San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

MEMORANDUM

November 4, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst

SUBJECT: **Agenda Item No. 6a | Supplemental Correspondence**

The attached correspondence was received by email after the November 4, 2019 agenda was printed. The supplemental correspondence has also been posted to the San Diego LAFCO website.

Administration
Keene Simonds, Executive Officer
County Operations Center
9335 Hazard Way, Suite 200
San Diego, California 92123
T 858.614.7755 F 858.614.7766
www.sdlafco.org

Barry, Robert

From: clarkemh@aol.com
Sent: Wednesday, October 30, 2019 11:43 AM
To: Simonds,Keene; Barry, Robert
Cc: gcourser@hotmail.com; slfarrell@cox.net
Subject: San Marcos Highlands Reorganization, LAFCO Commission Agenda, Nov. 4, 2019, Item 6.a)

Dear Keene Simonds and Robert Barry,

Following is a letter to the LAFCO Commissioners and Alternates regarding the San Marcos Highlands reorganization, which is item 6.a) on the Commission's Nov. 4, 2019, agenda. 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, Co-Chair, North County Multiple Species Conservation Plan Task Force, Sierra Club - San Diego
Subject: San Marcos Highlands Reorganization, LAFCO Agenda of Nov. 4, 2019, Item 6.a)
Date: October 30, 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:

I am writing in opposition to the proposed San Marcos Highlands Reorganization. Following is a summary of the basis for my opposition to this reorganization:

* About half of the project is in the County of San Diego. (124.9 acres in the County.) The other half is in the City of San Marcos. The County General Plan designates the County portion of the project as SR-10 (semi-rural, one dwelling unit per 10 acres). The density of the proposed development in the County portion of the project far exceeds what is allowed by the County General Plan; the proposed density is more than one dwelling unit per acre (about 136 units to be built in the County portion of the project, divided by 124.9 acres equals 1.0887 units per acre.). The County land use designation allows only one dwelling unit per 10 acres. (See "Discussion," item A.I., below.)

* The project site is currently undeveloped open space, covered with valuable wildlife habitat and wetlands vegetation. According to the LAFCO website, one of the four goals of the LAFCO Commission is, "Discourage premature conversion of prime agricultural and open space lands to urban uses." This is exactly what the Highlands project will do -- convert valuable open space lands to urban uses. On this basis, the Commission should deny the annexation. (See "Discussion," item A.II., below.)

DISCUSSION

A. MAJOR ISSUES

I. Incompatible land use designations between County General Plan and Highlands project as approved by the San Marcos City Council:

In their Memorandum dated Nov. 4, 2109, to the Commissioners, Keene Simonds and Robert Barry provide "Additional Discussion on Local Policies and CEQA." This Memorandum starts on page 133 of the staff report for the San Marcos Highlands reorganization.

Under "Consideration of Local Policies," they point out: "The County and San Marcos both contemplate residential uses for the affected territory, although at markedly different density levels." The Memorandum refers to Legislative Polices L-102 and L-107.

L-102, under "Policy," item 3, page 2, states, "Encourage cities, which are adjacent to unincorporated territory, to reconcile incompatible general plan land use elements with the County of San Diego." This reconciliation has not taken place.

L-102, under "Background," paragraph 3, page 1, states, "When there are potential jurisdictional issues associated with proposed or pending jurisdictional changes, LAFCO staff has historically encouraged the lead agency and applicant to consult with all affected jurisdictions and interested parties to identify, discuss, and resolve the jurisdictional issues prior to LAFCO submittal. Proposal-related jurisdictional issues may involve questions about community character and/or cohesion; the ability of an agency to extend public services; potential environmental impacts; appropriate transitional areas between jurisdictions; special district detachment issues; or other local community or governmental concerns."

In addition, L-102, under "Policy," item 2., page 2, states, "The consultation process described in provision no. 1 should identify any jurisdictional issues or concerns related to: a. Differing development standards; b. Existing and or/planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;" (etc.)

This consultation and reconciliation has not taken place, and serious concerns about existing and/or planned land uses and zoning, including densities; community character; and appropriate jurisdictional transition areas remain.

II. LAFCO Commission Goal: Discourage premature conversion of prime agricultural and open space lands to urban uses:

The San Marcos Highlands annexation will convert valuable open space to urban uses. It will remove about 77 acres of coastal sage scrub, habitat for the threatened California gnatcatcher, and replace it with approximately 136 dwelling units in the County portion of the project. This conversion is premature because the project site is isolated from nearby suburban development by Agua Hedionda Creek, which flows from the northeast to the southwest through the property, and there is no road that serves the proposed development site in the County. A major roadway will have to be extended from the current terminus of Las Posas Road to the development site. This road extension is opposed by neighboring communities in the City of San Marcos and residents in the County.

This conversion is also premature because the County has not developed an acceptable Climate Action Plan. According to the County's letter of Sept. 6, 2016, to the City of San Marcos, "Comments on the Final EIR...For the San Marcos Highlands Project..." (etc.):

"CLIMATE CHANGE/GHG

1. In Section 3.6.4, Cumulative Impact Analysis for Climate Change, the DEIR states:

Cumulative projects in the County of San Diego would be subject to the County's June 2012 CAP requirements, which list community and local government measures and actions to reduce GHG emissions and identifies adaptation strategies. Future development within the County would be required to implement applicable measures and actions to ensure GHG emissions reductions consistent with AB32. Therefore, cumulative impacts are less than significant and no mitigation is required."

"The County's CAP cannot be relied upon as it was rescinded in April 2015 by Court Order. The conclusion that projects located within the unincorporated County identified for cumulative impact evaluation will be mitigated by implementation of the County's CAP is incorrect. The Draft EIR must re-analyze the cumulative effect of projects identified within the unincorporated County to discern whether or not there would be a cumulatively considerable climate change impact without reliance on the County CAP to determine the significance of the cumulative climate Change impact in accordance with the Supreme Court ruling RE: Newhall."

(The County's "Comments on the Final EIR for the San Marcos Highlands Project" continue:)

"The City's response to the County's Climate Change comment #1 (response #6-3 on page 0.3-36 of the Final EIR) was to remove the reference to the County's CAP and replace it with the County's Recommended Approach to addressing Climate Change in CEQA Documents guidance. The County's guidance document assists in the determination of

impacts; however, it does not provide a program for mitigating impacts. The County believes that cumulative Green House Gas (GHG) impacts remain un-mitigated."

