

**From:** [clarkemh@aol.com](mailto:clarkemh@aol.com) <[clarkemh@aol.com](mailto:clarkemh@aol.com)>

**Sent:** Tuesday, October 01, 2019 3:21 PM

**To:** Simonds,Keene <[Keene.Simonds@sdcounty.ca.gov](mailto:Keene.Simonds@sdcounty.ca.gov)>; Barry, Robert <[Robert.Barry@sdcounty.ca.gov](mailto:Robert.Barry@sdcounty.ca.gov)>

**Subject:** Letter to LAFCO Commissioners and Alternates: San Marcos Highlands reorganization, Agenda of Oct. 7, 2019

Dear Keene Simonds and Robert Barry,

Following is a letter to the LAFCO Commissioners and Alternates regarding the San Marcos Highlands reorganization, which is on the Agenda of Oct. 7, 2019. I would appreciate your distributing this letter to the Commissioners and Alternates as soon as possible.

Thank you for your assistance --

Sincerely,

Mary H. Clarke

Letter to: LAFCO Commissioners and Alternates

From: Mary H. Clarke

Subject: San Marcos Highlands Reorganization: Annexation Agreement has not been executed by all Parties.

Date: October 1, 2019

Dear Chair Jo MacKenzie; Vice Chair Dianne Jacob; Commissioners Mary Casillas Salas, Jim Desmond, Mark Kersey, Andrew Vanderlaan, Bill Wells, Baron Willis; Alternates Chris Cate, Greg Cox, Erin Lump, Harry Mathis, and Paul McNamara:

This is to call to your attention that bringing the San Marcos Highlands reorganization before the LAFCO Commission is premature as the Annexation Agreement for San Marcos Highlands has not been executed by all Parties. According to the Annexation Agreement, p. 2,

"WHEREAS, approval by LAFCO of the annexation of the San Marcos Highlands into the City, as a condition of approval of the annexation, requires that an annexation agreement such as this Agreement be executed by the Parties:"

The County of San Diego has not approved the Annexation Agreement. This is to request that the Commission continue this item until such time as the Annexation Agreement is fully executed.

Thank you for your attention to this request,

Sincerely,

Mary H. Clarke

Co-Chair, North County Multiple Species Plan Task Force, Sierra Club, San Diego Chapter

Vista San Marcos Ltd.

7021 Leeward Street, Carlsbad, Ca 92011

Tel. (949) 922-3070 / Fax. (949) 643-9913

October 1, 2019

Via email

Re: Continuance of the San Marcos Highlands Annexation hearing

Dear Chairwoman MacKenzie,

Please accept this request to your Board of Commissioners to continue the public hearing for the annexation of the San Marcos Highlands Project that will be before you on October 7, 2019 to November 4, 2019. The reason for the request is to allow time to resolve an outstanding issue with the County of San Diego.

Sincerely,

A handwritten signature in black ink, appearing to be 'Farouk Kubba', with a stylized, flowing script.

Farouk Kubba

Vista San Marcos Ltd.

## Barry, Robert

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**From:** royalviewranch@aol.com  
**Sent:** Saturday, September 28, 2019 6:13 PM  
**To:** Barry, Robert; Simonds,Keene  
**Subject:** Corrected e mail / San Marcos Highlands Annexation  
**Attachments:** signed Comment Ltr to BOS S M Highlands Annex.pdf; TOVCS attachments San Marcos Highlands annexation (1).pdf; San Marcos Highlands - photo location reference (1).jpg

Dear Keene and Robert, I am re-sending this e mail as there should have been 3 attachments and there was only 1. You will need this info for the annexation agenda item for San Marcos Highlands. Sorry for the inconvenience.

Karen Binns,  
Twin Oaks Valley Community Sponsor Group Vice Chair

-----Original Message-----

**From:** royalviewranch <royalviewranch@aol.com>  
**To:** keene.simonds <keene.simonds@sdcounty.ca.gov>; robert.barry <robert.barry@sdcounty.ca.gov>  
**Cc:** slfarrell <slfarrell@cox.net>  
**Sent:** Mon, Sep 23, 2019 5:19 pm  
**Subject:** San Marcos Highlands Annexation

Dear Keene Simonds and Robert Barry,

Attached please find a letter that the Twin Oaks Valley Community Sponsor Group sent to the San Diego County Board of Supervisors regarding the San Marcos Highlands projects annexation into the city of San Marcos.

I believe you will be hearing this project on October 7, 2019.

The Twin Oaks Valley Community Sponsor Group is opposed to this annexation.

Karen Binns  
Twin Oaks Valley Community Sponsor Group Vice Chair

## **Barry, Robert**

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**From:** royalviewranch@aol.com  
**Sent:** Monday, September 23, 2019 5:20 PM  
**To:** Simonds,Keene; Barry, Robert  
**Cc:** slfarrell@cox.net  
**Subject:** San Marcos Highlands Annexation  
**Attachments:** signed Comment Ltr to BOS S M Highlands Annex.pdf

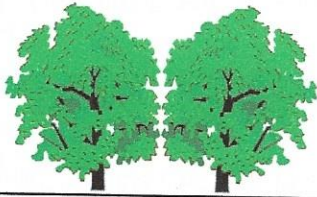
Dear Keene Simonds and Robert Barry,

Attached please find a letter that the Twin Oaks Valley Community Sponsor Group sent to the San Diego County Board of Supervisors regarding the San Marcos Highlands projects annexation into the city of San Marcos.

I believe you will be hearing this project on October 7, 2019.

The Twin Oaks Valley Community Sponsor Group is opposed to this annexation.

Karen Binns  
Twin Oaks Valley Community Sponsor Group Vice Chair



# Twin Oaks Valley Community Sponsor Group

P.O. Box 455

San Marcos, Ca. 92079

September 22, 2019

San Diego County Board of Supervisors  
1600 Pacific Highway, Room 335  
San Diego, CA 92101

**RE: # 2 San Marcos Highlands Annexation agreement.**

Dear Chairwoman Dianne Jacob and members of the Board of Supervisors:

At this month's meeting the Twin Oaks Valley Community Sponsor Group voted to recommend denial of the San Marcos Highlands annexation agreement and the annexation of this portion of the unincorporated County lands to the City of San Marcos.

The San Marcos Highlands has been opposed by the Twin Oaks Valley Community Sponsor Group since the group first learned of the project in 1999<sup>1</sup>. Over the last 20 years both the Sponsor Group and the County DPLU/PDS have repeatedly expressed concerns about the San Marcos Highlands and the City of San Marcos' plans to annex the land. We believe the annexation agreement does not address the fact the project is inconsistent with the County General Plan and approving it would be contrary to past actions taken by this Board.

During the General Plan process, staff saw fit to place the Highlands and adjacent areas in the SR10 density designation due to a variety of reasons such as habitat, presence of steep slopes, and high wildfire danger.

During the General Plan Amendment process that addressed the Property Specific Requests, both the Planning Commission and this Board took actions to keep the area, PSR NC-22, in the SR10 density. The proposed project places about 138 homes in an area the County General Plan has designated for about 17 homes (not including deductions for steep slopes). The homes being proposed by the project will not address affordable housing shortage due to their cost. In addition, given our new understanding of the increased frequency and threat of wildfires due to global warming, placing development in the middle of sage brush habitat is not wise. This type of development should be placed within walkable distance to public transportation to reduce greenhouse gas. It should include a mix of housing types so that it provides homes for the average working people. San Marcos and the County do not need more \$600, 000.00+ housing products and the San Marcos Highlands project simply does not belong wedged into a rural area.

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<sup>1</sup> Letter to City of San Marcos by H. Palmer Twin Oaks Community Sponsor Group, August 26, 1999

We respectfully ask that you deny this agreement and not support annexation of the property to the City of San Marcos. We ask that the County work with the project applicant and develop the portion of his land that is currently in the unincorporated county per the County General Plan and using the Conservation Subdivision.

Thank you very much for taking time to consider our comments to these important matters.

Sincerely,  
Karen Binns

A handwritten signature in cursive script that reads "Karen Binns".

Vice Chair, Twin Oaks Valley Community Sponsor Group



## NC22

General Plan (Adopted Aug 2011)	SR10
Property Specific Request: SR2 <sup>2</sup> Requested by: Jim Simmons, Farouk Kubba	
Property Specific Request: SR1 Requested by: City of San Marcos	
Community Recommendation	Unknown
Opposition Expected <sup>3</sup>	Yes
Spot Designation/Zone	No
Impact to FCI Timeline	None
Change to GPU Principles Needed	Yes
Level of Change (March 2011)	Major

### Note:

1- See Vista San Marcos letter dated October 18, 2010 (attached)

2- See City of San Marcos letter dated February 17, 2011

3- See DPLU letter dated April 2, 2002 (attached)

### Property Description

#### Property Owner:

Vista San Marcos LTD.

#### Size:

130.9 acres; 6 parcels

#### Location/Description:

Twin Oaks Subregional Group Area;  
South of Buena Creek Road off of Blue Bird  
Canyon Road;  
Within City of San Marcos Sphere of Influence

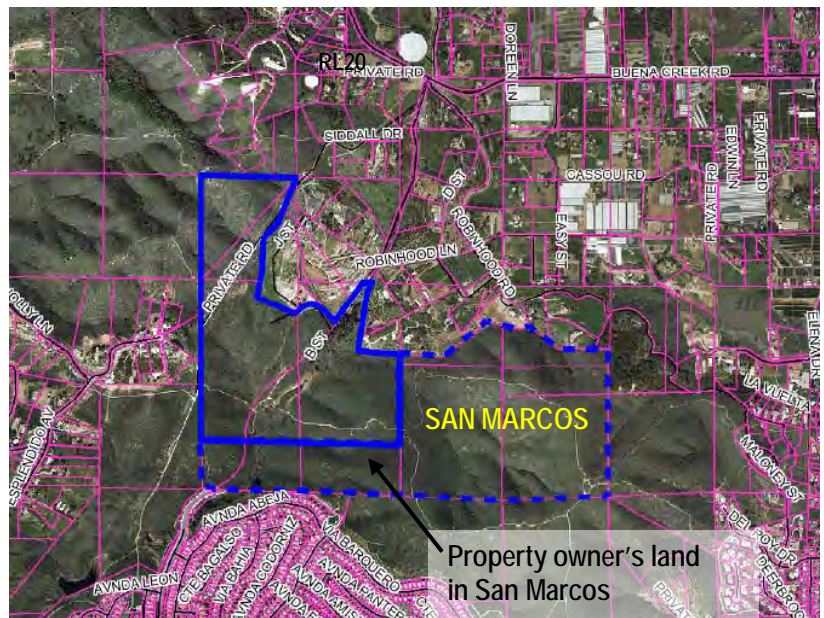
#### Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

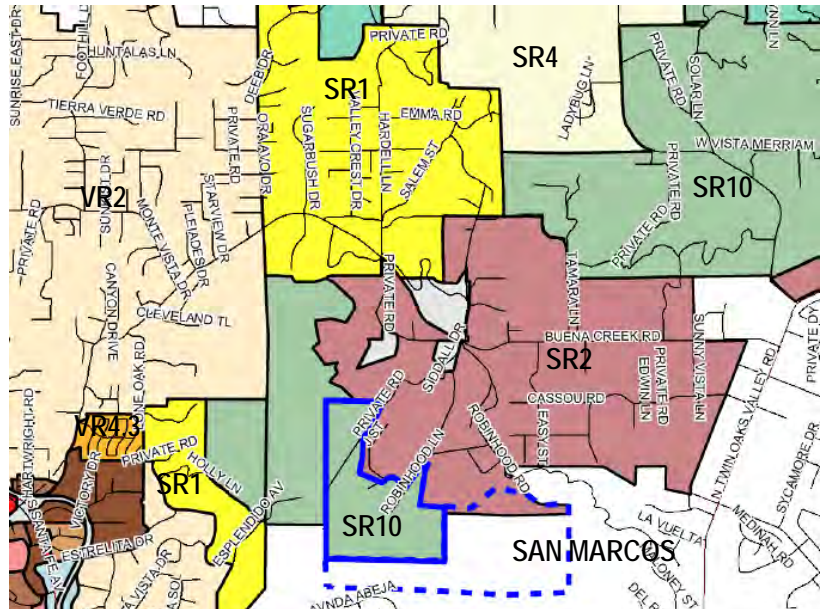
- Steep Slope (greater than 25%)
- Floodplain
- ◐ Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

### Land Use

General Plan	
Scenario	Designation
Former GP	1 du / 2.4 ac
GP (Adopted Aug 2011)	SR10
Referral	SR10
Hybrid	
Draft Land Use	
Environmentally Superior	RL20
Zoning	
Former— A70, 2-acre minimum lot size	
Adopted Aug 2011 — Same as existing	



Aerial



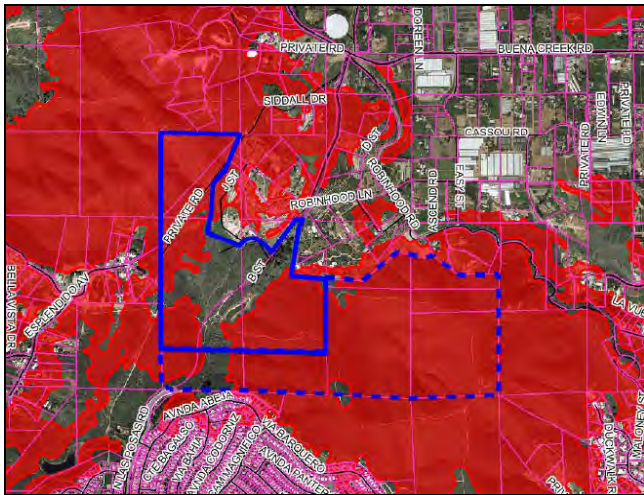
Adopted Aug 2011

### Discussion

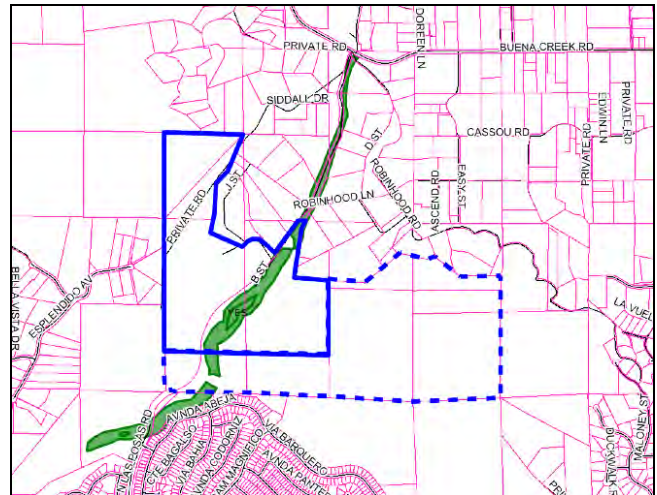
This analysis is based only on the portion of the subject property assigned a SR10 designation on the map adopted on August 3, 2011. Other portions are either within the City of San Marcos or are designated as SR2.

The site contains steep slopes, high and very high habitat value, and is located within the Very High Fire Hazard Severity Zone. However, the site is also located within the San Marcos Sphere of Influence (SOI). The property owner is requesting to retain the former General Plan density and for the City of San Marcos to annex the property; however, the County previously notified San Marcos of its objections to the annexation (See *additional information on next page and attachments*).

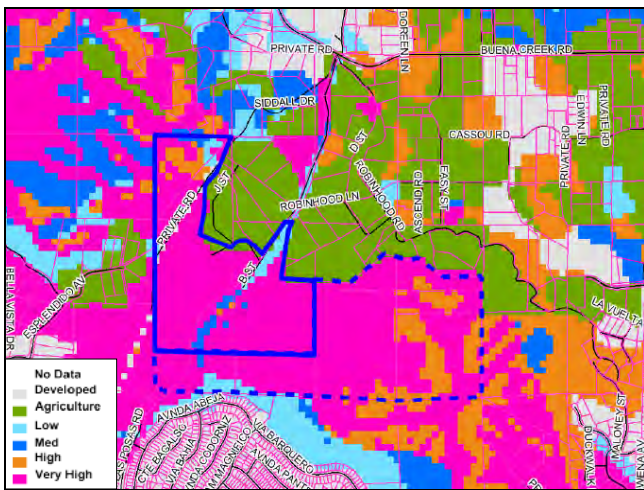




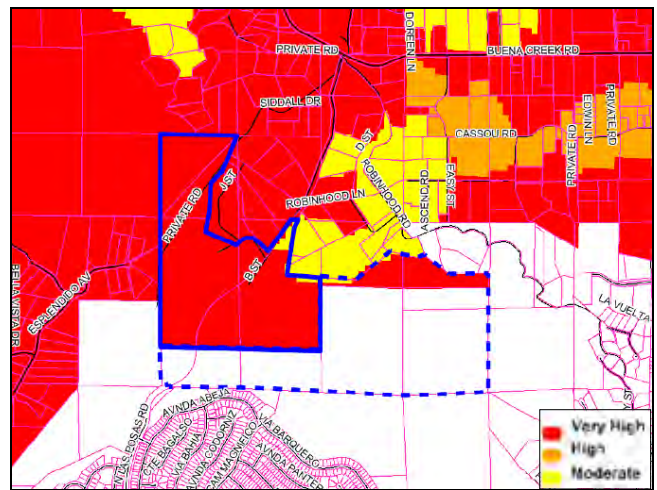
Steep Slope (Greater than 25%)



Wetlands



Habitat Evaluation Model



Fire Hazard Severity Zones

### **Additional Information**

The City of San Marcos approved a Specific Plan for this property in July 1992 and the number of units for that Plan was subsequently reduced to 191 units after negotiations with wildlife agencies. The property owner intends to process a Tentative Map with the City of San Marcos later this year and is requesting to remove the portion of the project within the SOI from the General Plan Update (see attached letter from Vista San Marcos Ltd., dated October 18, 2010). Since, this property is still within the unincorporated county, the area must be included in the General Plan Update; however, if the Board of Supervisors were to support the property owner's request, this could be achieved by assigning a density consistent with the existing General Plan (SR2).

