suggestion on reorganization. In addition, the comment does not specifically identify which policies are "internally inconsistent with the intent of the General Plan law."

Revisions have been made to previous drafts of the General Plan to improve the connection between trails and biological preservation, such as with Policy M-12.9, Environmental and Agricultural Resources, where the requirement for trails to conform to Multiple Species Conservation Program (MSCP) management plans was added. The County disagrees that trails should be discussed in multiple elements. A more comprehensive discussion of trails is provided in the Community Trails Master Plan (CTMP), rather than the General Plan. This is appropriate because the General Plan is the overriding policy documents, while the County Trails Program is implemented by the CTMP.

X5-4 The County does not agree that the General Plan Update Elements are internally inconsistent or that they may create conflicts with MSCP. The General Plan Update discusses allowed uses; however, such uses are not prohibited by the MSCP. When such uses occur in the MSCP, then MSCP regulations apply as always. This is not a change from the existing General Plan. Without more specific comments on where the perceived conflicts occur, the County cannot provide further response to this issue.

X5-5 The County does not agree with this comment. The comment states that the project would allow more density and intensity; however, this is not true when compared to the existing General Plan. The existing General Plan, which was in effect when the MSCP was adopted, allows more density and intensity both inside and outside the MSCP. The proposed project would result in 3,166 fewer housing units within the MSCP Subarea boundary than the existing General Plan and would also be more consistent with MSCP designations and provisions. This comprehensive update to the General Plan would not hinder the County's conservation goals. Based on staff's review, the County will continue to be in rough step with regard to MSCP losses and gains under the General Plan Update. This has also been discussed with the Wildlife Agencies in more detail since receipt of the comment letter. See also response to comment X6-41.

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X5-6 The General Plan Update will facilitate clustering of development to minimize or avoid impacts to sensitive resources. This will be accomplished by decoupling the density from the minimum lot size and by implementing the Conservation Subdivision Program (CSP), as described in the draft Implementation Plan as Measure 5.1.2.D and as provided on the General Plan Update website at: http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html. See also response to comment X6-57.

X5-7 The County disagrees that draft Policy LU-2.4, Greenbelts to Define Communities, should be changed. However, a definition for a "greenbelt" has been added to the draft General Plan, Chapter 10 Acronyms and Glossary that clarifies that greenbelts include open space, as follows:

"Greenbelt—A largely undeveloped area surrounding more urbanized areas, consisting of either agricultural lands, open space, conservation areas, passive parks, or very low density rural residential lands."

X5-8 The County does not agree with the proposed revision. The Open Space Conservation designation does not apply to all lands that are counted toward MSCP obligations. Many areas dedicated to open space or conservation easements pursuant to the MSCP are on private lands. As such, the description already provided in the Land Use Element is more accurate.

X5-9 The County does not agree with the proposed revision. The Open Space Conservation designation does not apply to any private lands, whether it is within the MSCP or outside MSCP. Rather, it is a very specific designation applied to public conservation lands.

X5-10 The County does not agree that the draft Community Plans will "hamper successful implementation" of the Conservation Subdivision Program (CSP). Some draft Community Plans contain goals and policies that will guide implementation of the CSP in order to respond to community specific issues. Providing for this tailored application of the CSP would not negate its benefits and is reasonable considering the extent of the County's jurisdiction and the diversity of the communities it contains. It is acknowledged that in some cases, limitation on the program provided in the Community Plans will not allow for the maximum benefit conceivable. For example, a Community Plan may limit reductions in lot size to 2 acres where reducing the lot size to 0.5 acres could further avoid direct impacts to some resources. However, in many draft General Plan policies, the need to conform to the Community Plan and response to community character is stated. Additionally, mitigation measure Bio-1.1 states, "any such allowances of flexibility must be done with consideration of community character through planning group coordination and/or findings required for project approval." See also response to comment G5-75.

X5-11 The County is not proposing an "Open Space Subdivision Ordinance." The Conservation Subdivision Program (CSP) is proposed as a component of the project.

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The CSP also qualifies as a mitigating measure in the DEIR and will be part of the Mitigation Monitoring and Reporting Program. The CSP is available for review at: http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html.

Where appropriate, a community plan may impose limits on lot size reductions. However, this will not prevent the CSP from being effective as a conservation tool even in the most restrictive community planning area, as discussed in response to comment X5-10 above. The County does not agree with the suggestion for another EIR alternative. The CSP is a mitigating measure that would reduce impacts to natural resources for any of the alternatives analyzed.

X5-12 The County does not agree that policy implementation is being deferred to future community plan updates. The policies and programs contained in a community or subregional plan, which must be consistent with the General Plan, are intended to provide long-term guidance and stability in implementing the goals of the plan. Updated community plans must be consistent with the proposed project. The General Plan Update provides programmatic guidelines for development in the entire unincorporated County and allows community plans to establish specific guidelines to implement the policies of the General Plan Update that are appropriate for their community. All future development in the unincorporated County would be required to comply with the policies of the General Plan Update, in addition to those identified in the applicable community plan. The DEIR analysis of project impacts includes the updates to the community plans, which are a component of the proposed project. Therefore, the General Plan Update does not defer implementation of its policies. Also see responses to Comments G3-29, O13-2, and X6-5.

X5-13 It is not clear what policy should be revised based on this comment since no particular policy was cited. Rather, the comment pertains to a general statement made within DEIR Section 2.1.3.1, Issue 1: Scenic Vistas, summarizing the policies under draft Land Use Element Goal LU-6. The County finds that the statement within the DEIR is valid. The comment goes on to say that community plans that do not support the General Plan policies should be identified and disclosed in the EIR and General Plan. County staff has carefully reviewed community plans and the General Plan Update and has found no inconsistencies to date. Future updates to community plans will also be reviewed for consistency with the General Plan documents as well as the certified EIR for the project. Also see response to comment X6-6.

X5-14 This comment incorrectly assumes that the General Plan Update goal is to increase density and recommends that the DEIR show how increased densities can be achieved in every community. It is not clear whether the commenter is referring to increases when compared to the existing General Plan or increases when compared to the existing conditions on the ground. However, it should be clarified that the DEIR evaluates development that would be consistent with the proposed Land Use Map (Referral Map). The densities shown on the map are supported by the community plans. There is no substantial evidence to suggest that densities shown

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on the proposed Land Use Map, or any of the alternative maps analyzed in the DEIR, could not be achieved. See also response to comment X6-11.

X5-15 The County does not agree with this comment. The General Plan Update would reduce density when compared with the existing General Plan, which was in effect when the MSCP was adopted. The proposed project would result in 3,166 fewer housing units within the MSCP Subarea boundary when compared to the existing General Plan and would also be more consistent with MSCP designations and provisions. This comprehensive update to the General Plan would not hinder the County's conservation goals. Based on staff's review, the County will continue to be in rough step with regard to MSCP losses and gains under the General Plan Update. See also response to comment X6-41.

X5-16 The County agrees that policies related to clustering also require consistency with community character. Community character is defined in the draft General Plan, Chapter 10 Acronyms and Glossary. The County agrees that the specifics of community character vary depending on the community in question, which is why updated community plans are an important part of the General Plan Update.

X5-17 The County disagrees that community plans will not allow the Conservation Subdivision Program to be implemented, as discussed in response to comment X5-10 above. Also, the County has not identified community plans where conservation-oriented design "could be a problem." Community plans must be consistent with the General Plan in accordance with draft General Plan Policy LU-2.1, Community Plans. Community character is a very important aspect in planning development within the County of San Diego and is also related to aesthetic and land use issues evaluated pursuant to CEQA. The County aims to provide a mechanism to allow more compact development without compromising community character. At the present time, the County has determined that this balance can be achieved with the combined implementation of the proposed policies, community plan updates, and the draft Conservation Subdivision Program.

X5-18 The County disagrees that a policy is necessary that precludes future community plans from prohibiting clustering or consolidating to achieve better open space/preserve design. The Conservation Subdivision Program establishes minimum percentages of resources that must be avoided when subdividing property. This program combined with the County's review for internal consistency within the General Plan is considered to be sufficient for supporting conservation-oriented subdivision design.

X5-19 The County does not agree with this comment. Clustering or consolidation of development footprint must be done in a manner that is sensitive to community character and there are many strategies for accomplishing this without sacrificing open space protection. The preservation of open space in perpetuity is supported in the draft General Plan. Not all open space achieved through the Conservation Subdivision Program (CSP) will be applied to MSCP because not all projects will be

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located within MSCP boundaries and not all open space will be for the protection of biological resources (i.e., some open space may be for agricultural or cultural resources). However, it should be noted that preservation of biological resources in the MSCP pursuant to any projects, not just subdivisions, is counted toward MSCP gains based on existing regulations, and is also protected under existing regulations. An explicit General Plan policy is not necessary and would likely cause greater misunderstanding regarding application of the CSP, which is a separate program that will be implemented through specific regulatory ordinances.

X5-20 The County does not agree with this comment. The MSCP is a Habitat Conservation Plan with goals for biological preservation. Not all lands proposed for Semi-Rural or Rural Lands designations under the General Plan Update contain sensitive habitat. The MSCP already requires consolidation of development within identified biological resource core areas and mapped pre-approved mitigation areas (PAMA) where sensitive biological resources occur. It is not clear from the comment why the County's General Plan or its implementing programs should apply stricter biological regulations with broader application than a Habitat Conservation Plan like the MSCP. To do so would conflict with the existing MSCP since mandatory avoidance regulations jeopardize the ability to provide compensatory mitigation for impacts. As currently proposed, the Conservation Subdivision Program is proposed as a means to facilitate subdivision of property while preserving multiple types of sensitive resources in the County, such as biology, agriculture, paleontological resources, and cultural or historical resources.

X5-21 It is not clear how the suggestion in this comment differs from the proposed CSP as currently written. The CSP Rural Design Guidelines would involve findings of compatibility. Currently, the only proposed restrictions on lot size are those within particular community plans.

X5-22 The community plans are part of the County's General Plan, and as such, their policies must be adhered to. Community plans may impose limits for a given community. This is not in conflict with the CSP as currently written. The CSP does not prescribe a certain lot size, but it allows reduction in minimum lot sizes established in other regulations. Therefore, minimum lot sizes or size restrictions within community plans would not conflict with the CSP. Requiring consistency with community character is an important aspect of the General Plan Update and is also an important part of the environmental review for projects such as subdivisions. Based on County staff's review, the community plans do not restrict any development or development patterns that would result in a net environmental benefit. Without more specific examples, further response cannot be provided.

X5-23 The County does not agree with this comment. Please refer to responses to comments X5-10, X5-21 and X5-22 above.

X5-24 The County does not agree with this comment. While there is not sufficient detail in the comment to clearly identify the issue being raised, it appears to be a request that the County provide substantial evidence supporting the determination that

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cumulative impacts to Local Policies and Ordinances are less than significant. The County substantiates this claim within the DEIR discussion and description of applicable local ordinances and policies related to biological resource protection, including how these regulations will continue be effective, if not more effective, under the General Plan Update. Implementation measures to make local policies and ordinances related to biological resource protection consistent with the General Plan Update are not appropriate since these regulations are already consistent with the proposed project and no modifications are needed other than those changes proposed under the Conservation Subdivision Program (Implementation Plan Measure 5.1.2.D). As stated in the DEIR, impacts would be less than significant; therefore, mitigation is not required. See also response to comment X6-44.

X5-25 The County does not agree with this comment. The General Plan Update would not "allow more development density and intensity." The proposed project would result in 3,166 fewer housing units within the MSCP Subarea boundary than the existing General Plan and would also be more consistent with MSCP designations and provisions. In addition, all of the provisions within the MSCP Plan documents will remain unchanged and no conflicts have been identified between the proposed project and the MSCP. Implementation measures to "ensure consistency" with Habitat Conservation Plans (HCP) and the Natural Community Conservation Planning (NCCP) programs are not appropriate since the proposed project is already consistent with all identified HCPs and NCCPs in the project area. See also responses to comments X6-41 and X6-45.

X5-26 The County agrees that trail locations are very important and should be located to limit the effects to biological resources. However, trails cannot always be located to avoid sensitive habitat or wildlife movement paths. The MSCP allows such uses if certain findings and mitigation measures are met. It is not clear from the comment why the County's General Plan should apply stricter biological regulations than a Habitat Conservation Plan like the MSCP. The County does not agree that the General Plan should be so specific as to address net increase and agency approval of trails. The County Trails Plan, the Community Trails Master Plan, and Area Specific Management Directives (ASMDs) appropriately address this concern.

The Conservation and Open Space Element section was revised previously to better differentiate open space, parks and preserves. Restrictions on NCCP/HCP Preserves are regulated by those plan documents (e.g., MSCP Subarea Plan) and by the designation or easement protecting the land.

X5-27 The County agrees that monitoring and enforcement is critical. See draft Conservation and Open Space Element Policies COS-1.3, Management; COS-1.7, Preserve System Funding; COS-1.11, Volunteer Preserve Monitor; and Goal COS-23, Recreational Opportunities in Preserves.

X5-28 The County does not agree that the recommended language is necessary since Policy LU-4.6, Planning for Adequate Energy Facilities, already requires that adverse

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impacts are minimized. The policy as written does not conflict with MSCP goals or objectives, so it is not clear from the comment what specific concern is being raised.

X5-29 The County does not agree with this comment. It is not appropriate to incorporate policies from draft Habitat Conservation Plans into the General Plan. However, the General Plan will be consistently updated in the future to incorporate MSCP Preserve boundaries and major policy issues once they are adopted.

X5-30 The update to the Zoning Ordinance is still in progress but will be available for public review and comment once it is completed. The draft Implementation Plan provides a brief overview of the other regulations that may be updated for consistency with the General Plan. Specific changes to those regulations will also be available for review and comment prior to adoption by the Board of Supervisors.

X5-31 The County acknowledges and appreciates this comment.

X5-32 Mitigation measures, including established management/funding of preserve areas, are typically required to occur prior to impacts (i.e., grading, construction, final map, or ministerial actions). There is no nexus for requiring protection measures at tentative approval stages. However, if a landowner performs or allows unauthorized land modification prior to grading permit issuance, then that should be reported to County Code Enforcement (see http://www.sdcounty.ca.gov/dplu/ce5/index.html).

X5-33 The County does not agree with this comment. The suggestions appear to be more restrictive than the current MSCP regulations stipulate. As such, the revisions should be accomplished through MSCP and Biological Mitigation Ordinance (BMO) amendments first, and then incorporated into the General Plan if appropriate. It should be noted that the General Plan Update does not include any changes to MSCP Plans or associated documents.

X5-34 The County does not agree with this comment. Since the issue pertains to conformance with CEQA, it is not appropriate to mandate as a General Plan policy. In addition, once a guideline or recommendation is made into a General Plan policy, a General Plan Amendment is required in order to modify it in the future. The County has Biological Report Format & Content Requirements as well Guidelines for Determining Significance pursuant to CEQA considerations (see http://www.sdcounty.ca.gov/dplu/procguid.html#bio). These documents provide detail regarding survey requirements. The County makes these guidelines available for public review and comment through regular updates and welcomes comments from the Wildlife Agencies.

X5-35 County staff verifies site conditions prior to circulating CEQA documents for public review. If an instance of site modification occurs prior to discretionary approvals, it should be reported to the County for investigation.

X5-36 The County does not agree with this comment. MSCP annual reports are prepared and provided to the Wildlife Agencies and to the Board of Supervisors. As shown in

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the reports, MSCP losses continue to be in rough step with gains and the County has achieved approximately 70 percent of its conservation goal. The MSCP covers the southwest part of the County's jurisdiction, while the General Plan Update covers all unincorporated area. The detail requested in this comment is not necessary within the programmatic EIR for the County's General Plan Update and would be misleading since it only pertains to a portion of the project area.

X5-37 The County does not agree with the recommendations and direction provided in this comment. It is true that the MSCP specifically regulates impacts to movement and corridor areas and provides for site-specific measures such as bridge and crossing design. As such, potential impacts within the MSCP would be deemed less than significant. The County is working on MSCP Plans for North County and East County that would also address specific impacts to wildlife corridors. This type of regulation is more appropriate within the MSCP Plans given the level of analysis needed to define and identify corridors and linkages in the County. Since the North and East County Plans are not yet in effect, impacts were determined to be significant and unavoidable within the DEIR for the General Plan Update. See also response to comment X6-36.

X5-38 The description of “preserves” under the Context heading of the Parks and Recreation section of the draft Conservation Element has been amended with the addition of “as well as community character” after “protect biological, cultural, and historical resources”, as recommended.

X5-39 In draft Conservation and Open Space Element Goal COS-24, Park and Recreation Funding, the County replaced the term “open space” with the word “preserves.” The County does not agree with the use of the term “MSCP lands” as this term would apply to any lands in the MSCP boundary, including privately-owned developed lands. The Department of Parks and Recreation currently has the lead on managing preserve lands; however, it is not the purpose of the draft General Plan to discuss or identify which is the responsible department of the County. This information is provided through implementing policies and procedures.

X5-40 The County does not agree with this comment. See response to comment X5-39 above.

X5-41 The County does not agree with this comment. The County's intention in the Mobility Element is to maximize trails and bicycle facilities under the General Plan Update, while a primary objective of the Conservation and Open Space Element is to preserve sensitive resources. Policies that appear to be competing will be balanced during implementation of development projects. In addition, construction of a transportation network would not be at the expense of sensitive resources as evidenced by policies M-2.3, Environmentally Sensitive Road Design, and M-4.5, Context Sensitive Road Design.

X5-42 While the comment does not cite a specific section or policy from the Mobility Element, the County is unaware of any policies that “maximize development of trails

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within open space." Policy M-12.5, Future Trails, states: "Explore opportunities to designate or construct future trails on County-owned lands, lands within the Multiple Species Conservation Program (MSCP), or other lands already under public ownership or proposed for public acquisition." In response to a previous comment from the commenter, the policy was changed from "maximize" to "explore."

To balance this policy, the Mobility Element also includes Policy M-12.9, environmental and Agricultural Resources, which states: "Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological systems, and agricultural lands. Within MSCP preserves, conform siting and use of trails to MSCP management plans." Also, the last sentence of this policy was added in response to a previous comment from this commenter.

The comment further suggests that the MSCP Subarea Plan specifically regulates trails within pre-approved mitigation area (PAMA) and other MSCP lands in general. This is not correct. It should be noted that the General Plan provides overriding direction that is further implemented by the County Trails Program; therefore, the General Plan policies do not have the same level of details. In addition, Section 1.9 of the South County MSCP, as cited by the commenter, applies only to areas that were designated as MSCP Preserves. It does not apply to areas mapped as PAMA or other areas within the MSCP. PAMA lands may be developed as long as the provisions in the BMO are met. Other than the provisions regarding trails within designated preserve areas, the MSCP documents do not specifically address trail projects.

X5-43 The County does not agree with this comment. See response to comment X5-41 above.

X5-44 The terms "active recreation" and "passive recreation" are clearly defined in the glossary for the General Plan Update. A lengthy list of every type of active or passive recreation is neither necessary nor appropriate. Both active and passive recreational uses may be allowed on and adjacent to open space depending on many specific factors, including the open space language, the land use designation, the zoning designation, other designations (MSCP, FEMA, airport safety, etc.), the ownership, and any sensitive resources present. The type of detail requested in this comment is too specific for a General Plan and is more appropriately provided in implementing regulations.

X5-45 The County does not agree with this comment. Annual available funding for these programs is subject to variability, as is the allocation of such funding. Budget information is available to the public. However, it is not appropriate within a General Plan, which should not be written in a manner that requires frequent updating.

X5-46 The County does not agree that the guidelines discussed in this comment should be formalized into General Plan policy. The goals and policies for trails in the General Plan Update do not conflict with the specific requirements of MSCP, County Trails Program (CTP), County Trails Master Plan (CTMP), or Resource Management Plans

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(RMPs). Rather, the General Plan Update supports these specific provisions and guidelines, which are more appropriately addressed in the implementing documents and ordinances.

X5-47 The fourth paragraph of the Bicycle, Pedestrian, and Trail Facilities section of the draft Mobility Element, under the "Context" subheading, had previously been amended, based on a previous recommendation by the commenter, with the addition of text that "trails located within or adjacent to biological preserves are guided by ecological principles and the County's MSCP, which require mitigation of impacts to biological resources".

The County does not agree with the additional language in this comment related to species protection always having priority over recreational uses. The County is allowed take where take permits have been obtained or may apply for take in other areas upon agreement with the Wildlife Agencies and adequate mitigation. The language recommended in this comment would suggest otherwise.

X5-48 It is unclear what the commenter means by "additional CEQA"; however, the County always complies with CEQA prior to approving projects for trails. In addition, California Endangered Species Act (CESA) review is conducted for areas outside MSCP and/or for state listed species not covered by MSCP.

X5-49 The County agrees with this comment. The MSCP Subarea Plan and the CTMP are implementing programs/plans adopted by the Board of Supervisors which must be adhered to. As such, trails in the MSCP must meet MSCP and BMO provisions. And adopted individual community trails and pathways plans in the CTMP must meet CTMP provisions. If applicable, a CEQA document would be prepared after it is determined that facilities comply with these local plans. This is a matter of regulatory processing and not a General Plan issue.

X5-50 The General Plan Update does work collaboratively with implementing documents such as the MSCP and the CTP. Proposed General Plan policies support the specific guidance and provisions included in such documents. It should be clarified that these programs have very specific goals and small project areas when compared to the County's General Plan. As such, it is critical that the General Plan Update clearly support such plans without replicating them within the General Plan text.

X5-51 It is to be expected that disagreements sometimes arise regarding interpretation and implementation of existing programs. The County welcomes any and all information, evidence, and correspondence regarding how standards are met and will continue to work cooperatively with the Wildlife Agencies on such matters.

X5-52 For clarification, Rec-2.3 is not a General Plan Update policy, but a proposed mitigation measure within the DEIR. The term "environmentally sensitive" was added before pathway/trail in this mitigation language. However, the County does not agree with rest of the recommended revisions in this comment because the

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commenter does not provide adequate reasoning for the changes. The County has determined that community character is an important consideration for future development, facilities, and infrastructure. See also responses to comments X6-14, X6-48, X6-92, and X6-93.

X5-53 See response to comment X5-47 above.

X5-54 The County does not agree with this comment. It is not feasible to account for all proposed fuel modification zones and maintenance activities for future development pursuant to the General Plan Update. Draft Safety Element Goal S-4, Managed Fuel Loads, and Policies S-4.1, Fuel Management Programs, and S-4.2, Coordination to Minimize Fuel Management Impacts, address the need to balance fuel modification with biological resource protection. Anything more specific related to NCCP/HCP standards should be mandated within the MSCP Plans.

X5-55 The County does not agree with this comment. Any proposed development project that will impact a preserve, whether it is due to fuel modification requirements or other project impacts, would require substantial mitigation measures to offset the significance of the impact based on existing regulations and CEQA compliance. It would not be appropriate for the General Plan to establish a no-net-loss standard, thereby abrogating the mitigation process.

Moreover, if the comment is meant to address “new fire regulations” with regard to existing development near a preserve, the County cannot mandate such conditions. The County's regulatory land use authority lies within the permitting process (i.e., new or expanded development). As such, this issue would need to be resolved between CAL FIRE and the Wildlife Agencies.

X5-56 This comment appears to be a continued misunderstanding. The County does not have a Vegetation Management Program or a Fuel Management Plan. The State of California has a Vegetation Management Program (CAL FIRE). However, the County prepared a Vegetation Management Report to the Board of Supervisors, which was received by the Board on March 25, 2009 (Item 2), which may be viewed at: http://www.sdcounty.ca.gov/dplu/mscp/docs/MARCH_25_2009_VEG_MNGMT_REPT.pdf. The Vegetation Management Report served as an informational tool for County decision makers, but is not a plan or program. The County does not agree that this report should be addressed in General Plan Update text or EIR.

X5-57 The County does not agree with this comment. Compliance is mandated by State law. Roles and responsibilities for General Plan components are provided in the Implementation Plan, but are flexible in the event that modifications are necessary. These assignments may change at the discretion of the Chief Administrative Officer and his/her management team without the need for a General Plan Amendment.

X5-58 The MSCP annual report will not be coordinated with General Plan annual reports. This is because the MSCP Plan is very different from the County’s General Plan, with different goals and objectives, different geographic scope, and different

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reporting requirements. In addition, the County Department of Parks and Recreation prepares the MSCP annual report, whereas the Department of Planning and Land Use will likely prepare the annual reports for the County's General Plan.

X5-59 The County agrees that Resource Management Plans (RMPs) are not policy documents. In some of staff's previous responses to the January 30, 2009 comments, issues were incorrectly deferred to RMPs. Revised responses to comments were provided on July 29, 2009. In some cases, however, issues raised by the Wildlife Agencies are more appropriately addressed through site-specific management directives. Regardless, the County reiterates that many of the details expressed in this and in previous letters related to particular projects or MSCP provisions are too specific for inclusion into the County General Plan.

X5-60 The County is not entirely clear what commitment the Wildlife Agencies are referring to in this comment. With regard to the County's existing NCCP/HCP (the MSCP Subarea Plan), the County made a firm commitment to implement area specific management directives when the Plan was adopted in 1997. There are provisions within the MSCP Subarea Plan to address any disputes among the parties of the Plan if deemed necessary. It is not clear from this comment how the General Plan Update project, as described in the DEIR, would adversely affect the MSCP. When compared to the existing General Plan, the proposed project would substantially reduce potential direct and indirect effects on existing and planned preserves in the MSCP Subarea. Without more specific comments about how the proposed project, or components of the project, would conflict with MSCP provisions or directives, the County cannot provide further response.

X5-61 The sentence referred to in this comment was replaced with the statement that Recreation and Conservation Open Space designations have been further distinguished within the General Plan Update text.

X5-62 The draft Implementation Plan requires that the County implement the Conservation Subdivision Program (Section 5.1.2.D). As written, the Conservation Subdivision Program (CSP) would be the tool to allow clustering and promote the consolidation of development footprint, both inside and outside the MSCP. The full draft CSP was made available for public review and is still available on the General Plan Update website at http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html. As such, the language requested in this comment was incorporated into the draft Implementation Plan by reference. Additional language within the Implementation Plan is not necessary.

X5-63 The County does not agree with this comment. Comment D4 of the January 30, 2009 letter pertains to the future North and East County MSCPs. In response, County staff agreed that the General Plan would be updated again to incorporate information on those Plans when they are adopted. In its response, the County did not consider adding information about future MSCPs or existing preserve acreages to the EIR for the General Plan Update. The MSCP annual reports are made available to the Wildlife Agencies each year. These reports do not need to be

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summarized within the General Plan Update EIR since they would cover only a portion of the project area and would not match the existing conditions (plan-to-ground) baseline established for the CEQA document. See also responses to comments X5-36 and X6-17.

X5-64 The General Plan Update policies are written in an active voice, such as "Require development" or "Coordinate with." However, while not specifically stated, each policy is intended to begin with "the County shall"; for example, "The County shall require development ..."

X5-65 The County does not agree that this issue is related to the General Plan Update or that it needs to be addressed in the EIR. The issue raised is an implementation matter regarding preserved land within the adopted MSCP Subarea Plan. However, clear procedural language regarding Resource Management Plans does not appear to have been included in the MSCP Implementing Agreement. The County endeavors to resolve such issues quickly and to the satisfaction of the Wildlife Agencies. However, it would not be appropriate to include this type of detail within the General Plan. See also response to comment X6-66.

X5-66 The County acknowledges and appreciates this comment.

X5-67 This comment includes Attachments A and B to the joint letter from the wildlife agencies. Attachment C to the letter qualifies as a separate comment letter (X6), for which County responses are provided below.

Comment Letter X 6, State of California, Department of Fish & Game

COUNTY OF SAN DIEGO
Revised General Plan (July 2009)
Draft EIR Comments (DFG)

SECTION 2.1 (AESTHETICS)

X6-1. • **Page 2.1-1:** The summary table in Section 2.1 (Aesthetics Summary of Impacts) identified light and glare as significant and unavoidable. This section should identify that the MSCP PAMA are considered visual resources, as they comprise some of the Resource Conservation Areas (RCA) identified in the Community Plans, and as identified in Section 2.1.1.2, "RCAs include, but are not limited to, …, coastal wetlands, native wildlife habitats…and historical sites." Examples would include Harbison Canyon, Gopher Canyon, San Luis Rey River, Moosa and Keys Creek, etc.

X6-2. • **Page 2.1-7 (Multiple Species Conservation Program [MSCP] Lands):** This section should be revised to state that, "The regional San Diego County MSCP Plan was finalized in March of 1998 and covers 582,243 acres over 12 jurisdictions. Note: the City of San Diego adopted its MSCP Subarea Plan in March 1997, the County adopted its Subarea Plan in October of 1997, as correctly stated later. For a complete and updated list of all adopted NCCPs, please see http://www.dfg.ca.gov/habcon/nccp/status.html. It is also important to note that there are Major and Minor amendment areas in the County's adopted South County MSCP (e.g., East Otay Mesa); the former of which equates to not being covered under the plan.

X6-3. • **Page 2.1-28 (Section 2.1.2.3 [Local]):** As a major program in the County that addresses land use, trails and its relationship with County parks, this section should include the County's MSCP, BMO and supporting regulations which help define how much native habitat, wildlife corridors, linkage areas, etc. and in turn biological open space, can be impacted/preserved. Page 2.1-33 specifically notes that, "Views from scenic vistas within the County include coastlines, bays, lagoons, canyons, mesas, natural vegetation, historic or unique structures, and agricultural lands in the Coastal Plain region; various water resources such as rivers and reservoirs, and large open spaces including County reserves and parks in the Peninsular Ranges…" Similarly, the discussion on impacts to trees and rock outcroppings on page 2.1-36 should follow the same methodology on impacts to HCPs/NCCPs; many of these areas are included in existing or planned HCPs/NCCPs. Impacts to areas identified and targeted for preservation under the County's MSCP should be an aesthetic impact if they have trees, rocks outcroppings, provide views to a scenic resource, RCA, open space reserves, etc.

X6-4.

X6-5. • That statement on **page 2.1-34** that the Land Use Element provides policies that, "support conservation-oriented project design when consistent the applicable community plan…" is problematic. This defers implementation of this policy to future community plan updates, which may result in these policies not being applicable to a community based on "character" alone and render them meaningless. The policy should read that all community plans will adhere to policies that support conservation-oriented project design; otherwise, those community plans that do not support them should be identified and disclosed in the EIR and General Plan.

X6-6.

X6-7. • **Page 2.1-34** still contains the statement, "The primary focus of the Conservation and Open Space Element is to provide direction and balance future growth with the conservation, development, and utilization of natural resources." Per our previous comment letter on the General Plan (dated January 2009), this should be revised as follows……, "[t]he primary goal of the Conservation Element is to provide for the preservation, conservation, sensitive development and use of natural resources."

Comment Letter X 6, State of California, Department of Fish & Game (cont.)

X6-8. • **Page 2.1-35**: This section should be revised to indicate that the MSCP areas often contain various lands, including RCAs, County parks and trails (resource-based), habitat preserves, etc. The proper management of these County parks, trails, RCA within MSCP areas should one of the County's highest land use (open space) and conservation element priorities.

X6-9. • **Page 2.1-38**: According to the EIR, after the FCI (BLANK) sunsets in 2010, a General Plan Amendment would be required to apply new land use designations to the FCI areas. The WA would like to request notice of all County actions related to these future required amendments.

X6-10. • **Page 2.1-38 (Conservation Subdivisions)**: The statement that "However, this flexibility could result in a significant impact to community character because it would have the potential to result in different development patterns and characteristics than those in the existing community" should be deleted from the EIR because it is prejudicial and not supported by substantial evidence in the record. For this statement to remain in the EIR, at a minimum, those community planning areas where this could potentially be an issue should be identified in the EIR and the reason why these conflicts could occur identified.

2.1.3.3 Visual Character or Quality

X6-11. • **Page 2.1-37 (Proposed General Plan Update Goals and Policies, Summary):** This section of the DEIR notes that one of the central land use goals of the proposed General Plan Update is to provide land use designations that would result in increased development densities in some areas of the unincorporated County. The DEIR then notes that Policies LU-2.1 through LU-2.4 require community plans to be maintained and to guide development to reflect character, densities and minimum lots sizes to be compatible with character, and greenbelts to be established to reinforce identity of individual communities. Moreover, Policy LU-1.6 allows for the expansion of village density areas, but only where it is consistent with community character. It appears that that without a firm policy to ensure that increased density can occur within each community, then the County's overall goal of increased density cannot be achieved. The DEIR and revised GP should clearly show how increased densities can be achieved, or not, in each County community.

2.1.3.4 Issue 4: Light or Glare

X6-12. • **2.1-52 (Federal, State, and Local Regulations and Existing Regulatory Processes):** The DEIR should include the MSCP requirements for lighting within and adjacent to preserve areas (e.g., direct lighting downward and shield) and incorporate them as existing requirements (for South County) and future requirements for North and East County MSCP (in-progress).

2.1.6 Mitigation

2.1.6.1 Issue 1: Scenic Vistas

X6-13. • The following mitigation measure should be revised as follows in this section and throughout the EIR:

• **Page 2.1-56 (Policy LU-6.4: Sustainable Subdivision Design).** Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, and use sustainable development practices."

X6-14. • **Page 2.1-57 (Policy COS-11.3: Development Siting and Design).** Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following:

- Creative site planning

Comment Letter X 6, State of California, Department of Fish & Game (cont.)

X6-14. cont.

- Integration of natural features into the project
- Appropriate scale, materials, and design to complement the surrounding natural landscape
- Minimal disturbance of topography
- Clustering of development so as to preserve a balance of open space vistas, natural features
- Creation of contiguous open space networks

X6-15.

- **Page 2.1-58 (Mitigation Measures)**: Measure Aes-1.2 in this section is an item that the County should be implementing as part of its current South County MSCP/IA. Therefore, it should be a project feature, not a mitigation measures, of the GP and noted as such in the EIR.

SECTION 2.4 (BIOLOGY)

X6-16.

- The Table on **page 2.4-1** (*Biological Resources Summary of Impacts*) shows that impacts to special status species, Riparian or Other Sensitive Natural Communities and Wildlife Movement Corridors would be significant and unavoidable, but that impacts to HCPs and NCCPs (e.g., MSCP) would be less than significant. If the HCPs and NCCPs contain many of these special status species, natural communities and wildlife movement areas, and impacts to the latter are significant, then impacts to the larger programs that they are within should also be identified as significant with appropriate mitigation provided in the EIR.

Vegetation Communities

X6-17.

- Several of the summaries for vegetation communities (e.g., chaparral, coastal sage scrub, coniferous forests, etc.) provide acreage approximations. Please provide a source for this information. Is it the MSCP annual report? Is this total baseline acreage that does not include habitat losses?

X6-18.

- **Page 2.4-2 (Chaparral):** This section should also mention that the coastal cactus wren (*Campylorhynchus brunneicapillus)* can occur in chaparral habitats.

X6-19.

- **Page 2.4-3 (Coastal Sage Scrub):** This section should also mention that the coastal cactus wren (*Campylorhynchus brunneicapillus)* can occur in coastal sage scrub habitats.

X6-20.

- **Page 2.4-5 (Grasslands):** This section should also mention that the burrowing owl *(Athene cunicularia)* can occur in grassland habitats.

X6-21.

- **Page 2.4-10 (Urban, Disturbed Habitat, Agriculture, Eucalyptus):** This section should mention that the burrowing owl, quino checkerspot butterfly *(Euphydryas editha quino)* and southwestern arroyo toad (*Bufo microscaphus californicus)* can occur in these catergories as well (e.g., disturbed and agriculture).

2.4.1.4 (Wildlife Movement Corridors and Habitat Linkages)

X6-22.

- To emphasize that the adopted South County MSCP has identified many wildlife movement corridors and habitat linkages, as well as the in-progress North County MSCP, the third paragraph in this section should be moved to follow the first sentence in the first paragraph as follows:

  "Wildlife corridors are defined by County of San Diego Code of Regulatory Ordinances Sections 86.501 through 86.509, the Biological Mitigation Ordinance (BMO) (adopted March 1998) as specific routes that are used for movement and migration of species. A system of corridors and linkages has been designated in the southwest portion of unincorporated County through the MSCP South County Subarea Plan. The MSCP identifies core habitat areas and linkages between them. Corridors and linkages are also identified in the draft North County Plan (in-progress). Figure 2.4-2 identifies the adopted South County Subarea Plan corridors and linkages and those proposed in the North County Plan.