As stated above, the County acknowledges that the City of San Marcos cannot rely upon the County's CAP to determine if there would be a cumulatively considerable climate change impact, nor can the City use the County's guidance document to provide a program for mitigating impacts. The County believes that the cumulative Green House Gas impacts remain un-mitigated. Annexation of the San Marcos Highlands project is premature until the mitigation for GHG is resolved.

OTHER ISSUES

I. Annexation Agreement:

On October 16, 2019, the County Board of Supervisors considered and approved an Annexation Agreement among the County, the City of San Marcos, the U.S. Fish and Wildlife Service, the California Dept. of Fish and Wildlife, and the development applicant, Vista San Marcos, LP. Please be aware that this Annexation Agreement only deals with issues involving the North County Multiple Species Conservation Plan. As stated on page 1 of the Agreement:

"The Agreement defines the Parties' responsibilities and obligations and provides a common understanding of actions that will be undertaken for the conservation of the proposed Covered Species in the Draft North County Multiple Species Conservation Plan (NC MSCP), as defined herein, and their habitats during the construction, development, and operation of the approximately 293.3 acre residential project known as San Marcos Highlands (Project)."

This Agreement does NOT deal with existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas.

II. Policy L-102, Updating Spheres of Influence:

In the "Policy" section, page 2, item 4. states, "Review city spheres of influence and special district spheres at approximately five-year intervals." It is my understanding that the last time the City of San Marcos updated its Sphere of Influence was 2008. San Marcos appears to be long overdue for a sphere update.

III. Lastly, it should be noted that the developer and his representatives stated to the County Board of Supervisors at the hearing on the Annexation Agreement that they have obtained all the permits required for the San Marcos Highlands project. This is not actually true; I understand that they have a Provisional Certification from the Army Corps of Engineers, which must be finalized at some later date.

I urge the Commission to carefully consider if this proposed reorganization meets the requirements of Legislative Policies L-102 and L-107 and the goals of LAFCO, San Diego. It is my position that it does not meet these requirements and goals, and should not be approved.

Sincerely,

Mary H. Clarke
Oceanside, CA

Barry, Robert

From: Tom Kumura <Tomkumura@aol.com>
Sent: Wednesday, October 30, 2019 4:12 PM
To: Barry, Robert; Simonds,Keene
Subject: San Marcos Highlands Reorganization, LAFCO Commission Agenda, Nov. 4, 2019, Item 6 a)
Attachments: Tom and Mary Comment letter to San Marcos Highlands annexation agreement.pdf; Oct 16 BOS agenda item 1- San Marcos Highlands annexation agreemen..._ .pdf; Tom and Mary Kumura San Marcos Highland EIR.pdf

Dear Robert Barry and Keene Siomonds,

Attached is a letter that I would like to have copied to the LAFCO Commissioners and Alternates regarding the San Marcos Highlands reorganization; please distribute as soon as possible. The three letters presents the significant issues and problems with the annexation agreement. It is our hope that you deny the annexation and protect the rural community of Twin Oaks Valley.

Thank you for your assistance

Sincerely,

Tom and Mary Kumura.

Tom and Mary Kumura
1602 Siddall Drive
Vista, California 90084

October 11, 2019

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

Submitted by e-mail

Subject: October 16th Board of Supervisors Hearing,
Item #1, San Marcos Highlands Annexation Agreement

Dear Honorable Members of the Board of Supervisors:

We appreciate the opportunity to comment on the proposed annexation agreement for the San Marcos Highlands and the San Marcos Highlands EIR. We ask that you deny the annexation agreement and not approve as the EIR the City of San Marcos generated. Both are not adequate for the following reasons:

1. The EIR only evaluated the San Marcos Highlands impacts to the San Marcos city resident's and did not consider impacts to adjacent County residents or the County General Plan. The County's response to the FEIR points out flaws in the City's logic and the EIR[1]. Looking at the site images it is clear the project is vastly different from adjacent rural land uses. [2]
2. The annexation agreement does not address how the project is inconsistent with the County General Plan. Although it addressed habitat issues, it does not seem to address Section 3 of the Planning Agreement, to allow for appropriate and compatible development that is consistent with applicable laws. Clearly the project isn't compatible with the adjacent County Semi-Rural properties.
3. The annexation agreement doesn't support the County's position over the past 19 years. The County has numerous documents over the years that clearly state their concerns about the project. We hope you will each ask staff to provide you with those documents for your review. Since the project seems to have changed little over that time frame, the public and decision makers need to know why staff's has suddenly change to endorse the project by endorsing the Annexation Agreement and the FEIR. Please stop and take the time to investigate and ask staff to explain.
4. The annexation agreement doesn't support past County actions. During the recent General Plan update that addressed the Property Specific Requests, both

[1] Sept. 6, 2016 letter from Joe Farace, Advanced Planning Division to Norm Pedersen, City of San Marcos re Comments on FEIR (EIR 15-001, State Clearinghouse NO. 1999071007 for the San Marcos Highlands Project....)
[2] Image taken from the mountains between Buena Creek Road and San Marcos- view looking south

the Planning Commission and this Board of Supervisors took actions that kept the SR10 density instead of the applicant's request of SR1—or a density similar to the proposed San Marcos Highlands.

5. Supporting the annexation agreement would undo the mitigation measure placed by LAFCO when the original sphere was created. The July 2, 1979 Addendum to the Environmental Impact Report, Spheres of Influence for the Cities of San Marcos and Escondido, for the San Marcos Sphere of Influence that included the unincorporated County areas and the area of the San Marcos Highlands project, the Addendum to the EIR listed the following mitigation measure:

When the Sphere of Influence was created in 1977, LAFCO protected community identity by stating, "Sphere of Influence lines seek to preserve community identity and boundaries." In the 1979 Addendum to the EIR, to address concerns about conflicts of land use between the County and San Marcos, LAFCO included the following mitigation measure on page 4.

C. ADDITIONAL MITIGATING MEASURES,
"(g) To mitigate potential conflict with the County's Growth Management Plan, the Commission will discourage future annexation proposals which are inconsistent with the County's designations of Estate or Rural Development."[3]

Mr. Kubba bought the property in the 1980s and in 1989, Consultants Collaborative appears to have began working with the City to increase the density.[i] In 1990 the City pre zoned the property to a much higher density than allowed by the County.