However, in 2002, the County notified the City of San Marcos of the General Plan Update's proposed reduction in density to SR10 for this area, and that since the proposed project "far exceeds this density", the proposed annexation would create a negative impact to the County's North County MSCP Subarea Plan (see attached DPLU letter dated April 2, 2002). In February 2011, the City of San Marcos revised their recommended designation from SR1 to SR2.



## NC22 SUPPLEMENT – IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
SR2 (Simmons) SR1 (City of San Marcos)	Semi-Rural 10	Major

### **Rationale for Major Category Classification**

- As early as 2002, the County has been on record that the property owner's request is in conflict with the General Plan Guiding Principles.
- While this property is near incorporated areas and existing development, it includes very steep and biologically sensitive terrain.
- Additionally, while suburban development is nearby no existing villages or community centers are in the vicinity.
- The General Plan Community Development Model does not support increased development away from existing villages.
- The General Plan principles and policies do not support increased development in areas with limited access, sensitive resources, and significant constraints.

### **Guiding Principles/General Plan Changes Necessary to Support the Request**

- The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.
- Revisions would also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive natural resources and certain constraints.
- The other nearby areas designated as SR10 could be reconsidered.
- Depending on the revisions to the principles, policies, and concepts, other lands with Semi-Rural Lands designations may require reconsideration.

### **Impact to Forest Conservation Initiative Remapping Timeline**

None

### **Relevant General Plan Principles, Goals, and Policies**

A sampling is included below:

**Principle 2.** Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

**Goal LU-1 Primacy of the Land Use Element.** A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

**Policy LU-1.1 Assigning Land Use Designations.** Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

**Policy LU-1.3 Development Patterns.** Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

**Policy LU-1.9 Achievement of Planned Densities.** Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

**Goal LU-2 Maintenance of the County's Rural Character.** Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

**Policy LU-2.4 Relationship of Land Uses to Community Character.** Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

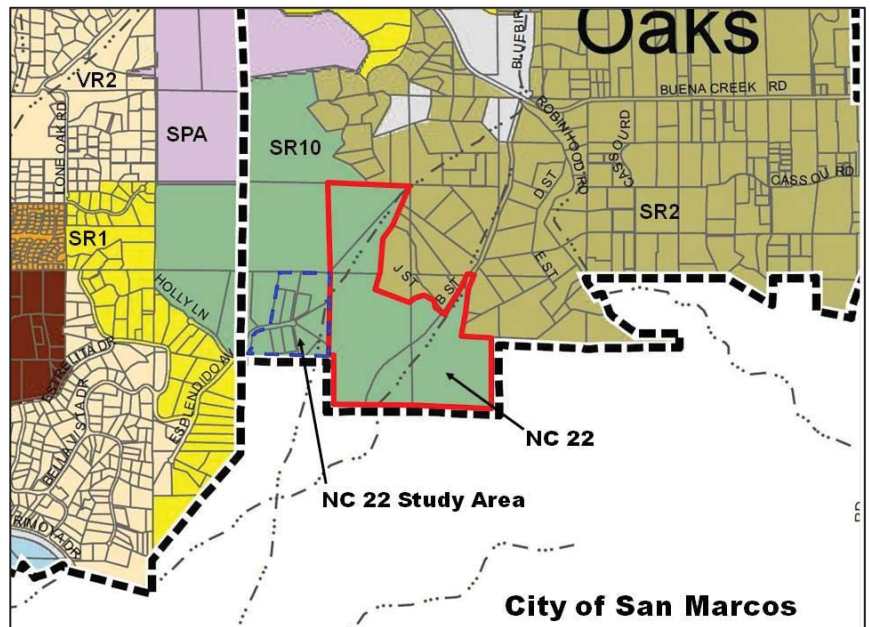
## NC22 and Study Area

Existing GP Designation(s)	SR10
Requestor(s) Position: Support workplan designations	
Area (acres): 158 [130.9 PSR; 27.1 study area]	
# of parcels: 18	

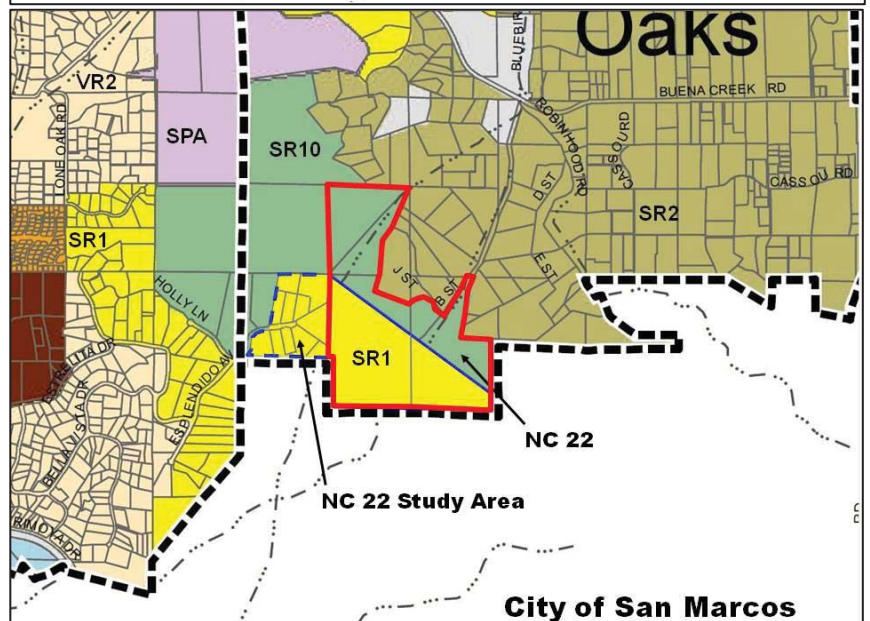
Workplan Designations Evaluated	SR10/SR1
CPG Position	Oppose
Opposition Expected	Yes
# of Additional Dwelling Units	44
<b>Complexity</b>	<b>High</b>

**Discussion:** This property is adjacent to the City of San Marcos and the City had previously approved a project for this property. The project obtained several other approvals (including a Section 404 permit from the Corps and Section 6 Biological Opinion from the U.S. Fish and Wildlife Service) but never annexed to the City. Most, if not all, project approvals have now expired but **the property owner would like the ability to pursue a similar project. The workplan designation would apply SR1 to the southwestern portion of the property which is adjacent to existing development to the south.** A corridor of SR10 would be retained along the northeastern portion of the property to reflect the likely open space configuration that would be associated with the development and to recognize the value of this portion of the property as a wildlife linkage. (continued on next page)

Existing General Plan Designation:



Workplan Designations Evaluated:



## NC22 and Study Area

**Discussion (continued):** The ultimate design of the project would be determined when discretionary approvals from the County, State, and federal agencies are applied for. A small study area is included with this request to reflect a subdivided area adjoining the site and provide some similar potential for additional development.

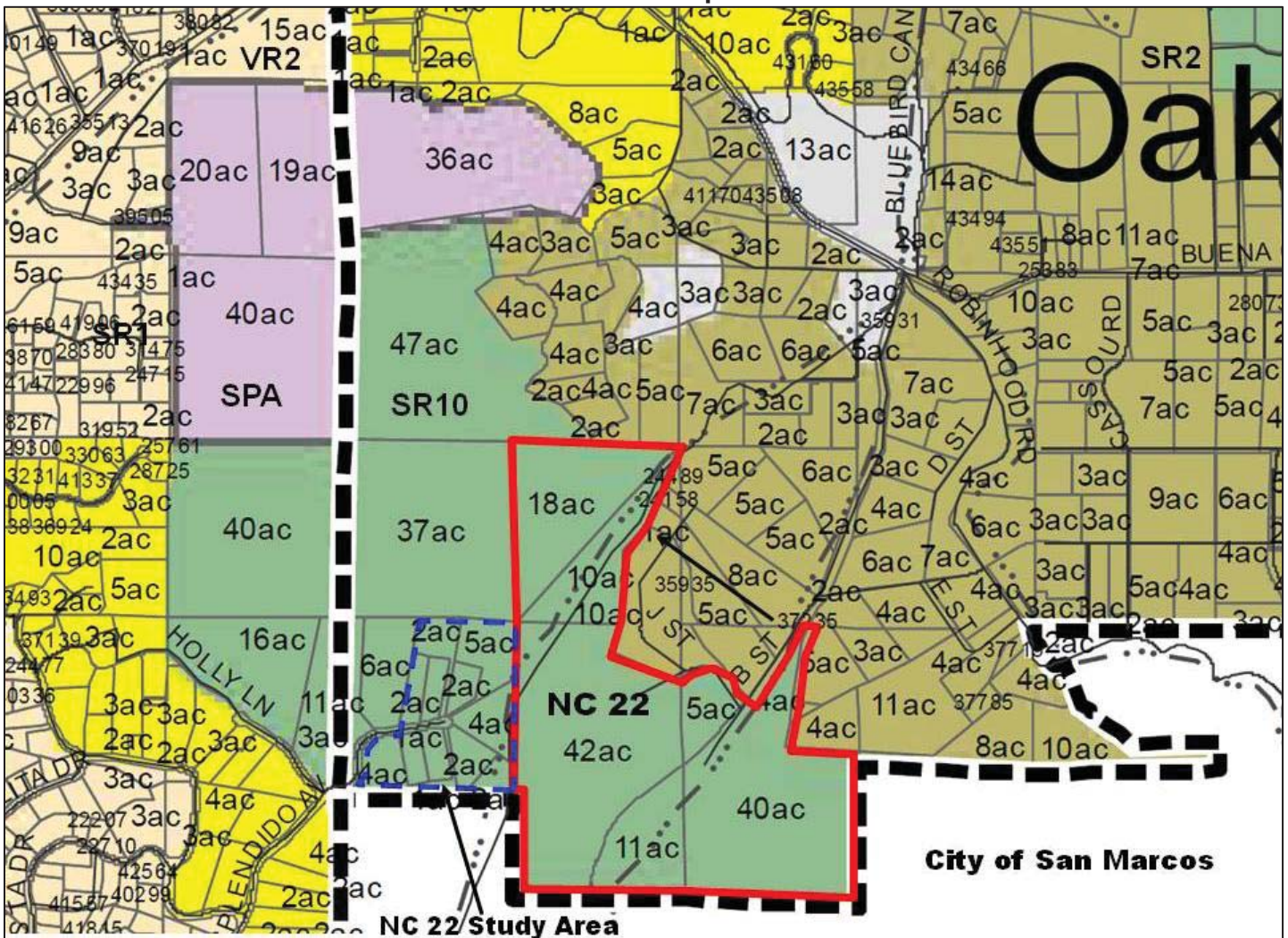
\*Note: CPG took no position because there was no quorum after some members recused themselves. The community has historically been opposed to development in this area. Residents believe that development in this area will significantly impact their quality of life.

### **Rationale for High Complexity Classification:**

- Wetlands and High to Very High habitat areas exist on the property and would require mitigation and environmental review as part of any study involving introducing higher density and development to the area, to maintain compliance with Policies LU-10.2, LU-6.1 and LU-6.2.
- Numerous studies and permits have already been completed for the property but have lapsed. New environmental studies would be required with any new land development project.
- The property is at the center of an intersection between two important wildlife corridors for the area. Agua Hedionda Creek flows from the northeast to the southwest, through the property. The headwaters of the creek lie in the vicinity of the property, and thus higher density development in this area could have detrimental effects on water quality and downstream erosion in the watershed. In addition, the property lies in the center of a large northwest to southeast undeveloped wildlife corridor, stretching nearly 3 miles through the southern portion of the Twin Oaks Valley unincorporated community and into the City of San Marcos. This is one of the larger remaining corridors in the North County Metro area, and it has long been considered an essential component of the upcoming North County MSCP.
- Review of the workplan designations is essential to address consistency with Policy LU-2.4, ensuring that the land uses and densities reflect the unique issues and character of a community is essential. In accordance with LU-6.1, low density land use designations should be assigned to areas with sensitive natural resources (such as, extensive Coastal Sage Scrub on steep slopes, and a wetland corridor).
- Since the study area borders the incorporated City of San Marcos, it will be necessary to address consistency with Policy LU-2.6, requiring that development in the vicinity of neighboring jurisdictions retain the character of the unincorporated community. Similarly, Policy LU-10.3 requires the use of Semi-Rural and Rural designations to serve as buffers between communities.



## Lot Size Map



For Additional Information (January 9, 2012 Staff Report): [NC22](#)



# **Twin Oaks Community Sponsor Group**

P.O. Box 455  
San Marcos, California 92069

August 26, 1999

City of San Marcos  
1 Civic Center Drive  
San Marcos, California 92069

## **Subject: Recognized Organizations**

Gentlemen,

We request that the Twin Oaks Community Sponsor Group be added to your list of organizations which may make organized presentations at public hearings conducted by the City of San Marcos.

Members of the Sponsor Group are appointed by the Board of Supervisors to act as an information link between the unincorporated community and the County on matters dealing with planning and land use. Their duties and responsibilities are outlined in San Diego County Board of Supervisors Policy 1.

The Twin Oaks Community Sponsor Group believes that the San Marcos Highlands project will have significant impacts on their planning area, especially the Agua Hedionda Creek. The majority of the project is within their unincorporated planning area. We would like to make an organized presentation to the Planning Commission at their September 7, 1999 meeting and outline our concerns.

The officers of the Twin Oaks Community Sponsor Group are Rich Beadle; vice chairman, Gil Jemmot; secretary and Hank Palmer; chairman. Presentations will generally be made by one of the officers but any member may act as the group's representative. Correspondence should be directed to the letterhead address.

Sincerely,

H.L. Palmer, Chairman  
Twin Oaks Community Sponsor Group

Cc: Gil Jemmot  
Rich Beadle



**County of San Diego**  
**PLANNING & DEVELOPMENT SERVICES**

**MARK WARDLAW**  
*Director*

**DARREN GRETLER**  
*Assistant Director*

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

December 12, 2013

Norm Pederson  
Associate Planner  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069-2918

Sent via email to  
[npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

**COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE  
PROPOSED SPECIFIC PLAN AMENDMENT AND TENTATIVE SUBDIVISION MAP  
FOR SAN MARCOS HIGHLANDS**

Dear Mr. Pederson:

The County of San Diego (County) has reviewed the Mitigated Negative Declaration (MND) for the San Marcos Highlands Project, dated October 2013, and appreciates this opportunity to comment. The County has comments that identify potentially significant issues that may have an effect on unincorporated County lands. Please note that none of these comments should be construed as County support for this project or the associated annexation.

**GENERAL COMMENTS**

1. The existing County General Plan designation for the portion of the project within the County of San Diego is Semi-Rural 10 (SR-10). **Development of the project at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles.** This property was included as a Property Specific Request (PSR) as part of the General Plan Update process, whereby the Board of Supervisors directed staff to evaluate the feasibility of changing a southern portion of the project site from SR-10 to SR-1. This would allow 44 additional dwelling units in the County. It should be noted, however, that the PSR process will require a full environmental analysis and there is no guarantee that the General Plan designation would be changed through this process. Staff has identified various constraints on this property as part of the PSR process, which

are also reflected in the comments provided on the current project being processed through the City of San Marcos.

2. Chapter 4 of the MND includes a list of new mitigation measures that would be required and states that other mitigation measures identified in the 1990 Final Environmental Impact Report (EIR) for the Specific Plan and the 2002 Supplemental Environmental Impact Report (SEIR) for the Specific Plan would still be applicable to the project. This approach leaves confusion regarding the mitigation applicable to the project because the earlier mitigation measures are buried in the prior project documents. In addition, some of the prior mitigation is likely duplicative or no longer relevant considering new analysis, specifically with regard to biology, noise, and traffic mitigation. The environmental document should be updated to include a complete, up to date and accurate list of mitigation measures applicable to the current project.
3. As discussed further in these comments, the changes in circumstances and potential new project impacts warrant the preparation of a SEIR versus the MND that was prepared for this large and impactful project. Circumstances have changed since the original 1990 EIR and 2002 SEIR that have not been adequately documented and analyzed. For example, adequate biological surveys were not completed to justify a less than significant impact.
4. Critical information was missing from the environmental documents provided during public review. The MND referenced a Fire Protection Plan but this was not made available to the public. In addition, there was no complete map showing all of the proposed biological mitigation areas and the wildlife agency opinions and permits were referenced but not made available for review. Although the County was provided with this information upon request, this information was not available to the public and, therefore, the public was deprived of a meaningful opportunity to comment on the project.

## **BIOLOGICAL RESOURCES**

5. The project is partially within the County's draft Multiple Species Conservation Program North County Plan (draft North County Plan) Pre-Approved Mitigation Area (PAMA). The PAMA is the area within which the preserve will be assembled. As stated in the Biological Opinion (BO; USFWS 2005) the project site provides important habitat for the coastal California gnatcatcher in the North County Plan area and also in the Biological Core and Linkage Area (BCLA) of the Multiple Habitat Conservation Program (MHCP). Both regional plans rank the habitat as having very high habitat value. The Biological Opinion also states that the project site includes the last, relatively undisturbed native vegetation in northwestern San Marcos, as well as the headwaters of the Agua Hedionda Creek, and provides connectivity with undeveloped areas in the County that are important for the survival and recovery of the gnatcatcher. Based on an aerial

photograph from 2012, the undeveloped area, of which this proposed project is part, is about 1,400 acres and provides high quality habitat for many sensitive species. Development within this area would preclude its inclusion within the proposed PAMA, reduce the size of the PAMA, and would affect the viability of the PAMA in this area.