Comment Letter X 6, State of California, Department of Fish & Game (cont.)

X6-22. cont.

Wildlife corridors contribute to population viability in several ways: 1) they ensure continual exchange of genes between populations, which helps maintain genetic diversity; 2) they provide access to adjacent habitat areas representing additional territory for foraging and mating; 3) they allow for a greater carrying capacity; and 4) they provide routes for colonization of habitat lands following local population extinctions or habitat recovery from ecological catastrophes (also known as the rescue effect). Riparian corridors provide the primary movement corridors for wildlife in the unincorporated County and may provide cover as well as food and water for wide ranging animal species moving through otherwise unsuitable habitats.

2.4.2 Regulatory Framework

Page 2.4-15 (2.4.2.2 State):

X6-23.

- **California Fish and Game (CFG) Code:** This section should also mention Fish and Game Code Section 3500 *et seq.* as an applicable regulatory program.
- **California Endangered Species Act (CESA):** This section should mention that Section 2800 *et. seq.* of the Fish and Game Code addresses Natural Community Conservation Planning (e.g., the County's MSCP).
- **Natural Community Conservation Planning (NCCP) Act of 1991**: Similar to the CESA comment, this section should reference Section 2800 *et. seq.* of the Fish and Game Code. Specifically, a 2835 permit is issued by the Department for NCCPs. See also Land Use on page 2.9-22.

Page 2.4-16 (2.4.2.3 Local, Multiple Species Conservation Program [MSCP]):

- Revise paragraph No. 2, sentence No. 1 as follows:

  "The County has developed and adopted a plan for the unincorporated areas in the southern part of the County. This plan was created as part of a larger plan known as the regional MSCP Plan (August 1998)."

X6-24.

- Revise paragraph No. 5, sentence No. 2 as follows:

  "The MSCP aids in the preservation of sensitive plant and animal species, helping to eliminate the need for future listings of species as endangered under federal and State Endangered Species Acts and reduces the costly permit process for private landowners and public agencies. The overall goal of the MSCP is a large, connected and managed preserve system that addresses a number of species at the habitat level rather than species by species and area-by-area. This will create a more effective preserve system as well as better protect the rare, threatened, and endangered species."

2.4.3 Analysis of Project Impacts and Determination of Significance

Page 2.4-19 (2.4.3.1 Issue 1: Special Status Plant and Wildlife Species), Direct Impacts:

X6-25.

- To make the information in Tables 2.4-1, 2.4-2 and 2.4-3 more useful and to provide full public disclosure, the EIR should break down potential direct impacts from the GP by 1) occurring inside or outside of an adopted MSCP/PAMA, and, 2) by special status plants and wildlife species. Without this information by MSCP area/preserve, it is difficult to conclude that the proposed GP would not result in a significant impact special status plants and wildlife species or to an NCCP or HCP. Moreover, this information should specify whether or not trails, brush management and other direct impacts are accounted for in these numbers. If they are not included, then the DEIR analysis does not constitute a worst-case analysis and additional impacts beyond those identified in the tables can reasonably be anticipated.

X6-26.

X6-27.

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X6-28. • **Page 2.4-20 (Rural Lands):** This section notes that "rural lands….are estimated to result in an impact of five acres for every dwelling unit." Please clarify if this acreage includes brush management. If it does not include brush management, then 5 acres is an underestimate of the impacts of the GP on special status plants and wildlife species and their supporting habitats, since up to 5 acres in the South County MSCP is allowed for brush management (exempt from County BMO) in some cases. The EIR must accurately analyze and disclose of the proper scope and magnitude of potential impacts from implementation of the GP.

X6-29. • **Page 2.4-20 (MSCP Preserves):** The "existing open space easements or MSCP preserves" that count towards the County's conservation goals and that have been excluded from the impact total should be provided in digital format (e.g., shapefiles) to the Department, at a minimum as part of the MSCP annual report.

X6-30. • **Page 2.4-21 (Critical Habitat):** The EIR should show (spatially) where the proposed impacts to designated critical habitat by species would occur.

X6-31. • **Page 2.4-21 (Indirect Impacts)**: This section should accurately disclose that trails, brush management and other uses can also result in potentially significant impacts to special status plants and wildlife species and/or their supporting habitats.

X6-32. • **Page 2.4-23 (Federal, State, and Local Regulations and Existing Regulatory Processes):** Page 2.4-23 (HLPS): The EIR should provide a summary of all the HLPs processed with their associated acreages/mitigation to demonstrate that it has not exceeded it's 5% interim take authorization under the 4 (d) rule. In addition, this section should include the coastal cactus wren ((*Campylorhynchus brunneicapillus*) as one of the three target NCCP species in the Southern California Coastal Sage Scrub region.

Page 2.4-23 (Proposed General Plan Update Goals and Policies):

X6-33. • **Page 2.4-24:** To avoid deferring the effectiveness of the GP policies and to adequately support the conclusion of this paragraph and EIR, the GP goals in the second paragraph (and wherever else they occur in the EIR) should be revised as follows:

> "Goal COS-2 strives for sustainability of the natural environment such that the natural processes, sensitive lands, and sensitive as well as common species are maintained along with sustainable growth and development. Policies COS-2.1 and COS-2.2 encourage the restoration and limit the degradation of natural habitats and require development to protect the habitat through site design. Goal LU-6 is a built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities. This goal is supported by Policies LU-6.1 through LU-6.4, LU-6.6, and LU-6.7. These policies support the protection of critical and sensitive natural resources and the long-term sustainability of the natural environment, assign low-density or low-intensity land use designations to areas with sensitive natural resources, support conservation-oriented project design, require that trails are designed sensitively and do not displace wildlife, require that residential subdivisions be planned to conserve open space and natural resources, require incorporation of natural features into proposed development and avoidance of sensitive environmental resources, and encourage contiguous open space areas that protect wildlife habitat and corridors. Additionally, Policy LU- 10.2 requires development in semi-rural and rural areas to respect and conserve the unique natural features, preserve rural character, and avoid sensitive environmental resources and natural hazard areas."

X6-34. • **Page 2.4-26 (2.4.3.3 Issue 3: Federally Protected Wetlands):** It appears that this section is missing "State Protected Wetlands." Please add this analysis to the EIR, including Table 2.4-5 and 2.4-6. Also, please include an evaluation of vernal pools, as they occur in various places throughout the County, including Otay Mesa, Palomar and Ramona.

Comment Letter X 6, State of California, Department of Fish & Game (cont.)

X6-35. • **Proposed General Plan Update Goals and Policies:** To be consistent with federal and state wetlands regulations, the EIR and GP should specify that mitigation for jurisdictional wetland impacts should occur within the same watershed as the impact.

Page 2.4-28 (2.4.3.4 Issue 4: Wildlife Movement Corridors and Nursery Sites)

X6-36. • **Impact Analysis, Page 2.4-30 (Proposed General Plan Update Goals and Policies):** To accurately address potential impacts from wildlife movement corridors from GP implementation, the EIR and GP should include policies to limit brush management in movement and corridor areas as well as provide bridge and crossing to facilitate movement, as required under the County's MSCP. Many of the measures identified as mitigation are actually requirements under the County's existing MSCP. Without such policies included in the GP and analyzed in the EIR, the EIR must conclude that impacts would remain potentially significant to wildlife movement corridors.

2.4.3.5 Issue 5: Local Policies and Ordinances

X6-37. • **Page 2.4-31 (Impact Analysis):** To accurately reflect current discussion on the North County MSCP, the EIR should identify that, "[a]s part of the General Plan Update, the County would amend the RPO to allow some additional flexibility in project design while maintaining protection of significant natural resources. Other regulatory processes already in place to implement the MSCP, BMO, HLP Ordinance, Southern California Coastal Sage Scrub NCCP Process Guidelines, and RPO would not be modified by the General Plan Update. It is also expected that the BMO for the North County MSCP would be drafted and implemented to tie the findings for each discretionary project to the preserve design requirements for each planning unit. Future development under the General Plan Update would still be required to comply with these ordinances when applicable. These processes are described in more detail below.

X6-38. • **Page 2.4-32 (Proposed General Plan Update Goals and Policies):** The word "private" should be deleted in the second sentence for COS-1.2 and replaced with "all" as follows (and elsewhere in the EIR and GP):

> "The General Plan Update includes policies in the Conservation and Open Space Element intended to ensure compliance with local policies and ordinances. Conservation and Open Space Element Policy COS-1.2 would prohibit all development within established habitat preserves. Conservation and Open Space Element Policy COS-1.3 requires the monitoring, management and maintenance of a regional preserve system, such as the MSCP preserves, to ensure the preservation of special status species. Policy COS-1.9 serves to minimize invasive plants near preserves and promotes the removal of invasive species within biological preserves."

X6-39. • **Page 2.4-32 (Summary):** The conclusion that "[f]uture projects proposed under the General Plan Update would be required to comply with applicable local policies and ordinances. Regulatory processes to ensure compliance are already in place and would not be impacted by the General Plan Update. Therefore, a potentially significant impact associated with conflicts with local policies and ordinances would not occur" is not currently supported by substantial evidence in the record. To the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP or federal/state preserve areas, impacts could be potentially significant as they implement GP goals and policies through the existing RPO and BMO.

2.4.3.6 Issue 6: Habitat Conservation Plans and NCCPs

X6-40. • **Page 2.4-32 (Impact Analysis):** Please revise the following sections of the EIR to accurately reflect how NCCPs and HCPs legally and technically work:

> "Additional adopted NCCPs and HCPs are located within the County of San Diego, but apply t o other agency/special district activities. Two examples of adopted NCCPs or HCPs in the County are the SDG&E Company Subregional Plan and the Sweetwater River HCP. Future development in areas where adopted NCCPs and HCPs exist would comply with the applicable plan, as required by the CDFG or USFWS. The NCCP/HCP Plan for SDG&E, approved in 1995, encompasses SDG&E's

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X6-40. cont.

jurisdiction within the entire unincorporated County west of the Anza-Borrego Desert and applies only to projects proposed by SDG&E or on SDG&E property, rights-of-way and/or easements. The project covers 110 plant and animal species and emphasizes avoidance of impacts. The plan establishes mitigation requirements, which would have the potential to include revegetation or use of up to 240 acres of mitigation credits set aside in several land parcels purchased by SDG&E as mitigation banks (DFG 2008b). The Sweetwater River HCP, published in 1991, was prepared as part of the Comprehensive Species Management Plan (CSMP) for the endangered least Bell's vireo. The HCP identifies riparian habitat to be protected, conserved, managed, and reclaimed to ensure protection and recovery of the species within the focused planning area. This area generally includes the 100-yr floodplain plus a 150-foot buffer of the Sweetwater River from San Diego Bay to the Loveland Reservoir (CRA 2008). Future development accommodated by General Plan Update in this planning area would be required to comply with the HCP. Additional NCCPs and HCPs are being prepared and undergoing review process for adoption by CDFG, such as the San Diego Joint Water Agencies NCCP. Future development under the General Plan Update with the participating jurisdictions would be required to comply with all applicable NCCPs and HCPs that have been adopted at the time the development is proposed."

X6-41.

- **Page 2.4-33 (Summary):** Similar to the conclusion in the summary for Issue 5 on Page 2.4-32, to the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP to NCCPs and/or HCPs would be potentially significant. The EIR should clearly disclose where the GP development density would occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step).

2.4.4 Cumulative Impact Analysis

X6-42.

- **Page 2.4-34 (2.4.4.1 Issue 1: Special Status Plant and Wildlife Species):** The Department cannot concur at this time with the conclusion in the EIR that, "[t]herefore, until the County has adopted the North County and East County Plans, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable." It is not just adoption of the plan, but both adoption AND implementation (e.g., project review, management/monitoring, and funding) that are critical to the success of the NCCPs and HCPs.

X6-43.

- **Page 2.4-35 (2.4.4.3 Issue 3: Federally Protected Wetlands):** The language in this section appears to group federal 404 wetlands and state wetland (e.g., 1600) in the same category. Be advised that federal and state wetlands delineations can often differ, with the state's jurisdiction under 1600 extending beyond federal limits in many instances.

X6-44.

- **Page 2.4-36 (2.4.4.5 Issue 5: Local Policies and Ordinances):** Similar to the conclusion for Issue No. 1, the Department cannot concur at this time with the conclusion in the EIR that, "[a]s discussed in 2.4.3.5 above, the proposed General Plan Update would not be in conflict with any local policies or ordinances as the County is ensuring consistency among its regulations during this comprehensive update. Therefore, the proposed project would not contribute to a significant cumulative impact." Anywhere in the EIR where this or similar conclusory statements are made regarding future County commitments to ensure consistency, they must be substantiated in the record under CEQA so as not to be deferential. Moreover, the actions the County plans to take to "ensure consistency" should be clearly identified in the GP Implementation Plan, and evaluated in the EIR.

X6-45.

- **Page 2.4-36 (2.4.4.6 Issue 6: Habitat Conservation Plans and NCCPs):** Similar to the conclusion for Issue Nos. 1 and 5, the Department cannot concur at this time with the conclusion in the EIR that, "[a]s discussed in 2.4.3.6 above, the proposed General Plan Update would not be in conflict with any known HCPs or NCCPs. Therefore, the proposed project would not contribute to a significant cumulative impact." To the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP to NCCPs and/or HCPs would be potentially significant. The EIR should clearly disclose where the GP development density would

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X6-45. cont. occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step). Moreover, the actions the County plans to take to "ensure consistency" with NCCPs and/or HCPs should be clearly identified in the GP Implementation Plan, and evaluated in the EIR.

2.4.6 Mitigation

2.4.6.1 Issue 1: Special Status Species

X6-46. • **Page 2.4-37 (Infeasible Mitigation Measures):** The Department questions the conclusion that the adoption of the MSCP Plans for North County and East County are infeasible. The County has an adopted South County MSCP and has been implementing it with great success since 1997. Moreover, the County has already entered into NCCP Planning Agreement for the North County MSCP. Last, as the County's major tool to implement the Conservation goals of the GP (biological), a commitment to completing these two plans, as well as the South County Quino Checkerspot Amendment and East Otay Mesa Burrowing Owl Strategy should be included in the GP Implementation Plan.

X6-47. **Page 2.4-37 (General Plan Update Policies)**: To provide enforceable mitigation measures that do not defer there implementation to another process, the following revisions should be made in the EIR and GP wherever they occur:

X6-48. • **Page 2.4-38 (Policy LU-6.3: Conservation-Oriented Project Design).** Support conservation-oriented project design. This can be achieved with mechanisms such as, but not limited to, Specific Plans, lot area averaging, and reductions in lot size with corresponding requirements for preserved open space (Planned Residential Developments). Projects that rely on lot size reductions should incorporate specific design techniques and/or buffers to achieve compatibility with the surrounding environment. Findings to demonstrate consistency with community character will be required for each project.

Page 2.4-39 (Mitigation Measures):

X6-49. • **Measure Bio-1.1** is not a mitigation measure, but rather a project feature included in the GP Implementation Plan. Therefore, it should be included as part of the GP and analyzed as such. At a minimum, it should be included as an alternative to the EIR and GP.

X6-50. • **Measure Bio-1.2** is not a mitigation measure per se. The County has an adopted South County MSCP and has been implementing it with great success since 1997. Moreover, the County has already entered into NCCP Planning Agreement for the North County MSCP. Last, as the County's major tool to implement the Conservation goals of the GP (biological), a commitment to completing these two plans, as well as the South County Quino Checkerspot Amendment and East Otay Mesa Burrowing Owl Strategy should be included in the GP Implementation Plan.

X6-51. • **Measure Bio-1.3** is not a mitigation measure; it is currently used to implement the South County MSCP as described on page 2.4-19 and 2.4-32 of the EIR.

X6-52. • **Page 2.4-41 (2.4.6.3 Issue 3: Federally Protected Wetlands):** The mitigation identified in this section is flawed in that it does not account for state wetlands and mitigation requirements under Fish and Game Code 1600 *et. seq*.

X6-53. • **Page 2.4-43 (2.4.7.6 Issue 6: Habitat Conservation Plans and NCCPs):** The Department cannot concur at this time with the conclusion in the EIR that, "[i]mplementation of the proposed General Plan Update would not conflict with any applicable HCP or NCCP. Therefore, the proposed project would not result in a significant impact. Additionally, the proposed project would not contribute to a significant cumulative impact." To the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP

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X6-53. cont. to NCCPs and/or HCPs would be potentially significant. The EIR should clearly disclose where the GP development density would occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step). Moreover, the actions the County plans to take to "ensure consistency" with NCCPs and/or HCPs should be clearly identified in the GP Implementation Plan, and evaluated in the EIR.

SECTION 2.9 (LAND USE)

X6-54.

- **Page 2.9-25 (County Trails Program [CTP])**: This section of the EIR should include a discussion of Appendix G of the CTP, which provides "design and location criteria" for the location trails in MSCP and other sensitive habitats.

X6-55.

- **Page 2.9-40 (Section 2.9.7.3, Issue No. 3 [Conflicts with HCPs or NCCPs]):** The draft EIR concludes that no significant impacts would occur from implementation of the General Plan Update. The Department cannot support this conclusion in the EIR unless commitments have been made by the County on implementation of various policies (e.g., trails, RMP preparation, etc.) in accordance with the MSCP. Moreover, to support this conclusion from a land use perspective, the EIR should quantify how rough step has been achieved to date. For example a summary of gains/losses, land being actively managed, etc. would be helpful in this regard. Table C-3 (Impacts to Vegetation Communities by CPA and Subregion) of the draft EIR appears to provide some of this cumulative habitat gains/loss information; however, this table should also include "habitat conserved and actively managed", "habitat conserved but not actively managed", "habitat developed", etc. All of these categories should include whether the land is within, adjacent or outside of existing or planned PAMA.

X6-56.

- Similar to the conclusion in the summary for Issue 5 on Page 2.4-32, to the extent that the GP would allow more development density and intensity as called for in the Land Use Element, if these areas are located within or adjacent to existing or planned MSCP areas, impacts could be potentially beyond the scope of take anticipated under these existing and in-progress plans; therefore, depending on the density, intensity and location, impacts from implementation of the GP to NCCPs and/or HCPs would be potentially significant. The EIR should clearly disclose where the GP development density would occur in relation to the County's MSCP and include an analysis of how it would affect meeting the County's conservation goals (e.g., rough step). Moreover, if the County GP does not include a land use tool to allow clustering to minimize impacts to open space/PAMA (via the Subdivision Ordinance or otherwise), it is unlikely that this conclusion can be supported in the EIR.

X6-57.

X6-58.

- **Page 2.9-40 (Section 2.9.7.1, Issue No. 1 [Physical Division of an Established Community]):** The draft EIR concludes that the expansion/development of GP roads would have a significant impact. Appendix E of the draft EIR contains a list of proposed GP roadways scheduled for widening/expansion. Some of these roadways are within the County's adopted South County MSCP, and others are located within the North County MSCP (in-progress) and East County MSCP (future). Several of these roadways are located within or adjacent to existing constrained regionally and/or local significant wildlife corridors and/or movement areas (e.g., Harbison Canyon, Wildcat Canyon, I-15). The impacts from widening these roads, including indirect impacts from fencing, roadkill, lighting, etc. should be analyzed in the EIR and mitigation provided to reduce any significant impacts to less than significant. If Section 2.9.7.1 concludes there is a significant impact from roadways, and several of these roadways are within the County's MSCP, then the conclusion for 2.9.7.3 should be significant as well with mitigation provided in the EIR.

X6-59.

SECTION 2.10 (MINERALS)

X6-60. **2.10.1 Existing Conditions**

- **Page 2.10-9, Section 2.10.1.6 (Mineral Resource Zones):** There are many known suitable MRZ in the both the existing South County MSCP, the in-progress North County MSCP and future East County MSCP. The EIR should include an

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X6-60. cont. analysis of how the MRZs overlay with existing and planned MSCP preserve areas (e.g., San Luis Rey, Ramona, etc.) and quantify potential losses to habitat from GP implementation. Any significant loss of MSCP lands from mineral resource extraction should be fully mitigated per the MSCP and County regulations.

2.10.2 Regulatory Framework

X6-61.

- **Page 2.10-12 (Section 2.10.2.3, Local):** This section should include a summary of MSCP requirements for mineral extraction.

X6-62.

- **Page 2.10-13 (Section 2.10.3, Analysis of Project Impacts and Determination of Significance):** Per previous comments on the EIR, The EIR should include an analysis of how the MRZs overlay with existing and planned MSCP preserve areas (e.g., San Luis Rey, Ramona, etc.) and quantify potential losses to habitat from GP implementation (e.g., include in Table 2.10-6). Any significant loss of MSCP lands from mineral resource extraction should be fully mitigated per the MSCP and County regulations.

SECTION 2.11 (NOISE)

X6-63.

2.11.1 Existing Conditions

X6-64.

- **Page 2.11-3 (Noise Sensitive Land Uses):** The County's MSCP preserves, as well as federal and state ecological reserves, should be identified as noise sensitive land uses, along with "passive recreational parks", because an excessive amount of noise would interfere with normal activities in the preserves/reserves. Table 2.11-9 (Noise Compatibility Guidelines) includes "nature preserves" within Land Use Category E, with a maximum exposure of 65 db(A) CNEL, which (notably) is 5 db(a) higher than the typical standard for sensitive birds (i.e., 60 db[A]).

X6-65.

- **Page 2.11-14 (Section 2.11.3 Analysis of Project Impacts and Determination of Significance):** The EIR should include an analysis of how the increased development and roadway expansion (See Appendix E of the EIR) would impact existing and planned MSCP preserve areas and quantify potential losses to habitat from GP implementation. Any significant loss of MSCP lands from increased noise exposure should be fully mitigated per the MSCP and County regulations. Moreover, where GP circulation element roads are within or adjacent to these existing or planned preserves, impacts from traffic noise from GP roadway expansions could be potentially significant. The EIR should identify these areas, analyze impacts and provide appropriate mitigation where needed.

SECTION 2.14 (RECREATION)

X6-66.

- **Page 2.4-11 (2.14.1.5 Park and Recreation Needs):** This section notes that MSCP Preserves are available to meet park and recreation needs. However, the EIR should disclose that not all areas (or all the acreage) in MSCP preserves are available to meet population-based standards due potential conflicts with habitat preserves and MSCP requirements. Specifically, the EIR or GP cannot assume all MSCP lands are available for population-based park and recreation needs. If the EIR is going to factor in MSCP lands to meet population-based standards, these acreages (with corresponding park and recreation activities) should be inventoried and fully disclosed in the EIR and/or GP. Moreover, the EIR should clearly disclose that Resource Management Plan (RMPs), which must be approved by the Wildlife Agencies within MSCP areas, specifically identify areas available within MSCP preserves that are available for park and recreation needs.

Page 2.4-10 (Section 2.14.2.3 Local)

X6-67.

- ***Page 2.4-11 (*Multiple Species Conservation Program [MSCP]):** This section should specifically identify the provisions in the County's MSCP that address recreational uses in the preserve (i.e., Section 1.9 of the County's Subarea Plan).

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X6-68. The County's MSCP requires that, among other things, that the footprint for trails be minimized within PAMA, that existing roads should be used, that easements should be co-located with trails, that trails be limited or excluded from core resource areas, that trail management (including waste pick-up) must occur for all trails in the CTP, and trails may have seasonal closure provisions to protect sensitive species. See also page 2.4-16 where MSCP is discussed. Moreover, the last sentence should be revised as follows to ensure consistency with the County's MSCP:

X6-69. "The MSCP is important because it conserves San Diego's natural areas and quality of life and supports compatible recreation uses within the preserve areas while accommodating future growth by streamlining building regulations."

2.14.6 (Mitigation):

X6-70. • Page 2.4-28 (Sections 2.14.7.1 and 2.14.7.2) of the EIR conclude that "build-out of the General Plan Update would increase use of existing neighborhood and regional parks, thereby resulting in accelerated deterioration of recreational facilities" and that "[i]mplementation of the proposed General Plan Update would require the construction or expansion of recreational facilities which may have an adverse effect on the environment. To ensure that implementation of the General Plan Update policies and mitigation measures would mitigate potential direct and cumulative project impacts to biological resources related to the deterioration of parks and recreational facilities within or adjacent to MSCP preserves and/or federal and state lands, the following revisions to the General Plan policies and mitigation identified in the EIR should occur:

Page 2.4-22 (Section *2.14.6.1 Issue 1: Deterioration of Parks and Recreational Facilities*:

X6-71. • **Policy M-12.1: County Trails System.** Implement a County Trails Program by developing the proposed trail and pathway alignments and implementing goals and policies identified in the Community Trails Master Plan, consistent with the County's MSCP.

X6-72. • **Policy M-12.2: Trail Variety.** Provide a variety of trail experiences that provide recreational opportunities to all residents of the unincorporated County compatible with habitat/species preservation and the County's MSCP, including urban/suburban, rural, wilderness, multi-use, staging areas, and support facilities.

X6-73. • **Policy M-12.4: Land Dedication for Trails.** Require development projects to dedicate and improve trails or pathways where the development will occur on land planned for trail or pathway segments shown on the Regional Trails Plan or Community Trails Master Plan, consistent with the County's MSCP.

X6-74. • **Policy M-12.5: Future Trails.** Provide opportunities to designate or construct environmentally-sensitive trails on County-owned lands, lands within the Multiple Species Conservation Program (MSCP) where they are consistent with species and habitat preservation, or other lands already under public ownership or proposed for public acquisition, consistent with the County's MSCP (where applicable).

X6-75. • **Policy M-12.4: Land Dedication for Trails.** Require development projects to dedicate, improve and close (where necessary) trails or pathways where the development will occur on land planned for trail or pathway segments shown on the Regional Trails Plan or Community Trails Master Plan, consistent with the County's MSCP.

X6-76. • **Policy M-12.2: Trail Variety.** Provide a variety of trail experiences that provide recreational opportunities to all residents of the unincorporated County compatible with habitat/species preservation and the County's MSCP, including urban/suburban, rural, wilderness, multi-use, staging areas, and support facilities.

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X6-77. • **Policy M-12.10: Recreational and Educational Resources.** Design trail routes that meet a public need and highlight the County's biological, recreational and educational resources, including natural, scenic, cultural, and historic resources, consistent with the County's MSCP.

X6-78. • **Policy COS-21.1: Diversity of Users and Services.** Provide parks and recreation facilities that create opportunities for a broad range of recreational experiences to serve user interests, consistent with the County's MSCP.

X6-79. • **Policy COS-23.1: Public Access.** Provide public access to natural and cultural resources through effective planning that conserves the County's native wildlife consistent with the MSCP and enhances and restores a continuous network of connected natural habitat.

X6-80. • **Rec-1.7** Prioritize the acquisition and development of trail segments consistent with the County's MSCP and in a manner to provide maximum environmental and public benefit given available public and private resources and the population served. As part of this effort, also maintain a database of information on the locations, status of easements, classifications, forms of access, management activities and land ownership relative to trail facilities.

X6-81.

X6-82. • **Rec-1.12** Prioritize open space acquisition needs consistent with the County's MSCP through coordination with government agencies and private organizations. Once prioritized, acquire open space lands through negotiation with private land owners and through MSCP regulatory requirements. The operation and management of such acquisitions will continue to be achieved by preparing, implementing and updating Resource Management Plans and MSCP Area Specific Management Directives (ASMDs) for each open space area.

X6-83.

Page 2.4-26 (2.14.6.2 Issue 2: Construction of New Recreational Facilities)

General Plan Update Policies

X6-84. • To ensure that implementation of the General Plan Update policies and mitigation measures would mitigate potential direct and cumulative project impacts related to the construction of new recreational facilities within or adjacent to MSCP preserves and/or federal and state lands, the following revisions to the General Plan policies and mitigation identified in the EIR should occur:

X6-85. • **Policy LU-6.4: Sustainable Subdivision Design.** Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and, when appropriate, provide public amenities consistent with the applicable community plan and County's MSCP.

X6-86. • **Policy M-12.5: Future Trails.** Provide opportunities to designate or construct environmentally-sensitive trails on County-owned lands, lands within the Multiple Species Conservation Program (MSCP) where they are consistent with species and habitat preservation, or other lands already under public ownership or proposed for public acquisition consistent with the County's MSCP (where applicable).

X6-87. • **Policy M-12.9: Environmental and Agricultural Resources.** Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological systems, and agricultural lands. Within the MSCP, conform siting and use of trails to the County's MSCP and wildlife agency approved MSCP management plans.

X6-88. • **Policy M-12.10: Recreational and Educational Resources.** Design trail routes that meet a public need and highlight the County's biological, recreational and educational resources, including natural, scenic, cultural, and historic resources consistent with the County's MSCP.

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X6-89. • **Policy COS-21.4: Regional Parks.** Require new regional parks to allow for a broad range of recreational activities and preserve special or unique natural, biological or cultural features when present consistent with the County's MSCP..

X6-90. • **Policy COS-23.1: Public Access.** Provide public access to natural and cultural resources through effective planning that conserves the County's native wildlife consistent with the MSCP and enhances and restores a continuous network of connected natural habitat.

X6-91. • **Policy COS-23.3: Public Safety Involvement.** Coordinate with public safety and the wildlife agencies to address safety and species concerns when planning the acquisition and management of open space.

General Plan Update Mitigation Measures

X6-92. • **Rec-2.3** Amend the Subdivision Ordinance to require new residential development to be integrated with existing neighborhoods by providing connected and continuous road, environmentally-sensitive pathway/trail and recreation/open space networks. Also add new conservation-oriented design guidelines for rural lands projects as part of this amendment. These measures will assist in the planning for recreational facilities as new development is proposed while minimizing impacts to sensitive resources consistent with the County's MSCP.

X6-93.

X6-94. • **Rec-2.4** Consistent with the County's MSCP, designate trails that correspond to existing trails, paths, or unpaved roadbeds that already have a disturbance and avoid populations of sensitive species and habitats. This will minimize existing and new direct and indirect impacts to the natural environment.

X6-95. • **Rec-2.5** Through implementation of wildlife agency-approved Resource Management Plans and ASMDs, monitor and manage preserves and trails consistent with the County's MSCP such that environmental resources do not

X6-96. become impacted as a result of soil erosion, flooding, fire hazard, overuse or other environmental or manmade effects. Any impacts identified to environmental resources will be restored in accordance with the County's MSCP.

SECTION 4.0 (ALTERNATIVES)

X6-97. • The Department is unclear whether or not the Open Space Subdivision Ordinance currently proposed by the County would allow for local Community Plans to override or preclude development clustering for "community character" reasons. If there is a potential to override the benefits gained in biological open space, preservation of landscape and aesthetics, increased housing opportunities and increased recreational open space, then an alternative in the EIR that would allow clustering to occur independent of community character (e.g., overriding biological or other benefits) should be included and fully analyzed in the EIR as a project alternative (not one that is merely considered but rejected).

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X6-1 The County does not agree that DEIR Section 2.1 should identify Multiple Species Conservation Program (MSCP) pre-approved mitigation area (PAMA) lands as visual resources. The table and introduction in Section 2.1 are meant to only provide a quick summary of the determinations of significance for this subject. MSCP lands and Resource Conservation Areas (RCAs) are identified elsewhere in this subchapter as having scenic value (See Sections 2.1.1.2 and 2.1.3.2).

X6-2 The DEIR Section 2.1.1.2 Scenic Vistas and Visual Resources, under the "Multiple Species Conservation Program Lands" subheading, has been revised to indicate that the "regional" MSCP plan was finalized March 1998. It is not clear from the remainder of the comment if further revisions are being recommended. The County is aware of when the Subarea Plans were adopted and understands the terms of Minor and Major amendment areas. These issues are not at variance with the DEIR.

X6-3 DEIR Section 2.1.2.3 has been revised to include the following new subsection:

"**Multiple Species Conservation Program (MSCP) and the County of San Diego Code of Regulatory Ordinances Sections 86.501-86.509, Biological Mitigation Ordinance (BMO)**
As a major program in the County that addresses land use, trails and its relationship with County parks, the MSCP, BMO, and supporting regulations help preserve the scenic value of lands within MSCP boundaries. These documents define how much native habitat, wildlife corridors, and linkage areas can be impacted or preserved."

X6-4 It is not clear what the comment is requesting. The cited section identifies that impacts to trees and rock outcroppings are considered to be impacts to scenic resources. The guideline for determining significance, as provided under DEIR Section 2.1.3.2, states that substantial adverse change to trees and rock outcroppings are considered to be significant impacts, and this guideline applies to any part of the unincorporated County, not just within Habitat Conservation Plans/Natural Community Conservation Plans (HCPs/NCCPs). As such, the comment is not at variance with the contents of the DEIR.

X6-5 The County does not agree that policy implementation is being deferred to future community plan updates. The policies and programs contained in a community or subregional plan, which must be consistent with the General Plan, are intended to provide long-term guidance and stability in implementing the goals of the plan. Updated community plans must be consistent with the proposed project. The General Plan Update provides programmatic guidelines for development in the entire unincorporated County and allows community plans to establish specific guidelines that are appropriate for their community. All future development in the unincorporated County would be required to comply with the policies of the General Plan Update, in addition to those identified in the applicable community plan. The DEIR analysis of project impacts includes the updates to the community plans, which are a component of the proposed project. Therefore, the General Plan Update does not defer implementation of its policies. Also see responses to comments G3-29, G3-32, and O13-2.

Responses to Letter X 6, State of California, Department of Fish & Game (cont.)

X6-6 It is not clear what policy should be revised based on this comment since no particular policy was cited. Rather, the comment pertains to a general statement made within DEIR Section 2.1.3.1 summarizing the policies under draft Land Use Element Goal LU-6, Development - Environmental Balance. As stated above in response to comment X6-5, the County finds that the statement within the DEIR is valid. The comment goes on to say that community plans that do not support the General Plan policies should be identified and disclosed in the EIR and General Plan. In response, County staff has carefully reviewed the community plans and the draft General Plan and has found no inconsistencies to date. Future updates to community plans will also be reviewed for consistency with the General Plan Update documents as well as the certified EIR for the project.

X6-7 The County agrees that the primary focus of the Conservation and Open Space Element was updated per the previous comments from CDFG to remove "balance" from the sentence. The current language is provided below:

"The primary focus of the Conservation and Open Space Element is to provide direction to future growth and development in the County of San Diego with respect to the following: the conservation, management, and utilization of natural and cultural resources; the protection and preservation of open space; and the provision of park and recreation resources."

In response to this comment, DEIR Section 2.1.3.1 has also been revised with this updated language.

X6-8 The County does not agree that the recommended language should be added to the DEIR Section on Scenic Resources. The MSCP is a comprehensive, long-term habitat conservation plan which addresses the needs of multiple species and the preservation of natural vegetation communities. This program is described in the Aesthetics subchapter of the DEIR as having scenic resources, but it does not provide for the regulation of resources for their scenic value. As such, additional detailed discussion of the MSCP in the cited section of the DEIR is not warranted.

X6-9 The County will notify the Wildlife Agencies regarding future General Plan Amendments related to the Forest Conservation Initiative (FCI) lands. The comment does not raise specific issues relative to the DEIR, and therefore no further response is provided.

X6-10 The County does not agree that the cited statement is "prejudicial and not supported by substantial evidence in the record." The County has held numerous public meetings to discuss the Conservation Subdivision Program and has prepared examples of conservation subdivision design in various areas. During this process, the County has concluded that the program may significantly affect community character in some areas based on the guideline for determining significance for visual character or quality (Section 2.1.3.3 of the DEIR). The reasoning for this conclusion is provided within the cited section. Given that this is a programmatic EIR for a General Plan, the County is not required to identify every community and

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scenario in which this impact may occur in order to make a determination of "potentially significant."