Due to the above issues We ask each of you to deny the annexation agreement and do not approve the San Marcos Highlands EIR.

Thank you very much for your consideration in this matter.

Sincerely,

Tom and Mary Kumura

[i] July 31, 1981 letter from San Marcos to Juan Flores, Director of Planning, Consultants Collaborative

[3] Final Addendum to Environmental Impact Report, Spheres of Influence For The Cities of San Marcos and Escondido, (see highlighted text in attached document)

Tom and Mary Kumura
1602 Siddall Drive
Vista, California 90084

September 2, 2016

Mr. Norm Pedersen
Associate Planner
1 Civic Center Drive
San Marcos, CA 92069-2918

RE: Opposition to 189 clustered single-family residential lots – San Marcos Highlands

Dear Mr. Pedersen:

We are opposing the proposed 189 clustered single-family residential lots as part of the San Marcos Highlands project after reviewing the completed EIR for the following reasons:

1. The project site is currently within the City of San Marcos (141.14 acres) and the unincorporated County of San Diego (152.16 acres). Approximately 124.69 acres are within the City's Sphere of Influence. A reorganization to annex these 124.69 acres into the City from the unincorporated County is proposed as part of the project. The additional 3.69 acres would be subject to a boundary adjustment to correct a previous mapping error and to align the City's adopted Sphere of Influence with the proposed annexation area. (See 1.1 Project Synopsis)

   From the San Marcos Planning Commission Regular Meeting minutes for June 3, 2002, pages 5 and 6, Mr. Nelson asked: **"When was the Sphere of Influence last updated**?"; Mr. Backoff responded: "**Have met with LAFCO on this particular project. They have not indicated an update was needed. The last time was about 7-8 years ago**". ***This would mean that the Sphere of Influence was last reviewed, in 1994-1995. Is this true? If it is what justification would you have that basing your decision on a Sphere of Influence report that is over 21 years old is prudent?***

2. The proposed project consists of 189 clustered single-family residential lots with a minimum lot size of 5,000 feet within a development area of 50.04 acres (including roads). Planning Area One represents all the development area west of Las Posas Road and would have 109 residential lots on 20.27 acres. Planning Area Two covers the area east of Las Posas Road and would provide 80 residential lots on 24.41 acres. (Paragraph 4.3.5 County Zoning Alternative) **It is not clear, but I believe that 109 residential lots would be in the unincorporated County of San Diego. Is this true? If not, how many homes are being proposed for the unincorporated County of San Diego?**

Under the County Zoning Alternative, it was noted that if the development would be consistent with the current Semi-Rural 10 General Plan designation and A70 zoning, which is one home per 10 acres; there would be only 9 homes allowed. It was also noted that "Due to the parcel configuration for some of the County parcels (e.g., long and narrow) it may be difficult to find a home site location." ***Does this mean that the 9 homes assumed for the County portion of the project would be less homes? It was also noted that:*** The actual yield could be less once required preserve areas are considered as well as the requirements for the City's ROZ. ***This means that the analysis, when it assumes 124 unit would be developed in the City is over-estimating the number of homes.***

The analysis that was performed used figures that did not represent the County Zoning Alternative and those understates for example the number of daily traffic trips and the estimates of the amount of water that would be used. This bias by the City makes assumptions that seems to favor the developer. For example: "Under this alternative it is assumed that the project applicant would reapply for new permits from the regulatory agencies and develop a new HMMP that reflects proposed impacts under this alternative. Mitigation ratios consistent with the MHCP (e.g., 2: for impacts to coastal sage scrub and 3:1 for wetlands/riparian impacts) would be applicable to this alternative. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the Mobility Elements of the City of San Marcos and County of San Diego General Plans." ***Why wasn't it assumed that no new permits would be pursued? Why would the full extension of Las Posas Road be necessary when only 9 homes are being built in the unincorporated San Diego County?***

"The scattered nature of the residence in the County would result in a patchwork of grading and could potentially result in greater aesthetic impacts." ***This maybe another faulty assumption, since it is not unusual for the County or City of San Marcos, to implement specific conditions that would need to be met before approval of the project. I would recommend that the City takes the step and develop the conditions that would ensure that the project would be less impactful.***

Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic and Utilities and Services Systems, would all be reduced impacts to below a level of significance. For example, using the high estimate of 133 homes, 24,041 gallons per day would be saved when compared to 189 homes. This is over 8.7 million gallons of water saved. Solid waste generation under this alternative would be 122 ton saved.

3. The extension of N. Las Posas Road to Buena Creek Road is not proposed as part of this project. The narrow strip of property extending up to Buena Creek Road will be preserved habitat as part of the 210.8 acres of conservation open space for the project.
It is not clear who owns parcels of narrow strips (184-102-18, 184-102-32, and 182-02-44) How will the property be obtained if not currently owned? "

4. The Habitat Mitigation and Monitoring Plan (HMMP) will be updated, finalized and submitted to the USFWS for review. The final HMMP will include measures and demonstrate that adequate funding would be provided to protect and manage the resources on the mitigation land in perpetuity. (0.3 Response to Comments, 4-6). ***LAFCO had previously requested that approval be obtained from regulatory agencies. Rather than rush the project through, it would be more prudent to see what the agencies are concerned with and make sure that the project can meet the new conditions.*** For example, "the 400-foot wide pinch point along the northern boundary is exclusive of any fuel modification. If fuel modification areas are included, the width is over 500 feet. The City recognizes that the wildlife agencies do not include actively managed fuel modification areas as conserved, however, these areas can provide stepping stone areas for avian (and other) species." (0.3 Response to Comments, 5-5). ***The city makes assumptions that they acknowledge that are the under the control of the wildlife agencies. In fact, in some cases, the width has been requested to be 1,000 ft.***

5. Ridgeline Protection and Management Overlay Zone Ordinance is not being applied to the portion of the unincorporated San Diego County land being annexed. "In North Area #1, the ROZ area which includes a portion of the project site, topography did not warrant the extension of primary and secondary ridgelines to the City Boundary. As shown in Figure 3.1-24 of the Draft EIR, the primary and secondary ridgelines in North Area #1 stop before the City boundary" (0.3 Response to Comments, 19-3.) ***The City seems to enforce regulations when it benefits the developer; when looking at the land use policy for the County, the City states that since the property is in the Sphere of Interest, that the higher City density will be used. When the ridgeline ordinance is being applied, the City used the County boundary as the reason why it is not continued.***