6. The USFWS Biological Opinion also discusses that the proposed project site contributes to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the I-15 corridor. This connection is needed to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the County's MSCP preserve system), through gnatcatcher habitat within the City of Carlsbad to the northwest, through the "stepping stone" corridor of gnatcatcher habitat patches extending through Oceanside, to core populations of gnatcatchers on Camp Pendleton. Retaining the connectivity of the gnatcatcher habitat within northern San Marcos with County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project site. To retain that connectivity, the project's proposed 400-foot wide corridor should be made wider to provide wildlife movement and habitat not only for wide-ranging species such as mule deer, bobcats and coyotes, but also for dispersal and genetic exchange by small species such as the coastal California gnatcatcher.
7. The latest biological resources surveys of the property (2004) need to be updated for an accurate assessment of the biological resources, particularly for the coastal California gnatcatcher. Generally, the County requests updated surveys if the most recent surveys are more than one year old. The recent limited October 2013 reassessment (Everett and Associates 2013) does not provide the detail needed to accurately assess the currently proposed impacts to biological resources. Even though the proposed project footprint has been reduced in size, impacts could still be significant. Only updated surveys and analyses can provide the impacts to the biological resources on the site and evaluate whether the impacts have been mitigated to less than significant. Surveys should be conducted and a new report prepared according to the USFWS protocol for coastal California gnatcatcher and the County's Guidelines for Determining Significance and Report Format and Content Requirements ([http://www.sdcounty.ca.gov/pds/docs/Biological\\_Guidelines.pdf](http://www.sdcounty.ca.gov/pds/docs/Biological_Guidelines.pdf)).
8. The HMMP stated that the "project is not likely to jeopardize the continued existence of the CAGN". However, that statement does not mean that impacts to the federally listed species are not significant on a regional (SD County) and local (Twin Oaks Valley area) scale or according to CEQA. The impacts need to be reassessed and need to consider regional and local species impacts.



9. Cumulative impacts to the biological resources need to be reassessed in light of past, current and foreseeable future projects that would cause impacts in the vicinity of the project. This has likely changed quite a bit since the previous EIR.
10. To widen the wildlife linkage in the northernmost portion of the project site where the wildlife corridor is most constrained, an offsite easement is proposed. This offsite area has existing disturbance including an access road and structures. All structures, including fences, should be removed in this area. In addition, the restoration of habitat should use only native species that occur in Diegan coastal sage scrub dominated by California sagebrush (*Artemisia californica*), which is the type of coastal sage scrub preferred by the federally listed coastal California gnatcatcher.
11. The County disagrees with the conclusion of the Biological Resource Conformance Letter (Appendix D to the IS/MND) dated October 16, 2013. The proposed project is not consistent with the County's MSCP draft North County Plan. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised), the proposed project would compromise the efficacy of the North County's Plan's PAMA in this block of habitat. The PAMA includes high quality habitats that will create the ultimate linked preserve system in the North County Plan area. The proposed PAMA extends to the northwest in the County's jurisdiction and to the southeast it links to the Northern Focused Planning Area of the City's Draft Natural Community Conservation Plan. This linkage would be reduced to approximately 400 feet wide and severely constrain wildlife movement from what is now available.
12. No fuel management should occur within the proposed preserve corridor. In the current design, it appears that fuel management would extend into the corridor area, further compromising the integrity of the corridor.
13. **IS/MND Section 2.4 Natural Open Space:** The Natural Open Space areas are primarily for the conservation of wildlife habitat and habitat connectivity for wildlife movement, not for human uses. Trails should not be allowed in the narrowest portions of the habitat linkage, and brush management zones must be kept outside the narrowest portions of the linkage. The 400-foot wide linkage should all be left as a native plant community, or revegetated as such to provide cover for movement and habitation by wildlife.
14. **IS/MND Section 2.4 Landscaped Slopes:** The proposed project should use low-fuel native species to vegetate the slopes adjacent to the natural open space in order to provide additional habitat and movement locations for wildlife. In the document, "Native Plant Landscaping to Reduce Wildfire Risk – Recommendations for Landscaping near San Diego's Canyons and Wildlands", the California Native Plant Society provides a list of native plants that reduce



GARY L. PRYOR  
DIRECTOR  
(858) 694-2962

# County of San Diego

## DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE  
338 VIA VERA CRUZ - SUITE 201  
SAN MARCOS, CA 92069-2620  
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EL CAJON, CA 92020-3912  
(619) 441-4030

December 31, 2002

Michael D. Ott, Executive Officer  
Local Agency Formation Commission  
1600 Pacific Highway, Room 452  
San Diego CA 92101

RE: SAN MARCOS HIGHLANDS REORGANIZATION; REF. NOS. R002-29,  
SA 02-29

Dear Mr. Ott:

On January 16, 2002 (3), the County of San Diego Board of Supervisors took an action for staff to investigate proposed pending cities' annexations and any impacts on the General Plan process to ensure that (1) proposed cities' annexations do not interfere with the outcome of the General Plan 2020 process; and (2) the County can preserve the integrity of the unincorporated territory through the completion of the General Plan process. The proposed San Marcos Highlands project requires the annexation of County lands into the City of San Marcos and therefore, is being reviewed by the County for conformance with the County's existing and proposed General Plan 2020 densities.

The current General Plan for the County of San Diego shows the density in the proposed development area of San Marcos Highlands as one dwelling unit per two or four acres depending on slope. The General Plan 2020 process proposes a density of one dwelling unit per ten acres for this area, due to the rugged terrain and biological

sensitivity. The proposed project far exceeds this density with a planned range of 2.9 – 5.5 dwelling units per acre. The proposed density of the development project is driving the need for urban services. The County believes that this land would best be developed at rural development standards. Therefore, this project is in conflict with the existing County General Plan and would interfere with the outcome of the General Plan 2020 process, threatening the integrity of the unincorporated territory.

In addition, the land under consideration is a relatively large block of habitat containing sensitive biological resources including riparian and coastal sage scrub habitats that support a range of wildlife species. The development of a plan to protect these sensitive resources is currently underway, the Multiple Species Conservation Program (MSCP) North County Subarea Plan. The current planning process addresses many issues related to lands contained in the lands proposed for annexation, including protection of the sensitive natural resources, potential configurations of connections to other natural areas, and reconciliation with development and community plans. Because the San Marcos Sphere of Influence was adopted in the 1970s and amended in the 1980s, it predates the existence of regional open space plans, such as the MSCP. At that time, there was not the awareness of the importance of comprehensive habitat planning as a necessary and legitimate government service. Therefore, the County believes the important issue of habitat planning must be an important consideration in determining the appropriateness of the proposed annexation. As stated in Government Code Section 56001, orderly development must be balanced with other objectives such as open space preservation. To approve the annexation now would seriously impede the County's efforts for regional habitat planning and preservation.

The North County MSCP planning process included the preparation of a Habitat Evaluation Model map. This quantitative habitat evaluation model has been developed for rating and prioritizing biological resource areas within the North County MSCP study area. The model was designed to facilitate the development of a preserve system by using the results to help identify the areas with significant biological resources and to serve as a benchmark to evaluate preserve design. The Habitat Evaluation Model map ranks habitats as Very High, High, Moderate or Low based on the contribution of each component of the model. The site proposed for annexation has been mapped entirely as having Very High habitat value.



The proposed annexation should adequately address the serious negative impacts in terms of habitat loss and blockage of the critical wildlife corridor between the San Marcos Mountains, the mountain to the north and the headwaters of the Agua Hedionda Creek in the North County MSCP Subarea Planning area. Because the land proposed for annexation is located within the MSCP and has been determined to have Very High habitat value, the County believes that the U.S. Fish and Wildlife Service and the California Department of Fish and Game must be involved and their input considered in the discussions of the impact of this annexation on regional habitat planning efforts.

The County maintains that the proposed annexation is inappropriate at this time in light of the regional planning efforts that are underway and that the annexation should not be allowed until an approved MSCP plan for this area has been adopted. Cumulative impacts could occur without a comprehensive plan to address habitat connectivity and the remaining open space in the immediate area and the region. Because the City of San Marcos has used its 5% take of Coastal sage scrub habitat allotted under the Endangered Species Act 4(d) Rule, annexations should not proceed until a comprehensive plan has been adopted.

The County believes that annexation of these lands to the City of San Marcos would create a significant negative impact to the County's North County MSCP Subarea Plan associated with habitat loss and blockage of a critical wildlife corridor as well as a significant impact relative to the County's General Plan 2020 Revision that is currently ongoing.

For the reasons stated above, the County of San Diego cannot support the proposed annexation of these lands to the City of San Marcos.

If you should have any questions or comments, please contact me at (858) 694-2962.

Sincerely,



GARY L. PRYOR, Director  
Department of Planning and Land Use



Michael D. Ott

- 4 -

December 31, 2002

GLP:NW:tf

cc: Local Agency Formation Commission (LAFCo) Members  
Susan Wynn, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road,  
Carlsbad, CA 92009  
William E. Tippetts, California Dept. of Fish and Game, 4949 Viewridge Avenue,  
San Diego, CA 92122  
Twin Oaks Valley Sponsor Group, P.O. Box 455, San Marcos, CA 92079-0455  
Mary H. Clarke, Friends of Hacienda Creek, 1529 El Paseo Drive, San Marcos,  
CA 92069  
Michael Beck, San Diego Director, Endangered Habitats League, P.O. Box 1509,  
Julian, CA 92036  
Bruce Posthumus, Regional Water Quality Control Board, 9174 Sky Park Court,  
Suite 100, San Diego, CA 92123  
Robert Asher, DPLU  
Maeve Hanley, DPLU  
Nancy Whalen, DPLU  
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# County of San Diego

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**DARREN GRETLER**  
ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

September 15, 2014

Norm Pedersen  
Associate Planner  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069-2918

Via email to [npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

## **COMMENTS ON THE NOTICE OF PREPARATION FOR THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SPECIFIC PLAN AMENDMENT AND TENTATIVE SUBDIVISION MAP FOR SAN MARCOS HIGHLANDS**

Dear Mr. Pedersen,

The County of San Diego (County) has received and reviewed the Notice of Preparation of a Draft Programmatic Environmental Impact Report (PEIR) for the proposed Tentative Subdivision Map for 189 single family lots and open space on 262-acres located within the San Marcos Highlands Specific Plan Area and unincorporated County lands dated, August 15, 2014, and appreciates this opportunity to comment.

The issues raised in the County's prior comment letters dated August 19, 2013, and December 12, 2013 still apply to this project and we ask that these comment letters be considered in the preparation of the EIR. Please note that none of these comments should be construed as County support for this project or the associated annexation.

County Planning & Development Services (PDS) and Department of Public Works (DPW) have completed their review of the NOP and CEQA Initial Study and have the following comments, a summary of items that need to be addressed in the EIR:

- Need to update Biological Resource Survey, and Traffic Impact Analysis;
- Impacts to the County's draft Multiple Species Conservation Program North County Plan Pre-approved Mitigation Area (PAMA);
- Fire Protection and Fuel Management;
- Annexation issues, including the scope of adjacent street and facilities annexation; and
- Adequate mitigation for direct and cumulative transportation impacts.

Mr. Norm Pedersen  
September 15, 2014  
Page 2 of 2

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact Sheri McPherson, Land Use/Environmental Planner at (858) 694-3064 or email [sheri.mcpherson@sdcounty.ca.gov](mailto:sheri.mcpherson@sdcounty.ca.gov).

Sincerely,



DARREN GRETHER, Assistant Director  
Planning & Development Services

Attachment: 1 - Comment letter on the request for a Specific Plan Amendment and Tentative Subdivision Map for 198 Single-family Lots, 3 Mini-parks, and Open Spaces on 262 acres within the San Marcos Highlands Specific Plan Area (SPA) and Annexation of 69.4 acres from the County, August 19, 2013.

2 - Comment letter on the Mitigated Negative Declaration for the Proposed Specific Plan Amendment and Tentative Subdivision Map, December 12, 2013.

e-mail cc:

Chris Livoni, Policy Advisor, District 5  
Megan Jones, Group Program Manager, LUEG  
Conor McGee, CAO Staff Officer, LUEG  
Michael Ott, Executive Officer, LAFCO  
Richard Chin, Associate Transportation Specialist, Department of Public Works  
Nick Ortiz, Land Development Project Manager, Planning & Development Services  
Jeff Kashak, Program Coordinator, Department of Public Works  
Twin Oaks Valley Community Sponsor Group  
Hidden Meadows Community Sponsor Group  
Sheri McPherson, Land Use/Environmental Planner, Planning & Development Services



**County of San Diego**  
**PLANNING & DEVELOPMENT SERVICES**

**MARK WARDLAW**  
*Director*

**DARREN GRETLER**  
*Assistant Director*

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August 19, 2013

Norm Pedersen  
Planning Division  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

Via email to [npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

**COMMENTS ON THE REQUEST FOR A SPECIFIC PLAN AMENDMENT AND  
TENTATIVE SUBDIVISION MAP FOR 198 SINGLE-FAMILY LOTS, 3 MINI-PARKS,  
AND OPEN SPACE ON 262 ACRES WITHIN THE SAN MARCOS HIGHLANDS  
SPECIFIC PLAN AREA (SPA) AND ANNEXATION OF 69.4 ACRES FROM THE  
COUNTY**

Dear Mr. Pedersen:

The County of San Diego has received and reviewed the proposed Tentative Subdivision Map (TSM 408-Revised) for 198 single family lots, 3 mini-parks, and open space located within the San Marcos Highlands Specific Plan Area and unincorporated County lands dated May 30, 2013 and appreciates this opportunity to comment. The County, as a responsible agency under CEQA Section 15381, has comments that identify potentially significant environmental issues that may have an effect on the unincorporated lands of San Diego County. In addition, the comments may identify reasonable alternatives and mitigation measures that should be explored in the environmental document.

County Planning & Development Services (PDS) and Department of Public Works (DPW) have completed their review and have the following comments regarding the content of the above documents.



## GENERAL COMMENTS

1. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used to determine the significance of environmental impacts and mitigation options for addressing potentially significant impacts in the unincorporated portions of the County of San Diego. Potentially significant impacts within the unincorporated County and/or affecting County facilities should be evaluated using the County's Guidelines for Determining Significance, available online at: <http://www.sdcountry.ca.gov/dplu/procguid.html#guide>.
2. A majority of the proposed development area is located in a portion of the unincorporated County with a Semi-Rural 10 (SR10) Land Use Designation. The SR10 designation was adopted by the Board of Supervisors on August 3, 2011 based on the existing site constraints related to steep slopes, wetlands, habitat value, and fire hazards. Development of the project site at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles.
3. The proposed project would result in annexation of 69.4 acres of unincorporated territory into the City of San Marcos and a proposed boundary realignment that would result in all of the development being located within the City of San Marcos and most of the open space being located in the County of San Diego. The annexation and proposed development would impact regional conservation planning, as discussed further below.

## BIOLOGICAL RESOURCES

4. The environmental document should evaluate the project's impacts on the County's proposed North County Plan. The proposed project is located within a large block of habitat with sensitive biological resources including riparian and coastal sage scrub habitats that support diverse wildlife and plant species, including the federally listed threatened coastal California gnatcatcher. The portion of the property that is in the County's jurisdiction is designated in the Draft North County Plan as Pre-approved Mitigation Area (PAMA), which includes high quality habitats that will create the ultimate preserve system in the North County Plan area. Though development is allowed in the PAMA, developers are encouraged to build outside the PAMA and preserve lands inside the PAMA. The proposed PAMA extends to the northwest in the County's jurisdiction and to the southeast it links to the Northern Focused Planning Area of the City's Draft Natural Community Conservation Plan. The proposed project would compromise the efficacy of the PAMA in this block of habitat.

5. The property provides habitat important to the coastal California gnatcatcher, a species that will be covered by the County's Plan. Other sensitive wildlife species known to exist on the project site based on 1999 surveys include the Black-shouldered Kite, Red Diamond Rattlesnake, Bell's Sage Sparrow, and several raptor species, including Turkey Vulture, Cooper's Hawk, Red-shouldered Hawk, and Red-tailed Hawk. Medium to large mammals, such as bobcat, coyote, and mule deer, as well as small mammals also use the property. Wart-stemmed Ceanothus (*Ceanothus verrucosus*) is a sensitive plant species known to occur on the property. An updated survey should be conducted to determine what species currently occur on the property. The environmental document should assess the impacts of habitat loss and fragmentation, and the blockage of the wildlife corridor, for these species.
6. The project plans state, "The Following APN's: 184-101-15, 184-102-18, 32, & 44, are contiguous ownership to the project, but are not a part of the tentative map. The parcels are to be permanent open space and represent part of the open space mitigation under the following permits: Army Corps of Engineers SPL-2001-00479 (404 Permit), and California Department of Fish and Game #R5-2002-0445 (1603 Permits)." The environmental document needs to include an analysis of all impacts and mitigation associated with these agency permits, in addition to the impacts and mitigation associated with the development footprint. The environmental document should discuss resource management of all biological resource mitigation areas and identify who the resource manager would be.
7. The environmental document should evaluate how the proposed project would affect the regional habitat conservation planning efforts of the County. County staff are concerned that the proposed project is inconsistent with conservation principles that form the basis of regional conservation plans. The conservation principles are:
  - Conserve target species throughout the Plan Area: Species that are well-distributed across their native ranges are less susceptible to extinction than are species confined to small portions of their ranges.
  - Create larger preserves: Large blocks of habitat containing large populations of the target species are superior to small blocks of habitat containing small populations.
  - Keep preserve areas close: Blocks of habitat that are close to one another are better than blocks of habitat far apart.
  - Keep habitat contiguous: Habitat that occurs in less fragmented, contiguous blocks is preferable to habitat that is fragmented or isolated by

urban lands. Contiguous habitat also minimizes deleterious edge effects of urban lands.

- Link blocks of habitat: Interconnected blocks of habitat serve conservation purposes better than isolated blocks of habitat. Corridors or linkages function better when the habitat within them resembles habitat that is preferred by target species.
- Create diverse preserves: Blocks of habitat should contain a diverse representation of physical and environmental conditions.
- Protect preserves from encroachment: Blocks of habitat that do not have road access or are otherwise inaccessible to human disturbance serve to better conserve target species than accessible habitat blocks.
- Maintain natural processes: Preserves that are designed to maintain natural processes will sustain native biodiversity better than preserves in which such processes are disrupted.

The proposed project would impact multiple species, fragment a large block of habitat and lead to adverse edge effects on the isolated piece of property and the proposed on-site mitigation.

## POLICE SERVICES

8. The plans provided include a note that police protection would be provided by the County of San Diego Sheriff's Department. Please ensure that the County of San Diego Sheriff, San Marcos Station is consulted regarding police protection.