X6-11 Based on the content of this comment, it appears the commenter had intended to cite DEIR Section 2.1.3.3, Issue 3: Visual Character or Quality, under the "Proposed General Plan Update Goals and Policies" subheading, although this section does not appear on the page cited by the commenter. The County does not agree with the first sentence in this comment. The DEIR does not state or imply that one of the central land use goals of the proposed General Plan Update is to provide land use designations that would result in increased development densities in some areas of the unincorporated County. The impact analysis for visual character or quality includes a plan-to-ground analysis that acknowledges that there will be increased development in some areas when compared to the existing condition.

The comment goes on to correctly cite the DEIR with regard to policies that emphasize community character and limits on new expansions of the Village Regional Category depending on community character and scale. However, the last sentence of the comment again incorrectly assumes that the General Plan Update goal is to increase density and recommends that the DEIR show how increased densities can be achieved in every community. It is not clear whether the commenter is referring to increases when compared to the existing General Plan or increases when compared to the existing conditions on the ground. However, the DEIR evaluates development that would be consistent with the proposed Land Use Map (Referral Map). The densities shown on the map are supported by the community plans. Any future increases in density, such as expansion of a Village Regional Category pursuant to draft Land Use Element Policy LU-1.6, Village Expansion, would have to undergo a separate environmental analysis concurrent with an application for a General Plan Amendment.

X6-12 DEIR Section 2.1.3.4 under subheading "Federal, State, and Local Regulations and Existing Regulatory Processes," has been revised in response to this comment. The following language was added:

"<u>Additionally, Section 1.10 of the County's MSCP Subarea Plan requires uses within or adjacent to MSCP Preserves to be minimized and shielded</u>."

X6-13 The comment requests that draft Land Use Element Policy LU-6.4, Sustainable Subdivision Design, be revised to remove the following phrase: "and, when appropriate, provide public amenities consistent with the applicable community plan." The County does not agree with this recommendation. Generally, the County does not concur with changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were closely vetted with the General Plan Update Steering Committee; and any changes would not be consistent with the consensus which came out of this advisory group.

X6-14 The comment requests that draft Conservation and Open Space Element Policy COS-11.3, Development Siting and Design, be revised to remove the words "and community character." The County does not agree with this recommendation. In

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addition, this request does not raise an environmental issue or make a substantive comment pursuant to CEQA. The DEIR concludes that impacts associated with visual character and quality would be significant and unavoidable. Therefore, the General Plan Update does not preclude development as a result of conflicts with community character; it would allow development to occur despite the impacts.

X6-15 The comment argues that implementation of the MSCP is an existing obligation, and therefore, should be classified as a project feature rather than as a mitigation measure (Mitigation Measure AES-1.2). The County does not agree with this comment. The CEQA guidelines do not specify which types of mitigating actions qualify as project features rather than as mitigation measures. Moreover, as written, mitigation measure Aes-1.2 states that the County will "protect sensitive biological habitats and species through regulations that require avoidance and mitigation of impacts." This is the mitigating action. It then goes on to provide examples of regulations that help accomplish this. Since the proposed project is a County-wide program change, it is appropriate to explicitly state in the EIR mitigation measures what programs will be carried forward, changed, or enhanced to further alleviate environmental impacts.

X6-16 The County does not agree with this comment. Significant impacts to special status species, riparian or other sensitive natural communities and wildlife movement corridors are allowed within HCPs and NCCPs (e.g., MSCP). One of the purposes of the County MSCP is to permit take of listed species and their habitat while assembling a preserve system that addresses the needs of multiple species and preserves natural vegetation. The MSCP provides guidance and limitations on potential impacts to these resources. Therefore, impacts that are significant pursuant to CEQA are not necessarily in conflict with the adopted MSCP Plan. The guideline for determining significance of impacts to HCPs/NCCPs is if the project "would conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan." As discussed in the DEIR, the General Plan Update project would not conflict with such provisions. Therefore, impacts to HCPs/NCCPs would be less than significant.

X6-17 The source for habitat acreages provided in the DEIR is the County of San Diego Department of Planning and Land Use Geographic Information System (GIS). The MSCP annual report was not used since the MSCP covers only a portion of the project area. The acreages provided in the habitat summaries are baseline estimates to establish existing conditions (Spring of 2008).

X6-18 The County does not agree with this comment. Descriptions of vegetation types were not meant to include all species types that can occur. Rather, it was intended that the descriptions include typical plant and animal species. Coastal cactus wren is not a typical species found within chaparral vegetation communities.

X6-19 The recommended change was made in DEIR Section 2.4.1.2 under the subheading "Coastal Sage Scrub."

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X6-20 The recommended change was made in DEIR Section 2.4.1.2 under the subheading "Grasslands."

X6-21 The County does not agree with this comment. Descriptions of vegetation types were not meant to include all species types that can occur. Rather, it was intended that the descriptions include typical plant and animal species. Burrowing owl, quino checkerspot butterfly and southwestern arroyo toad are not typical species found within urban/developed areas, disturbed habitat, agriculture, or eucalyptus woodlands.

X6-22 The County does not agree with this recommendation. In addition, this request does not raise an environmental issue or make a substantive comment pursuant to CEQA.

X6-23 The recommended changes in this comment were made within the DEIR (Section 2.4.2.2 State).

X6-24 The recommended changes in this comment were made within the DEIR (Section 2.4.2.3 Local).

X6-25 The County does not agree that the impact analysis for special status plant and wildlife species must be broken down by impacts inside or outside MSCP boundaries or by particular species. This level of detail is not feasible for the County; and in addition, it is not relevant to the analysis or the determination. The guideline for determining significance is the basis for making a conclusion and it also sets the scope of the analysis. The guideline states that a significant impact would occur if the project would "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS." The County estimated the amount of impacts and listed the affected species, which qualifies as adequate analysis and disclosure within a Program EIR.

The DEIR does not conclude that the General Plan Update would not result in a significant impact to special status plant and wildlife species. Rather, the conclusion was that such impacts would be significant and unavoidable. This determination was supported by substantial evidence in the DEIR. However, the DEIR does conclude that impacts to HCPs and NCCPs would be less than significant. This is because the General Plan Update would not conflict with the provisions of any HCP or NCCP.

X6-26 The estimated impacts to special status plant and wildlife species includes planned trails, brush management associated with build-out of the General Plan Update land use map, and other direct impacts such as the proposed road network.

X6-27 It should be noted that the County did not conduct a "worst-case analysis" when estimating impacts. Rather, reasonably foreseeable impacts were estimated based on the best available information (e.g., land use maps, known brush management requirements, existing conditions data, etc.).

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X6-28 Estimates of brush management were included within the five-acre area of impact estimated per dwelling unit for areas proposed as Rural Lands under the project. Based on existing development patterns, rural residential development does not typically impact five or more acres per dwelling unit, including brush management requirements. Therefore, this is considered to be an overestimate of potential impacts.

X6-29 The County will provide the requested information to CDFG as part of the MSCP annual report.

X6-30 While this visual representation of potential impacts to designated critical habitat can be provided to CDFG upon request, the County does not agree that it should be included in the DEIR. Designated critical habitat does not typically affect land use decisions in the County unless a federal agency is involved with the proposed action (see also response to comment I57-23). As such, it is not listed as a criterion for significant impacts in the County's Guidelines for Determining Significance: Biological Resources. As noted in the DEIR, nearly 70 percent of the designated habitat in the unincorporated area is located within federal or state parks. In addition, much of the critical habitat is located within the adopted MSCP. Therefore, this type of impact analysis is not warranted within the DEIR for the General Plan Update.

X6-31 The text shown below was added to DEIR Section 2.4.3.1 (fourth bullet point under the "Indirect Impacts" subheading), as recommended.

"Brush management and trail construction or use can also result in potentially significant edge effects to special status plants and wildlife species and/or their supporting habitats."

X6-32 The requested information in this comment is tracked separately and contains a large amount of detail that is not appropriate for discussion within the CEQA document. For each Habitat Loss Permit (HLP) requested, the County reports to the CDFG and the US Fish and Wildlife Service the amount of coastal sage scrub lost and the amount remaining within the allocated 5 percent interim take authorization. The 5 percent allowed take amounted to 2,953.30 acres and the County currently has 1,793.49 acres remaining. These totals have been added to the DEIR (Section 2.4.3.1, Federal, State, and Local Regulations and Existing Regulatory Processes). In addition, another 175 acres may be impacted if current HLP applications are approved.

The coastal cactus wren was added as one of the target species for the Southern California Coastal Sage Scrub NCCP (DEIR Section 2.4.3.1 Federal, State, and Local Regulations and Existing Regulatory Processes).

X6-33 DEIR Section 2.4.3.1, under the "Proposed General Plan Update Goals and Policies" subheading has been amended to add the requirement that "that trails are designed to minimize impacts to sensitive environmental resources" to the goals for the General Plan Update policies to support critical environmental resources. In

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addition, draft Mobility Element Policy M-12.9, Environmental and Agricultural Resources, was added as a policy that supports this goal.

The County disagrees that the phrase "when appropriate and consistent with the applicable community plan" should be deleted as a policy goal. All future development in the unincorporated County would be required to comply with the policies of the General Plan Update in addition to those identified in the applicable community plan.

X6-34 The County does not agree with this comment. Appendix G of the CEQA Guidelines was used to develop the significance guidelines for this DEIR. Currently this particular guideline states: "Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means." This guideline is very specific and pertains solely to federally defined and protected wetlands. As such, the analysis in DEIR Section 2.4.3.3 focused only on this type of resource. Riparian and other sensitive habitat protected by the State, including vernal pools, are analyzed in DEIR Sections 2.4.3.1 and 2.4.3.2.

X6-35 The County does not agree with this comment. Impacts to jurisdictional wetlands are regulated by state and federal agencies, and mitigation requirements are at the discretion of those agencies at the time permits are needed. The recommendation that mitigation occur within the same watershed as the impact is not a mandate by any state or federal regulation. This recommendation is also not necessary or appropriate within the County's General Plan goals or policies, or within the DEIR for the project.

X6-36 The County does not agree with the recommendations and direction provided in this comment. It is true that the MSCP specifically regulates impacts to movement and corridor areas and provides for site-specific measures such as bridge and crossing design. As such, potential impacts within the MSCP would be deemed less than significant. The County is working on MSCP Plans for North County and East County that would also address specific impacts to wildlife corridors. This type of regulation is more appropriate within the MSCP Plans given the level of analysis needed to define and identify corridors and linkages in the County. Since the North and East County Plans are not yet in effect, impacts were determined to be significant and unavoidable within the DEIR for the General Plan Update.

X6-37 The County does not agree with this comment. The General Plan Update DEIR is not required to "accurately reflect current discussion on North County MSCP." Policies agreed upon for the draft North County MSCP and draft Biological Mitigation Ordinance (BMO) should not be discussed or evaluated under the EIR for the General Plan Update; but rather, should be discussed and analyzed within the CEQA document for the North County MSCP Plan.

X6-38 The County does not agree with this comment which would revise draft Conservation and Open Space Element Policy COS-1.2, Minimize Impacts, to prohibit all development, not just private development, within established preserves. The

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County chose the proposed language due to extensive experience with public projects and public infrastructure that have been permitted within habitat preserves, whether initiated by the County or other public agencies. When such projects are unavoidable, the County is committed to ensuring that environmental impacts are minimized.

X6-39 The County does not agree with this comment. The summary cited from the DEIR is the conclusion reached regarding the following guideline for determining significance: "the proposed County General Plan Update would result in a significant impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." As discussed in the DEIR, the proposed General Plan Update would not conflict with any local policies or ordinances. The County agrees that the project proposes development in areas that contain biological resources. However, the comment seems to imply that local policies and ordinances prohibit any impacts to such resources. On the contrary, the applicable local policies and ordinances, as discussed in the DEIR, allow for development with various limitations and mitigation requirements. Such limitations were considered when preparing the General Plan Update. Therefore, the proposed project will not be in conflict with other local regulations; and it is anticipated that the General Plan Update will be more consistent with local policies and ordinances than the existing General Plan.

X6-40 The recommended changes in this comment were added to the DEIR (Section 2.4.3.6, under "Impact Analysis").

X6-41 The County does not agree with this comment. The comment states that the project would allow more density and intensity; however, this is not true when compared to the existing General Plan. The existing General Plan, which was in effect when the MSCP was adopted, allows more density and intensity both inside and outside the MSCP. The proposed project would result in 3,166 fewer housing units within the MSCP Subarea boundary than the existing General Plan and would also be more consistent with MSCP designations and provisions. This comprehensive update to the General Plan would not hinder the County's conservation goals. Based on staff's review, the County will continue to be in rough step with regard to MSCP losses and gains under the General Plan Update. This has also been discussed with CDFG in more detail since receipt of this comment letter. See also responses to comments X5-25 and X6-45.

X6-42 While the County agrees that it is the adoption and the implementation of MSCP plans that are critical to the success of NCCPs and HCPs, it is the adoption of such plans that would serve as adequate mitigation under CEQA with the clear understanding that the adoption thereby obligates the participating agencies to implement those programs. Therefore, the cited language within the DEIR is valid as written.

X6-43 The County agrees that the cited section inadvertently includes discussion of state streambed regulations. Section 2.4.4.3 of the DEIR has been revised as follows:

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"Cumulative projects ... Adjacent jurisdictions, including incorporated cities, adjacent counties, tribal lands, and federal and State-managed lands, would be required to comply with applicable federal ~~and/or State~~ regulations such as Section 401 and 404 of the CWA ~~and Section 1600 of the California Fish and Game Code~~. If potentially significant impacts would occur from particular cumulative projects, then mitigation measures would be implemented to reduce impacts to the extent feasible to meet the no-net-loss standard. Existing regulations would ensure that a significant cumulative impact associated with federally protected wetlands would not occur. Therefore, the proposed project would not contribute to a significant cumulative impact."

X6-44 The County does not agree with this comment. While there is not sufficient detail in the comment to clearly identify the issue being raised, it appears to be a request that the County provide substantial evidence supporting the determination that cumulative impacts to local policies and ordinances are less than significant. The County substantiates this claim within the DEIR discussion and description of applicable local ordinances and policies related to biological resource protection, including how these regulations will continue be effective, if not more effective, under the General Plan Update. Implementation measures to make local policies and ordinances related to biological resource protection consistent with the General Plan Update are not appropriate since these regulations are already consistent with the proposed project and no modifications are needed other than those changes proposed under the Conservation Subdivision Program. See also response to comment X5-24.

X6-45 The County does not agree with this comment. The General Plan Update would not "allow more development density and intensity." The proposed project would result in 3,166 fewer housing units within the MSCP Subarea boundary than the existing General Plan and would also be more consistent with MSCP designations and provisions. In addition, all of the provisions within the MSCP Plan documents will remain unchanged and no conflicts have been identified between the proposed project and the MSCP. Implementation measures to "ensure consistency" with HCPs and NCCPs are not appropriate since the proposed project is already consistent with all identified HCPs and NCCPs in the project area. See also responses to comments X5-25 and X6-41.

X6-46 The County does not agree with this comment. As stated in DEIR Section 2.4.6.1, the measure is considered to be "feasible and attainable"; however, the assurance and enforceability of the measure is in question since adoption of North County and East County MSCP Plans depends on approvals from other agencies. Pursuant to CEQA Statute 21081(a) (2) and CEQA Guidelines Section 15091(a) (2), it is appropriate for the lead agency to make findings of significant and unavoidable when the measure is "within the responsibility and jurisdiction of another public agency." The County's commitment to continue to develop these plans is stated in mitigation measure Bio-1.2.

The County does not agree that the Quino Checkerspot Amendment or the East Otay Mesa Burrowing Owl Strategy should be included in the General Plan Update or the DEIR. These projects are undergoing separate environmental analysis and

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their study areas are within the East Otay Mesa Specific Plan, which is not a part of the proposed land use map or alternatives for the General Plan Update (i.e., no changes to the Specific Plan Area are proposed).

X6-47 The County does not agree that the cited sections defer implementation to other processes that are not enforceable. The commenter does not provide any substantial evidence to support the claim that the listed measures or the mechanisms for implementing them are not enforceable. All of the sections within the bulleted list in this comment are fully enforceable by the County and will become part of the Mitigation Monitoring and Reporting Program.

X6-48 The County does not agree with recommended revisions in this comment because the commenter does not provide adequate reasoning for the changes. No substantive comment related to an environmental issue was provided with this comment.

X6-49 The Conservation Subdivision Program is proposed as a component of the project. It also qualifies as a mitigating measure in the DEIR and will be part of the Mitigation Monitoring and Reporting Program. The meaning of the statement "At a minimum, it should be included as an alternative the EIR and GP," is not clear and therefore no further response is provided.

X6-50 The County does not agree with this comment. Bio-1.2 qualifies as a mitigation measure pursuant to CEQA and will be within the Mitigation Monitoring and Reporting Program. Also see response to comment X6-46 above.

X6-51 The County does not agree with this comment. The adoption of the General Plan Update is a sweeping change to existing plans and programs, including changes to Board Policies. Many existing plans, programs and policies are not part of any Mitigation Monitoring and Reporting Program and are not required to continue in the future. Upon certification of the EIR for the General Plan Update, the County is making a commitment to implement many of these policies as mitigating measures. As such, inclusion of mitigation measure Bio-1.3 is appropriate within the Program EIR.

X6-52 The County does not agree with this comment. The mitigation measures listed within Section 2.4.6.3 of the DEIR are meant to mitigate impacts to federally protected wetlands as defined by the Clean Water Act (see analysis and discussion in DEIR Section 2.4.3.3). It is not clear from the comment why state regulations should be accounted for or how the listed mitigation measures were deemed to be flawed. See also response to comment X6-34 above.

X6-53 The County does not agree with this comment. Please refer to responses to comments X6-41 and X6-45 above.

X6-54 The cited section generally describes the County Trails Program (CTP) and does not exclude any particular aspect of the program. It is not clear from the comment why a

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certain appendix in the CTP should be described specifically within this section. The comment does not appear to raise a substantive environmental issue.

X6-55 The County does not agree with this comment. The DEIR is a CEQA document that is meant to evaluate and disclose potential impacts to the environment in accordance with CEQA guidelines and mitigate significant effects to the extent feasible. The requests in this comment are related to the existing MSCP implementation, which is not being altered or significantly affected by the proposed project. The information being requested in this comment is provided to the wildlife agencies and the pubic each year in the MSCP annual report. Table C-3 of the DEIR is part of the impact analysis associated with the General Plan Update; and therefore, it would not be appropriate to include data related to MSCP preservation. See also responses to comments X6-41 and X6-45 above.

X6-56 The County does not agree with this comment. Please refer to responses to comments X6-41 and X6-45 above.

X6-57 The General Plan Update will facilitate clustering of development to minimize or avoid impacts to sensitive resources. This will be accomplished by decoupling the density from the minimum lot size and by implementing the Conservation Subdivision Program.

X6-58 The County does not agree with this comment as a whole. The General Plan Update would result in the widening/expansion of roads, which will result in potentially significant impacts on the environment. Each section within DEIR Chapter 2 discusses the different types of environmental resources and subject areas that will or will not be affected. As discussed in DEIR Section 2.4, the project, including the road network, would have a significant unavoidable impact on biological resources related to: special status species, riparian and other sensitive natural communities, and wildlife corridors. The project, including the road network, will not conflict with the South County MSCP. In addition, the project is consistent with the draft North County and East County MSCP Plans based on all information available to date. It should be noted that the MSCP permits the construction or expansion of roadways within or adjacent to regional and local wildlife corridors and/or movement areas such as Harbison Canyon, Wildcat Canyon, and I-15. At the time any such construction or expansion is proposed, the projects will be required to meet all the provisions of the MSCP and the Biological Mitigation Ordinance, including linkage and corridor findings. In addition, the road widening projects will be required to mitigate impacts from fencing, road kill and lighting pursuant to MSCP and BMO regulations. The County does not agree that it is appropriate to include site-specific detailed analysis of particular road-widening impacts within the General Plan Update Program EIR. The overall biological impacts associated with the Land Use Map and Road Network are discussed and quantified within Section 2.4.

X6-59 The comment contends that if roadways will result in significant impacts associated with the physical division of an established community, then the roadways will also result in significant impacts to the MSCP. The County does not agree with this assertion. These are two separate issues with different guidelines for determining

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significance. The County has concluded, based on analysis and evidence in the record, that the proposed road network would have the potential to divide an established community. Also based on analysis and substantial evidence, the County concluded that the same road network would not conflict with the County's MSCP (i.e., an approved HCP and NCCP). This latter conclusion was based on the fact that the MSCP allows construction of roads with appropriate design elements and mitigation. As such, no conflict would occur and impacts would be less than significant.

X6-60 The County does not agree with this comment. As described in the DEIR, the State of California designates Mineral Resource Zones (MRZ). The County does not designate such areas and therefore should not be required to analyze potential environmental impacts associated with the location of MRZs.

X6-61 The County does not agree with this comment. The comment refers to MSCP requirements for mineral extraction. Under the Biological Mitigation Ordinance, Mineral Extractions are exempt from the general provisions if certain conditions are met. Other than this exemption within BMO Section 86.503(a) (9), the County's MSCP does not contain requirements specific to mineral extraction projects. Moreover, MSCP provisions would not be pertinent to the issues and guidelines of significance described in Section 2.10 of the DEIR.

X6-62 The County does not agree with this comment. Please refer to response to comment X6-60 above.

X6-63 The County does not agree with this comment. Noise sensitive land uses are defined so as to capture noise impacts to people. This is consistent with the CEQA Guidelines Appendix G questions related to noise. As such, DEIR Subchapter 2.11 focuses on the effects of noise with regard to people residing or working in or adjacent to the project area. The effects of noise on sensitive biological resources are discussed in DEIR Subchapter 2.4.

X6-64 DEIR Table 2.11-9 displays noise compatibility guidelines for a multitude of land use types. This table does not assess particular noise standards for avian species. For the County's guidelines on determining significant effects of noise on sensitive species, please see the Guidelines for Determining Significance: Biological Resources, dated June 30, 2009 which can be accessed at http://www.sdcounty.ca.gov/dplu/docs/Biological_Guidelines.pdf.

X6-65 The County does not agree with this comment. The comment states that the project would allow increased development and roadway expansion. However, the proposed project would result in 780 fewer roadway lane miles and 55,119 less vehicle trips than the existing General Plan that was in place when the MSCP was approved and adopted. All future roadway projects will continue to be evaluated for compliance with MSCP regulations and significant potential noise exposure will be mitigated as always. The proposed project would not change the application of these standards but would result in substantially less impacts than build-out of the existing General Plan. See also response to comment X6-58 above.

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X6-66 The County does not agree with this comment. DEIR Section 2.14.1.5 states that the Lakeside community is deficient of local parks but has an abundance of preserves. It does not state that MSCP preserves are used to meet park and recreation needs. DEIR Table 2.14-4 shows the acreages used to meet park and recreation needs; it does not include acreages within preserves.

X6-67 The recommended change was made to DEIR Section 2.14.2.3 such that the paragraph now concludes as follows:

"MSCP documents regulate uses where sensitive biological resources occur. For example, Section 1.9 of the Subarea Plan addresses recreational uses within MSCP preserves."

X6-68 The MSCP requirements listed in this comment are not pertinent to the Recreational impacts discussion in the DEIR.

X6-69 The recommended change was made to DEIR Section 2.14.2.3.

X6-70 This comment introduces specific recommended changes that are stated in the subsequent comments and does not raise a significant environmental issue for which a response is required.

X6-71 The County does not agree with the recommendation in this comment. The revision would be inappropriate because the MSCP only covers the southwestern portion of the County. General Plan policies apply to the entire unincorporated area. As such, areas outside the MSCP shall not be treated to be "consistent with the County's MSCP." In addition, the change is unnecessary since any improvements proposed within the MSCP boundary are already required to be consistent with the County's MSCP.

X6-72 The County does not agree with the recommended change. The policy is meant to address recreational goals and does not conflict with resource preservation goals. It is not clear why habitat/species preservation or biological resources in particular would need to be incorporated into this policy as opposed to all other resource preservation already discussed in other areas of the General Plan Update and DEIR. In addition, the County does not agree that MSCP compatibility should be applied to the whole of the County's jurisdiction since the MSCP currently only covers the southwestern portion of the unincorporated area.

X6-73 The County does not agree with this comment. See response to comment X6-71 above.

X6-74 The County does not agree with this comment. See response to comment X6-72 above.

X6-75 The County does not agree with this comment. See response to comment X6-71 above.

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X6-76 The County does not agree with this comment. See response to comment X6-72 above.

X6-77 The County does not agree with this comment. See response to comment X6-72 above.

X6-78 The County does not agree with this comment. See response to comment X6-71 above.

X6-79 The County does not agree with this comment. See response to comment X6-71 above.

X6-80 The County does not agree with this comment. See response to comment X6-71 above.

X6-81 The recommended change was made to Sections 2.14.6.1 and 7.2.14.1 of the DEIR.

X6-82 The County does not agree with this comment. See response to comment X6-71 above.

X6-83 The recommended change was made to Sections 2.14.6.1 and 7.2.14.1 of the DEIR.

X6-84 This comment introduces specific recommended changes that are stated in the subsequent comments and does not raise a significant environmental issue for which a response is required.

X6-85 The County does not agree with this comment. See response to comment X6-71 above.

X6-86 The County does not agree with this comment. See response to comment X6-72 above.

X6-87 The County does not agree with this comment. The added language does not appear to be appropriate and there was no reasoning provided in the comment to support the recommendation. However, it should be noted that Draft Mobility Element Policy M-12.9, Environmental and Agricultural Resources, has been revised for clarification as follows:

"Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system <u>and wildlife linkages and corridors</u>, and agricultural lands. Within the MSCP <u>preserves</u>, conform siting and use of trails to <u>County MSCP Plans and</u> MSCP <u>resource</u> management plans."

X6-88 The County does not agree with this comment. See response to comment X6-72 above.

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X6-89 The County does not agree with this comment. See response to comment X6-72 above.

X6-90 The County does not agree with this comment. See response to comment X6-71 above.

X6-91 The County does not agree with this comment. This issue is already addressed in draft Conservation and Open Space Element Policy COS-23.2, Regional Coordination, and is not related to safety concerns.

X6-92 The recommended change was made to Sections 2.14.6.2 and 7.2.14.2 of the DEIR.

X6-93 The County does not agree with this comment. See response to comment X6-71 above.

X6-94 The County does not agree with the recommended changes to this mitigation measure. The measure is adequate as written and would minimize impacts to various important resources. The additional detail proposed in the comment would be worded at the time that the procedures are prepared (i.e., when the measure is implemented).

X6-95 The County does not agree with this comment. Resource Management Plans prepared and/or approved by the County do not always require approval from wildlife agencies and are not always subject to Area Specific Management Directives. These details would depend on the location, jurisdiction, and specific resources involved.

X6-96 The County does not agree with this comment. See response to comment X6-71 above.

X6-97 The County does not agree with this comment. The Conservation Subdivision Program (CSP) is proposed as a mitigation measure and component of the project. The details of the CSP are available for review and comment. The updated community plans are also available for review and comment. The community plans do not preclude use of the CSP; however, they provide specific local guidance on development that will need to be incorporated into projects, including Conservation Subdivision projects if applicable. These components are all part of the project described in the DEIR. Additional alternatives are not appropriate or warranted, as these components would be part of the General Plan Update for any of the alternatives except for the “No Project Alternative.”

Comment Letter X 7, Mary Dodd

August 28, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

SANDAG has studied and concluded that the population in the rural portions of San Diego County will nearly double in the next 20 years. These findings are contrary to what the proposed General Plan Update will accommodate. Have you vetted your plan with SANDAG?

The General Plan Update will significantly reduce the development potential currently accounted for in the General Plan for East San Diego County. As such, build out in these areas will be considerably less than would be consistent with the SANDAG projections.

Having been a resident of this county for many years, I have watched as the population has grown from a modest metropolitan center with modest suburbs, to almost total build-out from the border to the county line on the north and from the ocean to the foothills on
X7-1. the east. WHERE ARE YOU GOING TO BUILD?

The proposed densities for East County are unreasonable. Many of the smaller communities are dying, and losing necessary support services vital to their well being. Managed, planned growth is essential to the vitality of these communities. Downsizing hurts these communities. The density downsizing provisions applied to East County by the General Plan Update will leave San Diego County ill-equipped to meet future population demands. The General Plan Update should support regional plans for continued growth and prosperity – not hamper economic and social vitality.

It appears that impacts of the General Plan Update on applicable land use planning for rural areas of the County, as well as policies and regulations were not fully and adequately analyzed. I request this analysis be revised to reflect the loss of the ability to accommodate nearly 15 percent of the County's projected housing needs.

Thank You for the opportunity to comment.

Sincerely,

Mary P. Dodd

(Name and Address)

Responses to Letter X 7, Mary Dodd

X7-1 This comment letter is the same as an earlier comment letter (Letter I 44 from Doug Miner). Refer to responses to comments I44-1 through I44-6.

Comment Letter X 8, East County Construction Council (Draft GP)

East County Construction Council
1150 Broadway, Suite 210
El Cajon, CA 92021
September 28, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update

X8-1. This letter is on behalf of the East County Construction Council (ECCC). Thank you for this opportunity to provide comments on the Draft General Plan Update (GPU). This process has been painfully long and involved. The ECCC is concerned that although many subjects are being address toward the benefit of those people residing in the rural east county, some issues remain that need attention. This letter addresses some of those issues.

X8-2. Although the County prepared a comprehensive GPU, it has not prepared an economic study or analysis of the proposed Land Use Maps or GPU framework (General Plan Elements, Goals and Policies). The County states this is not required by state law to accomplish a general plan. However, the fact that the County does not consider this aspect, leaves the very goals of the Plan is question. Long existing rural communities such as Campo, Lake Morena, Boulevard, Descanso and Pine Valley are primary resources for services to local residents that should be included and encouraged through general plan policies. These rural communities support various employment opportunities including the US Border Patrol, schools, health care facilities and casinos. ECCC believes that it is imperative for the County to incorporate an economic study to determine that its Guiding Principles are valid.

X8-3. The GPU sets out Guiding Principles by which its goals and policies are being developed. Each of the goals presented under the guiding principles are stated in the various categories. Each of the goals presented under the Rural Lands category is preceded by the statement to "preserve or protect" lands for environmental reasons. The entire focus of this rationale is to restrict any growth or development in communities included in this category. Yet, the Guiding Principles state: (1) Support a reasonable share of projected regional population growth; (2) Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development; and (3) Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. These Guiding Principles are clearly not being addressed in rural communities.

X8-4. The County should be just as tenacious in ensuring the zoning and provision of housing and business as it is in protecting habitat and rural lands.

Comment Letter X 8, East County Construction Council (Draft GP) (cont.)

X8-4. cont. The GPU states: *"The GP directs future growth in the unincorporated areas of the County with a projected capacity that will accommodate more than 238,500 existing and future homes"*. Yet this projection reduces housing capacity from the current GP by 15% and shifts 20% of the future growth from rural areas to western communities. This is a reduction equivalent to 33,000 housing units. The GPU will significantly reduce the development potential currently contained in the existing GP for East San Diego County.

X8-5. As such, build out in these areas will be considerably lower than currently planned by SANDAG. This downzoning of rural communities exacerbates the loss of community due to the decrease in land values and economic instability of village services.

X8-6. The new SANDAG 2050 Regional Growth Forecast states that based on current land use plans, the county of San Diego will fall 70,000 housing units short of demand. This forecast states that only 380,000 additional housing units appear possible under current guidelines. It seems that under this scenario, the unincorporated county must reconsider its proposed reduction in projected housing units.

X8-7. The ECCC supports various equity mechanisms that can not only provide needed housing and economic stability to eastern communities, but will also allow for environmental protections. This can be done without the destruction and blight the proposed GPU will exacerbate.

X8-8. We look forward to being a vital part of the community in seeking a solution to a true balanced plan that provides for housing, employment, economic vitality and open space.

Yours truly,

Ron Pennock
Chair, East County Construction Council

Liz Higgins
Interest Group Member
East County Construction Council

Responses to Letter X 8, East County Construction Council (Draft GP)

X8-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X8-2 The County does not agree with this comment. Economic considerations have been taken into account during every step of the General Plan Update history and process. Though it is not required by state law, the County has prepared numerous economic evaluations of the project and has made economic vitality and sustainability one of the primary goals of the plan, incorporating policies into each element that further this objective.

The rural communities noted in the comment as primary resources for services to local residents are not being prohibited from providing services to the community under the proposed project. Therefore, the County cannot respond further to this statement. The comment goes on to state that various employment opportunities come from the US Border Patrol, schools, healthcare facilities, and casinos. The General Plan Update does not prohibit these opportunities. Therefore, the County cannot respond further to this statement.

X8-3 This comment appears to be referring to the description of Rural Lands provided under the "Regional Categories" subheading in the Land Use Framework section of the Land Use Element. The section describes Rural Lands, which are defined as areas with General Plan Update designations of Rural Lands 20 through Rural Lands 160 or densities of one dwelling unit per 20 through 160 acres. This section of the Land Use Element describes the benefits of applying a Rural Lands designation, such as was described in the comment.

The County disagrees that the Rural Lands Regional Category does not support the General Plan Update Guiding Principles. As discussed in Chapter 2 of the draft General Plan under the Guiding Principles section, the Guiding Principles "…provide guidance for accommodating future growth while retaining or enhancing the County's rural character…" The Rural Lands Regional Category is instrumental in achieving the realization of many of the Guiding Principles through the low density development that would be allowed. The County acknowledges that every land use designation is not intended to address every Guiding Principle equally; however, the Rural Lands designations do not preclude the achievement of objectives for any of the Guiding Principles. For example, while low density designation may not support much future growth (Guiding Principle #1), the General Plan Update would still fulfill its share of regional population targets; primarily through the growth allowed under the Village and Semi-Rural Regional category densities.

X8-4 The County disagrees that the General Plan Update Guiding Principles are not being addressed in rural areas because a primary objective is to direct future growth to areas in the unincorporated County where infrastructure and services are available. The County contends that this objective is consistent with the Guiding Principles, especially the following five:

- Guiding Principle 2 (…locating new growth near existing and planned infrastructure, services, and jobs…)

Responses to Letter X 8, East County Construction Council (Draft GP) (cont.)

- Guiding Principle 4 (Promote environmental stewardship that protects the range of natural resources and habitats…)
- Guiding Principle 5 (Ensure that development accounts for physical constraints and the natural hazards of the land.)
- Guiding Principle 7 (Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.)
- Guiding Principle 9 (Minimize public costs of infrastructure and services ...)

X8-5 This comment states that build-out the General Plan Update land use map would be "considerably lower than currently planned by SANDAG." The County disagrees that the General Plan Update is not consistent with the SANDAG forecasts as SANDAG forecasts for the unincorporated areas of the County are based on General Plan Update forecasts. See also response to comment G4-2.

X8-6 The County agrees that the Preliminary Land Use forecasts developed by the San Diego Association of Governments (SANDAG) for 2050 traffic planning did show that the entire San Diego region had a shortfall of 70,000 housing units as the region went into the later years. However, these forecasts have since been revised and the 2050 forecasts adopted by the SANDAG Board and the regions growth is expected to be met through 2050, as stated in the excerpt below from the SANDAG Board Report — 2050 Regional Growth Forecast, dated February 26, 2010.

"Since July 2009, the region's jurisdictions each made a concerted effort to review how their local plans, policies, and redevelopment potential might change between 2035 and 2050. Through that effort the region identified sufficient residential capacity to house the region's projected population growth out to 2050."

The complete Board report is available on the SANDAG web site at the following link: http://www.sandag.org/uploads/projectid/projectid_355_10794.pdf

In addition, consistent with SANDAG's plans to encourage Smart Growth near existing development and infrastructure, none of the scenarios developed by SANDAG to address the shortfall have suggested increases in population for the unincorporated County of San Diego over what is planned for by any of the DEIR land use alternatives.

X8-7 The County acknowledges the commenter's support for equity mechanisms.

X8-8 This comment provides a concluding statement and does not raise a significant environmental issue for which a response is required.

Comment Letter X 9, Brian Elmore

August 29, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

San Diego County has been trying for years to update their General Plan. This latest push (GP2020) is another example of the Horse built by Committee.