6. It has been disclosed that the Vallecitos Water District's Water Supply Assessment and Verification studies are undergoing revisions since the District's 2015's Urban Water Management Plan demonstrates a water supply deficit for normal, single dry, and multiple dry years in 2020, 2025, 2030 and 2035. ***The VWD cannot approve a Water Supply Assessment and Verification indicating it will have sufficient water supply to serve the San Marcos Highlands project if it is already facing a water supply deficit. This fact alone, justifies denying the project until the Water Supply Assessment and Verification is updated with a firm indication of the availability of water. In addition, some believe that the VWD cannot rely on Conservation Measures to make up for its water supply shortfall. Also, upstream water supplies are too uncertain to use as a basis of assurances of the water supply. Other problem with VWD's***

Urban Water Management Plan includes the reliance on water demand factors that have not yet been determined and the report should be presented in a easily accessible format to the public.

The portion of the project that is in the unincorporated area of San Diego County does NOT fit the current rural nature of the Twin Oaks Valley/Buena Creek community. There was no effort made to reduce the density or provide a buffer zone which transition the high densely packed homes in the city of San Marcos to the rural area. Also, if the development is approved, what guarantee is there that the planning department would not grant variance in the height of the building pads.

The lack of water supply needs to be address before the plan can move forward. The decision should be delayed until the proper reports be obtained. In addition, approval from wildlife agencies should be obtained before approval of the EIR. This was the procedure before and since the applicant wants to use the same footprint as before, it should approach undergo the same process.

Finally, the Sphere of Influence plan is over 21 years old. Enough time has passed that it needs to be updated before any new projects are approved. The bias of the City of San Marcos against those residents living in the unincorporated area of San Diego County is very glaring. This subject will be brought up again to LACFO.

The reason why there is much distrust with the representatives of the City of San Marcos, is that the issue of Buena Creek road being classified as a four lane major road is due the request of the City of San Marcos. It was schedule to be downgraded to a two-lane road by the County but changed due to the City's request. Because of this, we do not believe the City when it states that Las Posas road will not be extended. (It may not be at this time, but eventually, the City will attempt to push a connection into Buena Creek road).

Sincerely,

Tom and Mary Kumura

See Footnote 1

County of San Diego

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September 6, 2016

Norm Pedersen, Associate Planner
Development Services Department
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Via E-mail: PlanningDivision@san-marcos.net

COMMENTS ON THE FINAL EIR (EIR 15-001, STATE CLEARINGHOUSE NO. 1999071007) FOR THE SAN MARCOS HIGHLANDS PROJECT NO. P13-0009 (SP 13-001, TSM 13-001, CUP 13-010, ROZ 14-001, PZ 14-001, GPA 15-002, & EIR 15-001)

Dear Mr. Pederson:

The County of San Diego (County) has received your request for comments on the Final EIR for the San Marcos Highlands Project and appreciates the opportunity to provide our comments on the project. The County Departments of Parks and Recreation and Planning & Development Services have reviewed the Final EIR and identified issues that may impact unincorporated County lands.

Many of the comments contained in this letter are similar to those raised in our previous letter submitted to the City on August 24, 2015 relating to the Draft EIR (letter attached). We have included County comments on your responses to our August 24, 2015 in italics. This letter also includes additional comments beyond those raised in our August 24, 2015 letter. Please note that none of these comments should be construed as County support for the proposed project or the associated annexation.

GENERAL COMMENTS

1. The majority of the proposed project area is within the unincorporated County and as currently designed is not consistent with the 2011 General Plan land use designation. The current design presents an intensification of use inconsistent with the County's General Plan land use designation of Semi-rural lands (SR-10). Development of the project at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles.

The City's response to our General comment #1 (response # 6-2 on page 0.3-42 of the Final EIR) is that more detailed comments are provided further in the County's letter but it remains unclear what that reference means and how the City responded to the County's comment. County staff does not agree that this comment has been responded to and retains this comment. Please provide a response to this comment.

2. 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 (independent of this proposed project) to evaluate the feasibility of changing the southern portion of the project area from Semi-Rural-10 to Semi-Rural-1. The PSR project will require a full environmental analysis and it is premature to speculate on the final Decision by the County's Board of Supervisors that the General Plan designation would be changed through this process. Staff has identified various constraints on this project area as part of the ongoing PSR evaluation process. These constraints are reflected in the comments provided on the proposed project.

   The City's response to our General comment #2 (response # 6-2 on page 0.3-42 of the Final EIR) is that more detailed comments are provided further in the County's letter but it remains unclear what that reference means and how the City responded to the County's comment. County staff does not agree that this comment has been responded to and retains this comment. Please provide a response to this comment.

CLIMATE CHANGE/GHG

1. In Section 3.6.4, Cumulative Impact Analysis for Climate Change the DEIR states:

   > Cumulative projects in the County of San Diego would be subject to the County's June 2012 CAP requirements, which list community and local government measures and actions to reduce GHG emissions and identifies adaptation strategies. Future development within the County would be required to implement applicable measures and actions to ensure GHG emissions reductions consistent with AB32. Therefore, cumulative impacts are less than significant and no mitigation is required.

   The County's CAP cannot be relied upon as it was rescinded in April 2015 by Court Order. The conclusion that projects located within the unincorporated County identified for cumulative impact evaluation will be mitigated by implementation of the County's CAP is incorrect. The Draft EIR must re-analyze the cumulative effect of projects identified within the unincorporated County to discern whether or not there would be a cumulatively considerable climate change impact without reliance on the County CAP to determine the significance of the cumulative climate change impact in accordance with the Supreme Court ruling RE: Newhall.

September 6, 2016
Norm Pederson
City of San Marcos

The City's response to the County's Climate Change comment #1 (response # 6-3 on page 0.3-36 of the Final EIR) was to remove the reference to the County's CAP and replace it with the County's Recommended Approach to addressing Climate Change in CEQA Documents guidance. The County's guidance document assists in the determination of impacts; however, it does not provide a program for mitigating impacts. The County believes that cumulative Green House Gas (GHG) impacts remain un-mitigated.