## FIRE PROTECTION

9. The proposed project is located in a very high fire hazard severity zone per the CALFIRE Fire Resource Assessment Program (FRAP) mapping. Development at the proposed density may not be appropriate given the site constraints related to fire protection and lack of existing access from the north. Specifically, the project design has the following fire safety issues:
  - a. There are dead end road lengths that exceed the 800 foot maximum dead end road length per the Consolidated Fire Code;
  - b. The lot sizes and locations cannot meet the San Marcos Fire Protection District's 150 foot fuel modification zone requirement per Section 4707.2 of the County Consolidated Fire Code; and
  - c. The project design includes pockets of dense housing, interspersed with and surrounded by biological open space which is a fuel source and is difficult to manage for fire safety and is inconsistent with policies of the County General Plan.

10. The plans provided show only one public access point into the project site from the south going north on Las Posas Road. There is a proposed secondary access proposed along the southerly property boundary called secondary emergency access Lot Q, however there are no details as to whether this would be public, unobstructed access and what kind of improvements it would have. Improvements details should be provided on the plans to assess the adequacy of this secondary access point.

## TRAFFIC AND TRANSPORTATION

11. Based on the Tentative Map (TSM 408-Revised), the proposed project would generate 1,980 trips (198 single family units x 10 trips/ unit). A Traffic Impact Study (TIS) should be conducted per the County's Guidelines for Determining Significance and Report Format and Content Requirements to ensure the proposed project's traffic impacts are reflective of the current traffic conditions in the area.
12. The TIS should note the existing, near-term and future plans for Las Posas Road. The proposed San Marcos Highlands project would increase the allowable development within the current unincorporated area significantly. The current County General Plan would allow 1 dwelling unit per 10 acres, or a total of 12 units on the portion of the project currently within the County. The proposal to add 198 single family units on this project site would significantly increase trips on county roadways compared to what would be allowed under existing County plans. The project TIS should provide a comparative General Plan (City Specific Plan vs. County General Plan) assessment of the project's buildout impacts to future Las Posas Road.
13. The proposed project and plans for Las Posas Road will have a significant impact on the County's Mobility Element network in the area. The County's Mobility Element currently classifies Las Posas Road as a 2.2C Light Collector road that would provide an additional north-south link between the Twin Oaks community and the City of San Marcos. The proposed increase in density may warrant a roadway design with a higher classification (i.e. increased capacity). At a minimum, the design and construction of Las Posas Road within the County's jurisdiction should meet the County's Public Road Standards for a 2.2C Light Collector road.
14. The TIS/EIR must provide an assessment of the project's cumulative impacts. Payment to the County's Transportation Impact Fee (TIF) program should be



Mr. Pederson  
August 19, 2013  
Page 6

provided to mitigate local and regional cumulative traffic impacts to facilities located within the unincorporated area of San Diego County.

15. San Marcos staff should coordinate with County staff on the cumulative project list for the analysis of cumulative traffic conditions.
16. County staff may provide additional comments upon submittal of the project's Environmental Impact Report and Traffic Impact Study.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact Jennifer Domeier, Land Use Environmental Planner at (858) 495-5204 or email [jennifer.domeier@sdcounty.ca.gov](mailto:jennifer.domeier@sdcounty.ca.gov).

Sincerely,



Mark Wardlaw, Director  
Planning & Development Services

e-mail cc:

Eddie Sprecco, Policy Advisor, Board of Supervisors, District 5  
Megan Jones, Group Program Manager, LUEG  
Michael Ott, Executive Officer, LAFCO  
Jody Mays, County of San Diego Sheriff  
Richard Chin, Associate Transportation Specialist, Department of Public Works  
Nick Ortiz, Land Development Project Manager, Planning & Development Services  
Julia Quinn, Environmental Planning Manager, Department of Public Works  
LeAnn Carmichael, Group Program Manager, Department of Public Works  
James Pine, Deputy Fire Marshall, San Diego County Fire Authority  
Twin Oaks Valley Community Sponsor Group  
Hidden Meadows Community Sponsor Group  
Jennifer Domeier, Land Use Environmental Planner, Planning & Development Services



**County of San Diego**  
**PLANNING & DEVELOPMENT SERVICES**

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December 12, 2013

Norm Pederson  
Associate Planner  
City of San Marcos  
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San Marcos, CA 92069-2918

Sent via email to  
[npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

**COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE  
PROPOSED SPECIFIC PLAN AMENDMENT AND TENTATIVE SUBDIVISION MAP  
FOR SAN MARCOS HIGHLANDS**

Dear Mr. Pederson:

The County of San Diego (County) has reviewed the Mitigated Negative Declaration (MND) for the San Marcos Highlands Project, dated October 2013, and appreciates this opportunity to comment. The County has comments that identify potentially significant issues that may have an effect on unincorporated County lands. Please note that none of these comments should be construed as County support for this project or the associated annexation.

**GENERAL COMMENTS**

1. The existing County General Plan designation for the portion of the project within the County of San Diego is Semi-Rural 10 (SR-10). Development of the project at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles. This property was included as a Property Specific Request (PSR) as part of the General Plan Update process, whereby the Board of Supervisors directed staff to evaluate the feasibility of changing a southern portion of the project site from SR-10 to SR-1. **This would allow 44 additional dwelling units in the County.** It should be noted, however, that the PSR process will require a full environmental analysis and there is no guarantee that the General Plan designation would be changed through this process. Staff has identified various constraints on this property as part of the PSR process, which

are also reflected in the comments provided on the current project being processed through the City of San Marcos.

2. Chapter 4 of the MND includes a list of new mitigation measures that would be required and states that other mitigation measures identified in the 1990 Final Environmental Impact Report (EIR) for the Specific Plan and the 2002 Supplemental Environmental Impact Report (SEIR) for the Specific Plan would still be applicable to the project. This approach leaves confusion regarding the mitigation applicable to the project because the earlier mitigation measures are buried in the prior project documents. In addition, some of the prior mitigation is likely duplicative or no longer relevant considering new analysis, specifically with regard to biology, noise, and traffic mitigation. The environmental document should be updated to include a complete, up to date and accurate list of mitigation measures applicable to the current project.
3. As discussed further in these comments, the changes in circumstances and potential new project impacts warrant the preparation of a SEIR versus the MND that was prepared for this large and impactful project. Circumstances have changed since the original 1990 EIR and 2002 SEIR that have not been adequately documented and analyzed. For example, adequate biological surveys were not completed to justify a less than significant impact.
4. Critical information was missing from the environmental documents provided during public review. The MND referenced a Fire Protection Plan but this was not made available to the public. In addition, there was no complete map showing all of the proposed biological mitigation areas and the wildlife agency opinions and permits were referenced but not made available for review. Although the County was provided with this information upon request, this information was not available to the public and, therefore, the public was deprived of a meaningful opportunity to comment on the project.

## **BIOLOGICAL RESOURCES**

5. The project is partially within the County's draft Multiple Species Conservation Program North County Plan (draft North County Plan) Pre-Approved Mitigation Area (PAMA). The PAMA is the area within which the preserve will be assembled. As stated in the Biological Opinion (BO; USFWS 2005) the project site provides important habitat for the coastal California gnatcatcher in the North County Plan area and also in the Biological Core and Linkage Area (BCLA) of the Multiple Habitat Conservation Program (MHCP). Both regional plans rank the habitat as having very high habitat value. The Biological Opinion also states that the project site includes the last, relatively undisturbed native vegetation in northwestern San Marcos, as well as the headwaters of the Agua Hedionda Creek, and provides connectivity with undeveloped areas in the County that are important for the survival and recovery of the gnatcatcher. Based on an aerial

photograph from 2012, the undeveloped area, of which this proposed project is part, is about 1,400 acres and provides high quality habitat for many sensitive species. Development within this area would preclude its inclusion within the proposed PAMA, reduce the size of the PAMA, and would affect the viability of the PAMA in this area.

6. The USFWS Biological Opinion also discusses that the proposed project site contributes to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the I-15 corridor. This connection is needed to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the County's MSCP preserve system), through gnatcatcher habitat within the City of Carlsbad to the northwest, through the "stepping stone" corridor of gnatcatcher habitat patches extending through Oceanside, to core populations of gnatcatchers on Camp Pendleton. Retaining the connectivity of the gnatcatcher habitat within northern San Marcos with County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project site. To retain that connectivity, the project's proposed 400-foot wide corridor should be made wider to provide wildlife movement and habitat not only for wide-ranging species such as mule deer, bobcats and coyotes, but also for dispersal and genetic exchange by small species such as the coastal California gnatcatcher.
7. The latest biological resources surveys of the property (2004) need to be updated for an accurate assessment of the biological resources, particularly for the coastal California gnatcatcher. Generally, the County requests updated surveys if the most recent surveys are more than one year old. The recent limited October 2013 reassessment (Everett and Associates 2013) does not provide the detail needed to accurately assess the currently proposed impacts to biological resources. Even though the proposed project footprint has been reduced in size, impacts could still be significant. Only updated surveys and analyses can provide the impacts to the biological resources on the site and evaluate whether the impacts have been mitigated to less than significant. Surveys should be conducted and a new report prepared according to the USFWS protocol for coastal California gnatcatcher and the County's Guidelines for Determining Significance and Report Format and Content Requirements ([http://www.sdcounty.ca.gov/pds/docs/Biological\\_Guidelines.pdf](http://www.sdcounty.ca.gov/pds/docs/Biological_Guidelines.pdf)).
8. The HMMP stated that the "project is not likely to jeopardize the continued existence of the CAGN". However, that statement does not mean that impacts to the federally listed species are not significant on a regional (SD County) and local (Twin Oaks Valley area) scale or according to CEQA. The impacts need to be reassessed and need to consider regional and local species impacts.



9. Cumulative impacts to the biological resources need to be reassessed in light of past, current and foreseeable future projects that would cause impacts in the vicinity of the project. This has likely changed quite a bit since the previous EIR.
10. To widen the wildlife linkage in the northernmost portion of the project site where the wildlife corridor is most constrained, an offsite easement is proposed. This offsite area has existing disturbance including an access road and structures. All structures, including fences, should be removed in this area. In addition, the restoration of habitat should use only native species that occur in Diegan coastal sage scrub dominated by California sagebrush (*Artemisia californica*), which is the type of coastal sage scrub preferred by the federally listed coastal California gnatcatcher.
11. The County disagrees with the conclusion of the Biological Resource Conformance Letter (Appendix D to the IS/MND) dated October 16, 2013. The proposed project is not consistent with the County's MSCP draft North County Plan. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised), the proposed project would compromise the efficacy of the North County's Plan's PAMA in this block of habitat. The PAMA includes high quality habitats that will create the ultimate linked preserve system in the North County Plan area. The proposed PAMA extends to the northwest in the County's jurisdiction and to the southeast it links to the Northern Focused Planning Area of the City's Draft Natural Community Conservation Plan. This linkage would be reduced to approximately 400 feet wide and severely constrain wildlife movement from what is now available.
12. No fuel management should occur within the proposed preserve corridor. In the current design, it appears that fuel management would extend into the corridor area, further compromising the integrity of the corridor.
13. **IS/MND Section 2.4 Natural Open Space:** The Natural Open Space areas are primarily for the conservation of wildlife habitat and habitat connectivity for wildlife movement, not for human uses. Trails should not be allowed in the narrowest portions of the habitat linkage, and brush management zones must be kept outside the narrowest portions of the linkage. The 400-foot wide linkage should all be left as a native plant community, or revegetated as such to provide cover for movement and habitation by wildlife.
14. **IS/MND Section 2.4 Landscaped Slopes:** The proposed project should use low-fuel native species to vegetate the slopes adjacent to the natural open space in order to provide additional habitat and movement locations for wildlife. In the document, "Native Plant Landscaping to Reduce Wildfire Risk – Recommendations for Landscaping near San Diego's Canyons and Wildlands", the California Native Plant Society provides a list of native plants that reduce

wildfire risk while providing habitat for wildlife in San Diego County. The document is available at <http://www.cnpssd.org/fire/ReduceFireRisk.pdf>.

## **PUBLIC SERVICES**

15. The MND states that the project includes a comprehensive fuels management plan; however, this plan was not made available to the public during the public review process. The MND does not include any details about how fire protection would be implemented and who would be responsible for maintenance of the fuel management areas.
16. As stated in our previous comment letter, the proposed project is located in a very high fire hazard severity zone per the CALFIRE Fire Resource Assessment Program (FRAP) mapping. Development at the proposed density may not be appropriate given the site constraints related to fire protection. Specifically, the project design includes pockets of dense housing, interspersed with and surrounded by biological open space, which is a fuel source difficult to manage for fire safety.
17. Page 2-9 of the MND states, "The project incorporates Fuel Management zones of 100 to 150 feet." Buffers less than 150 feet would not meet the San Marcos Fire Protection District's 150 foot fuel modification zone requirement per Section 4707.2 of the County Consolidated Fire Code. No discussion was provided as to how these reductions would be mitigated.

## **TRAFFIC AND TRANSPORTATION**

18. The Traffic Impact Analysis (Pg. 60) incorrectly concludes that a project contribution to the County's Transportation Impact Fee (TIF) program is not required because there are no cumulative or direct traffic impacts identified on the future segment of Las Posas Road from the project site to Buena Creek Road. On the contrary, TIF payment is a requirement for all projects located on unincorporated County lands that will generate trips. Payment of the TIF does not depend on whether the individual project has a cumulative or direct impact to a particular roadway facility. Although the project does not currently propose a connection to Buena Creek Road, the Las Posas connection exists as a planned Mobility Element network road on both the County and the City's Circulation Elements. At such time in the future when the planned road network is built out, the project will contribute trips onto County roads, some of which are currently or are projected to operate at inadequate levels of service. Although the project includes a proposed annexation to the City of San Marcos, a portion of the project development is located on unincorporated County land that was included in the analysis and development of the TIF program. Therefore, the project should contribute to the County's TIF to adequately mitigate for projected future road deficiencies identified within the County.

The County requests that a mitigation measure be added to the MND to require payment of the TIF amount described below or another amount agreed to by the County of San Diego and the City of San Marcos. If San Marcos collects the required SANDAG Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee amount of \$2,209, then the County TIF rate would be \$1,805 per single family unit (North County Metro, Non-Village Rate). Based on an approximate 153 units located within the County unincorporated area, the corresponding TIF would be \$276,165 (153 x \$1,805). Link to TIF: <http://www.sdcounty.ca.gov/dpw/land/tif.html>

The County appreciates the opportunity to participate in the environmental review process for this project. If you have any questions regarding these comments, please contact Jennifer Domeier, Land Use Environmental Planner, at (858) 495-5204, or via email at [jennifer.domeier@sdcounty.ca.gov](mailto:jennifer.domeier@sdcounty.ca.gov).

Sincerely,



TODD SNYDER, Chief  
Advance Planning Division

e-mail cc:

Eddie Sprecco, Policy Advisor, Board of Supervisors, District 5

Megan Jones, Group Program Manager, LUEG

Michael Ott, Executive Officer, LAFCO

Richard Chin, Associate Transportation Specialist, Department of Public Works

Nick Ortiz, Land Development Project Manager, Planning & Development Services

Julia Quinn, Environmental Planning Manager, Department of Public Works

Bobbie Stephenson, Land Use Environmental Planner, Planning & Development Services

Jennifer Domeier, Land Use Environmental Planner, Planning & Development Services

Twin Oaks Sponsor Group



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

DEC 31 2002

Mr. Michael D. Ott  
Executive Officer  
San Diego Local Agency Formation Commission  
1600 Pacific Highway, Room 452  
San Diego, CA 92101

Re: "San Marcos Highlands Reorganization" (Ref. No. SA02-29, RO02-29)

Dear Mr. Ott:

This letter responds to the request for comments on the above referenced proposal submitted to the Local Agency Formation Commission (LAFCO) for review and recommendation. We have prepared these comments with a desire to assist the Commission's staff in analyzing the proposal to reorganize territory involving annexations to the City of San Marcos, the Vallecitos Water District and the San Marcos Fire Protection District.

The reorganization territory is located adjacent to the City's northwest boundary and within the City of San Marcos' sphere of influence. The City has approved a Specific Plan Amendment and Tentative Subdivision Map that conditionally provides for the development of the 203-acre San Marcos Highlands project. The proposed San Marcos Highlands project would result in the development of 230 single-family units, and associated infrastructure such as sewer, storm drains and road. The project would also include 138 acres of open space, a 3-acre park site and trail system.

EPA is concerned with the degradation and loss of natural resources in the City of San Marcos. Due to economic growth and development, most of the vernal pools wetlands have been filled. San Marcos Creek and its watershed has been adversely impacted and severely degraded. Development is now encroaching into the hills surrounding the City of San Marcos resulting in impacts to coastal sage scrub and contributing tributaries to San Marcos Creek and Agua Hedionda Creek.

EPA is concerned over the proposed San Marcos Highlands project. The project as currently proposed will result in significant adverse environmental impact. The proposed project would fragment the last large contiguous block of coastal sage scrub left in northern San Marcos. This area is part of the Biological Core and Linkage area listed in the U.S. Fish and Wildlife Service proposed Multiple Habitat Conservation Plan. The project and associated infrastructure would also result in filling of wetlands and impacts to the headwaters of Agua Hedionda Creek.

In addition to the direct loss of wetlands and other waters, the proposed development would

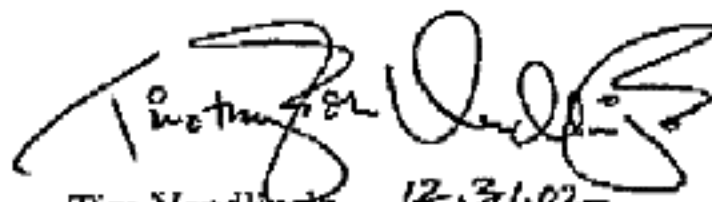


result in indirect impacts to aquatic resources. Development will alter hydrology, release contaminated runoff, introduce exotic vegetation and result in incompatible uses by people, domestic pets and feral animals. Eventual degradation and additional loss of the aquatic resources are expected to result.