Bureaucrats down town take little time to really understand what the folks in the rural areas need or want. They rely heavily on the less than capable Community Planning Groups to provide the requisite input, disregarding the citizens most likely to be impacted by changes in the General Plan.

X9-1. The truth is, Community Planning Groups operate on their own agenda, often with little regard for the communities they represent. Every election brings folks with different ideas about how any particular community ought to look.

My gripe with the proposed General Plan Update is the Down Zoning that takes place. It's unfair (and maybe illegal) to change the zoning on somebody's property, especially if they've owned it for years with the intent of splitting it and developing all or parts of the split. That's just plain stealing land.

If I'm negatively impacted by the General Plan Update with regard to my property owners rights, I will seek compensation from the County for the losses I suffer.

Please take another look at what you're doing and see if there isn't a logical approach that minimizes impacts to property owners. The proposed General Plan Update should be a document that helps citizens, not a document that impacts their lives in a negative way.

Thank You for the opportunity to comment.

Sincerely,

(Name and Address)

BRIAN ELMORE

Responses to Letter X 9, Brian Elmore

X9-1 This comment letter is the same as an earlier comment letter (Letter I 42 from Troy McGuffie). Refer to responses to comments I42-1 through I42-4.

Comment Letter X 10, Farm Bureau of San Diego County (Draft GP)

FARM BUREAU SAN DIEGO COUNTY
1670 East Valley Parkway, Escondido CA 92027-2409
Phone: (760) 745-3023 • Fax: (760) 489-6348
E-mail: sdcfb@sdfarmbureau.org • Website: www.sdfarmbureau.org

September 28, 2009

Devon Muto
Chief, Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: San Diego County July 1, 2009 Draft General Plan

Dear Mr. Muto:

X10-1. Thank you for this opportunity to comment on the July 1, 2009 version of the San Diego County Draft General Plan and for including many of our previous comments into this draft. The following are our current comments:

Page 2-14 Guiding Principal 8

X10-2. We concur with the statement "Incentives should be provided to enable farmers to create small lot subdivisions while retaining the bulk of their land for agricultural operation." We are not suggesting that the statement be changed, but we do want to stress that we consider this strategy to be a key element in the implementation of the General Plan. By allowing the creation of small lot subdivisions that are still within the overall allowed density for an entire parcel, the County can create an option that avoids parcelization of farmland and provides for the perpetuation of the agricultural enterprise through the use of a conservation easement.

X10-3. The last sentence in this section suggests that the purchase of development rights is the only method that will be considered to implement a strategy for the preservation of farmland through the removal of development rights. Because the County has not yet developed its density removal strategy for farmland preservation and a more general statement would not be limiting, we suggest the statement be modified to read, "Finally, a program for the ~~purchase~~ voluntary removal of development rights for agricultural lands should be implemented."

Page 3-11 Table LU-1

X10-4. It is our opinion that the Rural Lands 80 and Rural Lands 160 designations are not in the best interest of the farm community. First, we believe opportunities likely exist in both designations where smaller farm operations could be viable when water resources are available. For example,

Comment Letter X 10, Farm Bureau of San Diego County (Draft GP) (cont.)

X10-4. cont. there is a growing interest in the production of wine grapes in the county. This crop has a very low water use demand and minimum densities of 80 and 160 acres would make it difficult or impossible to create the appropriate sized farms for such enterprises. Second, such low density designations remove the incentive for long-term farmland preservation through strategies such as compensation for voluntary density removal or the concentration of development in exchange for permanent conservation easements. In order to use such strategies land value from density must be protected in order to create the incentive for preservation. Without access to incentives these lands would then be vulnerable to density increases in future revisions of the General Plan. We believe that access to water resources will be overriding limiting factor on density in the Rural Lands designation.

Page 3-43 Goal LU-17

X10-5. In policy LU-17.2 we suggest that "adjacent development" be modified to say "adjacent land use." That term is more inclusive and would include farming. When schools are placed adjacent to agricultural uses there can be direct impacts to the operation of the farming enterprise. In such cases the county should encourage alternate siting or appropriate mitigation.

Page 5-16 Goal COS-6

X10-6. Policy COS-6.3 can be read to mean that the recreational and open space uses are compatible with each other and not necessarily the adjacent agricultural use. While we do not believe that is the intent of the passage, we do suggest the sentence be restructured to state, "Encourage siting recreational and open space uses and multi-use trails that are compatible with agriculture adjacent to agricultural lands when planning for development adjacent to agricultural land uses."

X10-7. As a final comment we would like to make clear that even though the Draft General Plan makes multiple references to the development of programs for the protection of farming resources, the essential policy question on the protection of farmland values in the face of density reductions remains unanswered. We will continue to maintain the position that the issue of protection for the current owners of farmland based on existing densities must be resolved concurrently with the final adoption of the General Plan Update.

Again, thank you for this opportunity to comment and we look forward to continued discussion in the development of the General Plan Update.

Sincerely,

Eric Larson
Executive Director

Responses to Letter X 10, Farm Bureau of San Diego County (Draft GP)

X10-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X10-2 The County acknowledges and appreciates this comment. No further response is required.

X10-3 The last sentence under draft General Plan Guiding Principle 8 has been revised by replacing "purchase" with "voluntary removal," as recommended.

X10-4 Concerns have been raised by the commenter that the Rural Lands 80 and 160 densities are not "in the best interest of the farm community." Out of the two million acres within the County of San Diego, 147,000 of these acres are designated Rural Lands 80 (excluding the Desert Subregion) on the Planning Commission Recommended Map. For comparison, 44,000 acres are designated Semi-Rural 4, 60,000 are Semi-Rural 10 and 62,000 are Rural Lands 20, resulting in a total of 166,000 acres which are given land use designations that the commenter considers more suitable for farming. The Rural Lands 160 designation is not used on the recommended map. The remainders of private lands are designed smaller lot Village, Semi-Rural or Commercial/Industrial uses.

Additionally, most of the Rural Lands 80 densities are applied to extremely rural areas that are not typically as conducive to farming or any such development, such as the Mountain Empire Subregion with 37,000 acres and the North Mountain Subregion with 58,000 acres that rely entirely on groundwater, receive less recharge than many of the other unincorporated communities, and contain many steep slopes.

X10-5 Draft Land Use Element Policy LU-17.2, Compatibility of Schools with Adjoining Uses, has been revised as recommend by replacing "development" with "<u>land uses</u>."

X10-6 Draft Conservation and Open Space Element Policy COS-6.3, Compatibility with Recreation and Open Space, has been revised as recommend by including "<u>that are compatible with agriculture</u>" between "trails" and "adjacent."

X10-7 The commenter emphasizes that the protection of farming resources is tied to the property values of the farms. Due to the numerous factors that affect farmland values, it is difficult to quantify what economic effect the General Plan Update will have on them. There is general agreement that a reduction in density from the General Plan Update on a property will potentially reduce its value, but research suggests that the effects may not be perceptible in most cases due to the following factors: planned densities are maximums and seldom achieved, thereby resulting in discounted valuations; the entitlement process can be costly and contains uncertainties further discounting valuations; many properties contain significant constraints such as steep slopes which reduce values; radical changes in market values over the past several years mask trends; limited land sales data is available for comparative analysis; and many appraisers, speculators, and brokers have been accounting for General Plan Update changes for several years.

Responses to Letter X 10, Farm Bureau of San Diego County (Draft GP) (cont.)

Another consideration is that although a property has the ability to subdivide, there may or may not be a demand for additional dwelling units in rural locations. The fact that San Diego County's population will continue to grow in the future is undisputed. However, several factors point to indications that the new growth will occur in more urban locations near existing infrastructure and services. Such factors include the cost of gasoline, the cost of providing infrastructure and services in rural areas, and the changing demographics of the region (aging of the "baby-boomer" segment of the population, many of whom will move from larger homes into smaller homes or condominiums in more central locations).

The County remains committed to support the protection of farming, as evidenced by its support of the Purchase of Agricultural Conservation Easements (PACE) program. With this program, the County of San Diego is working with American Farmland Trust, a nationwide nonprofit dedicated to protecting farmland, and is in the final stages of negotiating a consultant contract.

In addition, the Conservation Subdivision Program is being drafted as a tool to balance community character, environmental interests and development potential in a subdivision process, with one of the goals being the preservation of agricultural resources. This program is proposed to be implemented through a series of ordinance changes, primarily affecting the implementation of a Planned Residential Development or Lot Area Averaging projects.

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR)

J. Whalen Associates, Inc.

Balancing the needs of the environment with those of business.

August 31, 2009

Mr. Devon Muto
Project Manager
General Plan Update
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123

RE: Comments on the General Plan Update EIR, General Plan Update Text, and Implementation Plan Text

Dear Devon:

Thank you for this opportunity to comment on the County of San Diego's General Plan Update Environmental Impact Report (EIR) and other Plan documents. The County's public website that provides electronic copies of the draft EIR states that comments on the Community and Subregional Plans "can be submitted along with the comments on the Draft EIR, Draft General Plan and Draft Implementation Plan", hence these comments.

Having been involved in this process since its inception, we appreciate the further progress being made and are committed to the Plan's future success. Our firm represents landowners, ranchers, renewable energy companies, resource extraction companies, and other interests concerned about the updated County General Plan and its associated EIR. We want the County to succeed in this monumental effort and our comments, even when critical, come from this perspective. X11-1.

This comment letter is intended to accomplish several objectives: first, to provide comments on the draft EIR; and second to provide comments on the public review draft of the General Plan document, including the draft Implementation Plan. For the first time in many years, there is a confluence of circumstances with some fairly strange bedfellows (joint support on the key issues from wildlife agencies, environmental groups, landowners and builders) which could lead to a sea change in land use in the unincorporated County of San Diego.

Unfortunately, despite our expressing statements of concern over these issues, several critical elements, especially the project description and mitigation measures, remain speculative or ill-defined in nature, and leave

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

the EIR vulnerable to successful litigation. Unless these are corrected by the Board of Supervisors' decisive action, the concern is that ten years of good work will end up with a recirculated EIR and unnecessary time in a courtroom.

Property owners need to be able to count on the provisions that have been built into the General Plan that help provide for reasonable use of private property and also help the County achieve its statutory sustainability goals. Further significant changes must be made prior to the adoption of the General Plan as it has been drafted in order to remove uncertainties, correct unresolved disputes, and include the completed documentation and regulatory package that comprises the General Plan update.

X11-1. cont.

Much has changed since the beginning of this process in the late 1990's, but not the Supervisors' commitment to bringing a complete and beneficial package forward for adoption and not to piecemeal the approval process. The following represent our general and specific comments which apply to both the EIR and General Plan. We will send additional policy and editorial comments shortly under separate cover which are solely associated with the draft General Plan:

1. Vague and/or Unclear Policies Are Used As a Substitute for Mitigation

Despite a great deal of effort, we found certain of the policies in the General Plan Update to be vague and to lack clear implementation strategies. In addition, there are numerous policies that appear to establish objectives so broad as to be difficult, if not impossible, to implement. We believe it essential for the General Plan policies to be clear, concise and objective, and for the mitigation measures and mitigating policies to avoid using highly subjective terminology, or to be open to interpretation.

X11-2.

Instead, the language in both the General Plan policies and the mitigation measures should be easily interpreted and able to be consistently applied by people unfamiliar with how the Plan was put together. The County's MSCP plan suffers from this problem and now the General Plan could as well.

As a test of this, and to eliminate another of the flaws of the EIR, which is an inadequate alternatives analysis, we recommend that the County do an EIR alternative, the Community Plan Implementation Alternative, which applies each of the County's community plan-derived standards to the projected level of development in the updated General Plan. We believe the County will find the General Plan objectives cannot be met.

X11-3.

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

2. Conservation Subdivision Cannot be Feasibly Implemented and Thus Affects Ability to Implement Mitigation Measures.

X11-4. As a result of the General Plan deferring most of its substantive provisions to the Community Plans, the Conservation Subdivision is no longer effective as a mitigation measure for many identified impacts as proposed in the draft General Plan. For example, the following proposed General Plan Update Policies and Mitigation Measures may not be possible to implement without the County guaranteeing that the Conservation Subdivision is implemented:

Policies: LU-2.4, LU-4.1, LU-4.4, LU-6.2, LU-6.3, LU-6.4, LU-6.7, LU-7.2, COS-1.2, COS-2.2, COS-6.2, COS-6.3, COS-6.4, COS-10.4, COS-11.3, COS-14.1, M-1.3; M-2.3, M-4.3, and M-4.5

Mitigation Measures: Aes-1.2, Aes-1.5, Aes-1.8, Aes-1.9, Aes-3.1, Agr-1.3, Agr-1.4, Bio-1.1, Bio-1.2, Bio-1.5, Bio-1.6, Haz-4.1, Haz-4.4, Hyd-3.1, Hyd-6.1, Lan-1.2*, Min-1.1, CC-1.10 plus counterpart in 7.2.17.2,

* Cannot do this and still meet General Plan housing targets.

3. Circular Policies Regarding Applicability and Community Character Consistency

X11-5. Unless the County removes the deferral of applicability of the proposed General Plan policies to the Community Plans as well as an exercise requiring findings of community character consistency, the DEIR must analyze the impacts of not implementing these policies, including but not limited to, any associated increases in impacts to land use, traffic, biological resources, and agriculture. See suggested additional Alternative, in Comment 1 above. In short, there is no way of determining to what extent, if any, these policies will ever be implemented. Unfortunately, they serve as the foundation of the General Plan project description, which thus becomes fatally flawed.

X11-6. To add further obscurity to the EIR process, several if not many of the community plans are being amended as part of the General Plan Update process, but the specifics of the proposed amendments/associated amended land use maps and land use policies are not provided. How does a reviewer determine these amendments will be consistent with the new General Plan?

4. Complete Package

X11-7. We have asked staff more than once to follow through with their long-standing pledge to prepare a complete package for Board consideration (draft General Plan, Implementation Plan, Ordinances, etc.). Anything less is arguably piece-mealing, but it has still not been done reportedly

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-7. cont. because of pressure to complete the General Plan. It is not clear how this can be done without the complete group of associated documents.

5. Community Character as a General Plan Spoiler

Throughout the draft Plan, and most often in the Land Use Element, useful implementation policies are repeatedly – and counter-productively – conditioned upon "consistency" with "community character." There are also several examples of language like "when consistent with the Community Plan" that undermine the policy framework of the General Plan by deferring to community plans to dictate policy. These conditions need to be removed or modified. In an example of the synchrony among many commentors who wouldn't ordinarily agree, the Endangered
X11-8. Habitats League in its January 2009 letter to the County on the General Plan update commented that "consistent" means *congruent*, which would limit new structures to those roughly *identical* with existing conditions. We agree. "Compatible" is a better substitute, and should be defined as "Capable of harmonizing with existing conditions due to design features."

It has always been the best solution to require quality design as a way to achieve density without ruining the local environment. The bottom line is that community character must not be used as the trump card that stops developers from utilizing the tools available to do projects that work with the land and conserve resources better.

An example of how community character can be used to stifle appropriate development is the statement in the Agricultural Resources, Goals and
X11-9. Policies section (5-14) requiring a buffer between adjacent properties. Buffers should not be required as a blanket policy; use of buffers should only be employed on a case-by-case basis.

Another example is the construction of higher density housing, a critical need mandated by State law. In a statement made on page 6-6, the County asserts that there is "very little land appropriate for development at 30du/acre". There are many areas of the County, especially in built-out
X11-10. areas ripe for redevelopment such as Spring Valley, Valle de Oro, Lakeside and others which could easily accommodate high quality multi-family densities. When the County says revitalization and redevelopment is a goal, then the County should also make it possible to happen where it is appropriate.

6. Comments on Relevant Land Use Policies

X11-11. Policy LU-2.2 holds minimum lot sizes hostage to "the character of each unincorporated community," which is vague and undefined. It could eliminate the potential for clustered development that, through imposition

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

of rural design standards with accompanying open space, can improve the community. As written, LU-2.2 would force planning in an inefficient and ultimately unsustainable model of large-lot-single family development. The following modification addresses this issue:

X11-11. cont.

LU-2.2 **Development Densities and Lot Sizes.** Assign densities ~~and minimum lot sizes~~ in a manner that is compatible with the character of each unincorporated community.

LU-6.3 was written better before this draft was produced. Staff should consider returning to the original language from earlier drafts. As modified, LU-6.3 is a bit flaccid and could allow the Conservation Subdivision to be trumped by future, yet to be drafted Community Plans. The sustainability policies of the General Plan – less profligate use of land, lowered infrastructure costs, and fire hazard, lower utility and service costs, and a more programmatic preservation of farm and habitat resources – are promoted using smaller lot sizes and larger areas of open space. The following suggested language may address this issue:

X11-12.

LU-6.3 Provide for reductions in lot size with commensurate increases in required open space, as well as using other mechanisms for flexible and conservation-oriented project design. Such projects should incorporate design features which achieve compatibility with adjacent existing land uses.

LU-9 In this section, policies are frequently conditioned to show Community Plan consistency. Policies should be stated in the affirmative, and not conditioned upon unknown documents. The following language changes address this issue:

X11-13.

LU-9.2 **Density Relationship to Environmental Setting.** Assign Village land use designations in a manner compatible ~~consistent~~ with ~~the Community Plan,~~ community character~~,~~ and environmental constraints. In general, Village areas that contain more slopes or other environmental constraints should receive lower density designations.

LU–9.3 **Village and Community Core Guidelines and Regulations.** Support the development and implementation of design guidelines, Village–specific regulations for roads, parking, and noise, and other planning and regulatory mechanisms that recognize the unique operations and character of Villages and Town Centers. Such mechanisms should ensure that new development is compatible though not necessarily identical with the overall scale and character of established neighborhoods.

X11-14.

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

LU-14.4 as drafted would restrict the ability to achieve smaller lots outside of Village boundaries, interfering with the more sustainable practices the County wishes to promote. We recommend adding more flexibility as follows:

X11-15. LU-14.4 **Sewer Facilities**. Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not typically be extended beyond Village boundaries (or extant Urban Limit Lines) except when necessary for public health, safety, or welfare to preserve open space or serve civic facilities, or when consolidated development areas associated with Conservation Subdivisions necessitate sewer or other alternative sewage handling methods.

7. Comments on the Housing Element

Policy Framework, Community Character and Environment

X11-16. Within Towns and Villages, there will need to be well-designed yet higher density buildings, and these should not be constrained as long as high quality design is employed:

Development should ~~be compatible~~ complement in bulk, style, and scale ~~with~~ the character of its surroundings while still meeting the needs of its residents.

H-1

X11-17. Stronger policies will be needed to reach affordability goals. If the land use intensities are properly assigned, this should not be a problem:

H-1.2 **Development Intensity Relative to Permitted Density.** ~~Encourage~~ Ensure a development intensity of at least 80 percent of the maximum permitted gross density for sites designated at 15 to 30 dwelling units per acre in development projects.

X11-18. H-1.8 **Variety of Lot Sizes in ~~Large-Scale~~ Rural Residential Developments.** ~~Promote~~ Provide a range of lot sizes ~~large-scale residential development~~ in Semi-Rural ~~that include a range of lot sizes~~ to improve housing choice.

8. Add a Legislative Intent Section

X11-19. After the MSCP was adopted by the County in 1997, there was a honeymoon period when the Plan was implemented perfectly as it was

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-19. cont. intended by its creators. As those MSCP founding partners moved on to new lives, the institutional memory of the program faded, and continues to do so. This erosion of the collective understanding in the ten years since the MSCP was approved has led to confusion and disputes over the correct interpretation of the County's MSCP regulations and plan text to this day. One way to prevent this problem from occurring in the General Plan Update is to add a legislative intent section at the beginning of the text.

X11-20. The General Plan land use policy framework should reinforce this key planning principle in a manner that is consistent with the County's other guiding principles and goals and policies. To do so, we recommend the addition of a new land use policy that is designed to ensure that future development of property within the rural and semi-rural land use designations achieves planned densities through smaller lot sizes, flexible road and planning standards, consolidated development footprints while preserving the most sensitive resources.

9. Renewable Energy Development Policies are Inadequate

X11-21. There is no provision for facilitating renewable energy development in the draft General Plan. In fact, quite the opposite occurs when a community plan, the Boulevard Community Plan, is considered in context with the General Plan, as is necessary given the deferral of Plan authority to the community plans. The Draft Boulevard Subregional (Community) Plan spends a lot of time discussing wind energy, with policies, statements and representations which would have the effect of either hamstringing or worse stopping wind projects in one of the few areas where wind energy projects work.

X11-22. More troubling, the draft Boulevard plan itself contains inaccurate or misleading facts content, is inconsistent with federal and state policies encouraging renewable energy, and locally is inconsistent with similar policies contained elsewhere in the draft General Plan Update (including, for example, the Conservation and Open Space Element, as well as Land Use Element). These inconsistencies are not addressed in the Draft EIR. A major wind energy provider with world wide operations, Iberdrola Renewables, has also pointed this out and provided citations from case law which mandate that this be done. See Government Code Section 65300.5; *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90 plus the Governor's Office of Planning and Research's General Plan Guidelines, Chapter 10 regarding requirement for General Plan consistency with legislative policies. If the proposed general plan does not meet state standards, the EIR analysis based on the plan may also be defective and thus subject to litigation (See CEQA Guidelines, § 15125(d).) (*Guardians of Turlock's Integrity v. Turlock City Council* (1983) 149 Cal.App.3d 584, 593.)

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

If the County believes the EIR is properly drafted, then the draft EIR also must contain the analysis to address these consistency issues and provide the supporting data and analysis for those portions of the Boulevard Subregional Plan which are so opposed to wind energy projects. More appropriately, the General Plan should instead adopt policies that are consistent with State and Federal policies promoting renewable energy development by permitting wind energy facilities, subject to reasonable regulation, in the areas of the County where wind provides a viable energy resource.

The environmental impacts of adopting the wind energy policies contained in the Boulevard Subregional Planning Area draft, including increased reliance on fossil fuels, contributions to global warming, and increased air emissions were not evaluated in the Draft EIR. Were they to be analyzed, the County would confront an obvious inconsistency with the draft General Plan update. The Boulevard plan is also blatantly inconsistent with Board of Supervisors' direction in early 2009 to County staff to streamline existing burdensome regulations which impede permitting of wind energy projects.

X11-23. If the County ignores this important issue, not only will it be open to "slam-dunk" litigation, but also will be confronted with the reality of the siting of wind energy facilities located on land outside the County's jurisdiction such as on Indian reservations or Bureau of Land Management lands; in other words, the County would get all the negatives and none of the positives in terms of property taxes. The General Plan <u>and</u> the Boulevard Subregional Plan should both support development of energy production in low population density areas of the County where the wind resource exists. County staff have correctly pointed out that adequate wind for wind energy projects exists only in a few areas in any quantity. Why make it difficult to impossible to create both energy and jobs in one of the poorest parts of the unincorporated area?

Once the County thoroughly reviews the substantial information available on this very mature industry and how it works here in San Diego County, it should be clear that the proposed Boulevard Subregional Planning document is inconsistent with state and federal policies promoting renewable energy resources and associated benefits. The effects of implementing anti-wind policies are inconsistent with the draft General Plan policies which on their face promote renewable energy.

Unfortunately, the draft EIR is silent on the subject and provides no analysis or support for the alleged negative impacts associated with wind projects. If these inflammatory policies are not removed, then the draft EIR must address and evaluate the issues cited in this letter, not to mention the environmental impacts of increased reliance on fossil fuels for energy and the associated air emissions related thereto and the relevance of such

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-23. cont. excess reliance on the County's efforts to comply with SB 375. Such revisions would by necessity require recirculation of a revised Draft EIR.

10. Fire Planning Flexibility

X11-24. There needs to be flexibility when a second access is not available to provide other mechanisms to ensure safety in the event of a fire. See also comment on page 7-9. The EIR needs to discuss how development can be sited safely without a guaranteed second access. Many of the locations in the County which could be developed to their General Plan densities will not be able to do so unless the County provides a mechanism for those projects to proceed when there is a single point of access.

11. Flexibility to Allow for Changes in Land Use Designations

X11-25. The General Plan should contain sufficient flexibility for a broad range of potential land use changes, including potential changes to the Regional Categories Map. It is easy to imagine that over the years after adoption of a new General Plan, and also as a result of likely changes in the way people will be living their lives, land use patterns and transportation uses will also evolve, causing a need for changes to the County's land use plans. Any individual project should be permitted to make the case for a full range of land use changes, including a change to the Regional Categories Map, based on the project features and its mitigation package. This provision could be used to "retain" residential units or commercial development intensity that is lost due to open space acquisitions, similar to the method used by City of Carlsbad. Carlsbad "keeps" the units in the General Plan, but distributes them to new users for desired public purposes. Transfers of development intensity could also be accommodated in this fashion.

12. Employment

X11-26. Due to the largely built out nature of the incorporated cities, the County plays an important role in meeting the region's future employment needs. Certain enterprises like mining have enormous job-creating and revenue potential if handled correctly. The also stands to benefit from the more favorable relationship between property taxes and municipal services with non-residential development. There are significant opportunities for commercial, resource extraction, industrial and office development throughout the County, and there are areas of the County that hold significant value as centers of employment, including Otay Mesa, Lakeside, Spring Valley, and along the I-15 Corridor.

If the County chose to make a serious commitment to employment development, the opportunity exists for a staggering amount of capital

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-26. cont. investment in previously underserved areas. In the revised General Plan, it is clear that an effort to foster this commitment has been made, and this is welcome, but more emphasis is needed. The General Plan should further emphasize the available opportunities and ensure that its land use policies facilitate rather than constrain economic development in these areas.

13. "Should" versus "Shall"

X11-27. This policy shift from the original versions of the draft General Plan still raises some serious concern. Having all language shift from recommendation to mandate seems like a recipe for frequent General Plan amendments at a minimum, and at worst could lead to serious internal General Plan inconsistencies and litigation. The first time a worthy project cannot meet one of the standards mandated by a prescriptive General Plan, a General Plan amendment will be needed, potentially throwing the General Plan itself into disarray.

14. Mining and Resource Extraction

The County has properly recognized the critical nature of mining to the economy, not just in San Diego, but in the region. Rock, sand and gravel mining fill an essential role in all construction, and the current shortages of building materials in a region with literally hundreds of square miles of available producing areas does not make sense. Done sensitively with regard to noise, dust and visual impacts, mining is a primary producing industry that employs many workers and can pour huge levels of revenues in the local economy. By focusing on locally produced material, the County can also reduce the greenhouse gases caused by truck transport from Mexico and San Bernardino County.

X11-28. The County has identified impacts after mitigation to Mineral Resource Availability and to Mineral Resources Recovery Sites as Significant and Unavoidable, after mitigation. In mitigation measure Min-1.2, the County indicates it proposes to update the Zoning Ordinance to add a Mining Compatibility Designator that identifies parcels with a high potential for mineral resources to ensure that incompatible uses with mining are not permitted to impede mining operations. In residential areas like Lakeside, this is an important measure that needs to be taken. Even in areas of lesser population density such as Boulevard, it is critical that the ability to mine is protected from NIMBYism.

We also support streamlining the Zoning Ordinance and Grading Ordinance to authorize surface mining with a Surface Mining Permit rather than a Major Use Permit. The Zoning Ordinance and Grading Ordinance should also contain findings of approval that reflect the Mining Compatibility Designator, the Surface Mining and Recovery Act Sections

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-28. cont. 2762 and 2763, and in some ways most important to local communities with ambivalent feelings toward mining, statements explicitly describing the inherent nature of surface mining operations.

15. Equity Mechanism and Transfers of Development Rights

X11-29. Discussion on this topic has been noticeably absent, and this draft of the Plan is still light on details about how these tools might be used. The only concrete mention in the Plan of any equity mechanism program is in Section 5.3.1.C in the Implementation Plan. In the earlier planning effort for what was then called GP 2020, there was extensive exploration of existing tools which would assist in the effort to lessen the down-zoning blow on property owners. Given the scarcity of public funds, such non-cash mechanisms could be of critical value and implementing such a methodology is a tool the County should not disregard.

16. Road Classifications

X11-30. Classifications should reflect that many roads in residential and commercial areas are overbuilt in terms of width, design speeds, curve radii and lanes, and therefore sacrifice safety for speed. Private roads can be built more sensitively with the terrain and are probably are large part of the General Plan's implementation solution. The private road standards

X11-31. need to be provided for review as the public standards were, since the majority of the development sites will not lend themselves to more onerous public standards. The EIR needs to analyze how road standards stand in the way or facilitate the planning innovations that a inherent in a

X11-32. good General Plan.

X11-33. Along the lines of the feasibility of the Conservation Subdivision, we remain concerned that overdesign for "safety" purposes will make it impossible to plan for circulation within steeper or more biologically sensitive areas. In order to alleviate these concerns we need a regular process to expedite road standard exceptions with DPW. Currently, fire department desires, not needs, generally drive road standards, causing grossly wide roads to be designed so as to accommodate very large vehicles and turnarounds. There must be dialogue between the County and fire agencies so that vehicles are not so large and so that road widths are not excessive. Smaller fire engines work well and can go more places.

X11-34. Thank you for this opportunity to comment on the EIR and draft General

Comment Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-34. cont. Plan. Please do not hesitate to discuss and questions or concerns you might have on these comments.

Very truly yours,

J. Whalen Associates, Inc.

By James E. Whalen
President

cc: San Diego County Board of Supervisors
Chandra Wallar
Dan Silver, Endangered Habitats League
Susan Wynn, U.S. Fish & Wildlife Service
David Mayer, California Department of Fish & Game
Distribution

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR)

X11-1 These introductory comments regarding impacts are more fully developed later in this comment letter and therefore more detailed responses are presented later for each topic.

X11-2 This comment makes a general statement that certain policies in the General Plan Update are vague or have broad objectives that would be difficult to implement; however, specific policies are not identified. On the contrary, the County has avoided the use of "should" in its policy language because it desires a General Plan that is clear on its intent and avoids debate during application. This approach has also been supported by a number of stakeholders and commenters on the General Plan Update who have indicated that they desire clear and firm commitments to certain policies and actions. In addition, the draft Implementation Plan identifies which policies it is intended to implement; therefore, the County also disagrees that the policies "lack clear implementation strategies." A further response cannot be provided without specific identification of which policies and implementation measures the comment is referring to.

X11-3 The County disagrees that another EIR alternative is necessary that applies community plan-derived standards to the projected level of development in the General Plan Update. The County also disagrees that draft community plans contain provisions that are inconsistent with the General Plan Update. The commenter has not identified specific inconsistencies and therefore further response to the comment is not possible. Similarly, the commenter provides no evidence to suggest that the General Plan Update densities are not achievable.

X11-4 The County disagrees that conservation subdivisions are no longer an effective mitigation measure for many impacts because of provisions in community plans. The comment does not specifically explain which provisions in community plans are minimizing the effectiveness of Conservation Subdivisions. Similarly, the commenter provides no evidence to suggest that the Conservation Subdivision Program will not be capable of implementation. The Conservation Subdivision Program consists of specific revisions to the Subdivision Ordinance, Zoning Ordinance, Resource Protection Ordinance, and Groundwater Ordinance that are described in the draft program documentation. Adoption of these revisions will implement the program by allowing flexibility in lot size and lot configuration while achieving preserve design criteria and community character standards. Examples of how the Conservation Subdivision Program would work are provided on the County's website at http://www.sdcounty.ca.gov/dplu/gpupdate/docs/conssubs_examples.pdf.

The County also disagrees that limits to possible reductions to minimum lot sizes would make the Conservation Subdivision Program avoidance standards unattainable. This suggestion is not supported by evidence. Avoided resources must be accomplished by avoiding disturbance to an area and placing a conservation easement over that area. The avoided area may be located on a portion of a buildable lot or on an entirely separate lot devoted to open space. For example, a 20-acre lot could contain a 15-acre open space easement that protects 75 percent of the lot and allows for five acres of buildable area. Therefore, a limitation on the lot size would not preclude the achievement of the avoidance.

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

X11-5 The County disagrees that because many General Plan Update polices require consistency with community plans and community character that the policies will not be able to be implemented. The commenter provides no supporting evidence or reasoning to support this assertion. The General Plan Update provides programmatic guidelines for development in the entire unincorporated County and allows community plans to establish specific guidelines that are appropriate for their communities. All future development in the unincorporated County would be required to comply with the policies of the General Plan Update, in addition to those identified in the applicable community plan. Therefore, the General Plan Update does not defer implementation of its policies.

The comment goes on to say that the DEIR should analyze impacts associated with not implementing the proposed policies. This analysis is already provided in Chapter 4, Project Alternatives, under the "No Project Alternative."

X11-6 The County acknowledges that several community plans are being updated as part of the General Plan Update. The County disagrees that the specifics of the proposed amendments, land use map amendments, and policies are not provided. The General Plan Update land use map is the same as the community plan land use maps. Also, the goals and policies of the updated community plans were circulated for public review with the draft General Plan and DEIR; therefore, the reviewer is afforded the opportunity to determine and comment on whether or not the community plan goals and policies are consistent with the General Plan Update goals and policies. The community plans are also available for review at: http://www.sdcounty.ca.gov/dplu/gpupdate/draftgp.html#CommunityandSubregionalPlans

X11-7 The County disagrees that the General Plan Update does not consist of a complete package for Board of Supervisor consideration. When the General Plan Update is presented to the Board of Supervisors for adoption, it will include the draft General Plan land use map, goals and policies, draft Implementation Plan, DEIR, draft community and subregional plans that have been either edited for consistency with the General Plan Update or comprehensively updated, the zoning use designations and minimum lots sizes updated to be consistent with the General Plan land use map, and the draft Conservation Subdivision Program. The County considers this to be a complete project for consideration and does not qualify as piece-mealing. In addition, the package that will be taken to the Board of Supervisors for adoption is more comprehensive than required by State of California General Plan Guidelines.

X11-8 The County does not agree with this comment. The requirement for development to be consistent with community plans and/or existing community character is an important guiding principle for the General Plan Update. The Community Plans are meant to provide more specific guidance to proposed development plans than the General Plan policies within the six elements. This is appropriate since the General Plan policies are global in nature and intended to guide the large and diverse region of the unincorporated County. The guidance provided in the community and subregional plans would not undermine the framework of the General Plan. Based

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

on review of community and subregional plan policies, none have been identified that would hinder build-out of the land use map or conservation of resources.

X11-9 The County disagrees that the General Plan Update draft Policy COS-6.2 requirement for development "to minimize potential conflicts with adjacent agricultural operations" is either a blanket requirement to provide buffers or is related to community character. The policy is intended to protect two dissimilar land uses from potential future conflicts. Community character is a secondary consideration and does not generate the need to provide buffers.

X11-10 The County disagrees that the General Plan Update does not plan for higher density housing. The General Plan land use map would accommodate approximately 38,819 acres of village residential development. However, the County finds that the statement regarding the lack of availability of land appropriate for 30 dwelling units per acre is valid. Application of this density is not appropriate in most of the unincorporated County.

X11-11 The County does not agree with this comment. The County agrees that compatibility with community character tends to be more a factor of rural design characteristics than the actual lot size. However, minimum lot size is related to the availability of sewer services and other public services.

The County does not concur with changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group.

X11-12 The County does not agree with this comment. Draft General Plan Policy LU-6.3, Conservation-Oriented Project Design, is not "trumped" by community plans. Some draft community plans contain goals and policies that will guide implementation of Conservation Subdivisions in order to respond to community specific issues. Providing for this tailored application of the Conservation Subdivision Program would not negate its benefits and is reasonable considering the extent of the County's jurisdictions and the diversity of the communities it contains. With the proposed project, the County aims to provide a mechanism to allow more compact development without compromising community character. At the present time, the County has determined that this balance can be achieved with the combined implementation of the proposed policies, community plan updates, and the draft Conservation Subdivision Program.

The comment further recommends specific policy language. The County does not concur with changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group.

X11-13 The County does not concur with changes to the Land Use Element goals and policies this late in the planning process. In addition, the County disagrees that

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

community plans are unknown documents. They are part of the County's General Plan, and as such, their policies must be adhered to.

X11-14 Please refer to response to comment X11-13 above.

X11-15 The County Planning Commission recommended changes to draft General Plan Policy LU-14.4, Sewer Facilities during Planning Commission hearings in February 2010. The policy, as revised, is provided below.

"Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond <u>either</u> Village boundaries (or extant Urban Limit Lines), <u>whichever is more restrictive</u>, except:

- When necessary for public health, safety, or welfare;
- <u>When within existing sewer district boundaries; or</u>
- <u>Where specifically allowed in the Community Plan</u>."

X11-16 The County does not agree with this comment. As the comment suggests, "well-designed" development is necessary within towns and villages. The County contends that any well-designed development would need to consider its context, including compatibility with bulk and scale of the existing development patterns. This could be achieved through development techniques such as blended density.

X11-17 The County disagrees with the proposed revisions to draft General Plan Policy H-1.2, Development Intensity Relative to Permitted Density. The intent is to allow for developers to determine the most appropriate way to develop their site. In addition, the County is trying to avoid mandating development intensity where it may not be feasible. See also response to comment G5-141.

X11-18 The County disagrees with the proposed changes to draft General Plan Policy H-1.8, Variety of Lot Sizes in Large-Scale Residential Developments. The proposed revisions change the intent of the policy from "large-scale" to "rural residential" projects where a variety of lot sizes may not always be appropriate. See also response to comment G5-142.

X11-19 The County disagrees that it is necessary to add a Legislative Intent section to the General Plan Update. The General Plan goals and policies represent the legislative intent; and rather than adding a new section, it is more appropriate to clarify anything in the General Plan that is unclear or not adequately addressed.

X11-20 The County disagrees that a new land use policy should be included to "ensure" development densities are achieved in rural and semi-rural areas. While the Conservation Subdivision Program has been developed to facilitate achieving additional yield on environmentally constrained sites, the County does not agree that

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

additional policies beyond this are necessary. Therefore, no revisions have been made as a result of this comment.

X11-21 The General Plan Update facilitates renewable energy development to the degree that it can at this time. In addition to policies under Goal COS-18 Sustainable Energy, the Implementation Plan has been amended with the following measure:

"6.9.4.C Renewable Energy Ordinance. Revise the Zoning Ordinance to provide a comprehensive alternative energy system ordinance for the design, construction, and maintenance of wind and solar renewable energy facilities."

Ordinance preparations as described in this Implementation Plan measure are currently underway. See also response to comment X11-22 below.

X11-22 The draft Boulevard Subregional Plan has been revised to delete any inaccurate facts and inconsistencies addressing the provision of alternative energy facilities, as follows:

- 2.8 Infrastructure and Utilities, c. Energy (natural gas and electricity) — deleted the third paragraph which discusses the Kumeyaay Wind Project
- 4.0 Safety Chapter, section a. Industrial scale wind energy turbines — deleted first two paragraphs

See also responses to comments I36-5 through I36-18.

X11-23 The County appreciates this comment. Modifications have been made to the Boulevard Subregional Plan as described in response to comment X11-22 above. The County finds that these changes would alleviate potential inconsistencies within the General Plan Update. No changes to the DEIR were necessary.

X11-24 It is important to note that the State and County fire regulations do not require secondary access. The codes do, however, have clear code requirements for the maximum distance of dead end roads. The intent of limiting the allowable length of a dead-end road is to ensure that firefighters have access flexibility to deal with changing dynamics in wildfires and other emergencies, and that civilians have safe, reliable and known evacuation alternatives during emergencies. In part, the concept of dead-end road regulations relates to limiting the number of persons attempting to evacuate on the road and to limiting the time needed for safe evacuation. Steep, narrow and winding roads delay evacuation. Long dead-end roads in rural wildland areas place people and emergency personnel at increased risk.

As such, projects with an access road that exceeds the regulations for dead-end roads should first consider providing an alternate means of access and egress before resorting to other possible alternatives. Yet, due to unique site characteristics there may also be combinations of site/project improvements and opportunities that make adequate mitigation achievable, which are considered and applied to projects on a case by case basis. The County does not agree that these scenarios should be

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

discussed in the Program EIR for the General Plan Update. Such analysis would be speculative and would not be conducive to identifying potentially significant environmental effects that may result from the project.

X11-25 The County agrees that the General Plan should contain flexibility and that over the years situations will change that will require reassessment of some General Plan land use map designations or goals and policies. State law allows for General Plan Amendments and the County intends to implement a process to facilitate "maintenance" amendments that are necessary to "clean up" or address circumstances that warrant changes as they arise (see Implementation Plan measure 1.2.1.A, General Plan Review).

The draft General Plan does not preclude changes to the Regional Categories Map; however, it requires these types of changes be accomplished through a comprehensive General Plan Update, as addressed in draft Policy LU-1.2 Regional Categories Map Amendments. As written, this policy allows flexibility but prevents superfluous changes. Moreover, it represents a compromise between the Steering Committee who requested greater restrictions and other stakeholders who favored fewer restrictions.

X11-26 This comment notes that the County needs to play an important role in meeting the region's future employment needs and acknowledges that the General Plan Update has made an effort to foster this need. The comment contends that more effort is needed through land use policies that facilitate economic development. The comment does not provide any detail as to what should be changed or added to the land use policies; therefore, a more thorough response has not been provided.

X11-27 The County appreciates the commenter's concern for future conflicts due to unforeseeable circumstances. To respond to such circumstances, the County's preference would be to address such a conflict at the time it is identified. As discussed in response to comment X11-25 above, State law allows for General Plan Amendments and the County intends to implement a process to facilitate "maintenance" amendments that are necessary to "clean up" or address such problems as they arise. Therefore, the County does not agree with frequent use of the word should or additional permissive language wherever circumstances or conditions may be subject to change in the future. This approach would result in a General Plan and is less clear and for which implementation would be open to greater debate. See also responses to comments G7-2, O3-9, and O9-2.

X11-28 The County appreciates the support for the General Plan Update's focus on mineral resources. The County further acknowledges that future changes to the Zoning Ordinance are necessary, as discussed in draft Implementation Plan measures 5.4.1.C Mining Overlay and 5.4.2.C Permitting Surface Mining Operations.

X11-29 The comment notes a lack of discussion in the General Plan Update regarding potential equity mechanisms. Since receipt of this comment letter, a detailed fact sheet has been prepared that provides a full history and discussion of issues related

Responses to Letter X 11, J. Whalen Associates, Inc. (DEIR) (cont.)

to this topic for consideration by the public and the Planning Commission. The fact sheet is available on the project website at: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/pcrpt_041610_J_equity.pdf.

X11-30 This comment contends that road classifications should reflect that many roads are overbuilt and sacrifice safety for speed. The General Plan Update contains policies that support context-sensitive roads and recommends two new road classifications with lower design speeds.

X11-31 The County acknowledges that the Private Road Standards should be reviewed to determine if they adequately address the "complete streets" requirements of SB 1358, as identified in draft Implementation Plan Measure 4.2.2.A, Complete Streets. Any revisions to the Private Road Standards will be accomplished through a public review process as recommended.

X11-32 The comment recommends that the DEIR analyze how road standards affect "planning innovations that are inherent in a good General Plan." The County does not agree with this comment. The DEIR adequately addresses environmental impacts. The concerns raised by the commenter are outside the scope of the project EIR and are not discussed in the CEQA Guidelines. In reference to roads, the DEIR evaluates whether the General Plan Update will result in the following:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);
- Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways;
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)

X11-33 With regard to road design standards, draft Implementation Plan measure 4.2.2.B, Context Sensitive Roads, addresses concerns related to circulation within constrained areas. Similarly, draft Implementation Plan measure 6.2.4.A, Regional Coordination, addresses concerns related to coordination with fire agencies.

X11-34 This comment provides concluding statements and does not raise an environmental issue for which a response is required.

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP)

J. Whalen Associates, Inc.

Balancing the needs of the environment with those of business.

September 9, 2009

Mr. Devon Muto
Project Manager
General Plan Update
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123

RE: Comments on the General Plan Update Update Text and Implementation Plan

Dear Devon:

X12-1. Thank you for this opportunity to comment on the County of San Diego's General Plan Update and associated documents. The attached contains edits to the final draft General Plan from both a policy and editorial perspective. While we very much appreciated that you took our January comments seriously and in fact made many of the changes we sought, some were not made. The policy issues that are in our comment letter of August 31, 2009, are also cited here when there is a text reference. Some new editorial changes are also offered for your consideration.

We understand that comments on the Community Plans will also be accepted, but we will not be providing those until we know how the County intends to move forward (it could be a waste of time under certain circumstances to go to that effort at this time.)

Please do not hesitate to discuss any questions or issues you

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-1. cont. might have on these comments.

Very truly yours,

J. Whalen Associates, Inc.

By James E. Whalen
President

Attachment

cc: San Diego County Board of Supervisors
Chandra Wallar
Dan Silver, Endangered Habitats League
Susan Wynn, U.S. Fish & Wildlife Service
David Mayer, California Department of Fish & Game
Distribution

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

County General Plan Update Policy and Editorial Comments
(EIR public review draft version)

	Page	Pargh./Sec.	Line EDITS	Comment
X12-2.	1-4	2		POLICY: A Legislative Intent section needs to be added.
X12-3.	1-4	14	"Community Plans, adopted as an integral parts..."	POLICY: What is the role of community plans relative to general plan (what trumps?)?
X12-4.	1-5	1	"must be referred to in it's entirety..."	"its"
X12-5.	1-5	1	consistent, some issues are addressed through multiple polices..."	emphasize that General Plans trump community plans in the event of conflict.
X12-6.	1-5	6		POLICY: Implementation Plan should be reviewed BEFORE approval of General Plan.
X12-7.	1-6	2		When will the commercial and industrial lands analysis be completed?
X12-8.	1-10	4 (2nd Bullet Point)		Project initiation postcard mailed to all property owners? This is disputed.
X12-9.	1-11	3	"must be referenced in determining the types and density of land use..."	I thought the density was determinded only by the General Plan (ie. density based in a certain number of units)
X12-10.	1-12	2	"Community Plans have the same weight of law..."	POLICY: How are conflicts resolved if weighted equally?
X12-11.	1-13	6	"The Multiple Species Conservation Program..."	"Designed to establish connected perserve systems, the Multiple Species Conservation Program (MSCP) is a County conservation program that ensures..."
X12-12.	1-13	6	"...and a State Natural Community Conservation Planning (NCCP)."	"Plan" not Planning.
X12-13.	1-13	6	"...plans to mitigate for the potential loss of sensitive species..."	remove sensitive and replace with "covered and associated species"
X12-14.	1-14	1	"...and each differs in how it implements the MSCP Plan."	POLICY - Not so much as to veer from general standards. If so, they wouldn't be be following the MSCP framework plan.
X12-15.	1-16	6	"...will reduce GHG emissions primarily thru minimizing vehicle trips and approving land use patterns...."	Revise to read will reduce GHG emissions primarily thru minimizing vehicle trips and approving land uses...
X12-16.	1-17	Land Use LU-1.4		"Leapfrog"- use alternative word.

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

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X12-17.		1-28	2	"…contain substantial existing populations."	add language to end of sentnce "…existing populations and have areas suitable for sensitive and contextual redevelopment."
X12-18.		1-28	2	deleted segment at the end of paragraph 2	Why was this deleted? These areas are good candidates for redevelopment.
X12-19.		1-28	3		POLICY - Agricultural land doesn't limit development. In fact, it's where it comes from.
X12-20.		1-28	4		POLICY - Paragraph is slanted-very anti-growth.
X12-21.		2-2	1		Add comma after "community involvement"
X12-22.		2-2	1	Add to end of last sentence…	"…programs are measured and constitute the Plan's legislative intent as approved by the Board of Supervisors."
X12-23.		2-2	2	"The Vision derives from..."	Change to "is derived from"
X12-24.		2-2	last pargh.	"…a sense of place with attractive and convenience service…"	"convenient"
X12-25.		2-3	1	Change first sentence to read…	"…is a group of suburban or developed, semi-rural, and rural communities…"
X12-26.		2-3	1		"It is a generally low alternative…"
X12-27.		2-3	1	Last sentence of paragraph	POLICY - Inconsistent with DPW's road standards. Which will prevail?
X12-28.		2-3	2	"We recognize…"	Change we to County.
X12-29.		2-3	2		replace "toxics" with "toxins"
X12-30.		2-3	2	"Our infrastructure and services will retain the characteristics of rural places…limited sidewalks."	POLICY:This statement is not consistent with DPW's road standards. Which will prevail?EIR is silent on impact of inconsistent policies on application of road standards & General Plan Standards.
X12-31.		2-4	3	"…will be planned to provide a comprehensive, will-connected network…"	"well-connected"
X12-32.		2-9	1	deleted paragraph	Where is this addressed elsewhere? If not, this should be left in the plan.
X12-33.		2-9	4	revise first sentence of paragraph.	"…it is also crucial to accommodate, and provide incentives for, important missing uses…"

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

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X12-34.		2-10	2		remove comma after "sustain"
X12-35.		2-10	3	"...it is crucial to accommodate...residents..."	POLICY - Why only "residents"? They don't know everything.
X12-36.		2-11	2	"Maintenance of viable and healthy habitats...not only sustain...but also contribute..."	"sustains" and "contributes"
X12-37.		2-11	4	"Wildland fires often occur in grasslands, chaparrals..."	"chaparral"
X12-38.		2-14	2	last sentence of 2nd paragraph under guiding principal 8.	replace "for" with "from"
X12-39.		3-3	1	revise first sentence of paragraph.	"...Land Use Maps and Goals & Policies applies..."
X12-40.		3-4	first full pargh.	"offering a choice in lifestyle from the urbanized coastal..."	"offering a choice in lifestyle different from the urbanized coastal..."
X12-41.		3-6	second full pargh.	"In addition noise compatibility concerns..."	"In addition, noise compatibility concerns..."
X12-42.		3-7	2	revise "(includes MCB Campo Pendleton)"	"(includes MCB Camp Pendleton)"
X12-43.		3-11	footnote g.	"New SPAs that substitute for General Plan land use designations will not be permitted in this adopted General Plan."	POLICY: What does this mean? It reads as if no SPAs are to be permitted. Please clarify as SPA's are an important tool to use in challenging sites.
X12-44.		3-14	3	"A wide variety of local serving commerical and civic uses are encouraged..."	replace "are" with "is"
X12-45.		3-17	third full pargh.	"The designation of new Specific Plan Areas to substitute for General Plan Land Use Designations is not permitted."	POLICY: Explain why this is.
X12-46.		3-20	first full pargh.	"Further, they recognize the diversity of the unincorporated communities and need for community specific planning..."	"community-specific"
X12-47.		3-20	under "Goal LU-1"	"A land use plan and development doctrine that sustain..."	"sustains"
X12-48.		3-26	under "LU-6.8"	add to the end of pargh.	"Allow for relief from road and other design standards which facilitates conformance with this policy."
X12-49.		3-34	2		"...a buffer or adequate screening from adjacent..."
X12-50.		3-34	under "LU-11.9"	add to the end of pargh.	"Such community design standards must not be so restrictive as to prohibit developments otherwise consistent." (emphasize and clarify intent language)

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X12-51.		3-37	1	This means that local water agencies would have to rely on contigency…"	"rely on increased conservation, contingency…"
X12-52.		3-40	under "LU-12.1"	"Require the provision of infrastructure…"	Most public facilities financing plans use the word "ensure" instead of "require" to allow for the use of security instruments such as letters of credit.
X12-53.		4-3	1	"...retaining community character and maintaining environmental sustainability by reducing gasoline consumption and greenhouse gas emissions."	POLICY: This has not happened in some communities like Valley Center. How is this resolved if road standards and community character conflict?
X12-54.		4-3	2	"…to retain a transportation network that compliments…"	"complements"
X12-55.		4-5	5	Private Roads Bullet - Add language to end of sentence.	add:", although their use is common in steep terrain, where public standards are not appropriate."
X12-56.		4-6	third full pargh.	"...exceptions coordinated with community planning…"	What does this mean?
X12-57.		4-6	third full pargh.	"...have been made to accept the road operating…"	POLICY: Need more intent language than a statement that such relief has occurred.
X12-58.		4-7	second full pargh.	"…a Clear Recovery Zone of 20 feet beyond the edge of the travelled way is desirable."	POLICY: Only to traffic engineers. The implications of this statement (referring to the full sentence) immediately presents a conflict with landscaping on the side of the roads, conflicting with community character.
X12-59.		4-9	2.3C	"68-80"	This is a rural freeway. Where is there an explicitly stated position for narrower travel lane width and tighter curve radii?
X12-60.		4-10	first full pargh.	"…especially when those that would operate at an unacceptable level of service without the local public roads."	replace "when" with "for"
X12-61.		4-11	column 2, row 3	"Limited use only: 2.3 Minor Collector"	POLICY: Why does this not say "Areas with Physical Constraints" instead? Why is this being limited?
X12-62.		4-11	first bullet	"…while operating with in acceptable levels of congestion."	"with"
X12-63.		4-12	third bullet	"…road design should include components and features that serve community needs…"	insert "such as narrower rights of way and tighter curve radii" between "features" and "that"

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X12-64.		4-13	under "Marginal Deficiencies"	"Also, in some instance…"	"instances"
X12-65.		4-13	under "Marginal Deficiencies"	"…alternate routes exist that could accommodate the excess traffic:…"	"traffic;"
X12-66.		4-14	M-2.3	deleted segment: ", while balancing construction costs"	POLICY: Why was this removed?
X12-67.		4-16	M-3.3	revise "in coformance with state law"	"…when needed to conform to state law"
X12-68.		4-16	M-2.5	in reference to the full section	POLICY: Where are the preparation and adoption of facilities financing plans discussed?
X12-69.		4-16	M-3.3	"...in conformance with State Law…"	"…when needed to conform with State Law…"
X12-70.		4-16	Goal M-4	in reference to the stated goal	POLICY: Requiring the Recovery Zone of 20 feet will conflict with this Goal. How is this to be resolved? So the Goal is met?
X12-71.		4-17	M-4.5	"Provide wildlife crossings in road design and construction where is would minimize impacts in wildlife corridors."	"Provide wildlife crossings in road design where it would minimize impacts in documented wildlife corridors."
X12-72.		4-18	2	"State highways serve intra-county traffic and include State Routes 67, 76, 78, 79, and 125."	What about SR-94?
X12-73.		4-18	under "Truck Routes", second bullet	in reference to the inclusion of SR-188	Where is this?
X12-74.		4-19	1	"…and sharing the corridor with BNSF Railway freight service."	"shares"
X12-75.		4-25	under "Travel Demand Management"	"…preferred parking to rideshare participants, guarantee rides home…"	"guaranteed"
X12-76.		4-28	M-10.4	"...when desired by the community…"	Why was this added? Delete.
X12-77.		4-32	M-11.6	"Caltrans is committed to working with the County to complete bicycle and pedestrian."	What does this mean?
X12-78.		4-33	M-12.1	"…by developing the proposed trail…"	Shouldn't this already be an approved plan? Suggest replacing "proposed" with "designated".
X12-79.		4-35	1	"…then the County is responsible for the preparation of a Deficiency Plan…"	What does this mean? What happens? (in reference to 'then', specifically)
X12-80.		4-38	Table M-4, column 2, row 15	"2.1D Community Center w/ Improvement Options"	"2.1D Community Collector w/ Improvement Options"

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X12-81.		5-2	bullets 4 and 8	removed final phrases, "...with appropriate and necessary development." and "…that balance conservation with appropriate and necessary development."	Why has this intent language been removed? This undermines the achievability of the General Plan goals in conflict with EIR.
X12-82.		5-3	3		replace "are unique to" with "exemplify"
X12-83.		5-3	under "Guiding Principles…", third pargh.	"The Conservation and Open Space Element encourages and supports land use…"	POLICY: Insert between "supports" and "land": "renewable energy production,"
X12-84.		5-5	1	"The physical and climatic condition…"	"conditions"
X12-85.		5-5	4	"...California Regional Water Quality Control Board…"	"San Diego Regional Water Quality Control Board"
X12-86.		5-7	COS-1.1	"…system that includes Pre Approved Mitigation Areas…"	"Pre-Approved"
X12-87.		5-8	COS-1.6	add to the end of pargh.	"When mitigation banks are established, promote their usage by developers needing mitigation."
X12-88.		5-15	under COS-6.2, third bullet	"…designing the development and lots…"	"designing development and lots"
X12-89.		5-16	1	"Retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process."	POLICY: This statement should be revised to also promote consolidation to protect large, biologically rich areas, and added to COS-1.
X12-90.		5-18	6	Goal COS-8 heading.	replace "Historically" with "Historical"
X12-91.		5-30	photo caption		replace "County" with "City of San Diego"
X12-92.		5-30	under COS-11.7, last statement	"The concept of 'undergrounding'…exposed to the elements."	Not sure if this is true. Please check with SDG&E. They generally prefer above ground electrical service because it is less expensive to maintain.
X12-93.		5-35	under Goal COS-14	in reference to "Policies"	Need language promoting streamlining of permitting for renewables (like in COS-14.13).
X12-94.		5-35	COS-14.4	"…that are compatible with community character…"	How can this be done with significant visual impacts from wind and solar?
X12-95.		5-39	COS-18.1	"…to facilitate the development of alternative energy…"	Insert between "the" and "development": "permitting and"
X12-96.		5-41	funding		"…local funds, and donations, as well as through landowner extractions."

Comment Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

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X12-97.	6-2	3	Insert at the end of the third pargh.	POLICY: "The County intends to promote consolidation of development areas to help reduce green-house gas production and provide larger areas of open space."
X12-98.	6-2	4	"However, the County faced challenges when meeting its allocation for lower income households due to new State laws and the RHNA process in the San Diego region."	POLICY: And did what about it? County needs to demonstrate whether & how General Plan goals regarding lower income housing & households are met.
X12-99.	6-7	first full pargh.	In reference to the full paragraph.	POLICY: There is nothing wrong with providing a range of densities for lower income housing.Please consider doing so.
X12-100.	6-7	third bullet under "Village Issues"	"…multi-family residential densities cannot be supported…"	In reference to the removed "higher" preceding this phrase: Do not change. A 2-story townhome is multi-family and can be protected by any fire truck. Suggest "higher multi-family densities".
X12-101.	6-11	4	"Flexible building standards and expedited processing should also be explored as incentives for developers willing to provide housing for lower and moderate income households."	POLICY:Need more commitment than "explored".
X12-102.	6-15	H-5.4	"...town center areas."	Replace with "…the County's diverse communities." Flexibility needs to be applied throughout the County, not just in town centers.
X12-103.	6-16	H-6.4	In reference to the full section.	When will these surplus properties be identified and affordable housing efforts undertaken?
X12-104.	Fig S-1			"Little"
X12-105.	7-7	1	"Wildland fire control in these areas rests predominately with…"	"Wildland fire control in these areas rests predominantly with…"
X12-106.	7-7	first bullet	"…structures should also be 'hardened' to make it more ignition resistant."	"…structures should also be 'hardened' to make them more ignition resistant."
X12-107.	7-9	S-3.5	Deleted last sentence.	This sentence needs to be left in place. Not all sites can get a second access.

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X12-108.		7-10	under S-6.4	Add a new policy:	POLICY: "S-6.5: Fire Protection in Semi-Rural Areas. Coordinate with fire services providers to ensure that equipment matches development patterns and terrain; ie. use smaller engines when roads are narrow and winding.
X12-109.		7-14	S-7.1		add "of" after "minimum"
X12-110.		7-15	S-7.4	In reference to the full section.	When would this be required?
X12-111.		7-21	7		"complementary"
X12-112.		7-21	S-10.6	"Ensure development avoids diverting drainage increasing velocities..."	"drainages,"
X12-113.		9-6	Mobility section	In reference to the full section.	Revise to include a provision and process for road standard changes.
X12-114.		10-6	Glossary section	In reference to the full section.	Many definitions were eliminated. Generally, it is better to know what a word means than not. Why was this done?

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP)

X12-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X12-2 The County disagrees that it is necessary to add a Legislative Intent section. The General Plan goals and policies represent the legislative intent; and rather than adding a new section, it is more appropriate to clarify anything in the General Plan that is unclear of not adequately addressed. This comment does not raise any specific issues that need to be clarified further; therefore, no changes have been made as a result of this comment. See also response to comment X11-19.

X12-3 Community Plans and the General Plan have equal hierarchy as planning documents; therefore, one does not "trump" the other as suggested by the comment.

X12-4 The typographical error has been corrected as recommended.

X12-5 The County does not agree that the General Plan "trumps" community plans. See also response to comment X12-3 above.

X12-6 The draft Implementation Plan continues to be reviewed as part of the General Plan Update.

X12-7 The analysis of commercial and industrial lands has been completed and is located on the County web site at http://www.sdcounty.ca.gov/dplu/docs/era.pdf

X12-8 There have been two mailings and multiple notices in the Union tribune and community newspapers:

- Nov. 2000 – A postcard was mailed to all property owners in the unincorporated county according to the Assessor Records. Concurrently, a notice was placed in all community newspapers.

- May 2002 – A letter was mailed to all property owners in the unincorporated county according to the Assessor Records. Concurrently, a notice was placed in all community newspapers.

X12-9 The General Plan land use map will ultimately be located within each community plan.

X12-10 There should not be conflicts between community plans and the General Plan text because the two are consistent.

X12-11 The County appreciates the comment but does not agree that the sentence needs to be changed grammatically.

X12-12 The second sentence of the third paragraph under Regional and Multi-Jurisdictional Plans in Chapter 1 Introduction of the draft General Plan has been amended with the addition of "program plan" at the end of the sentence.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-13 The County appreciates the comment, but does not agree that the sentence needs to be changed from "sensitive species" to "covered and associated species."

X12-14 The fifth sentence of the third paragraph under Regional and Multi-Jurisdictional Plans in Chapter 1 Introduction of the draft General Plan has been revised by replacing "and each differs with how it implements the MSCP plan" with the following:

"<u>however there are only minor differences in how each is implemented</u>."

X12-15 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-16 The County appreciates the comment but does not agree that "leapfrog" should be changed to another word. This term is commonly known and the policy includes a definition.

X12-17 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-18 The deleted statement was removed because it had a negative connotation and was determined to be unnecessary in the given section.

X12-19 Since "agriculture" was removed from the sentence, it is no longer associated with limiting development.

X12-20 The County appreciates this comment but does not agree. The referenced section is merely stating existing conditions.

X12-21 The typographical error has been corrected as recommended.

X12-22 The following was added to the end of the first paragraph of the draft General Plan Chapter 2, Vision and Guiding Principles:

"<u>and constitute the Plan's legislative intent as approved by the Board of Supervisors</u>."

X12-23 The typographical error has been corrected as recommended.

X12-24 The typographical error has been corrected as recommended.

X12-25 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-26 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-27 The comment lacks sufficient detail to which a more thorough response can be provided. The last sentence as referenced is related to buildings and architecture, which is not related to the County Road Standards.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-28 The County does not agree with the recommended change. The Vision section in Chapter 2 of the draft General Plan is written as a future end state, and the "we" is a collective we as members of the unincorporated County community.

X12-29 The typographical error has been corrected as recommended.

X12-30 The statement identified by the comment represents a vision or end-state and the County does not agree that the County Road Standards will preclude this from occurring because the Standards allow for exceptions to road design.

X12-31 The typographical error has been corrected as recommended.

X12-32 The paragraph was deleted because it is not part of the Community Development Model. The concepts expressed in this paragraph are discussed in the draft Conservation Subdivision Program.

X12-33 The County does not understand the comment because the draft General Plan text is consistent with what is being recommended.

X12-34 The County does not understand the comment as there is no place in the chapter with a comma after "sustain."

X12-35 The first sentence of the third paragraph under Guiding Principle 3 has been amended to add "<u>and other stakeholders</u>" after „residents".

X12-36 The typographical error has been corrected as recommended.

X12-37 The typographical error has been corrected as recommended.

X12-38 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-39 The typographical error has been corrected as recommended.

X12-40 The typographical error has been corrected as recommended.

X12-41 The typographical error has been corrected as recommended.

X12-42 The typographical error has been corrected as recommended.

X12-43 To more clearly express general intentions, the second sentence of footnote "g" for Table LU-1 has been changed to the following:

"New SPAs <u>will not be shown on the Land Use Map under the SPA designation, rather these areas will retain their underlying land uses</u>."

X12-44 The typographical error has been corrected as recommended.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-45 In the Land Use Element, the following sentence has been added to the end of the Specific Plan Area component of the Other Land Use Designations section:

"The intention is to retain the underlying densities on the General Plan Land Use Plan to clearly show the area's relationship within the context where it is located."

X12-46 The typographical error has been corrected as recommended.

X12-47 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-48 The County appreciates the comment, but does not agree that the added text is necessary.

X12-49 The comment is not clear as to where the text changes are being recommended. If it is intended for draft Land Use Element Policy LU-11.11, Industrial Compatibility With Adjoining Land Uses, the County does not agree that "or adequate screening" needs to be added because the screening is included within the definition of buffers provided in Policy LU-11.9, Development Density and Scale Transitions.

X12-50 The County does not agree that the recommended text is necessary to add to policy LU-11.9, Development Density and Scale Transitions. In addition, staff does not agree that changes to the intent of Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group.

X12-51 The recommended changes have been made to the Community Services and Infrastructure section of the draft Land Use Element, under the "Water Supply" subheading.

X12-52 The County appreciates the comment but does not agree that the policy needs to be changed. Also, refer to response to comment X12-50 above.

X12-53 The comment is referencing an objective of the draft Mobility Element and raises concerns that Road Standards conflict with community character. Currently, revised Road Standards are proposed that facilitate exceptions to the Standards that enable this objective to be achieved.

X12-54 The typographical error has been corrected as recommended.

X12-55 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-56 The comment requests clarification for "exceptions coordinated with community planning" in regards to accepting roads at a level of service (LOS) E or F. The intent

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

of this language is to ensure community planning and sponsor groups are part of the decision-making process when determining if a road has been accepted at LOS E/F.

X12-57 The intent to accept road classifications with a LOS E/F is more fully explained at the end of the draft Mobility Element in the Background Material section under the subheading "Accepted Road Classifications with Level of Service E/F."

X12-58 The comment refers to the "clear recovery zone" for state highways and was requested by Caltrans to be included. The 20-foot zone is desirable, but not an absolute requirement.

X12-59 This comment is referring to the total right-of-way requirements for a 2.3C Minor Collector road classification. The right-of-way of 68 to 80 feet reflects the two-lane road (with and without an added bike lane), shoulder, and parkway. Draft General Plan Policy M-4.3, Rural Roads Compatible with Rural Character, provides the intention to retain roads with rural character, which could have narrower travel lanes and tighter curve radii when appropriate.

X12-60 The typographical error has been corrected as recommended.

X12-61 The table has been changed to reflect 2.3C Minor Collectors are appropriate in "areas with physical constraints," as recommended.

X12-62 The typographical error has been corrected as recommended.

X12-63 The County appreciates the comment but does not agree that the sentence needs to be changed.

X12-64 The typographical error has been corrected as recommended.

X12-65 The typographical error has been corrected as recommended.

X12-66 Draft General Plan Policy M-2.3, Environmentally Sensitive Road Design, was previously amended to remove "while balancing construction costs" to underplay construction costs as a primary factor in the road design.

X12-67 The County appreciates the comment but does not agree that draft General Plan Policy M-3.3 Multiple Ingress and Egress needs to be changed.

X12-68 The County does not understand this comment, which requests information as to where "facilities financing plans are discussed" in reference to draft Mobility Element Policy M-2.5, Minimize Excess Water Runoff. This policy addresses the design of road improvements to accommodate stormwater and facilities financing plans are unrelated to the intent of this policy. Therefore, no further response is provided.

X12-69 This comment is the same as comment X12-67; therefore, additional response is not provided.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-70 This comment refers to balancing a Caltrans objective to maintain a clear recovery area with maintaining rural community character. As with this situation, and others that have competing objectives, these will have to weighed and balanced on a case-by-case basis during implementation.

X12-71 The County appreciates the comment but does not agree that draft Mobility Element Policy M-4.5, Context Sensitive Road Design, needs to be changed to add the word "documented" when describing wildlife corridors. That level of detail belongs in the implementing ordinances and procedures; however, the typo has been corrected in the policy.

X12-72 The County appreciates the comment and has added State Route 94, as recommended.

X12-73 State Route 188 connects the Tecate border crossing with State Route 94.

X12-74 The typographical error has been corrected as recommended.

X12-75 The typographical error has been corrected as recommended.

X12-76 The additional language was added to build consensus with community planning and sponsor groups, many of which have expressed concerns over on-street parking.

X12-77 Policy M-11.6 Coordination for Bicycle and Pedestrian Facilities Connectivity has been amended with the addition of "facilities" at the end of the sidebar.

X12-78 The County appreciates the comment and has revised draft Mobility Element Policy M-12.1, County Trails System, by replacing "proposed" with "designated".

X12-79 This entire paragraph was revised because SANDAG and the County elected to be exempt from the State Congestion Management Plan (CMP) program.

X12-80 The typographical error has been corrected as recommended.

X12-81 In the draft Conservation and Open Space Element, under the "Purpose and Scope" subheading, the two bullets referring to Biological Resources and Paleontological Resources and Unique Geologic Features have been revised to more fully reflect the purpose of the Conservation Element, which is to protect these resources. When considered with the other Elements, the objective is to balance the preservation of resources with development, but the purpose of the Conservation and Open Space Element by itself is the preservation of those resources. Therefore, the policies were revised as a result of the November 2008 public review to reflect the actual purpose of each Element according to State of California General Plan Guidelines (2003).

X12-82 The County appreciates the comment; however, the recommended change was already made as a result of a comment received during the November 2008 public review.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-83 In response to this comment, the last sentence of the third paragraph under the "Guiding Principles for Conservation and Open Space" subheading in the draft Conservation and Open Space Element has been revised by adding "renewable energy production, along with" between "encourages" and "efficient".

X12-84 The typographical error has been corrected as recommended.

X12-85 The County disagrees that "California Regional Water Quality Control Board" should be replaced with "San Diego Regional Water Quality Control Board."

X12-86 The typographical error has been corrected as recommended.

X12-87 The County does not agree the recommended text is necessary to add to draft Conservation and Open Space Policy COS-1.6, Assemblage of Preserve Systems, because the policy already includes language that "facilitates development through mitigation banking opportunities."

X12-88 The typographical error has been corrected as recommended.

X12-89 The County disagrees that draft Conservation and Open Space Policy COS-1.1, Coordinated Preserve System, should be revised by adding the recommended text. The County contends that this is addressed sufficiently in draft Policies LU-6.3, conservation-Oriented Project Design, and COS-2.2, Habitat Protection Through Site Design.

X12-90 The typographical error has been corrected as recommended.

X12-91 The County does not understand this comment as there is no photo on the referenced page, nor any applicable photo in the Element. Therefore, no changes have been made as a result of this comment.

X12-92 The County appreciates the comment and has not received any objection to the text from SDG&E.

X12-93 The County appreciates the comment. However, the County contends that draft Conservation and Open Space Policy COS-14.7, Alternative Energy Sources for Development Projects, has language to "encourage" development projects that use renewable energy, and if appropriate the implementing regulations and procedures for this policy will include streamlining project processing and review.

X12-94 The County does not agree that sustainable technology and projects cannot be implemented without remaining compatible with community character.

X12-95 The County does not agree the recommended text is necessary to add to draft Policy COS-18.1, Alternate Energy Systems, because the policy already includes language to "facilitate the development" which would include permitting.

X12-96 The typographical error has been corrected as recommended.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-97 Generally the County does not agree that changes should be made to the Housing Element this late in the planning process. This Element has been closely reviewed by the State Housing and Community Development Department (HCD) and any changes may be inconsistent with necessary requirements to gain HCD approval for this Element.

X12-98 The County does not agree that the paragraph is incomplete. The challenges faced as the County meets the Regional Housing Needs Allocation (RHNA) are included in the Housing Element Background Report, considered a part of the General Plan, as required by statute. The Element includes the inventory of vacant and underutilized sites, as well as other background information on County processes and procedures.

However, the Housing Element was revised with the addition of the following at the end of the paragraph:

"(Refer to the Housing Element Background Report for additional information concerning the challenges in meeting the RHNA.)"