LAND USE

1. Page 3.9-14 of the Draft EIR cites a letter sent to the City of San Marcos dated August 9, 2013, signed by PDS Director Mark Wardlaw. Please note, County files indicate that this letter was dated August 19, 2013. This section of the Draft EIR summarizes the County's concerns expressed in the correspondence with the proposed project. One point that was specifically raised in this previous correspondence, which the Draft EIR fails to discuss, are the steep slopes of the project area and how, or if, the proposed project will significantly alter the existing topography. The Draft EIR has failed to adequately address this concern or explain how the selected significance criteria will aid the analysis of the proposed project and determine if the proposed project will result in immitigable environmental, social and economic impacts.

   The City's response to our Land Use comment #1(response # 6-4 on page 0.3-42 of the Final EIR), points to two sections where slopes are discussed. However, there is no clarification of the significance criteria or clarity in the determination of Less Than Significance Impact.

2. Page 3.9-18 discusses the proposed project's consistency with the MHCP and draft NCMSCP with conclusory statements of consistency without providing rationale or logical explanation for such a determination. The Draft EIR needs to analyze the proposed project's consistency with these conservation programs, consistent with the Land Use impact significance criteria. The analysis must present a logical, fact-based rationale for any conclusions of less than significant or significant impact in relation to the significance criteria.

   The City provided a response to our Land Use comment #2 (response # 6-5 on pages 0.3-42 to 0.3-43 of the Final EIR. The Final EIR appears to disclose the project's inability to meet the preservation goals of the Draft PAMA. Not meeting this goal is justified by characterizing the preservation goal of the PAMA as not a strict requirement, but merely a goal. The preservation goal represents a functioning preservation system; not meeting those goals compromises the functionality of the PAMA. It is unclear how a determination of consistency with the NCMSCP can be made when the future functionality of the preserve is compromised by the project. This inconsistency may impact the viability of the NCMSCP by compromising the ability to create a functional preserve system, especially at the project location.

3. The current land use designation for the project area within the unincorporated County is Semi-Rural 10 (SR10), translating to one dwelling unit per ten acres. If the entire project area (293 acres) were used to determine allowable density, the site would be allowed up to 29 dwelling units, not the proposed 189. The project proposes annexation of over 69 acres of unincorporated land into the City of San Marcos with approximately 140 dwelling units planned for this portion of the project area. This resulting density of two units per acre is well beyond the allowable density of the County's SR-10 designation. The Draft EIR rationale that the project area is proposed to be annexed (in whole or in part) to the City of San Marcos and thus does not need comply with County land use regulations is flawed because it deprives the public and decision makers of information and analysis to evaluate the proposed project. The current characterization of the future discretionary action by LAFCO as having the effect of relegating the County General Plan as irrelevant does not provide a sound basis. The Draft EIR should evaluate the proposed project under the current land use designations that govern the project area and reach a conclusion based on these facts and logical relationships. There must be a clear distinction between current and future conditions. Once an evaluation of current conditions is completed, an evaluation of a future condition, post-LAFCO action can be accomplished. The Draft EIR needs to address the issue of land use consistency without employing the results of a future discretionary action by LAFCO to analyze the proposed project.

   The City provided a response to our Land Use comment #3 (response # 6-6 on page 0.3-43 of the Final EIR). While the Draft EIR provided a description of a "County Zoning Alternative", the County's comment requested that the proposed project be evaluated under applicable county codes (General plan, zoning, etc.) without the filter (assumed annexation) of a future discretionary action by LAFCO. The alternative referenced in the City's response evaluates a 'County compliant' alternative, rather than the proposed project under current County regulations alternative as requested by the County. The requested disclosure of information was not met.

4. Table 3.9-14 fails to analyze the proposed project's consistency with applicable land use *policies* and only addresses the land use *goals*; despite the fact that the Draft EIR does analyze project consistency with City goals and policies. This results in a flawed and incomplete analysis depriving the public and decision makers of meaningful information upon which to make a decision, both for the Lead and Responsible Agencies, under CEQA. As a Responsible Agency under CEQA, the County may not be able to rely on the Draft EIR for discretionary actions associated with the proposed project.

   The City provided a response to our Land Use comment #4 (response # 6-7 on page 0.3-43 of the Final EIR) that directs us to their response # 6-6. Please see our Land Use comment # 3.

September 6, 2016
Norm Pederson
City of San Marcos

BIOLOGICAL RESOURCES

1. The proposed project is not consistent with the County's draft NCMSCP. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised) and reiterated in the December 12, 2013 Comments on the proposed Mitigated Negative Declaration, the proposed project would compromise the efficacy of the North County's Planned 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; it 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 project site also provides important habitat 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. 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.

   The City provided a response to our Biology comment #1 (response # 6-8 on page 0.3-43 of the Final EIR). This response is non-responsive. The County comment relates to the inconsistency of the project with the Draft NCMSCP. The response directs the reader to the City's response # 6-4 of the Final EIR which discusses the steep slopes of the project, not biological resources.

2. Figure 3.3-3, which is described to show the MHCP and NCMSCP designations and boundaries in relation to the proposed project area boundaries, is missing from the online version of the Draft EIR.

   The City provided a response to our Biology comment #2 (response # 6-9 on page 0.3-43 of the Final EIR) that the figure was inadvertently omitted from the Draft EIR but is now included in the Final EIR.

3. It is unclear how the preserve corridor is measured. The Biological Resources chapter of the Draft EIR should include a figure demonstrating the appropriate widths for the preserve corridor. 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 preserve corridor.

   The City provided a response to our Biology comment #3 (response # 6-10 on pages 0.3-43 – 0.3-44 of the Final EIR). The response indicates that consistency with previously issued permits results in a finding of less than significant. Information regarding the referenced permits is unclear. Information such as what the permits were issued for, by what agency and what time period they are valid is not disclosed. Regardless, the significance criteria does not rely on the provision of permits for impact determination; that is, the previous issuance of permits does not obviate the EIR from making a determination of impacts based on factual information that directly addresses the significance criteria. The permit information is anecdotal.

4. The existing habitat acreages discussed in the Draft EIR do not match Appendix D1 – Biological Resources Report. For example, section 3.1.1.1 of the Draft EIR (a numbering error – should be 3.3.1.1) states that DCSS acreage is 263.19 acres, but the Biological Resources Report states 251.25 acres. Further, the habitat acreages identified as potentially impacted in the Draft EIR do not match the Biological Resources Report (e.g. 77.74 acres of CSS versus 61.65). These discrepancies must be rectified as the impacts and mitigation measures identified in Draft EIR cannot be relied upon with such significant differences.