Discharges into waters of the United States associated with the proposed project will require permit authorization by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act. Should the applicant pursue permit authorization from the Corps, EPA will evaluate the project closely due to the biological sensitivity of the site and significant impacts to aquatic resources.

We believe that there are opportunities for residential development that does not result in significant loss of sensitive biological resources in and around the City of San Marcos. Thank you for the opportunity to comment on the San Marcos Reorganization. If you have any questions, please contact Elizabeth Goldmann of my staff at (415) 972-3398.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Vendlinski", with a date "12.31.02" written to its right.

Tim Vendlinski  
Supervisor, Wetlands Regulatory Office



GARY L. PRYOR  
DIRECTOR  
(858) 694-2962

# County of San Diego

## DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE  
338 VIA VERA CRUZ - SUITE 201  
SAN MARCOS, CA 92069-2620  
(760) 471-0730

EL CAJON OFFICE  
200 EAST MAIN ST. - SIXTH FLOOR  
EL CAJON, CA 92020-3912  
(619) 441-4030

January 4<sup>th</sup>, 2002

Jerry Backoff  
Director of Planning  
City of San Marcos  
Development Services Department  
1 Civic Center Drive  
San Marcos, CA 92069-2949

**Re: SAN MARCOS HIGHLANDS SEIR 90-13, SPECIFIC PLAN  
MODIFICATION (MOD)/SP 89/16 (98MOD) AND TENTATIVE  
SUBDIVISION MAP TSM408/ND 99-503**

Dear Mr. Backoff,

Route Locations and environmental staff have reviewed the Supplemental Environmental impact Report (SEIR) for the San Marcos Highlands project. This project includes a specific plan modification and a Tentative Subdivision Map for 230 single-family homes. There are several issues that need to be addressed before this project proceeds. Our comments are as follows:

- Figures, 3.1, 3.2 and 3.3 show that an extension up to San Marcos Road will be annexed as part of this project. The purpose and need of this extension should be clearly identified and discussed in the SEIR. It appears to be for a road extension to Buena Creek Road.
- The current General Plan Circulation Element for the County of San Diego indicates that the extension of Los Posas Road to Buena Creek Road is planned, yet the alignment is undetermined. It is unlikely that the alignment proposed in this project would be acceptable under the current General Plan. This extension of Los Posas Road may be removed from the GP2020 Circulation Element.
- On pages 4.4-4 and 4.4-5 under emergency access it is stated that further extension of Las Posas Road to the north would be County circulation

improvements. The extension of Las Posas Road to the north would not be a County improvement if the extension to San Marcos Road is annexed as part of the project. Annexation to this area would allow the project to construct emergency access to the north to Buena Creek Road. Near term construction of this road for emergency access for the proposed project should be evaluated as an alternative in the SEIR.

- It is also stated that emergency access from the north may be taken to Buena Creek Road via private road easements. The SEIR should specify which easements would allow this and what emergency access is provided at this time.
- Open space easements are located along each side of the Las Posas Road as it traverses the proposed project and as it extends northward to Buena Creek Road. These open space easements serve as potential wildlife corridors. Bisecting the open space with be inconsistent with objective 2 (page 3-6 of the San Marcos Highlands Specific Plan Amendment which is to "preserve and wherever possible enhance the existing riparian woodland, freshwater marsh pond and wildlife corridors." An alternative that does not bisect the open space/wildlife corridor should be identified and evaluated. This would include the elimination of Las Posas Road through street with possible use only as a secondary emergency access corridor. In the 2005 traffic analysis it was stated that this road extension would not be needed (roads would operate as LOS C or better) and elimination would not result in traffic impacts.
- The current General Plan for the County of San Diego shows that dwelling unit density in this area should be one dwelling unit (du) per ten (10) acres. The proposed project far exceeds this goal with a planned range of 2.9 - 5.5 du/ac.
- **Section 3.7 Required Approvals of the SEIR is considered inadequate at this time** as there will be a need for a Habitat Loss Permit from the US Fish & Wildlife Service and approval for the use of the County of San Diego 5% coastal sage scrub loss allotment. The latter is required as the City of San Marcos has exhausted its 5% coastal sage scrub loss allotment. It is stated in Section 4.3.4 that the proposed project would result in the loss of 76 acres of coastal sage scrub.
- The vegetation onsite consists of primarily undisturbed Diegan coastal sage scrub. The current project design would severely impact wildlife movement through the corridor of pristine habitat the trends to the northwest by bisecting the corridor. It is staff opinion that this project should be redesigned so that wildlife movement would be unimpeded from the southeast to the northwest. It is also recommended that an alternative to this project be included that would located the impacts to the southwest

area of the site, within the current City of San Marcos boundaries, to minimize detrimental environmental effects by not losing as great a quantity of coastal sage scrub habitat and also retaining the current wildlife corridor.

- The proposed project requires the annexation of County lands into the City of San Marcos. The land under consideration is a relatively large block of habitat containing sensitive biological resources including riparian and coastal sage scrub habitats that support a range of wildlife species. The development of a plan to protect these sensitive resources is currently underway; the Multiple Species Conservation Program (MSCP) North County Subarea Plan. The current planning process addresses many issues related to lands contained in the lands proposed for annexation, including protection of the sensitive natural resources, potential configurations of connections to other natural areas, and reconciliation with development and community plans. The SEIR should adequately address the impact that this annexation and associated habitat loss and blockage of a viable wildlife corridor would have to the North County MSCP Subarea Plan.

If you should have questions or comments, please contact Bob Goralka (Route locations staff) at (858) 694-3728 or Maeve Hanley (staff biologist) at (858) 495-5254.



MAEVE HANLEY  
Environmental Management Specialist

cc: Nancy Gilbert, US Fish and Wildlife Service, 2730 Loker Avenue West,  
Carlsbad Ca, 92008  
William E. Tippetts, CA Department of Fish & Game, 4949 Viewridge  
Avenue, San Diego, CA 92122  
Twin Oaks Valley Sponsor Group, P.O. Box 455, San Marcos, CA  
92079-0455  
Mary H. Clarke, Friends of Hacienda Creek, 1529 El Paseo Drive, San  
Marcos CA 92069  
Michael Beck, San Diego Director, Endangered Habitats League, P.O.  
Box 1509, Julian, CA 92036





# TWIN OAKS VALLEY COMMUNITY SPONSOR GROUP

P.O. Box 455

San Marcos, Ca. 92079

July 10, 2002

Dear Supervisor Jacob,

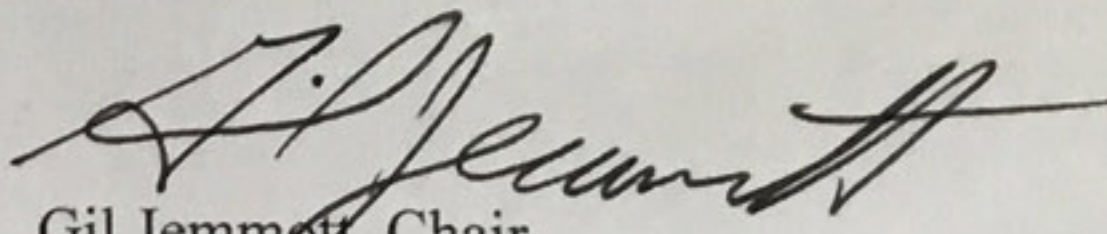
Last night the San Marcos City Council took action to approve a development project, 2/3 of which would require annexation of land within the jurisdiction of the County of San Diego. By its action, San Marcos dismissed, out of hand and with absolutely no consideration, the General Plan 2020 process that the Board of Supervisors initiated in 1999 and to which the community of Twin Oaks has committed hundreds of hours as well as the current County General Plan and County Zoning.

Thankfully, County DPLU Chief Ivan Holler attended the council hearing in support the County planning process in voicing County opposition to the annexation. This community is ever grateful to you and to Mr. Holler for your support and for this demonstration of integrity. I am sure you can appreciate how very important it is for communities to believe that their government representatives are ready and willing to defend them, and that the 2020 process has meaning. Frankly, it is clear that the City of San Marcos did not expect you to rise in defense of this community or even, your own process.

You can be proud of Mr. Holler. He is respectful, professional, articulate, and a tribute to County government. And, as Chief of the 2020 process, may have one of the most challenging jobs at the County.

We expect the annexation debate to continue and are committed to continue to fight for our community, as we will continue to follow your directive and plan for the future of our community. We are ever grateful to know that you stand behind us.

Sincerely,



Gil Jemmott, Chair

Cc: Members of the County Board of Supervisors  
Bob Copper



**TWIN OAKS VALLEY**  
A Division of Twin Oaks Valley, Inc.  
(760) 471-7980 FAX (760) 744-8099  
2401 Solar View Drive  
San Marcos, CA 92069  
January 23, 2002



Mr. Paul Malone  
1 Civic Center Drive  
San Marcos, CA 92069

Dear Paul,

At the public workshop on January 9, 2002 for the CFD, you stated that the term "sphere of influence" refers to the ultimate expected boundary of a City. When I attempted to correct this misinterpretation, you would not allow me to offer a different opinion and suggested that I contact LAFCO to learn the facts. When I phone I checked the State LAFCO statutes and suggested that I contact with Michael Ott of San Diego LAFCO be replied in part, and I quote: "State Law does not contain a specified time frame. However, San Diego LAFCO's adopted guidelines specify that territory projected to need a local agency's services within the next 10-15 years may be considered for inclusion (Guideline 2001)." I hope this information is of use to you in the upcoming interactions San Marcos will be having with LAFCO.

Sincerely,  
Gil Jemmott

Sincerely,  
Gil Jemmott

Gil Jemmott

The Twin Oaks Valley Community Sponsor Group would like to thank you for your time regarding this matter.

In recent months there has been confusion regarding the approval of a development project. What is confusing to us is that the City of San Marcos has not been asked by the City of San Marcos to be informed about its status. I hope that you can clarify this issue regarding the Highlands, the Mitigated Negative Declaration all approvals for this project expired in November 1998. I have written two letters to you asking for an explanation. To date request.

Since the majority of the property is within the boundaries of that we have not been asked by the City of San Marcos to be informed about its status. I hope that you can clarify this issue that defines all approvals in place for the Highlands development being informed about project meetings, hearings, correspondence forward to working with the City of San Marcos and believe to residents who live along her boundaries.

Thank you for your time regarding this matter.

Sincerely,

Gil Jemmott  
Chairman

C. Gary Pryor, Director, San Diego County Department

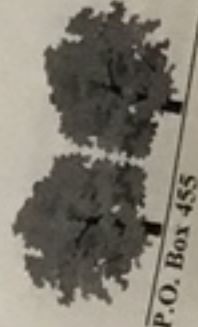
**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
July 10, 2002



P.O. Box 455

Mr. Michael Ott  
Executive Director  
LAFCO  
1600 Pacific Highway, Room 452  
San Diego, CA 92101

**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
July 10, 2002

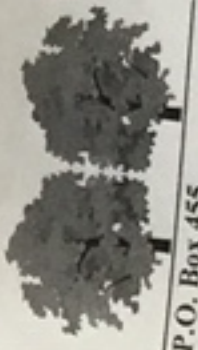


P.O. Box 455

Mr. Michael Ott  
Executive Director  
LAFCO  
1600 Pacific Highway, Room 452  
San Diego, CA 92101

Subject: San Marcos Highlands Reorganization  
Ref: Nos. R002-29, SA02-29

**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
July 10, 2002



P.O. Box 455

Dear: to each supervisor, and to the cc's--  
faxed first thing this morning

Last night the San Marcos City Council took action to approve a development project, 2/3 of which would require annexation of land within the jurisdiction of the County of San Diego. By its action, San Marcos dismissed, out of hand and with absolutely no consideration, the General Plan 2020 process that the Board of Supervisors initiated in 1999 and to which the community of Twin Oaks has committed hundreds of hours.

Thankfully, County DPLU Chief Ivan Holler attended the council hearing in support of County planning process in voicing County opposition to the annexation. This community is ever grateful to you and to Mr. Holler for your support and for this demonstration of integrity. I am sure you can appreciate how very important it is for communities to believe that their government representatives are ready and willing to defend them, and that the 2020 process has meaning. Frankly, it is clear that the City of San Marcos did not expect you to rise in defense of this community or even, your own process.

You can be proud of Mr. Holler. He is respectful, professional, articulate, and a tribute to County government. And, as Chief of the 2020 process, may have one of the most challenging jobs at the County.

We expect the annexation debate to continue and are committed to continue to fight for our community, as we will continue to follow your directive and plan for the future of our community. We are ever grateful to know that you stand behind us.

Sincerely,

**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
October 4, 2001



Dear Paul,

I am sure you can appreciate how very important it is for communities to believe that their government representatives are ready and willing to defend them, and that the 2020 process has meaning. Frankly, it is clear that the City of San Marcos did not expect you to rise in defense of this community or even, your own process.

**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
September 17, 2000



P.O. Box 455

Jerry Backoff  
Director of Planning  
City of San Marcos  
Civic Center Drive  
San Marcos, Ca

Highlands Project  
Mr. Backoff

Twin Oaks Valley Community Sponsor Group would like to know the status of the San Marcos Highlands project TSM 408 formerly TSM 346. In recent months there has been confusion regarding the approvals in place for this project. Sandra Farrell, a sponsor group member, has informed us that the City is proceeding with the Highlands development as an approved project. What is confusing to us is that the last documentation we have regarding the Highlands, the Mitigated Negative Declaration dated June 30, 1999, states that all approvals for this project expired in November 1998. Ma. Farrell has informed me that she has written two letters to you asking for an explanation. To date, you have not responded to her request.

**TWIN OAKS VALLEY**  
COMMUNITY SPONSOR GROUP  
San Marcos, Ca. 92079  
July 10, 2002



P.O. Box 455

Dear Supervisor Jacob,

Last night the San Marcos City Council took action to approve a development project, 2/3 of which would require annexation of land within the jurisdiction of the County of San Diego. By its action, San Marcos dismissed, out of hand and with absolutely no consideration, the General Plan 2020 process that the Board of Supervisors initiated in 1999 and to which the community of Twin Oaks has committed hundreds of hours as well as the current County General Plan and County Zoning.

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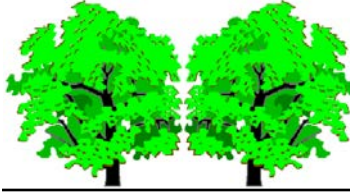
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Sincerely,

Gil Jemmott  
Chairman





# Twin Oaks Valley Community Sponsor Group

P.O. Box 455

San Marcos, Ca. 92079

December 28, 2001

Mr. Jerry Backoff  
Director of Planning  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA

Re: San Marcos Highlands Project, Comments on the Draft Supplemental Environmental Impact Report.

## Introduction

We appreciate the opportunity to respond to the Draft Supplemental Environmental Impact Report (DSEIR) for the San Marcos Highlands. We hope that our comments will guide the City of San Marcos and the project applicant to create a project that will be a benefit to the applicant, the City of San Marcos, and the community of Twin Oaks. As previously stated<sup>1</sup>, this project's impacts would be felt primarily by property owners and residents within our planning area who have no representation in San Marcos City matters. We believe that protection of natural resources and community character are directly linked to quality of life. We hope the City of San Marcos supports this position.

The Twin Oaks Valley Community Sponsor Group has written extensive comments regarding the San Marcos Highlands, or Highlands in response to both the Mitigated Negative Declaration (MND) and the Notice of Preparation (NOP). Those comments and supporting documentation are included as attachments to this document.

- |               |                                                                                                         |
|---------------|---------------------------------------------------------------------------------------------------------|
| Attachment A. | Comments on MND San Marcos Highlands,<br>Twin Oaks Valley Community Sponsor Group,<br>February 21, 2001 |
| Attachment B. | Twin Oaks Community Plan                                                                                |
| Attachment C  | Response to NOP, San Marcos Highlands, Twin<br>Oaks Valley Community Sponsor Group,                     |

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<sup>1</sup> P 1, Attachment A. Comments on MND San Marcos Highlands, Twin Oaks Valley Community Sponsor Group, February 21, 2001

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

Attachment D	Response to NOP for San Marcos Highlands, LAFCO
Attachment E	Army Corps of Engineers letter to KB Homes
Attachment F	Schuler letter to Army Corps, ref Permit Application 19991657-RRS
Attachment G	Comments on MND, San Marcos Highlands, San Diego County Department of Planning and Land Use
Attachment H	Section 1.500 of San Diego County Map Processing Manual
Attachment I	State of California Government Codes Section 66457(b)
Attachment J	County Policy I-55 and I-59
Attachment K	North County Times Newspaper Articles
Images A,A1-A4	Highlands Impact Plan Views
Image B	Existing Site Conditions

### **GENERAL COMMENTS**

Overall it appears that the author of the Draft Supplemental Environmental Impact Report, or DSEIR, failed to read our previous comments. The DSEIR, as with previous documents, compares the Highlands either to an expired project or to adjacent development in the City of San Marcos. There is no acknowledgement that the majority (58%) of the project is outside of city boundaries, nor an attempt to comply with A-70 zoning presently on the portion of the project outside city boundaries. There is no acknowledgement of the rural character of development adjacent to three sides of the Highlands, some in existence since the early 1960s, nor any attempt to make the Highlands blend in with these areas. Attached (image a) takes the aerial view shown in DSEIR and overlays the proposed development.

We see major contextual flaws with the DSEIR. First of all it continues to evaluate the proposed project by comparing it to one that has expired in spite of the fact that the project boundaries, area, layout, and number of dwelling units have changed markedly. Secondly, the DSEIR fails to acknowledge the fact that 58 percent of the project has not been annexed to the City and therefore must still comply with the current A-70 zoning. Thirdly, the DSEIR fails to acknowledge any impacts associated with the project to the existing rural community that borders it on three sides. Finally, the DSEIR does not acknowledge that substantial changes in conditions, including environmental and land law, have occurred since 1990, the date of the original and expired EIR.