X12-99 The County acknowledges the support for providing a range of densities for "lower income housing."

X12-100 The text has been revised as recommended.

X12-101 The County appreciates the comment but does not agree that the sentence needs to be changed. In addition, commitment is shown in draft Housing Element Policy H-5.4, Flexibility in Regulations, which discusses streamlining the regulatory process.

X12-102 The County disagrees with the proposed changes to draft Housing Element Policy H-5.4, Flexibility in Regulation. Densities ranging from 15 to 30 dwelling units per acre are normally not appropriate outside of town centers in the unincorporated County.

X12-103 This policy would be implemented as part of procedures for disposing of County-owned surplus properties on a case-by-case basis. As such, there is no pre-defined schedule for development of affordable housing.

X12-104 The typographical error in the legend for Figure S-1 Fire Hazards has been revised as recommended.

X12-105 This sentence has been removed in response to other comments.

X12-106 The typographical error has been corrected as recommended.

X12-107 The County disagrees that the sentence previously removed from draft Safety Element Policy S-3.5, Access Roads, is necessary. Based on the policy language as currently written, development is only required to provide access roads when necessary.

Responses to Letter X 12, J. Whalen Associates, Inc. (Draft GP & IP) (cont.)

X12-108 The County does not agree with this policy since the size of fire apparatus is outside the scope of the County's General Plan. It should be noted that fire trucks are actually getting larger, not smaller. This is because fire agencies are expected to perform more functions on scene such as first responder medical services. As such, more equipment is needed for a given vehicle and larger vehicles are needed to accommodate the equipment.

X12-109 The County appreciates the comment; however, the recommended change was already made as a result of a comment received during the November 2008 public review.

X12-110 The retrofitting of unreinforced masonry buildings would be required, as appropriate, when discretionary actions are proposed to the unreinforced buildings.

X12-111 The County does not understand this comment as "complementary" is not on the referenced page or paragraph. Therefore, no changes have been made as a result of this comment.

X12-112 The text has been revised as recommended.

X12-113 The County disagrees that the draft Mobility Element should contain a provision and process for changes to Road Standards. These provisions for changes are more appropriately located within the Road Standards themselves.

X12-114 Definitions were deleted from the Glossary if they were not directly referenced in the draft General Plan or were common terms where definitions were readily available.

Comment Letter X 13, Gregory Lambron

GREGORY T. LAMBRON
P. O. Box 15453
SAN DIEGO, CALIFORNIA 92175-5453

(619) 583-0488
(619) 583-9397 (FAX)

SEP 2 '09

August 29, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attention: Devon Muto, Chief, Department of Planning and Land Use

Re: General Plan Update and Draft EIR for APN's 329-132-31; -32; -33; -36, -45 - Muth Valley, Lakeside, CA and APN's 389-011-08, 389-010-15, 389-010-18, 389-011-01, 389-011-02, 375-040-27, 329-121-02 and 329-120-19 - Lakeside Ranch and APN's 389-020-06, 389-020-10, 389-020-11 - Muth Valley East

Dear Devon:

X13-1. It has come to our attention that there remains a mapping error on the recent General Plan Update Lakeside Land Use Map regarding our above referenced Muth Valley, Lakeside parcels. Prior correspondence to the County of San Diego Department of Planning and Land Use dated March 07, 2003, and May 10, 2004, as well as our letter dated May 19, 2004, to the County of San Diego Board of Supervisors are hereby incorporated by reference. A copy of our May 10, 2004, letter is enclosed (including enclosures of the assessor's map together with the Record of Survey Map No. 15233 indicating mostly 2.5 acre size lots altogether totaling 16 lots.) Many of these lots as depicted on the Record of Survey May 15233 are not shown on the assessor map even though they are legal lots per Certificates of Compliance DOC#2001-0496393.

For over 40 years these lots are already wholly located within the County Water Authority (CWA) jurisdiction and already annexed within the Lakeside Water District. Also, each of these lots have acceptable geotechnical studies for septic system installations. Some of these parcels are already improved with houses which remain after the Cedar Fire of 2003. Other former houses on these lots will be rebuilt. The General Plan Update proposes a 10 - acre lot minimum (SR-10). Kindly have this error corrected on future maps to include these parcels in the (SR-1) 2 - acre designation. This

Comment Letter X 13, Gregory Lambron (cont.)

County of San Diego
Department of Planning and Land Use
August 29, 2009
Page of Two to Three

X13-1. cont. requested correction will conform to the reality of what is on the ground already as well as eliminate jeopardizing the future financing of house construction and ownership (if the proposed non-conforming land use designation/zone is allowed to occur).

X13-2. We are opposed to the proposed general downzoning of all County of San Diego privately owned properties especially those presently in the current land use category designation 17 to the proposed SR-2. The new addition of the SR-2 land use designation is contrary to the original planning intent of realizing full potential of development within the CWA. This is especially true as the planned downzoning fails to provide an accurate 'ground-truthing' of the existing housing yield.

X13-3. Under the proposed SR-2, adding of an 8 acre lot calculation to the total lot yield (where only a 2 and 4 acre lot element is in place presently) creates a smaller number of potential dwelling units. We and others had supported this concept originally based upon certain assurances. Some of those assurances included: 1. A 'de-coupling' of the lot size from the zone/land use category designation, 2. The yield calculation would be certain/guaranteed and 3. A transfer of density rights to be acquired from those properties outside of the CWA boundary would be allowed by right. Since none of these assurances are being provided, (and the proposed community plan restricts a minimum lot size of 1 or more acres) the wholesale downzoning of otherwise developable land is rendering future development to be impossible (fewer potential dwelling units and high development costs causing economic infeasibility).

X13-4. Therefore we request that the proposed land use category of SR-2 for our Lakeside Ranch and Muth Valley East parcels be corrected to SR-1. These parcels are served by an existing water and utility infrastructure already 'sized' for the maximum number of dwelling units allowed under current housing element/zoning yields. Failure to meet a yield higher than that being proposed under SR-2 renders future development infeasible and contrary to 50 plus years of an ongoing public and private planning efforts.

X13-5. Additionally, the Lakeside Mobility Element Network map

Comment Letter X 13, Gregory Lambron (cont.)

County of San Diego
Department of Planning and Land Use
August 29, 2009
Page of Two to Three

X13-5. cont.

erroneously indicates a proposed/future public road from Moreno Avenue to Muth Valley Rd. using an alignment through the middle of our Lakeside Ranch Subdivision project presently in process of obtaining a Vesting Tentative Map. The proposed alignment fails to follow the planned road system which has been designed for the past several years. The proposed public road alignment is impossible to achieve based upon the steep and unusual topographical and physical constraints of the property. Additionally, any proposed public road to be located within Lakeside Ranch is impossible to design and construct to meet public road standards due to the steepness of the terrain and the physical constraints. During the planning process we have agreed with the Lakeside Fire Department to provide public access on our planned gated private road system during an emergency. An Emergency Evacuation Plan to address the specifics has already been drafted and approved. Therefore, the alignment and public road requirements must be eliminated on our Lakeside Ranch since it impossible to achieve as proposed in the Lakeside Mobility Element Network Map.

If you have any questions, please do not hesitate to call me at (619) 583-0488.

Yours truly,

Gregory T. Lambron

GREGORY T. LAMBRON

GTL:eln

enclosures

Comment Letter X 13, Gregory Lambron (cont.)

GREGORY T. LAMBRON
P. O. Box 15453
SAN DIEGO, CALIFORNIA 92175-5453

(619) 583-0488/698-1240
(619) 583-9397 (FAX)

May 10, 2004

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attention: Ivan Holler

Re: APN's 329-132-31; –32; -33; -36, -45; -46 - Muth Valley, Lakeside, CA

Dear Ivan:

It has been brought to our attention that there remains a mapping error on the recent GPA 2020 map regarding our above referenced parcels. Enclosed please find another set of of the assessor's map together with the Record of Survey map indicating mostly 2.5 acre size lots. Many of the lots as depicted on the Record of Survey are not shown on the assessor map even though they are legal lots. These lots are already within the County Water Authority (CWA). The CWA line and our ownerships are indicated on the assessor's map. Some of these parcels are already improved with houses which remain after the fire. Other houses will be rebuilt. The GPA 2020 proposes a 10 - acre lot minimum. Kindly have this error corrected on future maps to include these parcels in the 2 - acre designation.

If you have any questions, please do not hesitate to call me at (619) 583-1226.

Yours truly,

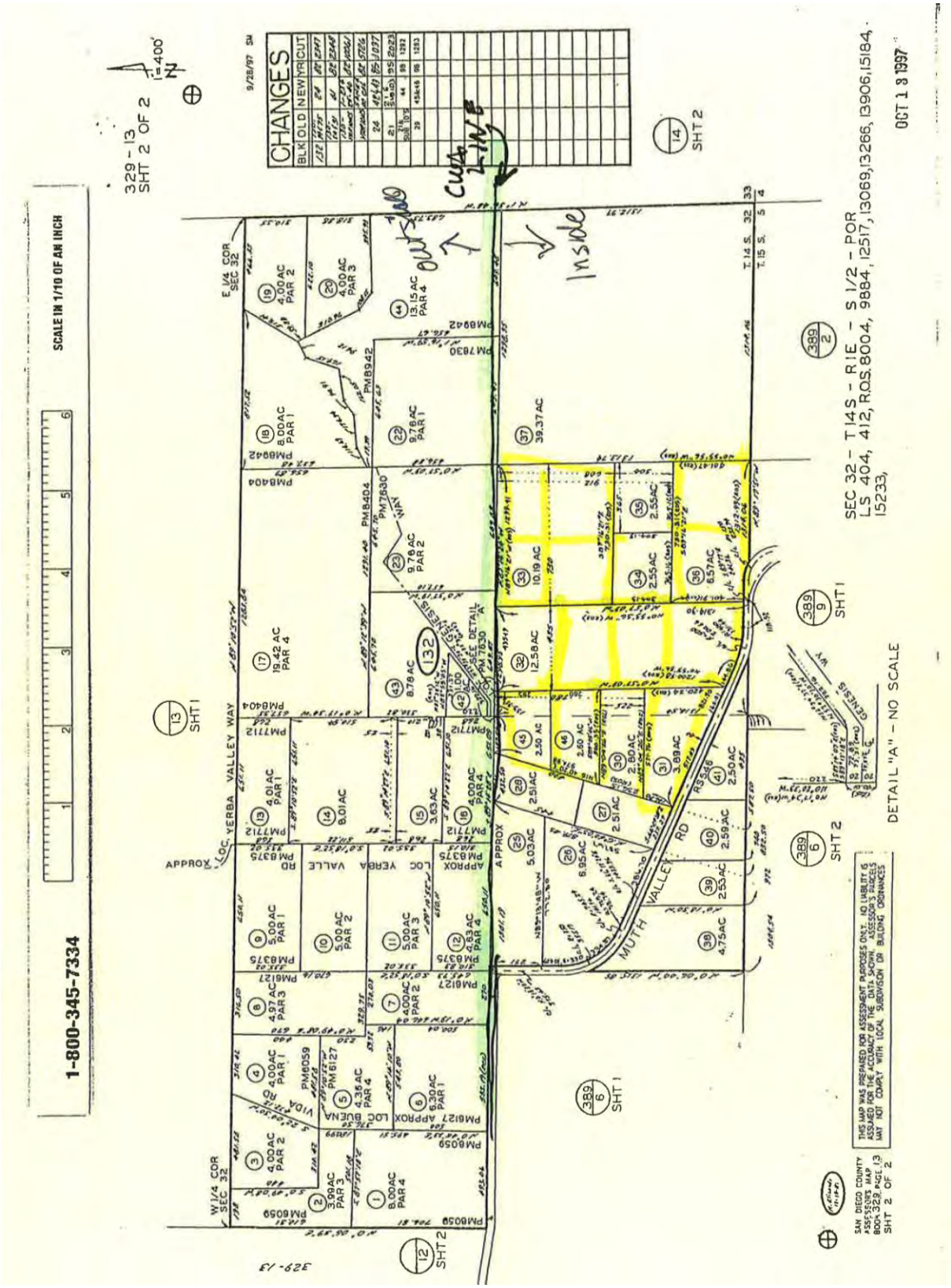
Greg

GREGORY T. LAMBRON

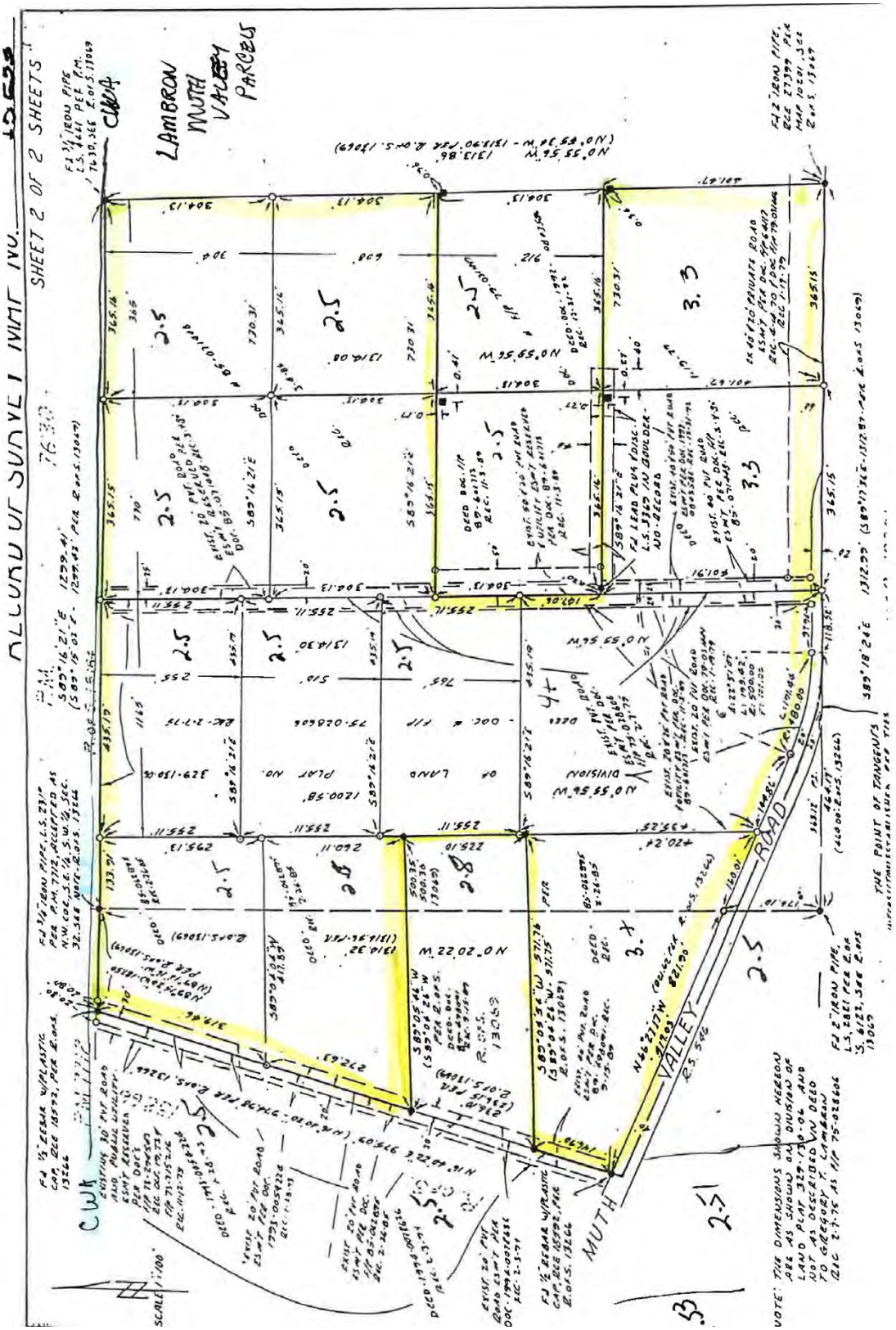
GTL:eln

cc. J. Whalen & Associates

Comment Letter X 13, Gregory Lambron (cont.)



Comment Letter X 13, Gregory Lambron (cont.)



Responses to Letter X 13, Gregory Lambron

X13-1 The County does not concur with the comment that the identified area in Muth Valley is a mapping error. The following criteria were used to determine the Semi-Rural (SR)-10 designation for the area located in Muth Valley.

- Assign densities based on the characteristics of the land
- Locate growth near infrastructure, services and jobs

In addition to the above criteria, Muth Valley is accessed from Wildcat Canyon Road, which currently operates at a substandard level of service. The area is also groundwater dependent and based on a preliminary groundwater study; density should be limited to 1 dwelling unit (du) per 10 acres. Because of these service limitations and site constraints, an SR-10 designation has been applied to the land use map.

The County concurs that the General Plan Update maps and Assessor maps do not depict the additional legal lots described in Certificate of Compliance DOC#20001-0496393 and shown on map record 15233. The parcel maps that are provided by the County Assessor's office are for assessment purposes, and County Department of Planning and Land Use staff first verifies legal lot information by referring to the Certificate of Compliance. Assessor maps can be updated by contacting the County Assessor's Office directly.

X13-2 The County does not concur with this comment. The existing General Plan land use designation (17) Estate Residential allows for 1 du per 2 and 4 acres. This is equivalent to the General Plan Update Semi Rural 2 (SR-2) land use designation which allows for 1 du/ 2, 4 and 8 acres.

X13-3 Semi Rural 2 is a slope dependent land use designation which is intended to protect important resources such as steep slopes. The addition of the 8-acre restriction was placed to ensure that properties containing slopes greater than 50 percent would be developed in a manner that considers constraints in the surrounding area and minimizes impacts to the environment. This restriction has been part of the General Plan Update for several years. The County disagrees that there was ever the intention to "guarantee" any yield calculation; however, the Conservation Subdivision Program is being recommended to facilitate maximizing yield in order to avoid constraints such as floodplains and sensitive environmental resources.

X13-4 The County acknowledges the commenter's request to designate the parcels in Lakeside Ranch as SR-1. The information in this comment will be in the final General Plan Update documents for review and consideration by the County Board of Supervisors.

X13-5 The County acknowledges that the alignment for the proposed Local Public Road 21 on the matrix accompanying Figure M-A-10 in the draft Mobility Element Network Appendix would require traversing very steep terrain that would be difficult to build to local public road standards. The County, in coordination with the Lakeside Planning Group, has recommended a road alignment from Morena Avenue to Wildcat Canyon Road that would act as a secondary route in the case of an emergency. Although

Responses to Letter X 13, Gregory Lambron (cont.)

the construction of the road may seem infeasible at the present time, there are road design exceptions that can be made to accommodate this proposed alignment.

Comment Letter X 14, Paige McAllister

August 29, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

SANDAG has studied and concluded that the population in the rural portions of San Diego County will nearly double in the next 20 years. These findings are contrary to what the proposed General Plan Update will accommodate. Have you vetted your plan with SANDAG?

The General Plan Update will significantly reduce the development potential currently accounted for in the General Plan for East San Diego County. As such, build out in these areas will be considerably less than would be consistent with the SANDAG projections.

Having been a resident of this county for many years, I have watched as the population has grown from a modest metropolitan center with modest suburbs, to almost total build-out from the border to the county line on the north and from the ocean to the foothills on the east. WHERE ARE YOU GOING TO BUILD? X14-1.

The proposed densities for East County are unreasonable. Many of the smaller communities are dying, and losing necessary support services vital to their well-being. Managed, planned growth is essential to the vitality of these communities. Downsizing hurts these communities. The density downsizing provisions applied to East County by the General Plan Update will leave San Diego County ill-equipped to meet future population demands. The General Plan Update should support regional plans for continued growth and prosperity – not hamper economic and social vitality.

It appears that impacts of the General Plan Update on applicable land use planning for rural areas of the County, as well as policies and regulations were not fully and adequately analyzed. I request this analysis be revised to reflect the loss of the ability to accommodate nearly 15 percent of the County's projected housing needs.

Thank You for the opportunity to comment.

Sincerely,

Paige McAllister
33776 Scenic Mountain Road
Campo, CA 91906

Responses to Letter X 14, Paige McAllister

X14-1 This comment letter is the same as an earlier comment letter (Letter I 44). Refer to responses to comments I44-1 through I44-6.

Comment Letter X 15, Gaye Miller

8/28/09 1

Dept. of Planning & Land Use - GENERAL PLAN USE MAP
5201 Ruffin Rd. #B
SD., CA. 92123 - Attn. Jimmy Wong

RECEIVED
SEP 02 2009
DEPARTMENT OF PLANNING

Dear Sirs,

I AM WRITING THIS LETTER TO EXPLAIN WHY I CANNOT HAVE MY PROPERTY DOWN ZONED TO A SR10 STATUS. THIS IS MY HOME WHERE I HAVE LIVED SINCE 1993. FIRST AS A RENTER, THEN AS AN OWNER.

WHEN I BOUGHT THIS PROPERTY, I WAS LOOKING AT IT AS BOTH A PLACE TO RAISE HORSES & CATTLE, GROW CROPS, & AS AN INVESTMENT. I DID SOME INVESTIGATING ON THE PROPERTY AND FOUND IT WAS ZONED TO BE SPLITTABLE INTO FOUR PARCELS. THIS WAS A DECIDING FACTOR, AND THEN SECURED THE PROPERTY.

X15-1.

I HAD AN ENGINEER (AT A COST) DO A FEASIBILITY STUDY ON THE PROPERTY, AT THAT TIME. THE STUDY WAS VERY FAVORABLE.

THE CLOSER TO RETIREMENT I AM GETTING THE MORE URGENT THE NEED TO SPLIT.

THE NEW 20/20 WILL DOWN ZONE MY PROPERTY TO SR10. MY HOPE FOR RETIREMENT WILL BE LOST IF THIS HAPPENS.

IF YOU LOOK AT WHERE MY PROPERTY IS SITUATED, YOU WILL SEE THAT TWO SIDES ARE BORDERED BY ONE ACRE PROPERTIES.

Comment Letter X 15, Gaye Miller (cont.)

2

THE EASTERLY SIDE OF MY PROPERTY IS UNDEVELOPED BUT HAS A SR4 ZONING. THE SOUTH SIDE IS ALSO UNDEVELOPED AND HAS A SR2 ZONING STATUS. SO WHY SHOULD MY ZONING BE CHANGED TO SR10?

THERE SHOULD BE NO ENVIRONMENTAL ISSUES EITHER. THERE ARE AREAS OF LANDSCAPING, AREAS OF CROP PRODUCTION (SHADE HOUSES), AND AREAS OF GRAZING.

X15-1. cont. I ALSO PLANT A DRY CROP (OAT HAY), ONCE A YEAR, FOR GRAZING ON 6 of the acres.

PLEASE RECONSIDER THE DOWNZONING OF MY PROPERTY AS IT WILL CAUSE ME GREAT FINANCIAL HARM.

I DID WRITE ANOTHER LETTER TWO YEARS AGO BUT HAVE NO IDEA OF THE OUT COME OF IT. I DO HAVE A COPY OF IT.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER, THAT IS OF GRAVE IMPORTANCE TO ME.

SINCERELY,

Gaye Miller

GAYE Miller

APN# 283-012-20-00

Responses to Letter X 15, Gaye Miller

X15-1 The County acknowledges that under the General Plan Update proposed project the subject 8.5-acre property (APN 283-012-20-00) is designated SR-10 or one dwelling unit per ten or twenty acres, rather than the 17 Estate Residential or one dwelling unit per two or four acres. In light of the parcelization surrounding the subject parcel, County staff will reevaluate the designation proposed by the General Plan Update for the subject parcel and consider placing an SR-2 designation on the land use map that staff will be recommending for adoption by the Board of Supervisors.

Comment Letter X 16, Mountain Empire Gentlemen's Club

August 27, 2009

SEP 1 '09 PM 2:

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

X16-1. The following comments are from the Mountain Empire Gentlemen's Club in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update. The Gentlemen's Club is a group of local men from the mountain empire who get together and meet with elected and appointed officials in order to stay abreast of local issues and influence positive outcomes.

X16-2. The Gentlemen's Club believes that the radical downzoning provisions of the General Plan Update (40/80/160 density designations) and that the Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

X16-3. While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

X16-4. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

X16-5. Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Gene Vick

Gene Vick, Founder, P.O. Box 453, Campo, CA 91906

Responses to Letter X 16, Mountain Empire Gentlemen's Club

X16-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X16-2 The County does not agree with this comment. There is no evidence that the proposed project will result in an economic impact that will result in an adverse physical impact.

X16-3 This comment paraphrases the CEQA guidelines but does not raise a significant environmental issue for which a response is required.

X16-4 Courts have clarified the *Citizens Association for Sensible Development of Bishop Area v County of Inyo* (4th Dist. 1985), 172 Cal. App. 3d 151, to explain that the *Bishop* ruling did not hold that, as a matter of law, physical change must be presumed for the establishment of a retail business. *Friends of Davis v City of Davis* (3d Dist. 2000), 83 Cal. App. 4th 1004. Without some evidence of physical change, CEQA does not require analysis of economic impacts from a proposed project.

X16-5 This comment suggests that the density decreases that will result from the General Plan Update when compared to the existing general plan are physical changes to land use that must be addressed under CEQA. The comment states that there will be an unspecified loss of property value and subsequent taxes levied on properties. This does not provide evidence of a physical impact on the environment, and is not a matter that must be analyzed in a CEQA document.

The County does not agree that the density decreases associated with the proposed project will result in the suggested physical change. CEQA does not allow for a plan-to-plan analysis when determining project impacts, which is how one would derive a change between the proposed project and existing general plan. Instead, CEQA requires a plan-to-ground analysis which is accomplished by evaluating the proposed project against the existing conditions. In the DEIR, the analysis appropriately follows this requirement. Development of the proposed project densities are considered project impacts, even if the proposed project will decrease the overall development yield that would have been allowed under the existing general plan. As a result, the emphasized quote in the preceding comment is not relevant to this issue.

Comment Letter X 17, Pala-Pauma Sponsor Group

PALA-PAUMA SPONSOR GROUP
P.O. Box 599
Pauma Valley, CA 92061
Phone: 760.745.8527 Fax: 760.745.8467

September 1, 2009

Mr. Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
gpupdate.DPLU@sdcounty.ca.gov

RE: COMMENTS ON THE GENERAL PLAN UPDATE DRAFT EIR

Dear Mr. Muto:

X17-1. The Pala Pauma Community Sponsor Group has reviewed the above referenced draft EIR and finds it inadequate in its analysis provided in Section 2.1 Aesthetics. We also believe the mitigations proposed within the General Plan Update for the cumulative impacts of this project to aesthetics and the community character of our sub-region to be inadequate. Implementation of the proposed project General Plan Amendment has the potential to further degrade the existing visual character of our community.

X17-2. Specifically, we believe Highway 76 between I-15 and to East Grade Road should be listed as a first scenic route as identified on Table 2.1-2. Highway 76 in its entirety is listed as an eligible state scenic highway by the State of California. The County of San Diego, however, only designates the portions of Highway 76 which lie on either side of the Pala-Pauma sub-region (i.e., I-5 to I-15, and East Grade Road to Highway 79) as part of its designated Scenic Highway System priority list. The State Scenic Highway Act states that designated scenic highways should not be short routes, nor segmented.

X17-3. The scenic resources of the Highway 76 corridor throughout our plan area are well known. The San Luis Rey River and its scenic gorge along with the many views of the Agua Tibia Wilderness area and the dramatic Palomar Mountain ridgeline are enjoyed by many of the visitors as well as residents of the County of San Diego. The visual quality of these unique natural resources accounts for much of the local community character of our region. Moreover, this unincluded link in an otherwise recognized scenic highway route fails to implement a

Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)

X17-3. cont. necessary component of a comprehensive plan protecting these resources for the enjoyment of all the residents of our County. The route links the urbanized portions of our County at Oceanside with the mountain parks of Palomar and Cuyamaca, as well as the desert in Anza Borrego State Park. The route has always primarily acted as a corridor serving the recreational needs of this County as well as providing access to the vast agricultural and scenic land uses of the Pala-Pauma sub-region.

X17-4. We believe that the considerable natural landscape seen form Highway 76 has a high aesthetic value and is eligible for designation as a County Scenic Highway. We believe such designation is necessary to preserve the visual integrity of this natural landscape. We further believe such designation is necessary to meet a number of the guiding principals governing this proposed update to the County's General Plan. Guiding Principal No.3 states that the Updated General Plan will reinforce the individual character of existing communities when planning hew housing, employment, and recreational opportunities. Future land uses in our

X17-5. region will increasingly rely on providing recreational opportunities as well as expanded agricultural uses. These land uses can be accommodated best if the primary transportation corridor serving our region can be designated to protect existing visual quality and enhance the experience of visitors as well as residents.

X17-6. Guiding Principal No. 4 states that the Updated General Plan will promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character. These resources and habitats currently are on display along Highway 76. The educational opportunity afforded users of Highway 76 as they pass from the coastal environment through a diverse series of natural as well as working rural agricultural landscapes as they progress along the San Luis Rey River riparian corridor to the mountain environment of Palomar and finally link to the desert ecosystems in Anza Borrego is immeasurable. Further, the vast historical and cultural resources which can be found along this same corridor uniquely mark this route as one defining the overall character of this County.

X17-7. At the formal public hearings conducted by the Planning Commission for this General Plan Update, the Pala-Pauma Community Sponsor Group requested that the Department of Planning and Land Use initiate efforts to formally designate State Route 76 from I-15 to Highway 79 as a scenic highway. The Planning Commission approved this request and recommended that the Board of Supervisors should similarly approve this request, which they did. Our Sponsor Group has begun working on a formal application for such a designation from the State and firmly believes such a designation is both warranted and necessary to preserve the value of the entire Highway 76 corridor as a scenic route. The community of Fallbrook has also endorsed this proposal.

Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)

X17-8. The draft Environmental Impact Report for the General Plan Update does not address the failure to include the subject route. Further, since the inclusion of such a designation is warranted as partial mitigation for the significant cumulative impacts caused by implementation of this plan, we feel the draft document inadequately addresses the visual impacts of said Plan as well as the Plan's impact to the community character of the Pala-Pauma Sub-region. Scenic resource connections via designated scenic highways and the proposed regional trials network is the mitigation. We believe the draft EIR should be revised to include the designation of Highway 76 as a scenic highway to partially mitigate the cumulative efforts of the overall plan update.

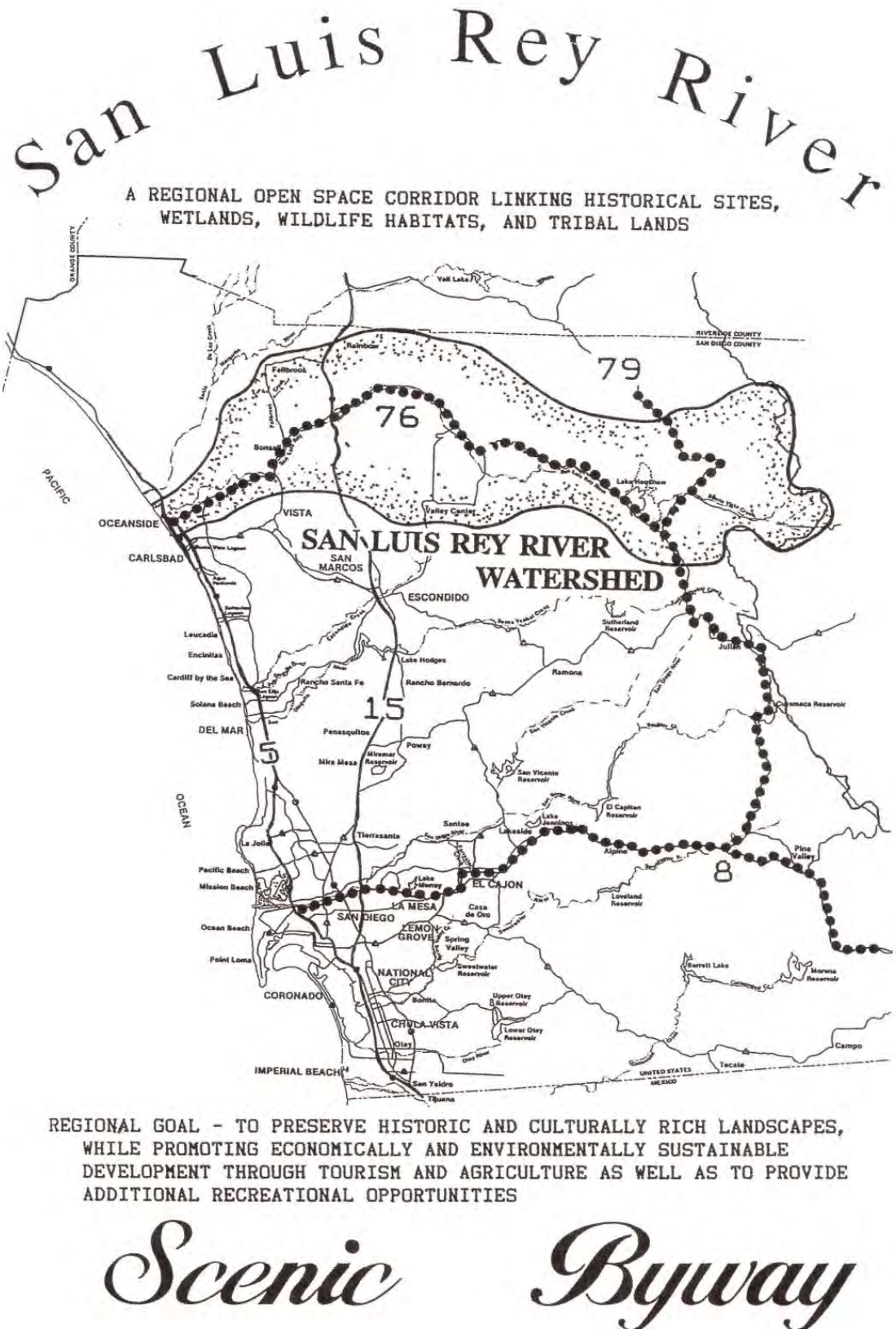
X17-9. Should you have questions regarding these comments, please do not hesitate to call the undersigned. Additionally, we have attached a number of exhibits which help clarify the importance of Highway 76 to the County of San Diego as a scenic resource.

Sincerely,

PALA-PAUMA SPONSOR GROUP

Joe Chisholm
Chair

Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)



Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)

Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)

Visual and Scenic Resources

THE SCENIC RURAL QUALITIES OF THE SAN LUIS REY RIVER VALLEY SHOULD BE PRESERVED AND ENHANCED. AGRICULTURAL LAND USES, PARTICULARLY ORCHARD AND GROVES SHOULD BE RETAINED. THE DEVELOPMENT OF BOTH PUBLIC AND PRIVATE RECREATIONAL FACILITIES SHOULD BE ENCOURAGED. THESE SHOULD INCLUDE EDUCATIONAL AND CULTURAL OPPORTUNITIES. THE HISTORIC LANDSCAPES OF THE 18TH AND 19TH CENTURY SHOULD BE ENHANCED AS A FORM OF LIVING HISTORY FOR THE BENEFIT OF FUTURE GENERATIONS.

HISTORY CULTURALLY SIGNIFICANT SITES

Human history along the San Luis Rey is recorded in the architecture of such sites as the restored Mission San Luis Rey, the Assistencia at Pala, and the structures at Rancho Guajome. Pre-European influence is evidenced by numerous sites along the river including the petroglyphs at Medicine Rock and several ethnographically recorded Luiseno Village sites

The first white men with whom the Luisenos came into contact were probably Spanish. Arriving in the San Diego area from the south, the Spaniards set about building a system of missions along the California coast. These were intended to serve as waystations for further exploration and to be centers for educating the natives in the Catholic faith.

THE SPANISH MISSIONS

Necessary structures within the Mission compound were completed by 1799. Records from 1804 report that crops averaged 5000 bushels. Mission herds numbered 10,000 large animals, including cattle, horses and sheep.

MEXICAN INFLUENCE

In the early 1830's the Mexican government, which had broken away from Spanish control, took over the management of the missions. In 1834 the missions were secularized. Mission lands were taken over by Mexican officials or sold, and some were included in land grant parcels.