   The City provided a response to our Biology comment #4 (response # 6-11 on page 0.3-44 of the Final EIR). The City's response asserts that an older version (September 26, 2014) of the Biological Resources Report was included in the technical appendices for the Draft EIR in error. The older report included different acreages than the EIR however the Draft EIR text contained the correct quantities of habitat onsite, proposed impact quantities, and proposed mitigation. The correct version of the Biology Resources Report has subsequently been made available with the Final EIR.

   This appears to deny the public of information that is necessary to make an informed decision and comment given the EIR Biology chapter relies on the Biology Resources Report. How could the public (or County) provide meaningful input if the incorrect information was provided? The 'correct' Biology Resources Report constitutes substantial new information and the EIR Biological Resources Chapter, along with the correct Biology Resources Report should be recirculated for public review and comment.

5. Current proposed project site attributes contribute to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the 1-15 corridors. This connection is necessary to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the northern portion of 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 and County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project area. Compared to current conditions, this linkage would be reduced by the proposed project and constrain wildlife movement.

   The City provided a response to our Biology comment #5 (response # 6-12 on page 0.3-44 of the Final EIR). The County does not agree with the determination of less than significant impact due to the project resulting in further fragmentation and continuation of 'stepping stone' habitat which may be acceptable to avian species, but not wildlife without the capability of flight.

6. The County's Draft MSCP North County Plan Planning Agreement includes the following language which should be considered for this project.

> "In the event land within the County's jurisdiction is proposed to be annexed to another jurisdiction, the County shall request that LAFCO impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the county, the annexing jurisdiction, USFWS and CDFW as part of the annexation process to ensure that annexation would only occur when the annexation will not jeopardize the buildout of the preserve or the coverage of species within either of the planning areas..."

TRAFFIC AND TRANSPORTATION

1. The Draft EIR references San Marcos General Plan Policy M-1.6 which, identifies '*work to improve connectivity...work with new development to provide connectivity and redundancy in the mobility network*'. Both the City of San Marcos and County General Plan identify a connection of Las Posas Road from Buena Creek Road to SR-78. While not currently proposed for connection, no project alternative should preclude a future extension/connection of Las Posas Road. Open Space Lot 3A of the proposed project may compromise the potential for a future Las Posas connection. The Draft EIR needs to analyze an alternative project design that provides a reasonable and feasible connection to meet the intent of Policy M-1.6 for vehicle, bicycle, pedestrian and trail accommodation.

   The City provided a response to our Traffic and Transportation comment #1 (response # 6-19 on page 0.3-45 of the Final EIR). The City's response indicates that the proposed Open Space/biological conservation easement could make the Las Posas Road connection/extension more challenging but not preclude the future roadway connection. The City should describe in detail the process that would be required for the Las Posas Road extension because of the Open Space/biological conversation easement.

2. The Draft EIR argues that the proposed project is not responsible for paying the County's TIF because there is no nexus based on: 1) No cumulative or direct impacts identified to Las Posas Road; 2) Future Year (2035) analysis indicates only nominal trips onto County roads and 3) the proposed project annexation into the City of San Marcos. However, the majority of the proposed dwelling units are within the unincorporated County and unless annexed into the City, the project would be responsible for paying the County's TIF regardless of how many trips were identified on Las Posas Road. Therefore, consistent with previous correspondence:

   - The Las Posas connection is a planned Mobility Element (ME) network road on both the County's Mobility Element of the General Plan and within the City's Circulation Element.

   - The County's Transportation Impact Fee (TIF) program is a requirement for all projects located on existing unincorporated County lands that will generate vehicle trips, regardless of the number of trips. Payment of the TIF does not depend on whether the individual project has a "nominal" cumulative or direct impact to a particular roadway facility.

September 6, 2016
Norm Pederson
City of San Marcos

- A portion of the proposed project is located within unincorporated County lands that were included in the analysis and development of the County's TIF. Therefore, the project should contribute to the County's TIF to adequately mitigate for projected future road deficiencies identified within the County, regardless of whether the project area is annexed.

- The County recommends a mitigation measure be added to the Draft EIR to require payment of the TIF or another agreed upon mitigation between the County and the City of San Marcos. If the City of San Marcos collects the required SANDAG Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee amount of $2,310 (*figures updated to reflect fee rates good as of 7/1/15*) per dwelling unit, then the County TIF rate would be $1,886 per unit (North County Metro, Non-Village Rate). Based on the approximately 140 units located within the unincorporated County, the corresponding TIF would be $264,040 (140 x $1,886). Link to TIF: http://www.sdcounty.ca.gov/dpw/land/tif.html

The City provided a response to our Traffic and Transportation comment #2 (response # 6-20 on page 0.3-45 of the Final EIR). The City should augment Response 6-20 so it explains how the proposed project would address local and regional cumulative traffic impacts in a manner that is equivalent to the County's TIF program.

The County looks forward to receiving future documents and/or notices related to the project and providing additional assistance at your request. If you have any questions regarding these comments, please contact Danny Serrano, Land Use / Environmental Planner at (858) 694- 3680, or via email at daniel.serrano@sdcounty.ca.gov.

Sincerely,

Joe Farace, Group Program Manager
Advance Planning Division
Planning & Development Services

Attachment: City's Responses to County's Comment Letter Dated August 24, 2015

E-mail cc:
Dustin Steiner, Chief of Staff, Board of Supervisors, District 5
Megan Jones, Group Program Manager, LUEG
Jeff Kashak, Environmental Planner, Department of Public Works
Richard Chin, Associate Transportation Specialist, Department of Public Works
Nick Ortiz, Advanced Planning Manager, Planning & Development Services
Peter Eichar, Land Use/Planning Manager, Planning & Development Services
Marcus Lubich, Park Project Manager, Department of Parks and Recreation
Michael Ott, Executive Officer, LAFCO