**The statement repeatedly made throughout the DSEIR that the Highlands will have no impacts or have less than significant because the proposed project has less dwelling units than the previously approved project is false.**

First of all, the previous project and plan have expired. Secondly, the intensity of development proposed in the DSEIR is substantially higher than the adjacent community or the previously adapted and now expired plan. Thirdly, it is clearly different than its neighbors to the east, west and north. Moreover, even with the removal of part of planning area 1 currently outside the sphere of influence, 58 % of the property and 90% of the development on the site, falls outside the city. For the City and applicant to propose a project so out-of-character in this area is preposterous.

We believe that the original twelve-year old project that expired in 1998, if brought forward today, would not be approved. There has been a significant shift in public sentiment since the original project was approved. Rampant growth has quickly replaced open space and rural communities with high-density housing. As a result, the public now desires to preserve many of the remaining open spaces and unique rural neighborhoods as a relief to the homogenous look often found in master planned communities. The loss of open space and rural neighborhoods to high-density tract type homes is now referred to as "sprawl".

To continue to compare any new project to the previously approved project is inappropriate. Over 50% of this project is located outside the City of San Marcos and under the land use jurisdiction of San Diego County Department of Planning and Land Use (DPLU). To date there is no approved project for this site listed with DPLU on county land.

This proposed development violates policies and regulations as set forth in the Twin Oaks Community Plan, County General Plan, Board of Supervisors Policy I-55, environmental policies, and LAFCO policies.

**Therefore, for this DSEIR to properly fill its obligations under CEQA it needs to acknowledge this projects place in the county as well as the city and look at the cumulative impacts the Highlands would have on adjacent rural communities.**

The DSEIR has failed to address a number of the issues raised by the Twin Oaks Valley Community Sponsor Group in our previous comments to both the RMND and NOP. We asked that questions and comments raised in previous comments by the Sponsor Group, not addressed by the DSEIR, be addressed in either the FEIR or a new EIR.

## **PROJECT DESCRIPTION**

### **3.1 Project Background/History**

The San Marcos Highlands, originally approved by the City of San Marcos in 1990, went through several time extensions until it expired in 1998. The original project described in all previous documents consists of 230 du on 225 acres with a significant portion, 58% of the area and approximately 90% of the development proposed, lying outside the City of San Marcos in the Twin Oaks Valley Planning Area. This land is currently zoned A-70/Estate residential with 1 dwelling unit per 2&4 acres. The area is characterized by steep slopes and contains the headwaters to Agua Hedionda Creek. The creek has been identified as an important wildlife corridor that provides wildlife with foraging and nesting opportunities. The area is surrounded by estate residential and is characterized by individualistic style of architecture, large lot design, agricultural and equestrian land uses. To the south there is one SPA high-density development, Santa Fe Hills.

The proposed Highlands will require the extension of Las Posas road across Agua Hedionda Creek and up through the wildlife corridor. The DSEIR identifies significant cuts and fills as having a potential adverse effect. This along with the location of a 4-lane road and 230 homes in the middle of a wildlife corridor can only degrade wildlife, water quality and visual resources as well as jeopardize agricultural and equestrian activities prominent in the area. This project will seriously degrade the quality of life for the residents in Twin Oaks.

The Highlands project has undergone several changes, including the recent removal of 21 acres originally set aside for open space, outside the city's sphere of influence. Although the city repeatedly claims in the DSEIR that because the total number of dwelling units is less than the adopted project and therefore the project will have less impact, Table 3-2 of the DSEIR shows the land use intensity has actually increased from 2.6 (net/gross) du/acre identified in SP89-16 to 3.8 (net/gross) du/acre identified in SP89-1698 MOD.

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

Although the project has been in planning since the late 1980s, it appears that the City of San Marcos did not at any time consult with or seek the approval of either San Diego County Department of Planning and Land Use or the Twin Oaks Community Sponsor Group during the preparation of the original EIR (EIR 90-13). The City approved the project in 1990 without any involvement of the above-mentioned groups. Not until several residents approached us at our planning meeting in 1998 did we learn of the project.

Moreover, San Marcos acting as the lead agency has not properly followed CEQA. According to Local Agency Formation Commission (LAFCO), the city approved the project without incorporating comments made by Local Agency Formation Commission (LAFCO) on the Draft EIR or providing them with an opportunity to comment on either the Mitigated Negative Declaration (MND) or Recirculated Mitigated Negative Declaration (RMND) <sup>2</sup>

In our past comments we have requested a new or subsequent EIR, not a supplemental EIR, be done for this project. Upon review of the DSEIR, although some of the areas of concern have been sufficiently addressed, we still strongly believe that many impacts have not been properly addressed. We shall show several significant impacts that have been either not fully identified, not reasonably mitigated, or both. In addition, several errors occur in this document that are significant and therefore make the document unsuitable for fulfilling CEQA requirements.

**The DSEIR contains several significant errors that make it unacceptable as a legal binding document because it requires the public to evaluate and comment on the project with incorrect information.**

Upon inspection of the documents we noticed a disturbing number of errors. The map shown figure 3-4, page 3-5 in the DSEIR shows eleven more lots than maps in either the Mitigated Negative Declaration or the Notice of Preparation <sup>3</sup>. It is unclear how eleven more lots could be added while the total lot count remains the same. In addition, the project appears to have changed since the NOP. The removal of the area outside the city's sphere of

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<sup>2</sup> p 1, Attachment D LAFCO, Response to NOP for San Marcos Highlands

<sup>3</sup> p4, NOP, Figure 3 Master Plan Land Use

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

influence raises new questions regarding open space. Is this area still considered part of the open space requirement for this project or will it be developed at a later date? If it is not part of the project, why is it shown in the document? How does the removal of this piece of the project impact agreements with the Wildlife agencies? Since the DSEIR is a legal document, we would like a clear explanation of these issues. If the map or stated lot count provided in the DSEIR is in error, we recommend that this document be revised and reissued with corrections. It is not fair to the public to ask them to comment on documents that are in error or are unclear.

Also, page 4.1-1 of the DSEIR fails to properly identify the current Paloma Specific Plan. This plan, amended in 1998, increased the density of the project by 100 more homes and removed the fire station from the College Area Community Plan area. As a result, the nearest fire station will be much farther away. This is a change in condition since the approval of the prior now expired project. Therefore, the loss of a fire station, along its associated impacts, needs to be identified.

Because San Marcos has experienced such rapid growth in the past fifteen years and may have increased densities of other projects beyond what was identified at the time the original Highlands project was approved we would like the DSEIR to answer the following:

What other projects within present city boundaries have increased density from their original approved plans?

Does the total density change equal or exceed the present San Marcos General Plan?

If so how does this impact items listed in the Highlands DSEIR?

In addition, Esplendido Ave is misspelled throughout the DSEIR.

Finally, in appendix 11.a, comments submitted by the Twin Oaks Valley Community Sponsor Group are mixed in with comments by other groups, making reading of documents confusing and difficult.

This document is sloppy and insufficient. We trust that the city, in order to comply with CEQA, will ask the applicant to correct these errors and will re-circulate the document for public comment.

## Annexation

**The DSEIR fails to acknowledge the spirit and purpose of AB2838, which is to provide orderly coherent annexation and prevent sprawl.**

The location of the Highlands property within the City's sphere of influence does not guarantee annexation. In fact, the circumstances surrounding this project bring into question effectiveness of the use of spheres of influence in encouraging orderly and coherent annexation and land use planning of areas located outside the San Marcos city boundaries. The area around the project has substantially changed since establishment of the current sphere boundary. This area has evolved to have a unique identity characterized by rural land uses. The Highlands is surrounded on three sides by rural areas and is in the jurisdiction of the County of San Diego and the Twin Oaks Community Sponsor Group. The proposed project is dramatically different from the Twin Oaks Community. The implementation of the Highlands would extend urban development beyond these geographical barriers making future annexation possible and furthering the spread of sprawl. The implementation of the Highlands could therefore lead to the demise of the entire rural community. Given the historical pattern of development in San Marcos combined with its land use policy, this is reasonable assumption.

AB2838 requires that cities update their spheres of influence five years. San Marcos last update occurred over nine years ago. As required by AB2838, the sphere of influence should be updated for this area and revised to reflect changes in conditions that have occurred since the sphere was originally developed.

The DSEIR failed to address comments we made to the MND regarding the long thin tendril in area 3B which extends northward and does not belong as part of the project. We stated that this area should not be annexed into San Marcos. We still believe that the City's stewardship of the southern portion of Agua Hedionda Creek does not justify their taking responsibility for additional wetlands. Their failure to maintain and protect the creek and the pond indicates a lack of concern. We also still believe that annexing this portion into the city would be growth inducing by making many more properties contiguous to the



city. The recent attempts by the city to make annexation a condition of providing fire protection support our concerns. Since this tendril is not needed to service the proposed development, and the city states in the DSEIR that it does not intend to continue Las Posas any farther than what is shown of the project map, why is this tendril still part of the project?

**Project Conflicts with County Annexation Policies as outlined in Board of Supervisor's Policy –I-55**

A copy of Policy I-55 was submitted as part of the comments to NOP.<sup>4</sup> It states in part:

*"Annexation of developed or developing areas which are adjacent to cities is generally encouraged when the following factors are appropriate and/or applicable for the particular area and situation:*

*(c) There is no natural geographic separation between an existing city and the unincorporated territory.*

*(d) The community identity of the annexing area is compatible with the city."*

Figure 3-3 in the DSEIR clearly shows a marked separation between existing development in the city and the rural county lands. Steep slopes of the San Marcos Mountains to the north and eastern portion of the project site create a natural barrier between this project and adjacent lands. The knoll requiring a 100-foot cut to accommodate the project, on the southern portion of the project site, is a key geographic indicator for the end of San Marcos City limits.

As seen in Figure 3-3 and images supplied with this document, there is a perceivable difference between rural community identity of homes in the county, along Esplendido Ave and Robin Hood Ranch, and the urbanized character of Santa Fe Hills to the south. Figure 3-3 clearly shows how the implementation of the Highlands, as proposed, will dramatically change the community character in this area and divide an existing rural community.

### 1.3 Project Alternatives

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<sup>4</sup> page 4, County response to NOP, San Marcos Highlands, April 30,2001

**The DSEIR fails to investigate reasonable alternatives as defined in CEQA**

As previously stated, the DSEIR fails to acknowledge the existing County of San Diego zoning on land outside the city within the Twin Oaks Community Sponsor Group Planning area of the North County Sub regional Plan. Although the 1990 FEIR did show a large lot alternative, it was dismissed without enough detail to determine that it was not practical. We therefore request that the DSIR address a large lot alternative incorporating policies specified in the Twin Oaks Community Plan and County General Plan.

The Highlands project is dramatically from the rural Robin Hood Ranch community or the homes on Esplendido Ave. The Highlands proposes a minimum lot size of 5,830 square feet. The homes in the county have a minimum lot size of two or acres depending on slope. *Section 15126.6 of the CEQA Guidelines require that an EIR describe a range of reasonable alternative to the proposed project that could feasibly attain most of basic objectives of the project and are capable of avoiding or substantially lessening one or more of the significant effects.* The "rule of reason" should therefore be applied and alternatives should be investigated that blend, gradate or provide a sufficient buffer between these two very different densities.

### **3.6 Compatibility with adopted Plans**

**The DSEIR fails to address incompatibility of the existing zoning on the portion of the project outside city limits and the adopted plans associated with this land. Furthermore the Highlands is in gross violation with existing Community and County General Plans**

As previously stated, the DSEIR repeatedly compares the proposed project to one that expired over three years ago. The proposed project consists of 119 acres outside the City of San Marcos currently zoned A-70/Estate Residential, 1 dwelling unit per 2or 4 acres as defined in the County General Plan.<sup>5</sup>

The DSEIR fails to identify that portions of the Highlands are outside the city is within the North County Metropolitan Sub-regional Plan and not part of any County designated Current Urban Development Area (CUDA) or Future Urban Development Area (FUDA). The existing A-70 zoning, with all its entitlements and restrictions, is clearly defined and

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<sup>5</sup> County of San Diego, General Plan map, Twin Oaks Sponsor Group Area

supported in the County General Plan, the North County Metropolitan Sub-regional Plan, the County zoning ordinance, and the Twin Oaks Valley Community Plan. The proposed Highlands is incompatible with the County General Plan, the North County Metropolitan Sub-regional Plan, the County zoning, the Twin Oaks Valley Community Plan, and County Grading Ordinances (excessive cut slopes and other violations).

**The proposed Highlands allows clustering and high-density urban type development violates the Twin Oaks Community Plan.<sup>6</sup>**

The following are taken from the Twin Oaks Community Plan:  
Page 4, *Policies and Recommendations, B. Maintain the existing rural character of Twin Oaks Valley in future developments by avoiding high density trade-offs (i.e. clustering and lot averaging) and encouraging rural oriented designs and compatible lot plans. No lot shall be less than two (2) acres in size.*

Page 5, *C. All new project and tentative maps shall reflect appropriate and innovative site design aspects including:*

- (1) Roads which reflect rural character following topography and minimizing grading.*
- (2) Residential design which varies significantly within individual project and reflects compatibility with rural character of the Twin Oaks Community.*
- (3) Lot patterns and dedicated open space, which reflect sensitivity to environmental resources and which are compatible with the prevailing rural agricultural character.*
- (4) Designs and site Landscaping which appropriately integrate the man-made construction with natural setting and topography.*

*D. Site designs shall:*

- (1) Be in harmony with existing topography and viewscape.*
- (2) Incorporate grading which does not create an eyesore nor unduly disrupt the natural terrain, nor cause problems associated with runoff, drainage, erosion or siltation.*

*E. No clustering or lot averaging shall be allowed in the Twin Oaks Valley Community Plan*

Page 6.

- K. All access-including roads, walkways and retaining walls—shall blend with the natural landforms. No curbs, gutters, or*

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<sup>6</sup> page Attachment B. Twin Oaks Community Plan

*sidewalks shall be used outside the specific commercial land use areas. Grading shall be minimized.*

Page 7.

**RESIDENTIAL GOAL,**

**A. Maintain and enhance the existing rural/agricultural atmosphere of the community planning area while accommodating residential community growth which is in harmony with the natural environment.**

Therefore both the original adopted plan and the proposed plan, Specific Plan Amendment SP89-1698 MOD, are in violation of all the above referenced plans.

Finally, it appears the originally approved project did not follow the section 66457 of California Codes, Government Code of the Map Act that states

*(b If the subdivision lies partially within two or more territories, the map shall be filed with each, and each shall act thereon as provided in this chapter.*

To date we can find no record that the Highlands followed this procedure. Therefore both the original and current maps are invalid as are all references and comparisons to a previously approved project. The DSEIR needs to supply proof that the applicant and the city have complied with the Map Act by providing evidence of map submissions to and approvals by the County of San Diego.

#### **4.1 Land Use Community Character.**

The DSEIR states: *No significant impacts to Land Use and Community Character are identified beyond those impacts analyzed in EIR 90-13. No new mitigation measures are required.*

In support of this, the DSEIR erroneously states on page 4.1-1 that *"the project site is governed by the San Marcos Highlands Specific Plan 89-16."* Only the portion of the project that presently exists within the City of San Marcos is governed by city SPA. Areas outside city limits are not designated as SPA but A70 and under the jurisdiction of County DPLU.

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

On page 4.1-2 the DSEIR tries to justify the density of the Highlands by comparing it to other projects within the City of San Marcos. An equal number of acres of very low density and rural and agricultural uses can be found in closer proximity to the Highlands, thus proving that the Highlands as proposed is incompatible with adjacent land uses. A visual inspection of Fig 3-3 illustrates this point. It is obvious that although there is a project south of the Highlands that is high-density; however, lands within visual view, to the north, east, and west are of significantly lower density than that proposed by the Highlands. It is not reasonable to compare this project with others not adjacent to the project site within the city, and equally unreasonable to not compare this project with projects or lands adjacent to the project's borders. The DSEIR fails to acknowledge or identify impacts to residents and lands adjacent to the proposed project site.

The project site is undeveloped land surrounded on three sides by estate residential homes, agricultural uses, and other undeveloped land zoned for estate residential uses. Insertion of this high-density urban project would divide and disrupt the existing rural character. This is a potentially significant impact and not identified in the DSEIR

The project completely ignores the existing County zoning which exists on 58% of the project. The current zoning on the unincorporated portion of the project is Rural Residential 1Du/2,4 Acres. Given the steep slopes existing on much of the project and the reductions in density required by CEQA, it is estimated that the county portion of the project could contain approximately 45 houses. Due to environmental concerns and difficulty in development most of the property in the City portion of the project can not be built on. Approximately 90% of the currently proposed houses are sited within the county portion. This project does not meet the requirements of the County General Plan, the North County Metropolitan Sub-regional Plan, the County zoning, the Twin Oaks Valley Community Plan, County Grading Ordinances (excessive cut slopes and other violations), etc. Property rights are important, and the owner of the property has the right to develop it. What has been forgotten is the community character and rights of the property owners surrounding the proposed development. These residents and property owners have built their plans, their homes, and their lives based on the expectation that the property in their neighborhood would be developed consistent with the existing requirements. To allow these requirements to be changed so radically because the project is annexed into a city would violate the faith these property owners have placed in their government. This is a potentially significant impact.



Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

The City approved College Area Community Plan is in conflict with the Twin Oaks Community Plan<sup>7</sup>. The Twin Oaks Community Plan does not allow development to jeopardize sensitive environmental resources, clustering or obtrusive grading. In addition, the Highlands project, if implemented, will create a finger of urbanized development in the northern portion of the Hedionda Creek Valley, a sensitive habitat area. This urbanization will have substantial negative impact on rural adjacent land uses endangering the rural character of the Twin Oaks Community.

The planned extension of Las Posas road to Buena Creek road would further degrade the rural character of the Twin Oaks Community by inducing growth, adding traffic, noise and pollution to rural Twin Oaks. Although the extension of Las Posas road to Buena Creek road is not a part of this project, the DSEIR fails to acknowledge the City's intent to use this project as a stepping-stone to help complete Las Posas through to Buena Creek. This intent was made very clear in a letter sent by Alan Schuler to Army Corps of Engineers<sup>8</sup>. The DSEIR therefore needs to address the cumulative impacts of this project not only within the City boundaries but also to adjacent communities.