The land grant system involved the awarding of large parcels of land to favored individuals. Primarily managed as sheep or cattle ranches, ranchos on the San Luis Rey included the Rancho Santa Margarita Y Flores, Rancho Pauma, Rancho Guajome and Rancho Monserate.

CALIFORNIA

In 1848 the United States declared war with Mexico; in 1850 California became the thirty-first state. The San Luis Rey valley began to see an increase in traffic from the east via established overland routes. Warner's ranch, located at what is now Warner Springs, became a waystation for the Butterfield Stage and was an outpost of Southern California civilization (Hudson,

Ranching was still the primary industry in the valley:

PALA MISSION

HISTORICAL RESOURCES

18TH CENTURY CULTURAL LANDSCAPES

MISSION SAN LUIS REY (1798)

19TH CENTURY CULTURAL LANDSCAPES

ASSISSTENCIA @ PALA
PALA MISSION (1820)

MISSION SANTA YSABEL
WARNER RANCH

AGUA TIBIA RANCH
GUAJOME ADOBE 1848
BUTTERFIELD STAGE STOP

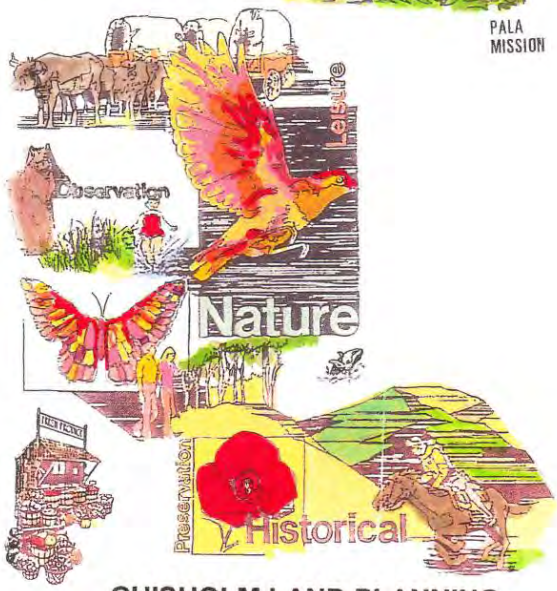
EAGLE MINE (1869)
TOURLAMINE QUEEN MINE
SICKLER MILL (1879)
WILDERNESS GARDENS

OLD BONSALL SCHOOLHOUSE

20TH CENTURY CULTURAL LANDSCAPES

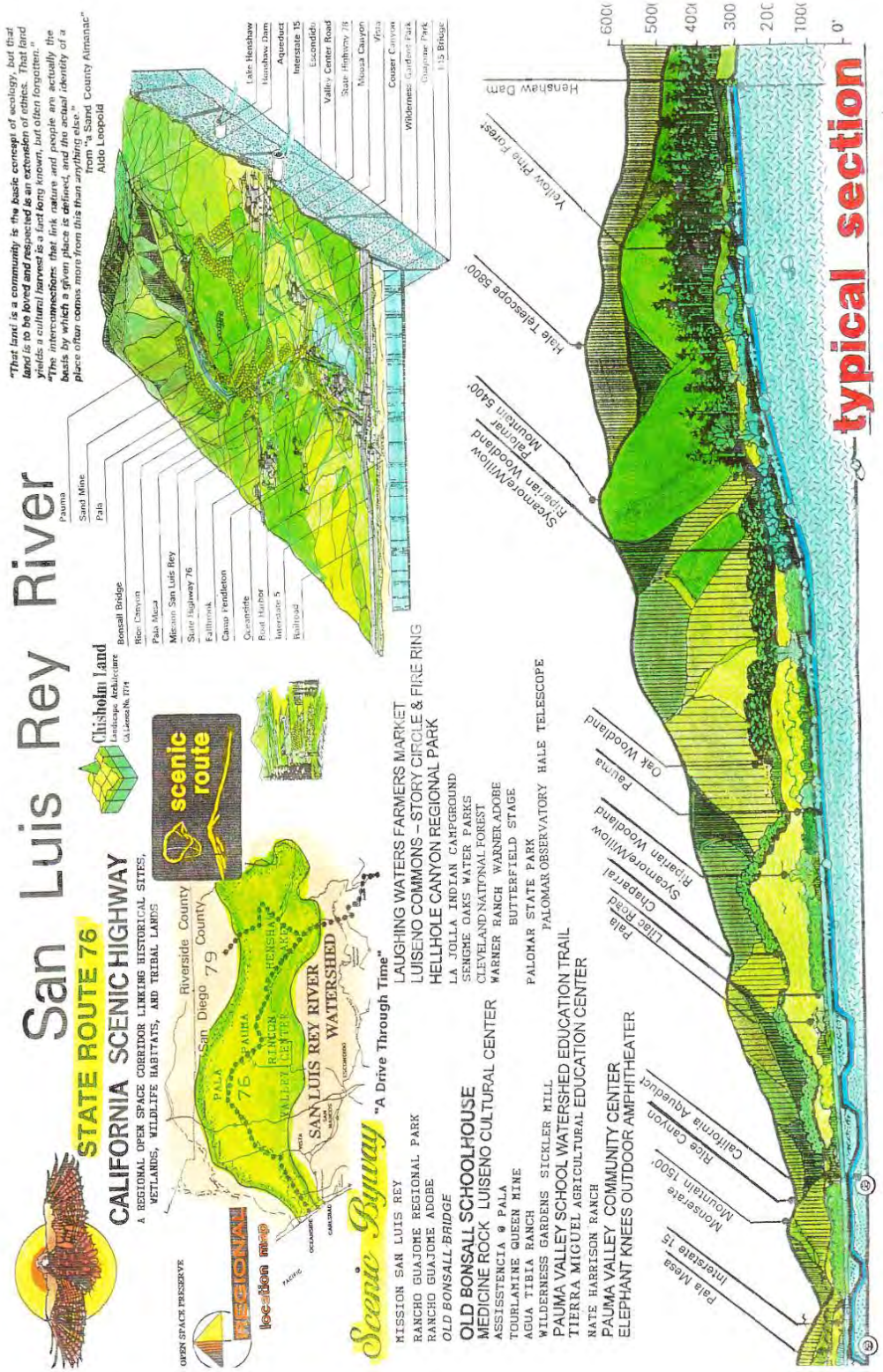
AGUA TIBIA RANCH
OLD BONSALL BRIDGE
LAKE HENSHAW

HALE TELESCOPE



CHISHOLM LAND PLANNING

Comment Letter X 17, Pala-Pauma Sponsor Group (cont.)



Responses to Letter X 17, Pala-Pauma Sponsor Group

X17-1 The County acknowledges and appreciates this comment regarding visual and community character. The specific concerns of the sponsor group are described in more detail in the subsequent comment and the County further addresses this issue in response to comment X17-2 below.

X17-2 The County concurs that State-Route 76 should be included as a County Scenic Highway and has revised Table COS-1, County Scenic Highway System, of the Conservation and Open Space Element. Particularly, the western end of the segment description for Map Reference #7, State Route 76, has been changed from "East Grade Road" to "Interstate 15." Therefore, the entire length of State Route 76 within the unincorporated County is now proposed for designation as a County Scenic Highway.

X17-3 Refer to response to comment X17-2 above.

X17-4 Refer to response to comment X17-2 above.

X17-5 Refer to response to comment X17-2 above.

X17-6 Refer to response to comment X17-2 above.

X17-7 Refer to response to comment X17-2 above.

X17-8 Now that State Route 76 is proposed as a County Scenic Highway from Interstate 15 to state Route 79, it is unnecessary for the DEIR to address potential impacts of the Route not being designated as a scenic corridor. Refer also to response to comment X17-2 above.

X17-9 This comment provides concluding statements and does not raise a significant environmental issue for which a response is required.

Comment Letter X 18, San Diego Association of Governments (SANDAG) (Comments on Draft General Plan Update)

401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

September 30, 2009

File Number 3330300

Mr. Devon Muto
Chief, Advanced Planning
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. ~~Muto~~: DEWM

SUBJECT: Comments on the San Diego County Draft General Plan (July 1, 2009 Draft)

Thank you for the opportunity to review and comment on the July 1, 2009, Draft General Plan for the County of San Diego. Our comments are submitted from a regional perspective and are based on policies contained in the Regional Comprehensive Plan (RCP) and Regional Transportation Plan (RTP) as approved by the SANDAG Board in 2004 and 2007 respectively.

X18-1. As noted in our January 16, 2009 letter on a previous version of the Draft General Plan, SANDAG staff commends County staff for the preparation of a comprehensive document that sets forth ten Guiding Principles, which are consistent with and complement the RCP and RTP. We also appreciate the responses we received on the incorporation of our comments into the new draft document. SANDAG staff looks forward to continuing to work with the County and its other member agencies on implementation and updating of the RCP and RTP, and on better coordinating land use and transportation planning to comply with Senate Bill 375. The Draft County General Plan lays the foundation for the County's contributions toward helping the region meet these goals.

SANDAG's comments on the Draft County General Plan are organized into the following categories: Guiding Principles, Mobility Element, Land Use Map Alternatives, and Draft Conservation Subdivision Program.

Guiding Principles

X18-2. Housing for all income levels - SANDAG recommends that the Guiding Principles be revised to refer to the need to plan for housing for all income levels, which is a key policy objective in the RCP. Though this principle is acknowledged in the County's Housing Element, it should be incorporated into the Guiding Principles as well.

Comment Letter X 18, San Diego Association of Governments (SANDAG) (Comments on Draft General Plan Update) (cont.)

Mobility Element

X18-3. Consistency with 2030 RTP - As noted in our August 31, 2009, letter on the Draft Environmental Impact Report, the County's Mobility Element includes additional improvements to segments of Interstate 8 and State Routes (SR) 67, 76, 78, 94, and 188 that are inconsistent with projects that are included in the 2030 RTP. The Mobility Element should be revised to ensure consistency with the 2030 RTP.

X18-4. In particular, the Referral Map results in increased traffic impacts to SR 94 and SR 188 in the Tecate area because of the higher density commercial and industrial uses proposed. Levels of service (LOS) between Tecate and Jamul decline from LOS A – C in the Draft Land Use Map Alternative to LOS D, E, and F in the Referral Map Alternative. The 2030 RTP does not include any improvements to SR 94 and SR 188 in this area. Also, several roads, including regional arterials in the Valley Center area decline from LOS A – C in the Draft Land Use Map to LOS D and E in the Referral Map.

Land Use Map Alternatives

X18-5. SANDAG supports the adoption of the Land Use Map Alternative that best meets the key goals of the Draft County General Plan document and RCP. Key goals of the RCP that should be considered can be found in the Urban Form, Healthy Environment, and Public Facilities Chapters. More specifically, some of the key goals that should be considered in adopting a land use map include implementation of smart growth (compact development in areas served by urban infrastructure) in the Smart Growth Opportunity Areas identified by the County on the Smart Growth Concept Map, reduction of sprawl and consumption of land, reduction of impacts on the regional transportation system, and preservation of habitat and agricultural areas.

Conservation Subdivision Program

X18-6. The Conservation Subdivision Program, which promotes the clustering of residential development, has numerous benefits including the preservation of local biodiversity, open space, and agriculture/farmland; increased watershed protection; improved recreational opportunities; reduced infrastructure costs; and improved fire protection. The program will facilitate the implementation of the Draft County General Plan and is consistent with RCP goals and policies.

Thank you for the opportunity to provide comments on this project. If you have any questions, please feel free to contact me at (619) 699-1943 or sba@sandag.org.

Sincerely,

Susan Bald

SUSAN BALDWIN
Senior Regional Planner

SBA/vpe

Responses to Letter X 18, San Diego Association of Governments (SANDAG) (Comments on Draft General Plan Update)

X18-1 This comment expresses SANDAG's overall support for the General Plan Update and introduces the more specific topics covered in subsequent comments.

X18-2 The County acknowledges this commitment to facilitate the provision of housing for all income levels and has added the following sentence as part of the background for Guiding Principle 3:

"An economically viable community must also provide housing for all income levels."

X18-3 As discussed in response to comment L4-2 from the SANDAG letter commenting on the General Plan Update DEIR, the County will reevaluated the draft General Plan Mobility Element Road Network and consider changing the classifications as recommended to be consistent with the 2030 SANDAG RTP Unconstrained Revenue scenario for State Routes 67, 76, 78, and 94. However, the County does not concur that the classification for SR-188 should change due to the planned development in the Tecate Sponsor Group Area and the forecast volume on SR-188.

X18-4 The County acknowledges that State Routes 94 (Tecate to Jamul) operates at a higher level of service under the Draft Land Use Map alternative, as compared to the Referral Map (Proposed Project) and that the SANDAG 2030 Regional Transportation Plan (RTP) does not include improvements for these roads in this area. This information will be in the documents made available to the Board of Supervisors when determining which land use map is ultimately adopted.

X18-5 The County appreciates this comment. The goals of the SANDAG Regional Comprehensive Plan (RCP) will be considered when making a final recommendation of the project to the County Board of Supervisors.

X18-6 The County appreciates SANDAG's support of the Conservation Subdivision Program.

Comment Letter X 19, Frankie Thibodeau

Gmail

Frankie Smith <dalabunny@gmail.com>

S.O.R.E.

1 message

Frankie Smith <dalabunny@gmail.com> **Wed, Sep 2, 2009 at 1:34 PM**
Draft To: d.muto.sdcounty.ca.gov

Dear Mr. Muto:

X19-1. My name is Frankie Thibodeau and I am from Boulevard and I fully support and am a member of S.O.R.E.. I also want to know where the justice is in devaluating my property. I moved here in 1980 and my property was zoned for 4 acres then before I knew it it was zoned for 8 acre parcels...at that time I had no idea what a gp2020 plan was, and I accepted the 8 acre parcels and now nearly 30 years later, my property is zoned for one home on 80 acres. Who is going to pay me for the 38 homes that I could have built on my 168 acres? Since your rules and regs along with our local planning group has sold us out to the next highest bidder. I do not use that term lightly. At the end of my road,

X19-2. Roadrunner Lane, there will be a huge complex built by the Border Patrol, 32 acres, the county says it is commercial-rural...Well, I do buy the rural but not the commercial,,,there is about an 8 ft wide strip along # 1 parcel that is commercial, the other is rural, and with that

X19-3. Al Dart got that split because he did not have to have an egress and ingress because it fronted Ribbonwood Rd. one way in and one way out. However, the 32 acres he did divide, the front portion of the parcel was for building and the back parcel was for "open space easement" yet the county and the Board of Supervisors pushed this through without even telling us as neighbors.

X19-4. I spent 65,000 dollars to split my land at the same time that Al Dart split his, also, the Mauris's at the end of Ribbonwood road also tried to split their land at the same time...neither of us has markers where our land is, because the County wanted us to build roads, etc, etc....yet we paid through the nose and nothing for our outlay, how wrong is this? The last thing an engineer does is place markers for your land, guess what...that did not happen. Nor did anything else for us as citizens, yet, the County can say there is no mitigation for a "huge" Border Patrol Station going in so near us all. The County wanted more than 40 acres of my property for mitigation purposes and yet they say the Border Patrol Station will not cause any mitigation problems because around them there is enough

X19-5. scrub, etc, etc, to more than justify no environmental study? The Rabbits, Squirrels, "Big Horn Sheep"what a joke, they don't even exist here. Nor does the Quino Checker Spot Butterfly. How sick are you people at the County? I truly believe that the new Border Patrol Station should build the road down to my property entrance (I live at the end, abutting McCain Conservation Camp) because they will be using it more than ever now that they are nearby. They are always on my property as it is. You cannot believe that it will not create more driving on Roadrunner Lane.

X19-6. Our Planning Boards sold us all out in the Backcountry as well did our Supervisors and the Department of Planning and land use. This is such a crooked deal the GP 2020 Plan that you people are selling us way, way, down the river, our property values will not come back

Comment Letter X 19, Frankie Thibodeau (cont.)

X19-6. cont. for another 30 years and I am already in my 60's. You, the County, the Board of Supervisors and this self serving Planning Board have taken away my grand childrens property as well as my childrens. This is not a general plan...it is plain stealing, the monies I have invested in my property will never be realized.

X19-7. The Roads in Boulevard lead to nowhere, we have three main roads, Olde hwy 80, Ribbonwood Road, and Tierra Del Sol Rd. How about our road infrastructure? I know the County saved over 7 Billion dollars by not doing roads for the Backcountry, is that why they put us into 40-80 and 160 acre parcels? We have no parks, senior citizens places,nothing for the children and guess what? We have nothing for our taxes, not even a decent fire department building...we certainly do not have a Community building... What do we get for our taxes?

X19-8. I believe that you people need to listen to S.O.R.E. and come up with a different plan, I am with them all the way!

Frankie Thibodeau
619-766-9105

Comment Letter X 19, Frankie Thibodeau (cont.)

INSERT DATE 8-24-09

Devon Muto
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste B
San Diego, CA 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

X19-9. The following comments are in response to the Draft EIR released by the County of San Diego on July 1, 2009, for environmental analysis of the General Plan Update.

X19-10. The Draft EIR is inadequate for the purposes of CEQA analysis, as it fails to analyze the significance of impacts resulting from physical changes caused to the environment in light of economic effects.

X19-11. While economic impacts of a project are not considered significant environmental effects under CEQA Guidelines Section 15131, economic impacts can be used to demonstrate the significance of physical changes caused to the environment.

X19-12. In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985), the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. **Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment**." (Emphasis added)

X19-13. Despite this ruling, the Draft EIR for the San Diego County General Plan Update has failed to analyze how the decreased density allowances applied to portions of East San Diego County (physical change to land use) may result in a negative economic impact due to the loss of property values and subsequent taxes levied on said properties.

Until such an analysis is performed and the significance of these impacts accounted for, the Draft EIR has not adequately met CEQA requirements.

Thank you,

Frankie R. Thibodeau

Responses to Letter X 19, Frankie Thibodeau

X19-1 The County acknowledges that the General Plan Update draft Land Use Map recommends a Rural Lands 80 designation on the commenter's three lots (APNs 611-091-07-00, 612-030-01-00, 612-030-19-00), while the current General Plan allows for 8-acre minimum lot sizes. The County disagrees that under the existing General Plan, the three lots could be subdivided in 38 lots. Based on the 8-acre minimum lot size the three parcels could theoretically be subdivided into 20 lots. It should be noted that the commenter applied for a minor subdivision to convert the three lots into four lots and a remainder parcel but the application was disapproved on November 17, 2005 after several years of processing. During the application process numerous constraints were identified that made the project ultimately infeasible.

X19-2 This comment appears to refer to development of Border Patrol facilities, which are being constructed on federally-owned lands and are not part of the General Plan Update. Therefore, no further response is required.

X19-3 This comment appears to be discussing a project to subdivide under the existing General Plan, which is also not related to the General Plan Update. Therefore, no further response is required.

X19-4 This comment appears to be discussing the costs and issues related to subdividing property. The comment is not related to the proposed project and is not an environmental issue under CEQA. Therefore, no further response is required.

X19-5 This comment appears to discuss the failure by the County to require sufficient mitigation on federally-owned land resulting from the construction of a Border Patrol station. The County does not have development review authority on this land; therefore, no further response is provided.

X19-6 The opinion expressed in this comment does not appear to raise a significant environmental issue pursuant to CEQA or include substantial evidence. In addition, the County does not agree with this comment. The proposed project is the result of a community-driven, public process. Higher densities as allowed by the existing General Plan may be continued under the No Project Alternative. Ultimately, the Board of Supervisors will determine which land use map will be implemented. The Board will consider all information in the Final EIR and related documents before making a decision on the project.

X19-7 This comment criticizes the lack of infrastructure and services provided in the Boulevard Community Planning Area. Taxes fund a wide variety of public services, such as law enforcement, fire services, environmental health, medical examiner, etc. Not all public infrastructure and services are funded by taxes or provided by the County. Public infrastructure and services are provided as funding allows and are prioritized in coordination with the community. Rural areas typically generate less funding and as a result, see a commensurate amount of investment in infrastructure and services. Many see this as part of the rural character of these areas. The County appreciates the commenter's input but notes that differing opinions over this

Responses to Letter X 19, Frankie Thibodeau (cont.)

issue exist. Because this comment does not raise an issue regarding the adequacy of the EIR or project, no further response is provided.

X19-8 Please refer to response to comment X19-6.

X19-9 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X19-10 The County does not agree with this comment. There is no evidence that the proposed project will result in an economic impact that will result in an adverse physical impact.

X19-11 This comment paraphrases the CEQA guidelines and does not raise a significant environmental issue for which a response is necessary.

X19-12 Courts have clarified the *Citizens Association for Sensible Development of Bishop Area v County of Inyo* (4th Dist. 1985), 172 Cal. App. 3d 151, to explain that the *Bishop* ruling did not hold that, as a matter of law, physical change must be presumed for the establishment of a retail business. *Friends of Davis v City of Davis* (3d Dist. 2000), 83 Cal. App. 4th 1004. Without some evidence of physical change, CEQA does not require analysis of economic impacts from a proposed project.

X19-13 This comment suggests that the density decreases that will result from the General Plan Update when compared to the existing general plan are physical changes to land use that must be addressed under CEQA. The comment states that there will be an unspecified loss of property value and subsequent taxes levied on properties. This does not provide evidence of a physical impact on the environment, and is not a matter that must be analyzed in a CEQA document.

The County does not agree that the density decreases associated with the proposed project will result in the suggested physical change. CEQA does not allow for a plan-to-plan analysis when determining project impacts, which is how one would derive a change between the proposed project and existing general plan. Instead, CEQA requires a plan-to-ground analysis which is accomplished by evaluating the proposed project against the existing conditions. In the DEIR, the analysis appropriately follows this requirement. Development of the proposed project densities are considered project impacts, even if the proposed project will decrease the overall development yield that would have been allowed under the existing general plan. As a result, the emphasized quote in the preceding comment is not relevant to this issue.

Comment Letter X 20, Valley Center CPG (Draft GP 2)

Valley Center Community Planning Group

General Plan Update Subcommittee

September 24, 2009; 6:00 PM; Library

PROPOSED Minutes

Submitted to members: Sept. 25, 2009; Approved by members: October xx, 2009

1. Call to order and attendance: Rich Rudolf, Brian Bachman, Hans Britsch, Deb Hofler, Sandy Smith, Andy Washburn, Lael Montgomery, Anne Geinzer, and Dennis Sullivan.

   Chair Rich Rudolf called the meeting to order at 6:08.

   Roll was called: Members present: Rich Rudolf, Hans Britsch, Lael Montgomery, Ann Geinzer, Deb Hofler (arriving at 6:10), Andy Washburn, and Dennis Sullivan. Absent: Sandy Smith (excused), and Brian Bachman (excused).

   Quorum established: 6, then 7 of 9 members.

   Non-members present: Jon Vick, Paul Herigstad.

2. Approval of September 10, 2009 Minutes.

   Motion to approve the Proposed 9/10/09 Minutes as revised (four typos, add Sandy's comments, add Lael's Ag submittal) was made by Andy Washburn made and seconded by Anne Geinzer. Passed (voice vote): 7-0-0.

3. Open forum.

   X20-1. Anne Geinzer announced that she would be meeting with Cheri McGee, Director of Transportation, Valley Center-Pauma Unified School District, on October 25 to learn more about school bus stop issues.

4. Review of VCCPG Comments on Draft GPU, DPLU responses, and Revised Draft GPU for potential Recommendations to VCCPG, for Comments on the Revised Draft GPU. Focus on Noise, Housing, Safety, Land Use, Mobility; try to wrap up.

   Members briefly discussed the Housing Element: no action taken.

   Hans Britsch presented and members discussed proposed responses to DPLU's revised Draft GPU Safety Element.. Motion to approve the resulting comments (Attachment A) was made by Andy Washburn and seconded by Rich Rudolf. Passed (voice vote): 7-0-0.

   Members reviewed Lael Montgomery's and Dennis Sullivan's comments and discussed proposed responses to DPLU's revised Draft GPU Land Use Element. Motion to approve the resulting comments (Attachment B) was made by Andy Washburn and seconded by Deb Hofler. Passed (voice vote): 7-0-0.

   Members reviewed Anne Geinzer's comments and discussed proposed responses to DPLU's revised Draft GPU Mobility Element. Motion to approve the resulting comments (Attachment C) was made by Lael Montgomery and seconded by Dennis Sullivan. Passed (voice vote): 7-0-0. Motion to add comment recommending removal of the Road Classifications information from the General Plan (Tables M-1a, M-1b, and M-2) made by Lael Montgomery and seconded by Dennis Sullivan.. Passed (voice vote) 6-1-0 (Geinzer).

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

5. Possibly establish additional meeting date(s), perhaps joint meetings with Mobility Subcommittee.

   Chair Rich Rudolf indicated the need to schedule additional meetings to meet DPLU's "mid-October" deadline for Draft GPU input. He indicated that the VCCPG Chair agreed that subcommittee may forward comments on the Draft GPU to DPLU directly with a "subject to VCCPG ratification" qualification. He reported on the responses to his email request for member and Circulation Subcommittee member availability. After discussion, October 6, 13, and 15 were selected as likely meeting dates.

X20-1. cont.

6. Adjourn.

   Motion to adjourn was made by Rich Rudolf and seconded by Hans Britsch. Passed (voice vote) 7-0-0.

Next scheduled meeting: TBD, but likely Tuesday, October 6, 2009: 6:00 PM; Library Seminar Room.

Attached files: Data Table Averages.doc, Ag Impact Ground Study GPU-VC.doc

Respectfully submitted by Andy Washburn, Secretary.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

Attachment A – Comments on Safety Element

X20-2. **Comment 1:**
Policy S-1.1: Valley Center map is inconsistent with this policy.

X20-3. **Comment 2:**
Policy S-3.5: Remove "when necessary." Keep "Secondary Access."

X20-4. **Comment 3:**
Table S-1: Replace travel times with response times, which is a more appropriate measure.

Attachment B – Comments on Land Use Element

Comment 1:
General Comment: We commented previously on a peculiar usage that occurs in the Draft GPU but not consistently which makes it even more confusing. For example:

X20-5. "Goal LU-5. Climate Change and Land Use. A land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health."

DPLU misinterpreted our comment last time. Our point has nothing to do with stating a goal as the desired end state. Rather, the point is a point of usage that obscures the meaning. The usage makes it sound like the goal of the land use element (which is itself a plan) is "a plan." Is it? Think about it. Goal LU-5 is not a plan. The goal is the end state that the plan produces. Goal LU-5 might better read: "Development techniques and patterns that reduce …." and so forth. This usage occurs sporadically and inconsistently throughout the document. The usage is inconsistent.

X20-6. **Comment 2:**
Policy LU-1.4: Remove "which is inconsistent with the Community Development Model and Community Plans." By definition all leapfrog development is inconsistent with the Community Development Model.

X20-7. **Comment 3:**
Table LU-6 (fourth bullet): Replace "respects and enhances" with "is consistent with." The words "consistent with" have been replaced throughout this document with "respects and enhances." This change undermines goals and policies that are intended to protect a community's particular character. Consistency denotes similarity, harmony. The meaning of "respects and enhances" is anybody's guess. What is the rationale behind this change?

X20-8. **Comment 4:**
Policy LU-1.6: Add additional bulleted item: Village expansion shall not occur until the existing boundaries are built out.

X20-9. **Comment 5:**
Policy LU-1.7: Remove "the primary." Adding "the primary" sanctions the influence of adjacent land uses.

X20-10. **Comment 6:**
Policy LU-2.1: Delete "consistent with the General Plan." Adding "consistent with the General Plan" is either unnecessary or a way to prevent Community Plans from being more restrictive than the General Plan.

X20-11. **Comment 7:**
Policy LU-2.4: Change "Identify and maintain greenbelts…" to "Protect existing and establish new greenbelts…" The intent is to prevent communities from running together.

X20-12. **Comment 8:**
Policy LU-2.7: Change "minimize significant impacts" to "minimize impacts."

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

Comment 9:

X20-13. GOAL LU-5: There is a usage peculiarity here. The plan is NOT the goal. The desired end state is the goal. (Otherwise the goal is met with the approval of the plan. Obviously, this is not the intent.)

Comment 10:

X20-14. GOAL LU-5: A number of Goals and Policies in this General Plan, particularly under the Housing Element, and a great number of Programs and Actions outlined in the Implementation Manual are inconsistent with this goal.

Comment 11:

X20-15. GOAL LU-5: Add policies that:

1. Retain, establish and maintain vegetation and landscaping in Village and Semi-Rural areas, and along County and private streets and roads. Urban and suburban forestry will be important to reducing greenhouse gas emissions.
2. Require all new development, especially dense development, to cool, refresh and soften buildings with vegetation and landscaping.
3. Do NOT eliminate requirements for group and/or individual open space and landscaping, and/or recreational space in Village projects in return for affordable housing.

Comment 12:

X20-16. Policy LU-5.3: Change "agricultural lands" to "agricultural and animal husbandry lands."

Comment 13:

X20-17. Policy LU-5.5: Change "bicycle and" to "bicycle and equestrian use and.."

Comment 14:

X20-18. GOAL LU-6: Change "balance" to "harmony." The concept of balance sounds good, but it is meaningless, and maybe even dangerous in this context. What is being balanced, or made equal? Acres of habitat with acres of asphalt? Where? Acres of asphalt in Valley Center balanced by acres of new oak twigs planted in east overshoot? The concept of balance misconstrues the fundamental point of sustainability which is to ensure the future of life. It's not "balance" that we seek.

Comment 15:

X20-19. Policy LU-6.3: This policy needs to include the two-fold purpose of conservation-oriented design: to preserve an individual site's natural assets by prioritizing and designing around them, and to preserve in the community as a whole -- by linking-together preserved areas of individual projects -- stretches of open space in order to create an interconnected network.

X20-20. County Planning documents need to discuss what conservation is, how it relates to the idea of "preservation" and how areas that need to be preserved are to be prioritized. (Conservation in this context is NOT about conserving asphalt by building shorter streets and conserving electrical wire by shorter runs. The intent to preserve/conserve the natural world -- because it sustains all life -- needs to be made explicit in a document that has a lot more weight than the Zoning Ordinance.)

X20-21. This comment was included in our comments on the first draft of the GPU. The response was that "detail will be developed as part of implementation." Look in the Implementation Plan. There's no section in the Implementation manual that corresponds exactly with the Land Use Element, which is Chapter 3. The matrix in Section 1.2.2B in the Implementation Plan refers broadly to amending the Subdivision Ordinance and refers to LU6-2, 6-3 and 6-4. Where is the promised detail?

Comment 16:

X20-22. Policy LU-6.10: Change "Assign land uses and densities in a manner that minimizes development" to "Minimize development."

Comment 17:

X20-23. Policy LU-6.10: Change "very high and high hazard" to "extreme, very high, and high hazard."

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-24. **Comment 18:**

Policy LU-6.10: None of the four Land Use Designation maps conforms to this policy.

X20-25. **Comment 19:**

GOAL LU-7: Change "A land use plan that retains and protects" to "Retain and protect." Again, we have the usage problem that confuses the plan that achieves a desired end state with the desired end state itself. The goal is not "a plan that…" -- is it?

X20-26. **Comment 20:**

GOAL LU-7: Too much land has been converted to semi-rural development to retain or protect much farming in San Diego County. Where is the research that underlies the assertion that reduction in parcel size will preserve, instead of destroy, agriculture? In Valley Center, a ground-verified Google (2006 photo) study refutes the claim that subdivided properties (the ones listed as the basis for the County study) have retained agriculture. Not true. Agriculture is almost entirely gone.

The Data Table Averages - Impact to Agricultural Lands (See attached file: Data Table Averages.doc) is a County document that asserts that agriculture on these subdivided parcels has been preserved. These data have been put forward as the basis of the County claim in the GPU and its EIR that the future of agriculture in San Diego County will be advanced by subdivision BECAUSE agriculture remains on subdivided parcels.

The second document shows the subdivisions from the County list that are located in Valley Center and shows a Google Earth (2006) photo of each of them. (See attached file: Ag Impact Ground Study GPU-VC.doc) In early July, each of these sites was visited to see how closely the Google Earth photograph from 2006 reflected the current conditions.. Photographs of each place were taken. Although a tiny bit of healthy agriculture remains on a few of the subdivided parcels – as of July 2009, most of this agriculture is gone.

These data appear to refute the County's assertion that agriculture remains on subdivided parcels.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

Photo Captions for Google Earth Studies of Ag Lands in VC

These subdivided properties in Valley Center were used by the County as data to support the assertion that agriculture in San Diego County is preserved when property is subdivided. (See County Document "Impact to Agricultural Lands" – attached). These Google images (2006) in most cases indicate that this is NOT the case. Google data were ground-truthed and properties photographed in July 2009. Notes are below.

X20-26. cont.

#1 Cole Grade and St. Georges Lane

Cole Grade is on left N-S; St George's lane is E-W middle of the frame. I think the 4 parcels north of St. George's lane are the ones. Current condition is about what this photo shows.

#3 Mountain Ridge and Megan Terrace

Current condition of the ag has deteriorated significantly from this image.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-26. cont.

#4. Jana Lane and private road

The ag in the red circle looks pretty good. The rest is dead or dying.

#5 & #6 West Oak Glen @ West Oak Glen Way, and @ Rivoli

West Oak Glen Road runs W-E across the top/north. The subdivisions are south of West Oak Glen.

5.) West Oak Glen and West Oak Glen Way

West Oak Glen Way is a short street leading via an oval access street to the homes in the subdivision. The Google view of this area shows substantial citrus on these residential properties. This does NOT reflect the current condition in this subdivision. Most of this agriculture has disappeared or is disappearing. See photo.

6.) West Oak Glen and Rivoli

Rivoli runs N-S (vaguely) east of West Oak Glen Way. The Google shot accurately reflects the current condition. No ag here.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

#7. Millco and Cole Grade Road

Cole Grade is N-S. Millco Lane runs E-W across Cole Grade. The subdivision is west of Cole Grade. The Google shot reflects the current condition.

X20-26. cont.

 # 8. Sage Meadow and Miller

Current condition of ag in this subdivision is about the same as the Google image. One property looks good, most of the rest are deteriorating, or gone.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-26. cont.

#9. Wilkes Road and Atchison Way

About ten years ago, an active orange grove was subdivided into seven parcels. Homes were built on six of the parcels. Several rows of oranges were kept along many parcel boundaries.*The seventh parcel remained an active orange grove. About a year ago, the interior of the seventh parcel (the northwest-most parcel) was cleared and a horse corral was built.* Other than the seventh parcel, the orange trees that were left after the subdivision and home-building remain there today. The 7th parcel is the one at the top.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-26. cont.

Impact to Agricultural Lands						
Location	Community	Land Use Designation	# of Lots	Average Lot size	Direct % Converted	Indirect % Converted
North Avenue & Private Road	N. County Metro	SR-1	4	1	75%	80%
Cole Grade Road & St. Georges Lane	Valley Center	SR-1	4	2	30%	65%
Mountain Ridge & Megan Terrace	Valley Center	SR-4	18	2	20%	25%
		Average Converted 2 Acre Lots			25%	45%
Jana Lane & Private Road	Valley Center	SR-1	4	2.2	25%	50%
West Oak Glen Road & West Oak Glen Way	Valley Center	SR-2	16	2.2	35%	40%
Chateau Montelena & Chateau Lafite	Bonsall	SR-2	16	2.2	25%	50%
		Average Converted 2.2 Acre Lots			28.33%	46.66%
West Oak Glen Road & Rivoli Road	Valley Center	SR-2	12	2.25	75%	99%
Millco Lane & Cole Grade Road	Valley Center	SR-2	8	2.5	50%	60%
Sage Meadow Lane & Miller Road	Valley Center	SR-2	32	2.5	20%	35%
Mesa Lilac & Jones Way	Bonsall	SR-10	4	2.5	25%	30%
Eagle Mountain Road & Disney Lane	Bonsall	SR-4	8	2.5	20%	50%
		Average Converted 2.5 Acre Lots			28.75%	43.75%
Wilkes Road & Atchison Way	Valley Center	SR-4	7	2.75	25%	30%
Vista de Lomas & Chateau St. Jean	Bonsall	SR-4	30	4.5	11%	20%
Rainbow Hills	Pala Pauma	SR-10	5	11.9	10%	15%

* A number of SR-20 designated properties were reviewed; however when those properties appeared to have homes, only a small percentage of agricultural lands were disturbed (5%-10%). In general it appears that SR-20 properties are utilized as agriculture.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-27. **Comment 21:**
Policy LU-7.1: A definition of agriculture (that includes animal husbandry) is required, either here or in the Glossary. Either here, or in Goal LU-10 and its policies, many more policies are needed to provide authority and guidance for implementing ordinances and other documents that deal with activities and uses that will strengthen continued agricultural uses (in the broadest sense) and provide policy guidance for whether activities such as outdoor entertainment venues, equestrian facilities, wedding chapels, etc., are allowable.