County of San Diego

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August 24, 2015

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

Via E-mail: PlanningDivision@san-marcos.net

COMMENTS ON THE DRAFT EIR FOR SAN MARCOS HIGHLANDS PROJECT

Dear Mr. Pederson

The County of San Diego (County) has reviewed the Draft EIR for the San Marcos Highlands Project and appreciates this opportunity to comment. The County Department of Public Works, Parks and Recreation and Planning & Development Services have reviewed the DEIR and identified issues that may have an effect on unincorporated County lands. Many of these issues have been previously raised in correspondence to the City of San Marcos. Please note that none of these comments should be construed as County support for the proposed project or the associated annexation. 6-1

GENERAL COMMENTS

The majority of the proposed project area is within the unincorporated County and as currently designed is not consistent with the 2011 General Plan land use designation. The current design presents an intensification of use inconsistent with the County's General Plan land use designation of Semi-rural lands (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 (independent of this proposed project) to evaluate the feasibility of changing the southern portion of the project area from Semi-Rural-10 to Semi-Rural-1. The PSR project 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 project area as part of the ongoing PSR evaluation process. These constraints are reflected in the comments provided on the proposed project. 6-2

August 24, 2015
Norm Pederson
City of San Marcos

CLIMATE CHANGE/GHG

In Section 3 6.4, Cumulative Impact Analysis for Climate Change the DEIR states:

> *Cumulative projects in the County of San Diego would be subject to the County's June 2012 CAP requirements, which list community and local government measures and actions to reduce GHG emissions and identifies adaptation strategies. Future development within the County would be required to implement applicable measures and actions to ensure GHG emissions reductions consistent with AB32. Therefore, cumulative impacts are less than significant and no mitigation is required.*

Unfortunately, the County's CAP cannot be relied upon due to its rescission in April 2015 by Court Order. Therefore, the conclusion that projects located within the unincorporated County identified for cumulative impact evaluation will be mitigated by implementation of the County's CAP, is not correct. The Draft EIR will need to re-analyze the cumulative effect of projects identified within the unincorporated County to discern whether or not there would be a cumulatively considerable climate change impact without reliance on the County CAP to determine the significance of the cumulative climate change impact. 6-3

LAND USE

Page 3 9-14 of the Draft EIR cites a letter sent to the City of San Marcos dated August 9, 2013, signed by PDS Director Mark Wardlaw. County files indicate that this letter was dated August 19, 2013. Nevertheless, this section of the Draft EIR summarizes the County's concerns expressed in the correspondence with the proposed project. One point that was specifically raised in this previous correspondence, which the Draft EIR fails to discuss, are the steep slopes of the project area and how, or if, the proposed project will significantly alter the existing topography. The Draft EIR has failed to adequately address this concern or explain how the selected significance criteria will aid the analysis of the proposed project and determine if the proposed project will result in immitigable environmental, social and economic impacts. 6-4

Page 3 9-18 discusses the proposed projects consistency with the MHCP and draft NCMSCP with conclusory statements of consistency without providing rational or logical explanation for such a determination. The Draft EIR needs to analyze the proposed projects consistency with these conservation programs, consistent with the Land Use impact significance criteria. The analysis must present a logical, fact-based rationale for any conclusions of less than significant or significant impact in relation to the significance criteria. 6-5

The current land use designation for the project area within the unincorporated County is Semi-Rural 10 (SR10), translating to one dwelling unit per ten acres. If the entire project area (293 acres) were used to determine allowable density, the site would be allowed up to 29 dwelling units, not the proposed 189. The project proposes annexation of over 69 acres of unincorporated land into the City of San Marcos with approximately 140 dwelling units planned 6-6

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Norm Pederson
City of San Marcos

for this portion of the project area. This resulting density of two units per acre is well beyond the allowable density of the County's SR-10 designation. The Draft EIR rationale that the project area is proposed to be annexed (in whole or in part) to the City of San Marcos and thus does not need comply with County land use regulations is flawed because it deprives the public and decision makers of information and analysis to evaluate the proposed project. The current characterization of the future discretionary action by LAFCO as having the effect of relegating the County General Plan as irrelevant is speculative and not helpful. The Draft EIR needs to evaluate the proposed project under the current land use designations that govern the project area and reach a conclusion based on facts and logical rationales. There must be a clear distinction between current and future conditions. Once and evaluation of current conditions is completed, an evaluation of a future condition, post-LAFCO action can be accomplished. The Draft EIR needs to address the issue of land use consistency without employing the results of a future discretionary action by LAFCO to analyze the proposed project.

6-6 Cont.

Table 3 9-14 fails to analyze the proposed project's consistency with applicable land use *policies* and only addresses the land use *goals*; despite the fact that the Draft EIR does analyze project consistency with City goals and policies. This is a flawed and incomplete analysis depriving the public and decision makers of meaningful information upon which to make a decision, both for the Lead and Responsible Agencies, under CEQA. As a Responsible Agency under CEQA, the County may not be able to rely on the Draft EIR for discretionary actions associated with the proposed project.

6-7

BIOLOGICAL RESOURCES

The proposed project is not consistent with the County's draft NCMSCP. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised) and reiterated in the December 12, 2013 Comments on the proposed Mitigated Negative Declaration, the proposed project would compromise the efficacy of the North County's Planed 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; it 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 project site also provides important habitat 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. 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.

6-8

Figure 3.3-3, which purports to show the MHCP and NCMSCP designations and boundaries in relation to the proposed project area boundaries, is missing from the online version of the Draft EIR.

6-9

It is unclear how the preserve corridor is measured. The Biological Resources chapter of the Draft EIR should include a figure demonstrating the appropriate widths for the preserve

6-10

August 24, 2015
Norm Pederson
City of San Marcos

corridor. 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 preserve corridor. 6-10 Cont.

The existing habitat acreages discussed in the Draft EIR do not match Appendix D1 – Biological Resources Report. For example, section 3.1.1.1 of the Draft EIR (a numbering error – should be 3.3.1.1) states that DCSS acreage is 283.19 acres, but the Biological Resources Report states 251.25 acres. Further, the habitat acreages identified as potentially impacted in the Draft EIR do not match the Biological Resources Report (e.g. 77.74 acres of CSS versus 61.65). These discrepancies must be rectified as the impacts and mitigation measures identified in Draft EIR cannot be relied upon with such significant differences. 6-11

Current proposed project site attributes contribute to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the I-15 corridors. This connection is necessary to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the northern portion of 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 and County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project area. Compared to current conditions, this linkage would be reduced by the proposed project and constrain wildlife movement. 6-12

Restoration of habitat, on or offsite, to address impacts to wildlife species, especially coastal California gnatcatcher 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. 6-13

PUBLIC TRAILS AND PATHWAYS

The unincorporated community of Twin Oaks Valley (TOV) has an adopted community trails and pathways plan that is incorporated into the Community Trails Master Plan (CTMP), which aids implementation of the County Trails Program. Implementation of the project, as proposed will impact the community's plan.