In County's comment on the San Marcos Highlands Mitigated Negative Declaration several significant factors were identified which have not been addressed in the DSEIR. They include the lack of reconciliation between; the proposed project, the County's Multiple Species Conservation Plan (MSCP), current County land uses, development patterns and community plans.<sup>9</sup>

The DSEIR fails to address impacts of the Highlands to the San Marcos Mountains, a listed as a Resource Conservation Area in the San Diego County North County metropolitan Subregional Plan which is thus afforded all protections of this designation.<sup>10</sup> The DSEIR fails to acknowledge this and does not address impacts of the Highlands to this designation.

As previously stated this project impacts would be felt primarily by county property owners and residents within our planning area who have no representation in San Marcos City matters.

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<sup>7</sup> Attachment B, Twin Oaks Community Plan

<sup>8</sup> Attachment F, Schuler letter to Army Corps

<sup>9</sup> Attachment G, County response to MND

<sup>10</sup> p11, A-1, Part XXV, North Country Metropolitan Subregional Plan, San Diego County General Plan, amended Dec. 19, 1990.

## 4.2 Landform Alteration and Visual Quality.

**The document internally contradicts its own findings, the DSEIR failed to adequately identify impacts to adjacent communities.**

In Table 1-1, Summary of Significant Impacts and Mitigation Measures, page 1-5 it states:

*"No significant impacts regarding Landform Alteration and Visual Quality are identified beyond those impacts analyzed in DEIR 90-13. No new mitigation measures are required."*

However, on page 4.2-20, under Significance of Impacts it contradicts this determination by stating, *"A significant adverse landform impact is expected to result from an extensive cut slope required for the extension of Las Posas Road through the site. Therefore, this visual impact is an unavoidable adverse impact."*

At the bottom of the page and on page 4.2.21 it states, *"The large cut slopes required for the proposed alignment of Las Posas Road within Planning Area 1 is too extensive to be mitigated through measures identified and is considered a significant, unavoidable adverse impact."*

As a solution it then states, *"Landform and visual impact could be further reduced through either the large-lot or Las Posas Road alignment alternative."*

From the above it is clear that the document is internally inconsistent. Based on our knowledge of the area we believe the supporting statements are correct and the summary is incorrect. Viable alternatives exist which have not been evaluated.

### 4.2.1.1

#### Aesthetics

The DSEIR tries to show that the proposed Highlands project creates insignificant impacts to the variety, unity, vividness and uniqueness of the surrounding community.

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

On page 7 of the Twin Oaks Community Plan, FINDINGS it defines areas, including the portion of the Highlands site, within its planning area by stating:

*"There are no common design housing tracts within the planning area and the homes in the area generally express the individual character of their owners. This has resulted in a wide variety of architectural styles and designs which should be encouraged."*

It is clear to any reasonable person that the Highlands, which will be similar in style and intensity to Santa Fe Hills, conflicts with the style and appearance of the existing rural community, and will dramatically change the visual character of the area.

The project will have substantial adverse effects on the scenic vistas from properties near the project, from Buena Creek Road, and from Hwy 78. These scenic vistas are currently comprised of open space, and natural hillsides, and the intensive building of so many houses on small lots cannot help but have an adverse affect. When viewed from a distance of ¼ to several miles the architectural details are lost and the impact of a project like this is one of high-density housing. Tract style homes seldom incorporate architectural detail on the sides and back of the dwellings. Residents in the adjacent community of Robin Hood Ranch and homes on Esplendido Ave will have a view of a box with windows. (See image b) This will adversely affect the property values of nearby residences. This is a potentially significant impact.

Figure 4.2-3 on page 4.2-4 illustrates where the DSEIR took data needed to evaluate the impact the Highlands will have on the views of adjacent dwellings. By viewing figure 4.2-3 it is apparent that no photos were taken from the northern end of the project site adjacent towards the homes in the Robin Hood Ranch area. The statement made of page 4.2-6 of the DSEIR *"Residences along Siddall Drive may also have view of the project (no images available due to private access)."* is an excuse not to identify the potentially significant impacts. Attached is a map and photos illustrating some of the impacts. These photos were gathered in one hour by simply driving to various homes as asking permission to take a photo. (See attached images A, A-1, A-2, A-3, A-4)

Light Pollution

**The DSEIR fails to identify the impacts of nighttime light pollution from the proposed project. This project conflicts with the San Diego County Dark Skys Policy and the Twin Oaks Valley Community Plan Dark Skies Policy.**

The introduction of urban development within a rural area cannot help but create new sources of substantial light and glare, which would adversely affect nighttime views in the area. The existing residents west and north of the project live in a rural area characterized by the absence of streetlights and restrained use of outside lighting resulting in a lack of light pollution. Rural residents generally appreciate the ability to see stars, planets, etc. Even with street lighting being minimized, the new residents would certainly leave their shades open, have outside lights, and use the lights on their vehicles while coming and going. This is normal, natural, and expected behavior for urban residents, but it will increase the ambient light affecting the rural area surrounding the proposed project. This is a potentially significant impact.

#### Landform Alteration

Page 4.2-11 of the DSEIR state *"Large cut slopes approximately 100 feet high and 1,100 feet long and 60 feet high and 400 feet long would be created in the central and south-central portion of the site, respectively. Grading requirement within the eastern portion of the site (Planning Area 2) would also be extensive to develop 76 lots and roads on generally rugged terrain. A cut slope of approximately 80 feet and a fill slope of approximately 35 feet would be created in the east central portion of the site"*

As previously stated, the Highlands is in violation of the Twin Oaks Community Plan. On page 8 of this plan under item (5) it states *"Prohibit residential construction which would adversely affect view shed, if it is found that it will significantly alter land contours and drainage courses, or require removal of significant natural vegetation and rock outcropping or detract from the rural character of the area."*

The grading variance required to cut and fill in order to accommodate this project illustrates that the Highlands will have a significant visual impact on the adjacent communities. The attached photos illustrate this.

Page 4.2-11 states, *"Artificial appearing slopes shall be avoided."* The cuts identified are about the size of the cut slopes required to build S-7 on Palomar Mountain east of S6. These cut slopes can be seen from downtown San Diego 45 miles away. Planting with native species will help if the ground is properly stabilized and prepared, but this is frequently not done because a cut this substantial generally

exposes rock rather than soil. Even if native plantings take root and thrive, the change in landform will be un-natural enough to draw notice. This is a potentially significant impact. With such significant cuts required it is unreasonable to think that these slopes shall render any other appearance than an artificial one. The mitigation measures such as landscaping will not make an 80-foot or a 100-foot cut natural for the reasons stated above. The DSEIR fails to supply any proof that the mitigation measures will be sufficient. Digital images illustrating how mitigation will address this problem should be supplied, along with a detailed plan how this issue will be addressed.

In summation, the DSEIR findings of less than significant impact with mitigation measures, is therefore unsupported.

#### 4.4 Traffic

See air quality and environmental sections

#### Water Quality

Page 4.7-2

##### 4.7.4 Potential Impacts and Mitigation Measures

*The proposed project could potentially violate water quality standards or waste discharge requirements.*

**Although the DSEIR says mitigation measures have been incorporated into the project therefore making impacts less than significant; it fails to adequately identify those measures or demonstrate that they will be sufficient.**

Issues identified in section VIII, Hydrology and Water Quality, specifically items a, b, c, d. and f, in our comments made in our response to the MND<sup>11</sup> were not addressed by the DSEIR.

In addition, new information indicates the City plans not to comply with the Order 2001-1, the new storm water ordinance. According to a recent newspaper article, the city council is challenging this storm water ordinance<sup>12</sup> because the city does not support unfounded mandates and is concerned about costs for compliance. The DSEIR fails to identify if the Best Management Practices will comply with Order 2001-1 and who will pay for the costs. In addition, DSEIR fails to identify the cumulative impact these costs will have on the residents

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<sup>11</sup> Ref page 8-10, Attachment A. Comments on RMND San Marcos Highlands, Twin Oaks Valley Community Sponsor Group, February 21, 2001

<sup>12</sup> SM to join storm-water regulations challenge, North County Times, Saturday December 15, 2001



of the Highlands project. Finally, if the City chooses not to comply, what impacts the Highlands project will have to Hedionda Creek? Due to worsening pollution sections of Agua Hedionda Creek are now being considered for 303D listing.<sup>13</sup> We strongly recommended that the FSEIR or new EIR address this issue. In addition we recommend water from the pond located on the Highlands site be tested and compared to water from the pond on the property adjacent to the north west portion of Santa Fe Hills so that the public can see how current methods used by the Santa Fe Hills development keep urban and storm water run off from polluting Agua Hedionda Creek.

## Section 4.10 Air Quality

The DSEIR does not address the effects of this project on the existing rural community, compares impacts to an expired project and does not address the effects that will be present once the planned extension of Las Posas Road is completed. The determination "Impacts Found To Be Less Than Significant" is false.

The DSEIR states the following:

*"The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation for long-term implementation."*

*"As indicated in Section 4.4 Traffic and circulation, the proposed project will result in a reduction of 660 daily vehicle trips as permitted by the previously adopted Specific Plan."*

The DSEIR fails to look at the cumulative impacts planned road extensions will have on the Highlands development and surrounding community. Although the extension of Las Posas Road through to Buena Creek Road is not a part of this project, the eventual extension of Las Posas through to Buena Creek Road is part of the City Circulation element and may dramatically affect air quality for residents of the adjacent to the Highlands as well as its residents. SANDAG 2020 forecast traffic maps show that with the extension of Las Posas through to Buena Creek road traffic on the section from Buena Creek to Borden road will reach 13,000 ADT per day. This is significant effect not identified in the DSEIR needs to be reviewed, and mitigation measures need to be incorporated into the project.

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<sup>13</sup> Table 3-Recommended Additions/Modifications to Region 9 303 (d), RWQCB

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

Page 4.10-6 of the DSEIR states *"However, the project may be considered to have the potential for significant air quality impacts if daily and early emissions were to exceed the emission rates displayed in Table 4.10-9"*

How does the planned extension of Las Posas impact the rates on Table 4.10-9?

Page 4.10-8, Short -Term Construction Emissions states *"If all 60.3 acres of land targeted for development were under simultaneous disturbance, and standard dust control was implemented, peak daily PM<sub>10</sub> emissions would total 1,501 pounds. This exceeds the 100 pounds per day threshold identified by the APCD for a "major source".*

PM<sub>10</sub> particulate emissions are especially harmful because once inside the lungs, are not expelled. Humans with respiratory problems can suffer irreversible lung damage. We therefore recommend that additional measures be incorporated to reduce PM<sub>10</sub> emissions into the environment. Any grading should be immediately followed by watering of the soil before particulates become airborne. Grading, should be done in increments, should be limited to days when there is sufficient enough humidity and no high winds to keep particulate matter close to the soil.

Page 4-10-10 4.10.6 Cumulative Impacts states *"..the project site is located within the APCD, an extreme non-attainment zone, and any increase in regionally significant ozone (smog) precursor emissions is cumulatively significant to the region. MM4.10-1 and 4.10-2 reduce any cumulative impacts."*

Although MM4.10-1 is given, 4.10-2 was not provided with the DSEIR. We recommend that a description be added for 4.10-2 and this document re-circulated.

San Diego met state and federal air quality standards for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead. The current federal PM<sub>10</sub> standard was met, however, the state standard was exceeded for inhalable particulates. Geographic areas are designated by the federal Environmental Protection Agency (EPA) and/or the state Air Resources Board (ARB) as "attainment areas" or "nonattainment areas". An attainment area is in compliance with the National and/or California Ambient Air Quality Standards for a given pollutant. A nonattainment area does not meet the standards for a given pollutant.

In addition, nonattainment areas are classified according to the severity of their pollution problem. There are five classes of nonattainment areas for ozone (smog) ranging from marginal (relatively easy to clean up quickly) to extreme (which will take a lot of work and a long time to clean up).

San Diego has been classified as a serious nonattainment area for ozone by both the state and federal government. In addition, EPA and ARB have designated San Diego as in attainment for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead.

The state has designated San Diego as nonattainment for PM<sub>10</sub> (inhalable particles 10 microns or less in diameter). Currently, the federal EPA has designated San Diego as unclassifiable. EPA is adding new particulate standards targeting even smaller particles, those 2.5 microns or less. A preliminary analysis of the District's limited PM<sub>2.5</sub> data suggests that San Diego will be close to meeting the new PM<sub>2.5</sub> standards, however, it is unclear whether San Diego will be in attainment.<sup>14</sup>

No mention was made in the DSEIR of PM<sub>2.5</sub> particulate matter generated from the site. Does PM<sub>2.5</sub> pollution exist in the area and if so what impact does the Highlands have on generation of PM<sub>2.5</sub>? What mitigation measures will be incorporated into the project?

Projection for traffic generated by this development is 2300 average daily trips. The city's Public Works Department listing of average daily volumes in 2000 for the 138 city streets showed the greatest increase by far was on Los Posas Road between Mission Road and Grand Avenue. This increase is listed as a very substantial 426 percent compared with 1996. In spite of this explosive growth the MND claimed the increase in traffic would have "no impact," and failed to address the cumulative impacts. Current San Marcos subdivisions as of January 25, 2001 totaled 54 in various stages of processing and construction, according to the city's Planning Department records. The huge number of lots included 3,398 in the San Elijo Ranch project and 1557 in the New Millennium development, both under construction. This indicates a potentially significant impact.

## 4.12 Hazards

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<sup>14</sup> <http://www.sdapcd.co.san-diego.ca.us/news/FAQS.htm#Q07>

**The DSEIR failed to address issues related to fire and proximity to the San Diego Aqueduct that could place residents of the Highlands in jeopardy.**

The close proximity of residential housing to the Second San Diego County Water Authority Aqueduct is a potential significant hazard not identified in the DSEIR. In a recent article in the North County Times, Gene Nordgren, Water Authority's director of operations and Bryan Troupe, operation and maintenance manager detailed what happened when the pipeline break occurred in 1994 on a section of the aqueduct pipeline along Del Dios Road. Troupe stated, *"Neighbors said they saw a jet of water shooting 200 feet into the air. It blew a chunk out of the top of the pipe about 10-foot long by 6 foot wide, and there was a boulder about eh size of a Volkswagen about 10 feet away. The ground was leveled-I paced it our-for a 475-yard radius....it looked like moonscape."*<sup>15</sup>

Several homes shown on the map for Highlands are adjacent to this aqueduct. If this type of occurrence happened again it could result in loss of life to residents living adjacent to the aqueduct. This is a significant impact not identified in the DSIER.

#### **4.13 Utilities and Service Systems**

**The DSEIR fails to address issues raised in the Vallecitos Water District response to the NOP**

Page 4.15-2 states *"No impact. The project area is located within the boundaries of two water districts:...As member agencies of the San Diego County Water Authority, both districts are guaranteed a supply of water."*

In the letter by Vallecitos Water District in response to the NOP it states, *"The Vallecitos Water District relies 100 percent on imported water supplies, and although the District may have available capacity at this time, due to the inadequacy of water supplies, water may not be available at the time the project is built."*<sup>16</sup> The DSEIR does not address this statement. How will San Marcos guarantee water to the Highlands?

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<sup>15</sup> p. A-8, Invisible flood flows through county, North county Times, Sunday December 23, 2001 title

<sup>16</sup> letter dated May 2, 2001 Cheryl Brandstrom, Vallecitos Water District to Jerry Backoff from

*This same letter states "A large portion of the southeast corner of the project is above the maximum service elevation for the "Richland" service zone, This area is within a future service area zone of the District known as the "La Cienega" pressure zone which would maintain a hydraulic gradeline of 1275 feet above sea level. The facilities required for this area include a 175 horsepower pump station, 10" force main and approximately 5.5 million gallons of storage.*

The DSEIR fails to address this issue. Where will the 5.5 million gallon storage facility and the pumping station be located?

This letter also states *"The project is not currently within the sewer service boundaries of the District."* The DSEIR only states "Vallecitos Water District (VWD) will provide sewer service to the proposed development." It does not clearly answer how the project will be brought within the service boundaries of the Vallecitos Water District. Is this to be an extension of service? If so, how is the extension of services supported by LAFCO laws and policies?

**The DSEIR does not adequately address the use of the on site pond as a detention facility and does not demonstrate that the project will not "require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects."**

No calculations have been provided to show the adequacy of the pond to serve as a runoff detention facility as previously described in the MND. In addition, the project owner stated at the public meeting of the Twin Oaks Valley Community Sponsor Group on 2/21/01 that well water would be used to maintain the pond at an even level. A full or near full reservoir provides no help in runoff detention.

Additionally, the statement that drainage will be directed to a release point below the pond eventually into Agua Hedionda Creek is a grave concern as we have previously described in these section 4.7, Hydrology and Water Quality. It is clear that this project, if implemented, will require the construction of new storm water drainage facilities and could cause significant environmental effects.

## 4.15 Agricultural Resources



**By not acknowledging existing zoning and the projects location within an agricultural community the DSEIR fails to identify impacts to agriculture.**

As previously shown, a significant portion of the proposed project is located in the county and zoned A70. Although the preservation of agricultural land is not a stated goal of the College Area Community Plan, it is a stated goal of the Twin Oaks Community Plan. Several properties adjacent to the proposed project are currently being used for agricultural production for equestrian facilities. The dense project, adjacent to farming, will restrict the farmer's choices for aerial application of pesticides, herbicides, bee attractants, etc. It will also restrict the application of fertilizers or other agents which would produce odors which would be objectionable by urban standards. When urban developments are placed adjacent to equestrian or dairy operations, conflicts almost always occur regarding odors, noise, flies, runoff, etc. Although the MND says that preservation of agricultural land is not an objective of the City of San Marcos, it is an objective of the County, and certainly is an objective of those currently engaged in farming near the proposed project. Since the majority of the project is in the county, this conflict is highly significant and therefore a potentially significant impact.