X20-28. **Comment 22:**
Policy LU-7.2: There is no justification for this policy. Parcelization will NOT "retain and protect farming and agriculture" nor will it be an incentive for agriculture.

X20-29. **Comment 23:**
Villages and Town Centers: CONTEXT (second paragraph): Why "under ideal circumstances?" Is the village concept that underlies the entire GP an "ideal" circumstance (as opposed to a "real" circumstance)?

X20-30. **Comment 24:**
GOAL LU-9: Too vague and lacking the concept of "compact." (Do you mean well-defined, well-planned, and well-developed?)

X20-31. **Comment 25:**
Policy LU-9.1: Regarding "Prepare master plans to encourage more detailed planning…", edit for clarity.

X20-32. **Comment 26:**
Policy LU-9.2: Again, this usage sounds like direction for the plan and not the plan's direction for the future.

X20-33. **Comment 27:**
Policy LU-9.3: What is the "implementation" of Design Guidelines? Do you mean enforcement? Or "creation? Or what?

X20-34. **Comment 28:**
Policy LU-9.3: Delete "Such mechanisms should" (What if they don't?) Why not simply…Require new development to be in accord with a community's Design Guidelines and/or consistent with the scale and character of Village neighborhoods that the community envisions. (The language "respects and enhances" is meaningless from a regulatory perspective.)

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-35. **Comment 29**:
Policy LU-9.4: "sized for the intensity of development allowed by the Land Use Map" implies that infrastructure that will be necessary at build-out (which could be 30 years from now) should be created now. (Or should it be planned now?) How about "Plan, prioritize and phase infrastructure improvements and public facilities to accommodate the intensity of development allowed on the Land Use Map.

X20-36. **Comment 30**:
Policy LU-9.5 This is confusing because the land use map delineates uses, intensities and densities, doesn't it?

X20-37. **Comment 31**:
Policy LU9-6: What are "secondary" commercial districts and corridors? Do you mean "existing?" The use of "secondary" seems to invite new exceptions to the stated policy.

X20-38. **Comment 32**:
Policy LU9-7: What is the meaning of "Utilize Design Guidelines to "respect and enhance" the unique character of the community?" Rewrite: "Refer to and enforce Design Guidelines that have been prepared to protect the unique character of each community."

X20-39. **Comment 33**:
Policy LU-9.12: To simply mandate density targets -- without mandating good design, creating standards for good design and training regulatory staff in the principles of good design -- is a recipe for disaster. This is a very significant problem with this General Plan and its Implementation Manual, particularly for Village development and for Conservation Subdivisions. Without trained urban planners and designers, architects and landscape architects to review site plans, architectural elevations and detailing on staff – the extreme dependence of this General Plan on "design" is an empty promise that will never be realized.

X20-40. **Comment 34**:
GOAL LU-10: The goal and policies (LU10.1-LU10.4) provide virtually no guidance for the development of semi-rural and rural properties. This section needs more thought. Semi-rural and rural designations need to be differentiated. Goals and policies for each designation need to be fleshed out. The Community Development Model differentiates semi-rural from rural lands. Land Use Goals and Policies for each designation should, at the very least, refer to other GP Elements or to Community Plans? Are community plans expected to fill in the gaps?

X20-41. **Comment 35**:
Policy LU 10.4: Either here, or in Goal LU-7 and its policies, many more policies are needed to provide authority and guidance for implementing ordinances and other documents that deal with activities and uses that will strengthen continued agricultural uses (in the broadest sense) and provide policy guidance for whether activities such as outdoor entertainment venues, equestrian facilities, wedding chapels, etc., are allowable.

X20-42. **Comment 36**:
Policy LU-11.1: Too vague. To what does "whenever feasible" refer to? Location? Connectivity? Accessibility?

X20-43. **Comment 37**:
Policy LU11.2: Again, "respect and enhance" have nebulous meaning in the regulatory lexicon.. Why not, "Require that commercial, office and industrial development be located, scaled and designed to be CONSISTENT with the unique character of the community."

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

Comment 38:

X20-44. Policy LU-12.2: Require new small-lot and multi-family residential development to provide for the open space needs of its residents. Mandates for affordable housing should NOT eliminate requirements for on-site recreational open space, landscaping and other amenities. Density that eliminates landscaping, recreational areas and other amenities is a "bonus" to the developer; but, obviously, it's no bonus to the community which then has to provide to residents what development does not. Or suffer the truly unappealing consequences of building inhospitable human habitats.

Attachment C – Comments on Mobility Element

Comment 1:

X20-45. General Comment: Many of the good-sounding principles are not borne out on the Mobility Map. There are multiple references throughout the document to the importance of an interconnected network of local public and circulation roads. The most glaring omission in the GPU is that neither the map nor the chart even comes close to providing a network of interconnected roads. Instead, "band-aids" are included where "stitches and a cast" are required.

Comment 2:

X20-46. County Road Network: CONTEXT: Add bulleted item: Casino traffic from Orange County and Riverside County enters the County along Interstate 5 and Interstate 15, then along State Routes 78 and 76 to the Pala-Pauma Valley-Valley Center Area.

Comment 3:

X20-47. County Road Network: CONTEXT: Road Classifications (second paragraph: "Flexibility exists…"): Goals M-1 through M-4 and implementing Policies establish a framework for the Mobility Element Map, and establishment of Road Classifications and a "Road Standards" document, outside the General Plan. The description here on page 4-7 does not reflect the lack of flexibility in the current Road Standards (nor the currently proposed revisions). The reference to possible future "community specific road standards" is particularly ironic, since the same language has been in the Valley Center Community Plan for years; has been the basis for continual requests for development of such standards; and they still do not exist.

X20-48. General Comment: Much of the text under "County Road Network" (pp.4-4 through 4-11, including Tables M-1a and 1b and M-2 appears to be appropriate for the DPW website, or a rehash of the contents of the County Road Standards Manual. It is much too detailed to be in the General Plan.This subject requires high level policy guidance as the foundation for lower-level implementing documents,such as the Road Standards Manual. A better treatment would be similar to removal of the Community Trails Master Plan from the General Plan, replaced by Goals and Policies requiring its creation, funding and implementation, and the independent adoption of the CTMP (similar to the current, independent adoption of the Road Standards).

X20-49. There appears to be no textual connection between any Chapter 4 Goals and Policies and the adoption of the Mobility Map (buried in an Appendix, yet asserted to be part of the General Plan).

Comment 4:

X20-50. County Road Network: CONTEXT: Road Classifications (second paragraph: "Flexibility exists…" last three sentences): Add references to school buses, school districts, and school bus stops in the right-of-way in rural areas.

Comment 5:

X20-51. County Road Network: CONTEXT: Road Classifications (third paragraph: "These road…" last two sentences): The term "rural conventional highways" is undefined, with no apparent relationship to the the following detailed description of road classifications. Nor is the term "Clear Recovery Zone." This is a detailed point that does not belong in the General Plan. In addition, this should not, and quite possibly, could not be applied in Valley Center.

Comment Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-52.	**Comment 6:** County Road Network: CONTEXT: Road Classifications (Tables M-1a, M-1b, and M-2): Remove from General Plan. Replace with a reference to the "current" Roads Standards.
X20-53.	**Comment 7:** Bicycle, Pedestrian, and Trail Facilities (throughout introduction, goals, and policies): Use parallel language: "bicycle, equestrian, and pedestrian…"
X20-54.	**Comment 8:** Policy M-11.4: Delete "and ensure that Village development incorporates these networks where applicable."

Responses to Letter X 20, Valley Center CPG (Draft GP 2)

X20-1 This is the minutes of the Valley Center Community Planning Group (CPG) meeting which endorsed the CPG's comments on the draft General Plan. Responses to these comments are provided below as X20-2 through X20-54.

X20-2 This comment makes a general statement that the proposed project land use map for Valley Center is inconsistent with Safety Element Policy S-1.1, Land Use Designations; however, specific information as to where the map is inconsistent is not provided. By separate correspondence, the County has received the Valley Center Community Planning Group's preference for the Land Use Map and this will be made available to the Board of Supervisors when determining which land use map to adopt.

X20-3 The County does not agree with the recommended changes to Safety Element Policy S-3.5. The phrase "when necessary" should remain because there are instances when additional access to a development may not be necessary, especially in very small developments. In addition, the word "secondary" is not necessary to be included in the policy text as the word "additional" is included.

X20-4 The County disagrees with replacing "travel times" with "response times" to Safety Element Table S-1. Although "Response Time" may be a more accurate measurement, there are currently no documented or published standards for response time. Furthermore, there is no agreement in the fire community on what the appropriate response time should be; suggested response times fluctuate not only between districts, but also between fire stations. Travel Time requirements have been in place for a number of years and there are national standards available to estimate the time (NFPA 1142 Table C.1.11(b)). Until standards are developed and agreed upon by the fire community, the County must continue to rely on the travel time measurement. The text below has been added to draft Safety Element Policy S-6.4 to better explain the rationale for using travel time over response time.

<u>Travel time is based on standards published by the National Fire Protection Association. Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. It is not known if any county has formally adopted NFPA 1710 and/or 1720 as a standard. Total Response Time (NFPA 1710/1720) is calculated as time the Public Safety Answering Point (PSAP) receives the emergency call, transfers it to fire communications, the alarm is processed and transmitted to responders, responders "turnout", plus travel time to the scene to initiate action. The use of response time for determining adequate service is problematic in the unincorporated County because it is subjective and varies from department to department, station to station and work shift to work shift. Reflex time (the amount of time from when the call is received by the station to when the engine leaves the station) can vary from one to three minutes. The use of travel time, as calculated by using NFPA 1142, allows us to be consistent across the County in determining adequate response, regardless of the district.</u>

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-5 Generally, the County does not concur with changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were vetted with the General Plan Update Steering Committee; and any changes would not be consistent with the consensus which came out of this advisory group.

X20-6 See response to comment X20-5 above.

X20-7 Policy LU-1.6 Village Expansion (fourth bullet) has been changed to replace "respects and enhances" with "is consistent with," as recommended since "respects and enhances" was inserted without coordinating with the Steering Committee.

X20-8 See response to comment X20-5 above.

X20-9 See response to comment X20-5 above.

X20-10 See response to comment X20-5 above.

X20-11 See response to comment X20-5 above.

X20-12 See response to comment X20-5 above.

X20-13 See response to comment X20-5 above.

X20-14 This comment implies that draft Land Use Element Goal LU-5, Climate Change and Land Use, is not consistent with goals and policies of the draft Housing Element and programs and actions outlined in the draft Implementation Plan; however, the specific inconsistencies are not identified. As a result, no changes to the draft General Plan has been made as a result of this comment.

X20-15 See response to comment X20-5 above.

X20-16 See response to comment X20-5 above.

X20-17 See response to comment X20-5 above. It should be noted that specific policies that address equestrian facilities/routes may be proposed by the commenter within the Valley Center Community Plan.

X20-18 See response to comment X20-5 above.

X20-19 The County acknowledges that draft Land Use Element Policy LU-6.3, Conservation-Oriented Project Design, focuses on conservation-oriented design for a single site, and the policy language is limited in regards to linking together the preserved areas of individual projects to create an interconnected network. However, linking open space to create an interconnected network is addressed in the draft Rural Design Guidelines, which have been developed to implement the Conservation Subdivision Program. Under Step 4, Conceptual Site Planning, Identifying Areas for Avoidance (Open Space), one of the requirements identified is to "Create the maximum amount of connectivity between on-site and off-site resource areas."

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

In addition, linking open space is further addressed in policies in other General Plan Elements, such as draft Conservation and Open Space Policies COS-11.3, Development Siting and Design, which requires "creation of contiguous open space networks" and COS 6.2, Protection of Agricultural Operations, which has the objective to "retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process."

X20-20 The County does not agree with this comment. Conservation is clearly described in the Introduction section of the Conservation and Open Space Element.

X20-21 While the draft Implementation Plan does not specifically address linking open space within a community, the Rural Design Guidelines, which are included in the draft Implementation Plan as measure 3.1.4.C Design Guidelines in Semi-Rural and Rural Lands, specifically address linking open space. See also response to comment X20-19 above.

X20-22 Generally, the County does not concur with changes to the Land Use Element goals and policies this late in the planning process. See also response to Comment X20-5 above.

X20-23 Draft Land Use Element Policy LU-6.10, Protection From Wildfires and Unmitigable Hazards, has been amended with the addition of "extreme" to make it more consistent with the Safety Element terms for fire threat areas, as recommended.

X20-24 The County disagrees that none of the General Plan Update land use map alternatives conform to draft Policy LU-6.10. The General Plan Update land use map alternatives balance consideration for all General Plan Update Guiding Principles, which includes Guiding Principle #5, Ensure that development accounts for physical constraints and natural hazards of the land.

X20-25 See response to comment X20-5 above.

X20-26 The General Plan Update and DEIR do not make any assertions that a reduction in parcel size will preserve agriculture. The County's analysis demonstrates that agricultural losses are inevitable when agricultural lands are subdivided and developed. While smaller lots may in some cases provide for more viable agricultural operations, the development of a house, yard, driveway and accessory structures will decrease the overall land in production.

The Data Table Averages – Impact to Agricultural Lands document was developed through the analysis of aerial photographs. The analysis was conducted to determine impacts to agricultural lands by various size/density subdivisions. Pre- and post-development aerial photographs of subdivisions on lands that were historically agriculture were reviewed to determine how much agricultural land was directly converted and indirectly converted over the preceding years. Direct conversion was the loss of agriculture from the initial clearing and development for the homes and associated improvements. Indirect conversion was additional

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

clearing not directly necessary for the home and driveway. In many cases, indirect conversion of the agriculture occurred over time. Percentages were roughly approximated. The General Plan Update and DEIR did not use the Data Table Averages - Impact to Agricultural Lands document to draw any conclusions with regard to agricultural preservation; in contrast, the document was used to determine an average of 1.5 acres of impact per parcel when agricultural lands are subdivided.

The Google Earth (2006) photos submitted in conjunction with the Valley Center Community Planning Group's (CPG) comments all contain some visible amount of agriculture resources; while the July 2009 site visits purport that most of this agriculture is gone, indicating a significant amount of indirect conversion over the past three years. In contrast to the County's analysis, the Valley Center CPG impact analysis does not consider the direct conversion of agricultural lands by subdivisions; but rather, the overall impact of direct and indirect conversion of agricultural lands. It is important to note that indirect conversions cannot be solely attributed to the subdivision of land. Economic viability, natural occurrences such as drought and wildfire, and property owner's personal lifestyle choices can contribute to indirect conversion of agriculture over any given period of time. The County's analysis is intended to determine the reasonably foreseeable impacts to agricultural land. Assuming all subdivided agricultural land is 100 percent converted is not a reasonably foreseeable conclusion.

X20-27 The County disagrees that animal husbandry should be specifically identified either in Policy LU-7.1, Agricultural Land Development, or in Goal LU-10, Function of Semi-Rural and Rural Lands. In both instances, the term agriculture is included in a general sense and is intended to apply to all forms of agriculture, including animal husbandry. Specifically calling out "animal husbandry" is unnecessary. In addition, the County does not concur with changes to the Land Use Element goals and policies this late in the planning process. See also response to Comment X20-5 above.

X20-28 The County does not agree with this comment, which opposes draft Land Use Element Policy LU-7.2. No evidence or reasoning is provided to support the comment; therefore, a more specific response cannot be provided. However, it should be noted that the intent of the policy is to provide economic value through subdivision of small lots, while preserving the remaining land for agriculture. This will encourage landowners to retain agricultural uses, rather than losing all the land to subdivision. See also response to comment C1-18.

X20-29 The first sentence of the second paragraph of the Villages and Town Centers section of the draft Land Use Element , under the "Context" subheading has been revised to remove the wording "under ideal circumstances", as recommended.

X20-30 Draft Land Use Element Goal LU-9, Distinct Villages and Community Cores, has been revised to clarify the intend by adding "well-" before "planned" and "developed", as well as "defined".

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-31 Draft Policy LU-9.1 Village and Community Core Planning has been revised to delete the text "prepare master plans to" to make the policy more clear and retain the original intent of the policy as reviewed by the General Plan Update Steering Committee.

X20-32 Draft Policy LU-9.2 Density Relationship to Environmental Setting is intended to provide direction for the General Plan, as implied in the comment, along with any proposed General Plan Amendments. Therefore, no changes have been made to this policy.

X20-33 See response to comment X20-5 above.

X20-34 Draft Policy LU-9.3 Village and Community Core Guidelines and Regulations has been revised to delete "such mechanisms should" from the beginning of the second paragraph, as recommended.

X20-35 The County does not agree with this recommendation. Generally, the County does not concur with changes to the Land Use Element goals and policies this late in the planning process. These goals and policies were closely vetted with the General Plan Update Steering Committee and any changes would not be consistent with the consensus which came out of this advisory group.

X20-36 Draft Policy LU-9.5 Village Uses has been revised to delete "Village" before "development of distinct areas", to clarify the policy and retain the original intent as reviewed by the General Plan Update Steering Committee.

X20-37 See response to Comment X20-5 above.

X20-38 Draft Policy LU-9.7 Town Center Planning and Design has been revised to replace "respect and enhance" with "be compatible with," to clarify the policy and retain the original intent as reviewed by the General Plan Update Steering Committee.

X20-39 The County appreciates the concerns expressed in the comment that implementation of the General Plan Update requires planners trained in urban design; however, does not agree it is necessary to change draft Policy LU-9.12 Achieving Planned Densities in Villages. The County is committed to providing staff and resources to ensure that design principles expounded by the General Plan Update are realized.

In addition, draft Policy LU-9.12 has been revised to replace "ensure that future residential development achieves" with "<u>encourage future residential development to achieve</u>."

X20-40 The County acknowledges that draft Land Use Element goals and policies under the "Semi-Rural/Rural Lands" subheading provide only general guidance, as this is a countywide document. Providing supplemental policies in community plans is recommended for communities where additional guidance is desired.

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

X20-41 Draft Conservation and Open Space Element Policies COS-6.1 and COS-6.2 encourage the expansion of agricultural uses. These policies will be implemented through revisions to the Zoning Ordinance (see draft Implementation Plan measure 5.3.1.G Agriculture-Related Businesses).

X20-42 The County disagrees that draft Policy LU-11.1, Location and Connectivity, is too vague. The intent of the policy is to provide clear direction regarding where to locate commercial, office, and industrial development. However, the policy recognizes that providing connectivity and accessibility depends, at least in part, on existing development patterns. Existing conditions may sometimes prevent strict application of the policy.

X20-43 Draft Policy LU-11.2, Compatibility with Community Character, has been revised to replace "respect and enhance" with "be compatible with," to clarify the policy and retain the original intent as reviewed by the General Plan Update Steering Committee.

X20-44 The comment refers to Policy LU-12.2; however, the content of the comment does not appear to be related to this draft policy. The concerns raised in the comment relate to whether new, small-lot multi-family residential development would have sufficient open space and amenities. This may be referring to draft Policy LU-9.12, Achieving Planned Densities in Villages. Though the language in this policy does not specifically mention open space or amenities, these issues are better addressed in draft Housing Element Policy H-2.2, Projects with Open Space Amenities in Villages, which requires such projects to include amenities and common open space areas.

X20-45 The County acknowledges that the draft Mobility Element does not include the complete public road network because local public roads are only provided under special circumstances, as explained in the last paragraph of under the "Road Classifications" subheading. The intent is for the County to work with communities to update community plans to identify local public roads, along with emergency egress roads, to supplement the Mobility Element network and together achieve a comprehensive network.

X20-46 The County disagrees that a separate bulleted item is necessary in the draft Mobility Element in the County Road Network section under the "Context" subheading that identifies where casino traffic enters the County. While it may be important to address this in some community plans, the General Plan already identifies routes in which traffic enters the County. The County does not agree that casino traffic needs to be identified separately.

X20-47 The County disagrees that the County Road Standards should drive the language of the General Plan since the Road Standards are an implementing document to the General Plan. The County is currently revising these Standards and flexibility has been a major consideration in the revised Standards. In addition, since the draft General Plan and DEIR were circulated for public review, the County has been awarded a planning grant from the State Department of Transportation to prepare

Responses to Letter X 20, Valley Center CPG (Draft GP 2) (cont.)

community-specific Road Right-of-Way Development Standards for the Valley Center community.

X20-48 The County does not agree that the Mobility Element road classifications should be removed from the General Plan, or that they are presented with too much detail. The information presented in Tables M-1a, M-1b, and M-2 are general in nature; primarily providing a general description of the classification, the number of travel lanes, and the range of right-of-way requirements. The County Road Standards provide much more detail. The information provided in the General Plan in Tables M-1a, M-1b, and M-2 establishes the framework for the Road Standards to implement.

X20-49 The County disagrees that there is "no textual connection" between the Mobility Element goals and policies and the Mobility Element network map. For example, draft Policy M-3.1, Public Road Rights-of-Way, specifically refers to the Mobility Element roadway network. Policy M-3.1 has been amended with the addition of "(see Mobility Element Network Appendix)" after "Mobility Element roadway network" to provide additional clarity. In addition, the County intends to relocate the Mobility Element road network maps and matrices to community plans, after the community plans are updated. This will give the road network a more prominent location.

X20-50 The third sentence of the second paragraph under the "Road Classifications" subheading in the draft Mobility Element has been amended with the addition of "<u>or school district</u>" after both "regional transit" and "transit district".

X20-51 The third sentence of the third paragraph under the "Road Classifications" subheading in the draft Mobility Element has been revised to add "<u>with at-grade intersections and</u>" after "rural conventional highway." Further clarification of "clear recovery zone" has not been provided, other than the clarifying sentence at the end of the paragraph. In addition, a reference to Caltrans has been added to distinguish its preferences from the County road classifications.

X20-52 The County disagrees with removing Tables M-1a, M-1b, and M-2, as discussed in response to comment X20-48 above.

X20-53 The County disagrees with the use of the parallel language: "bicycle, equestrian, and pedestrian" throughout. The goals and policies are distinguished between bicycle and pedestrian (Goal M-11) and County Trails Program (Goal M-12), which includes equestrian modes of travel.

X20-54 Draft Policy M-11.4, Bicycle Network Connectivity, has been revised as recommended with the deletion of "and ensure that village development incorporates these networks where applicable" since this language was redundant in the policy.

Comment Letter X 21, Gene Vick

August 27, 2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

San Diego County has been trying for years to update their General Plan. This latest push (GP2020) is another example of the Horse built by Committee.

Bureaucrats down town take little time to really understand what the folks in the rural areas need or want. They rely heavily on the less than capable Community Planning Groups to provide the requisite input, disregarding the citizens most likely to be impacted by changes in the General Plan.

The truth is, Community Planning Groups operate on their own agenda, often with little regard for the communities they represent. Every election brings folks with different ideas about how any particular community ought to look.

X21-1.

My gripe with the proposed General Plan Update is the Down Zoning that takes place. It's unfair (and maybe illegal) to change the zoning on somebody's property, especially if they've owned it for years with the intent of splitting it and developing all or parts of the split. That's just plain stealing land.

If I'm negatively impacted by the General Plan Update with regard to my property owners rights, I will seek compensation from the County for the losses I suffer.

Please take another look at what you're doing and see if there isn't a logical approach that minimizes impacts to property owners. The proposed General Plan Update should be a document that helps citizens, not a document that impacts their lives in a negative way.

Thank You for the opportunity to comment.

Sincerely,

Gene Vick

(Name and Address)

Gene Vick

Responses to Letter X 21, Gene Vick

X21-1 This comment letter is the same as an earlier comment letter (Letter I 42). Refer to responses to comments I42-1 through I42-4.

Comment Letter X 22, Nancy L. Vick

August 27,2009

Devon Muto
County of San Diego DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Comments on the General Plan Update Draft EIR

Dear Mr. Muto,

Please accept this letter in response to the County of San Diego's Draft Environmental Impact Report for the General Plan Update.

SANDAG has studied and concluded that the population in the rural portions of San Diego County will nearly double in the next 20 years. These findings are contrary to what the proposed General Plan Update will accommodate. Have you vetted your plan with SANDAG?

The General Plan Update will significantly reduce the development potential currently accounted for in the General Plan for East San Diego County. As such, build out in these areas will be considerably less than would be consistent with the SANDAG projections.

Having been a resident of this county for many years, I have watched as the population has grown from a modest metropolitan center with modest suburbs, to almost total build-out from the border to the county line on the north and from the ocean to the foothills on the east. WHERE ARE YOU GOING TO BUILD?

X22-1.

The proposed densities for East County are unreasonable. Many of the smaller communities are dying, and losing necessary support services vital to their well being. Managed, planned growth is essential to the vitality of these communities. Downsizing hurts these communities. The density downsizing provisions applied to East County by the General Plan Update will leave San Diego County ill-equipped to meet future population demands. The General Plan Update should support regional plans for continued growth and prosperity – not hamper economic and social vitality.

It appears that impacts of the General Plan Update on applicable land use planning for rural areas of the County, as well as policies and regulations were not fully and adequately analyzed. I request this analysis be revised to reflect the loss of the ability to accommodate nearly 15 percent of the County's projected housing needs.

Thank You for the opportunity to comment.

Sincerely,

Nancy L. Vick

(Name and Address)

Nancy L. Vick

Responses to Letter X 22, Nancy L. Vick

X22-1 This comment letter is the same as an earlier comment letter (Letter I 44). Refer to responses to comments I44-1 through I44-6.

Comment Letter X 23, Viejas Tribal Government

VIEJAS
TRIBAL GOVERNMENT

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August 29, 2009

Mr. Devon Muto, Chief
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-2960

SUBJECT: General Plan Update Draft Environmental Impact Report and the Forest Conservation Initiative Land Planning.

Dear Mr. Muto:

X23-1. The Viejas Band of Kumeyaay Indians, (appearing in the U.S. Federal Register at Vol. 73, No. 66, p. 18553 as the Viejas (Baron Long) Group of the Capitan Grande Band of Mission Indians of the Viejas Reservation, California) is a self-governing federally recognized Indian Tribe exercising sovereign authority over the lands of the Viejas Indian Reservation; and joint patent administration of the Capitan Grande Indian Reservation

X23-2. The Viejas Band has reviewed the Draft General Plan Environmental Impact Report and other planning documents circulated for review by the County. We understand the County is engaged in a two-phase approach to update the General Plan and address the expiration of the voter-approved Forest Conservation Initiative (FCI), which expires at the end of the year 2010. The Viejas Band of Kumeyaay Indians is very interested in this planning process as it affects land in the vicinity of our Reservation, which is located east of the community of Alpine, north of Interstate 8, approximately between the Willows Road and East Willows Road freeway interchanges. The Viejas Band also owns numerous parcels of land in fee simple that are part of the General Plan process. Our interest stems from a desire to provide for future tribal economic development activities while maintaining the rural residential atmosphere of the area in order to reduce future traffic and associated pollution. We are pleased to provide comments on these two related planning efforts. These comments are provided below.

Comment Letter X 23, Viejas Tribal Government (cont.)

X23-3. **General Plan Update.** Three Viejas parcels are affected by the proposed General Plan Update, the first of which is located between Alpine Boulevard and Interstate 8, approximately one-half mile west of the West Willows Road Interchange. We understand the current proposed designation for this parcel is *Medium-Impact Industrial (MI).* We understand the land across Alpine Boulevard from the Viejas-owned parcel is planned for a high school. The general plan update text (p. 3-35) identifies potential conflicts between industrial development and schools, and requires adequate buffer zones in such situations. We recommend that the Viejas-owned parcel should be assigned a commercial designation such as *Rural Commercial (C-4)* that would accommodate restaurants and other commercial uses more compatible with a high school campus.

X23-4. Viejas owns two other parcels to the north of Interstate 8 and west of the Interstate 8/West Willows Road Interchange. The proposed Alpine mobility element network map shows a planned connection of Otto Avenue between East Victoria Road and West Willows Road (Mobility Element Network – Alpine Community Planning Area Matrix, Item 17), through these Viejas-owned Parcels. We are concerned that a new road connecting to West Willows Road on the north side of Interstate 8 would increase traffic congestion at the Interstate 8 West Willows Road Interchange. This would not be consistent with the rural residential character of this area and so we are not in support of this connection.

X23-5. **FCI Land Planning.** A group of parcels comprising 9.4 acres containing a small (approximately 4,500 SF) existing store is shown in the County plans to be designated *Rural Commercial (C-4).* The lowest Floor Area Ratio (FAR) applicable to *Rural Commercial (C-4)* is 0.35, which would allow up to 143,000 SF of commercial development on these parcels. We believe that the substantial new commercial development that could occur in this predominately residential area would materially affect the rural residential nature of the local community, and so would be inappropriate.

A more appropriate location for the proposed *Rural Commercial (C-4)* designation would be parcel 404-050-45, which is located south of the Interstate 8 West Willows Road Interchange. Such a location would minimize commercial traffic on local streets in the community because this parcel is located at the Interchange on Alpine Boulevard.

As we believe the County is aware, Viejas plans to build a new resort casino complex on our Reservation. Previously, our plans called for the resort to be built just to the east of our current casino, north of Willows Road. Viejas is aware of the predicted traffic congestion that will be experienced at the Interstate 8 West Willows Road Interchange even without our planned resort. This traffic is being generated by the recent Albertson's shopping center to the west on Alpine Boulevard and other local development, in addition

Comment Letter X 23, Viejas Tribal Government (cont.)

to the existing Viejas Casino and Outlet Center. Viejas has been in discussions with the community, County, and Caltrans regarding this issue for several years. These discussions have led Viejas to reconsider the location of our future resort.

Viejas plans to build the new resort on Reservation lands, north of the East Willows Road Interchange with Interstate 8. Traffic concerns at West Willows Road is a major factor that led to our choice of this new location. With this development, Viejas plans to move the vast majority of trips associated with our economic development activities from West Willows Road, to East Willows Road. This would improve the rural residential atmosphere in the West Willows Road area. Viejas is also considering a northerly extension of East Willows Road directly into the Reservation. This would remove most Viejas traffic from Willows Road. We believe this change in location of the future resort needs to be considered by the County when developing proposed land use designations for areas along Willows Road.

Viejas is concerned regarding the density of development currently proposed by County staff. It is uncertain where the necessary potable water would come from and where the resulting sewage would be treated. Viejas does not believe the local ground water basin can support density on the scale proposed by the County. Nevertheless, Viejas understands the need for housing in San Diego County and the environmental benefits of having people work, live and play in one area. Viejas will need a substantial new employee base for our proposed resort, and we understand the benefits of having adequate housing in this area.

X23-5. cont.

The preliminary plan shows a proposed designation of *General Commercial (C-1)* for the residential parcels south of Willow Road, between the existing Reservation and Alpine Springs RV Park. This area is across Willows Road from the previous resort site. Because the resort site has been moved to the east, Viejas recommends that a better designation for this area is *Village Core Mixed Use (C-5)*. We offer the following reasons for our recommendation:

- The area is currently residential and we are concerned for potential incompatibility that would occur prior to commercial build out between existing residential uses and the dense commercial development typical of General Commercial-designated land.

- The current proposal would result in commercial traffic crossing through the Village Core area. We believe this would adversely affect the pedestrian orientation that is necessary to create a Village atmosphere. As we have already discussed, Viejas plans would remove most Viejas-related traffic from Willows Road. Our proposal would not introduce commercial traffic into the Village Core area.

Comment Letter X 23, Viejas Tribal Government (cont.)

- The proposed *General Commercial (C-1)* designation would allow commercial development on the scale of the current Viejas Outlet Center. Viejas believes that the amount of commercial development that could occur with the proposed *General Commercial (C-1)* designation in this area far exceeds what can be supported during the planning horizon.

- Storm water from this area necessarily would have to be conveyed to Viejas Creek through the Reservation. Viejas has a substantial investment in creek improvements designed to safely convey the 100-year flood, enhance groundwater recharge, and provide habitat value. Viejas is concerned for the effects that increased storm water runoff from a large commercial development would have on our infrastructure.

X23-5. cont. For all the reasons described above, we recommend that the *Village Core Mixed Use (C-5)* designation continue eastward, as proposed by County staff, however, we do not believe the parcel immediately west of the East Willows Road Exit should be included in the *Village Core Mixed Use (C-5)* designation. Since this parcel is right at the freeway interchange, we recommend this parcel be designated *Rural Commercial (C-4)*. This would provide for additional commercial uses in the area, and would do so at a location convenient to residents in the Village Core area and guests to the future Viejas resort. The parcels on the east side of the East Willows Road interchange that front the freeway should also be designated rural commercial. Commercial development on these parcels would also be convenient to residents in the Village Core area and guests to the future Viejas resort. Traffic generated by these uses would not travel through any of the residential areas near the Reservation. We believe the less dense *Rural Commercial (C-4)* designation, would allow storm water to be controlled on-site, thereby reducing the potential for impacts to Viejas infrastructure.

X23-6. For further discussion and additional information, please contact Lisa Haws, Land Use Manager at (619) 733-7697. Thank you.

Sincerely,

Bobby L. Barrett, Chairman
Viejas Tribal Council

cc: Teresa Brownyard, Tribal Liaison, County of San Diego

Responses to Letter X 23, Viejas Tribal Government

X23-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

X23-2 This comment is correct regarding the two-phase approach for the General Plan Update in that lands which are subject to the Forest Conservation Initiative (FCI) are not included in the General Plan Update. These lands will be addressed through a General Plan Amendment that will be initiated after the December 31, 2010 expiration date of the FCI.

X23-3 This comment appears to be referencing Assessor Parcel Number (APN) 404-041-42-00, which is proposed to be designated Medium Impact Industrial (I-2) on every land use map alternative evaluated under the General Plan Update DEIR. The proposed designation of the subject parcel has been applied based on a comprehensive planning process that involved many community stakeholders, along with the Alpine Community Planning Group. Although a high school is proposed to be built across the street, the County contends that appropriate buffering could be applied to mitigate any conflicts with the high school. In addition, the Alpine Community Planning Group has been previously opposed to a Commercial designation across from the Los Coaches Creek Middle School. As such, a Limited Impact Industrial designation is proposed across from the middle school by the General Plan Update land use maps, rather than the Neighborhood Commercial that was requested by the property owner.

X23-4 The County acknowledges that Viejas does not support the extension of Otto Avenue through parcels owned by Viejas (APNs 404-051-09-00 and 404-051-10-00) to the Interstate 8 interchange at West Willows Road. The County also acknowledges that under existing conditions this could potentially add congestion to an area that is already congested at times from traffic to the Viejas Casino and Outlet Mall. However, the County has the understanding that Viejas' longer-term intentions are to divert the majority of casino-related traffic to the East Willows Road interchange with Interstate 8. This would then reduce congestion at the West Willows interchange. In working with the Alpine Community Planning Group, the primary rationale for extending Otto Avenue would be to provide an alternate route of travel out of Alpine north of Interstate 8 which would not rely on the heavily congested Tavern Road interchange. Providing alternate routes of travel is a primary objective of the General Plan Update Mobility Element, especially in communities such as Alpine that are exposed to a high risk of wildland fires.

X23-5 This comment refers to planning for land subject to the FCI that is not being addressed under the General Plan Update. The planning is part of a separate planning process that the County is coordinating with Viejas and other residents of this area. Therefore, a response to the comments addressed for this area are not being provided as part of the General Plan Update, but will be addressed during the separate planning process for the Alpine FCI lands plan.

X23-6 This comment provides a concluding statement and does not raise a significant environmental issue for which a response is required.