#### **4.16 Population and Housing**

**By not acknowledging existing zoning and the project's location within a rural community the DSEIR fails to identify impacts to population and housing**

As previously discussed in our comments, a significant portion of the Highlands is located in the county and zoned A70. The determination of no impact because the DSIER compares this project to one that is expired with less dwelling units than the city approved project is erroneous.

Firstly, according to county DPLU there is no approved project for the portion of land that lies outside the city boundaries. Since the county is the designated land use agency for this area and has not approved any projects for this site, this project cannot be compared to any other project. Moreover, if the portion of the site in the county were allowed to develop as per this existing zoning, the site would hold approximately 45 dwelling units; not the over 200 proposed for the same space.

We have demonstrated previously in these comments, the city's documented desire for the extension of Las Posas Road to Buena Creek Road. We have shown how this will dramatically increase traffic through the site as per SADAG 2020 forecast maps. Any reasonable person can deduce that the implementation of this project requires the extension of a road through an existing rural community and will be growth inducing to this community. Therefore the implementation of the Highlands will add substantial population growth in the area both directly and indirectly.

### 4.3 Biological Resources

**The studies performed do not address a significant State Species of Concern and significant concern exists about the effectiveness of the habitat and other mitigations proposed.**

#### Sensitive Species

The draft SEIR failed to address the potential adverse effects of the project on the San Diego horned lizard, a State Species of Concern and proposed for conservation under MHCP. Though the entire site supports suitable habitat, biological surveys apparently were not conducted for this regionally declining species. This omission renders the draft SEIR incomplete and inaccurate. Unless surveys are conducted and subsequent CEQA documents prepared to address this issue, potentially significant, unmitigated impacts could result without acknowledgment or measures to avoid, minimize, and mitigate adverse effects to a level of insignificance.

#### Inadequate Mitigation

The proposed off-site mitigation at an undisclosed location for 12 acres of coastal sage scrub habitat would not benefit the populations of species adversely affected by the proposed project. To benefit the populations of species adversely affected by the proposed project, mitigation habitat is needed on-site or on parcels adjoining the project. Otherwise, the proposed mitigation would benefit different populations in another, unknown area. This out-of-area subsidization would have the unavoidable effect of reducing the persistence probability of survival for those species adversely affected by the proposed project that occur in the rapidly disappearing block of habitat remaining between Buena Creek and the Palomar College area. Therefore, reduction of the proposed project footprint or mandatory off-site mitigation elsewhere within the affected habitat patch would be

needed to provide for the long-term conservation needs of species in the local area. Please note that the 20+ acre portion of the project site treated as "Not A Part", could provide an opportunity to permanently protect additional habitat in the project area.

#### Indirect Effects

The draft SEIR only cursorily addressed indirect effects to wildlife by claiming that edge effects from the proposed land uses would extend 50 meters into adjoining habitats. Scientific references were not provided to corroborate this unsupported opinion, and specific effects on different species were not analyzed. For example, urban development is known to contribute to the spread of Argentine ants, an alien species that displaces native ant species. This adverse effect reverberates up the food chain by eliminating the primary prey (native ants) of the San Diego horned lizard. The draft SEIR did not identify this significant regional problem, nor did it analyze the distance such adverse impacts extend from the urban interface. Further, mitigation measures were not identified or analyzed to reduce this adverse effect to a level of insignificance.

The draft SEIR did not address the significant reductions in wildlife habitat value along riparian habitats that are not adequately buffered with adjoining natural terrestrial habitats typically required by species that depend on portions of their life cycle on aquatic and riparian habitats. For example, toads, frogs and nesting waterfowl require extensive amounts of upland habitat to complement the aquatic habitats upon which they depend for reproduction. Likewise, breeding migratory birds on-site, such as the common yellowthroat, likely would be displaced by the elimination of adjoining upland habitats and significant increases in human-related disturbance that would accompany the proposed high density residential development. Though buffer requirements typically differ regionally, among species and habitats, and across various regulatory jurisdictions (e.g., California Coastal Commission, California Department of Fish and Game), the range of potential mitigation buffers and edge treatments appropriate for species and habitats on-site were not analyzed in the draft SEIR. Similarly, the draft SEIR failed to address the adverse impacts of edge effects on the resident pairs of coastal California gnatcatchers with home ranges on and adjoining the project site. Without appropriate management of on-site mitigation habitat, human-related disturbance, including introduction of domestic cats and dogs in the hundreds of houses proposed for development, has the potential to eliminate the apparently small gnatcatcher population in

the area. Edge effects should be quantified and mitigated in the same manner as direct effects. For example, if the 50-meter buffer mentioned in the draft SEIR is an accurate measure of compromised wildlife habitat value along the proposed urban interface, the acreage of this habitat band should be calculated and added to the impact base for application of the 2:1 habitat mitigation ratio.

Without an analysis of these and other edge effects in the draft SEIR, it is not possible to address the management needs and costs to maintain the ostensibly viable populations intended to benefit from the habitat open space set-aside by the proposed project. Given the significant fragmentation and edge effects portended, a substantial endowment to fund the management of project open space likely will be needed. The draft SEIR should analyze the management program and costs needed to reduce edge effects to a level of insignificance.

### Connectivity

The proposed project would fragment the currently monolithic block of habitat that extends from the Owens Peak hills north of Palomar College to the hills northwest of the project site along Buena Creek. This several thousand-acre block of habitat would be severed by the proposed project, creating two isolated fragments. The equilibrium theory of island biogeography, upon which the current tenets of conservation biology are based, indicates that neither of these isolates will be as capable of maintaining the levels of biodiversity currently found in the single, larger habitat patch. This suggests that numerous species in the region likely will be extirpated in the foreseeable future, especially considering the significant increase in adverse edge effects introduced by the proposed project.

The proposed 48-inch culverts for wildlife connectivity are neither large or extensive enough, nor strategically placed to accomplish their intended function. Reducing a several thousand foot wide expanse of habitat down to a couple of 48-inch culverts could not possibly provide the levels of wildlife dispersal needed to maintain viable populations in the two newly created islands of habitat. This is particularly true of the proposed southernmost culvert, which does nothing more than direct wildlife movement into a diverticulum bordered by dense housing and the proposed Las Posas extension. This small peninsula of habitat will likely function more as a population sink (or death trap), rather than facilitating wildlife movement on a regional scale.

To maintain the east-west connectivity that currently exists, the northern edge of Planning Area 1 should be moved southward, such as by eliminating the northern row of housing that extends from Agua Hedionda Creek west to the San Diego Aqueduct. This reconfiguration would provide a band of habitat between the project site and the southernmost extent of Robinhood Ridge. Similarly, the westernmost row of housing proposed in Planning Area 1 along the San Diego Aqueduct should be removed to allow wildlife movement around the western edge of the proposed development.

#### Cumulative Effects

Unless addressed by the current proposal, the 20+ acre "Not A Part" portion of the project site could be proposed for development at a later date. Such potential piece-mealing runs counter to the full disclosure requirements of CEQA and sound land use decision-making. Given the significant adverse effects of the proposed project discussed above, the 20+ acre piece should be required as habitat mitigation to help benefit wildlife populations inhabiting the regional habitat patch at issue.

#### 4.5 Noise

**The DSEIR is inadequate and supplies false or unclear information. In addition, it fails to clearly identify future noise emitters associated with this project, specifically Las Posas Road and impacts to adjacent rural residents and equestrian operations.**

Upon review of both the findings in the DSEIR, Noise Analysis prepared by Giroux &

Associates, and a conversation with Hans D. Giroux we have several concerns. Firstly, we are concerned that the data was gathered in a method that would skew the results in favor of the applicant. Secondly, that the data was evaluated in such a manner so that impacts could be perceived as insignificant. Lastly, the findings do not adequately identify nor mitigate for all impacts associated with the Highlands and Las Posas road.

The data is questionable when comparing Table 4.5-3 on page 4.5-5, Off-Site Noise Impact with the table on page 5 of the Noise Analysis. Table 4.5-3 show that *Las Posas Road, north of Borden Road existing off site noise to be 51.1 CNEL in 2000 and 57.9 CNEL, in 2000 existing plus project.* However, according to page 5 of the noise analysis the reading of *51.1 CNEL was taken at a distance of 25 feet from the*



*centerline of the road and the reading of 57.9 CNEL (with project) is at a distance of 70' from the centerline of the road.*

One must therefore assume that if both readings were calculated from the same location, the noise level with project would be substantially higher than the 57.9 CNEL identified in the DSEIR.

A second questionable data gathering methodology occurs on page 4.5-2, Existing Setting, it states *"Measurements were made for 48 + hours on July 2-4, 2001."* However, in the Noise Analysis supplied with the DSEIR, the data only shows readings for Tuesday, July 3 and Wednesday July 4. In a conversation with Hans Giroux he said that his firm chose a holiday so that *"noise could be evaluated under those conditions"*. He implied that during a holiday noise would be at higher levels than during a normal weekday or weekend. July 2 -4, 2001 represented a Monday-Wednesday for the readings. Since this holiday fell in the middle of a week at many people may have taken Monday and Tuesday off to make the 4<sup>th</sup> of July holiday an extended weekend. Since many people often leave town during this time it can be concluded that the traffic and noise level at this time would have been substantially less than during a normal work week. Although the 4<sup>th</sup> of July is associated with fireworks and so a reasonable person might believe the noise level to be higher during this time, fireworks are illegal and few incidents of fireworks attributed noise were heard during this time.

On this same page it also states *"However, if Las Posas Road is ever extended by the County beyond Planning Area 1 north to Buena Creek Road at a future date, the baseline traffic noise will rise and any individual project contribution will not be perceptible."* Mr. Giroux said that the extension of Las Posas Road through to Buena Creek Road would create noise that would be more than the noise generated by the Highlands project. Although the extension of Las Posas to Buena Creek Road is considered not part of this project the extension is planned by the City of San Marcos as shown in Allen Schuler, Director of Engineering for the City of San Marcos letter to Army Corps dated June 27, 2001. In this letter Schuler states *"Without the extension of Las Posas Road to Buena Vista Road (meaning Buena Creek Road), the City of San Marcos would experience an unacceptable level of congestion on Twin Oaks Valley Road and San Marcos Blvd. In the vicinity of Highway 78."*<sup>17</sup> It is clear that the Highlands project will be

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<sup>17</sup> Letter dated June 27, 2001 from Alan F. Schuler, P.E., Director of Engineering, City of San Marcos to U.S Army Corps of Engineers

used to create a road that will be eventually extended through to Buena Creek Road. According to SANAG traffic forecast maps, the planned extension of Las Posas through to Buena Creek Road, north of Borden road, is estimated to go from 1,000 ADT to 11,000-13,000 ADT. This is substantially more than identified in the DSEIR. It is clear that once Las Posas connects to Buena Creek Road that the Highlands project will fail to meet the noise standards of 60 dB CNEL established by the city. In addition, since the reading (with project) of 57.9 CNEL is also suspect as explained above, the noise level within the project recreational rear yard areas for units abutting on Las Posas Road will be in excess of the 67 dB CNEL stated in the Noise Analysis. Therefore, the mitigation measures identified will be insufficient to reduce interior noise levels to city and county standards for residential development. The statement on page 7 of the Noise Analysis "*The project will likely marginally meet City interior standards of 45 db DNEL with zero margin of safety.*" is false.

The DSEIR states in MM4.5-2, "*Air conditioning is recommended as a standard feature to allow for window closure to shut out roadway noise.*" Considering the current energy problems related to growth in the region and the fact that this project is located where air conditioning is unnecessary for cooling purposes, it is preposterous to recommend air conditioning as a solution to road noise. Furthermore, the noise impacts of the additional air conditioning units have not been included in the evaluation.

The DSIER fails to identify what noise impacts residents in the county could face once the Highlands is implemented. In addition, since it is obvious that the extension of Las Posas through to Buena Creek Road is planned by the city and is tied to this project, impacts to county residents from road noise generated from 11,000-13,000 <sup>18</sup>ADT from Las Posas need to be identified.

The issues surrounding Cannon Road in Oceanside support concerns that a road running in a low valley area creates acoustical phenomena that amplify road noise and can significantly impact homes on adjacent hillsides in the county. A recent article in the North County Times, Carlsbad city engineer Dave Hauser is quoted saying "*If Cannon were to follow the original alignment along the creek bed, Hauser said, there would be no way to build sound walls that would have any real affect.*"

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<sup>18</sup> SANDAG 2020 forecast maps show ADT with and without Las Posas road connecting to Buena Creek Road.

*All of that noise would just rise up to the homes along with emissions from hundreds of car trips daily.*<sup>19</sup>

This statement is supported by findings listed on page 16 and 17 of the Twin Oaks Valley Community Plan. It states, "*The topography of the Twin Oaks Valley Community with its hills and valleys creates an acoustic chamber-effect which can transmit and intensify noise at much higher levels than flat terrain.*" Las Posas Road and the surrounding topography will have the same effect. Road noise generated from the vehicles will bounce off the tight-packed stucco homes and hillsides resulting in a significant increased level of noise for dwellings located on hillsides adjacent to the project.

Noise significantly impacts wildlife. Since Las Posas road will run through the middle of an existing wildlife corridor, the impacts of road noise from the Highlands project as well as the cumulative impact generated by the extension of the road to Buena Creek road need to be identified. The DSIER fails to acknowledge noise impact to wildlife.

Thus as we stated in our previous comments to the MND,<sup>20</sup> the impact of noise from the adjacent unincorporated land on the proposed project has not been considered. While the impact of the noise generated by project residents has been addressed, it seriously underestimates the impact of urban development on a rural community. A noise level of 60 dB (A) on a 24 hour weighted average basis would be a serious impact on a rural neighborhood. It should not be a surprise to anyone that urban noises (electronic entertainment, traffic, human interaction, etc.) are very different in character, timing, and volume than rural noises (tractors and other farm equipment, domestic and wild animals, aerial spraying of crops, etc.) Putting rural and urban land uses immediately adjacent to each other will result in inevitable conflicts over a variety of issues including noise. A density gradient buffer or geographic feature buffer should be provided to avoid these conflicts. Since the topographical features across the southern portion of this project provide an excellent natural buffer between the urban development to the south and the rural areas to the north it would be an ideal boundary to stop urban sprawl, especially so since this is very near the current San Marcos city limit. Furthermore, the DSEIR statement that the noise levels would be lower than with the expired plan is meaningless.

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<sup>19</sup> P. B-10, North County Times, December 23, 2001:

<sup>20</sup> P11 Attachment A. Comments on RMND San Marcos Highlands, Twin Oaks Valley Community Sponsor Group, February 21, 2001

## **4.9 PUBLIC SERVICES**

### Schools

The overcrowding of schools in San Marcos and Vista is common knowledge. The developer of San Marcos Highlands has indicated that San Marcos schools would be used by student residents of the proposed 230 homes. The MND declares, "All schools within the SMUSD (San Marcos Unified School District) are currently near or above design capacities." It then draws the illogical conclusion that "While the addition of students to the already overcrowded SMUSD schools is a potential impact, the payment of school mitigation fees to the SMUSD would mitigate the impact to below a level of significance." If the fees were sufficient to allow construction of additional schools, which is doubtful, these schools would not be available to accept students for a substantial period of time after the students moved in. This is a potentially significant impact not addressed in the DSEIR.

### Fire Protection

Page 4.12-3 states, *"In any situation, the minimum distance between a structure and undisturbed native plant communities would be 100 feet..."* Is this 100 feet calculated as part of the development or part of the open space? Since it requires destruction of native habitat, it should be considered part of the project or development. It is not clear that this has been done.

## **8.0 Growth Inducement**

**By not acknowledging existing zoning and the projects location within a rural community the DSEIR fails to identify the growth inducement this project will have on the present rural community**

As previously discussed in our comments over 50% of the Highlands is located in the county and zoned A70. The determination that the proposed project would not induce substantial population growth either directly or indirectly is false. Once again the DSEIR compares this project to one that is expired and violates all current zoning on the property outside the city's boundaries. According to county DPLU, there is no approved project for the portion of land that lies outside the city boundaries. Since the county is still the legal land use jurisdiction for this area and has not approved any projects for this

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

site, this project cannot be compared to any other project. This area, as zoned, supports approximately 45 dwelling units. The Highlands proposes 230 dwelling units. To any reasonable person this increase in density is substantial and will put undo pressure on the adjacent rural properties. The planned eventual extension of Las Posas road to Buena Creek Road as previously shown in this document, although not a part of this project, has been proven to be an objective of the City of San Marcos. In addition, it is common knowledge in land use planning circles that placing high density development adjacent to low density rural uses leads to understandable friction and the conversion of the rural land uses to urban. New urban residents do not typically tolerate well the rural activities like horse ranching, farming, dairy operations, etc. A geographic, density gradient, or other type of buffer is needed. Therefore the Highlands project, as proposed, is clearly a stepping-stone project designed to induce growth in the rural Twin Oaks area. This is very simply planned sprawl for the city's and developer's benefit at the expense of the property rights of residents in the county.

#### Summation

After reviewing the DSEIR, it is clear that no intention was made on the part of the author to respond to comments previously raised by our planning group, LAFCO, San Diego County, and others. The DSEIR is a flawed document that is full of inconsistencies, errors and omissions. It is misleading to the public to the point of not providing the public with enough valid information to write effective comments. The repeated comparison to an expired project in the City is meaningless for the majority of the project located outside the City of San Marcos. It violates CEQA by being so superficial that it is mere lip service to the law. If this project truly had merit, all associated lands would have been annexed to the city years ago.

The Highlands project as presented in the DSIER fails all test of reason. It fails to acknowledge the existing zoning on 58% of the land. It fails to identify numerous significant impacts to the community as listed in these comments.

The Twin Oaks Community Sponsor Group is a strong supporter property rights and would whole-heartedly support any project that reflects existing community character, follows the community plan, abides by County land use laws and is environmentally sensitive. We ask that the developer revise this project and return with one we can

Comments on Draft Supplemental Environmental Impact Report  
Twin Oaks Valley Community Sponsor Group

support. We offer our assistance to Mr. Kubba and the City of San Marcos to make this possible.

Gil Jemmott

Chairman