One of the major connections for TOV is the "Las Posas Road Pathway". The pathway extends from the intersection at Buena Creek Road along the entire length of "Blue Bird Canyon" to Las Posas Road through the project. Any improvements to this road (on or off-site) need to incorporate the community pathway. Pathways are minimum 10-feet wide with compacted decomposed granite. Figure 2-6, Trail Cross Section, 16-foot Urban Trail is acceptable. See attached County Pathway Design Guidelines for reference. 6-14

August 24, 2015
Norm Pederson
City of San Marcos

Comments below are related to the proposed projects' trails plan.

Trail #37

- The multi-use trail (#37) appears to have no connection to the south on the project site. The trail continues onto two private parcels to west.
- Does the City of San Marcos have trail easements on these two parcels? If not, then provide a trail from Trail #37 to the "Local Trail" on the project site for a continuous trail connection to Las Posas Road.
- Make the "existing Private Trail" in the south west corner a "Local Trail" for the loop back to Las Posas Road (Trail #36)
- Will "Street A" have a pathway (DG trail within public road right of way) from Park "A" (and Trail #37 connection/trail head) to Trail #36/Las Posas Road?

6-15

Trail #36

- Does the trail section along Street A near Park "C" continue along or adjacent to the street north to Trail #36 for a loop trail? If not, a connection should be provided

6-16

Trail #27

- Trail appears to end at southern property boundary. Is there an off-site connection (easement) to the west and east via the adjacent subdivision? If not, provide a trail connection to Trail #36/Las Posas Road and an additional connection to the east to the private trail in open space.
- Does the northerly end of Trail #27 continue along Street "A" (west) to connect with the Trail #36/Las Posas Road? A connection should be provided for a loop.

6-17

Private Trails

- The eastern portion of the project shows existing private trails that have no connection on-site. Are there existing off-site trail connections (easements)?
- Why are these trails (blue) private? Is the general public and/or adjacent developments not allowed on these trails? Or are they private only as they relate to the maintenance/ownership such as a Homeowners Association?
- Is there a trail connection from the easterly most lots off Street "F" to the open space trails? Can trail access (easement) share the easement for "access to fuel treatment zones" between Lots #172 and 173?

6-18

TRAFFIC AND TRANSPORTATION

The Draft EIR references San Marcos General Plan Policy M-1.6 which, identifies '*work to improve connectivity ..work with new development to provide connectivity and redundancy in the mobility network*'. Both the City of San Marcos and County General Plan identify a connection of Las Posas Road from Buena Creek Road to SR-78. While not currently proposed for connection, no project alternative should preclude a future extension/connection of Las Posas Road. Open Space Lot 3A of the proposed project may compromise the potential for a future Las Posas connection. The Draft EIR needs to analyze an alternative project design that provides a reasonable and feasible connection to meet the intent of Policy M-1.6 for vehicle, bicycle, pedestrian and trail accommodation.

6-19

August 24, 2015
Norm Pederson
City of San Marcos

The Draft EIR argues that the proposed project is not responsible for paying the County's TIF because there is no nexus based on: 1) No cumulative or direct impacts identified to Las Posas Road; 2) Future Year (2035) analysis indicates only nominal trips onto County roads and 3) the proposed project annexation into the City of San Marcos. However, the majority of the proposed dwelling units are within the unincorporated County and unless annexed into the City, the project would be responsible for paying the County's TIF regardless of how many trips were identified on Las Posas Road. Therefore, consistent with previous correspondence:

- The Las Posas connection is a planned Mobility Element (ME) network road on both the County's Mobility Element of the General Plan and within the City's Circulation Element.
- The County's Transportation Impact Fee (TIF) program is a requirement for all projects located on existing unincorporated County lands that will generate vehicle trips, regardless of the number of trips. Payment of the TIF does not depend on whether the individual project has a "nominal" cumulative or direct impact to a particular roadway facility.
- A portion of the proposed project is located within unincorporated County lands that were included in the analysis and development of the County's TIF. Therefore, the project should contribute to the County's TIF to adequately mitigate for projected future road deficiencies identified within the County, regardless of whether the project area is annexed.
- The County recommends a mitigation measure be added to the Draft EIR to require payment of the TIF or another agreed upon mitigation between the County and the City of San Marcos.
    - If the City of San Marcos collects the required SANDAG Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee amount of $2,310 (*figures updated to reflect fee rates good as of 7/1/15*) per dwelling unit, then the County TIF rate would be $1,886 per unit (North County Metro, Non-Village Rate). Based on the approximately 140 units located within the unincorporated County, the corresponding TIF would be $264,040 (140 x $1,886). Link to TIF: http://www.sdcounty.ca.gov/dpw/land/tif.html

6-20

The County appreciates the opportunity to participate in the environmental review process for this project. We look forward to providing additional assistance at your request. If you have any questions regarding these comments, please contact Eric Lardy, Planning Manager, at (858) 694-3052, or via email at eric.lardy@sdcounty.ca.gov

6-21

August 24, 2015
Norm Pederson
City of San Marcos

Sincerely,

Andrew Spurgin, AICP
Chief
Advance Planning Division

e-mail cc.
Chris Livoni, Policy Advisor, Board of Supervisors, District 5
Conor McGee, CAO Staff Officer, LUEG
Jeff Kashak, Environmental Planner, Department of Public Works
Michael Ott, Executive Officer, LAFCO
Richard Chin, Associate Transportation Specialist, Department of Public Works
Nick Ortiz, Advanced Planning Manager, Planning & Development Services

Letter 6
County of San Diego
August 24, 2015

6-1. This comment provides opening remarks and does not address the adequacy or accuracy of the information presented in the Draft EIR and therefore no further response is necessary.

6-2. This comment notes that the project site has a designation of SR-10 in the County's General Plan. It also states that the project site was included as a Property Specific Request (PSR) as part of the County's General Plan Update process. More detailed comments are provided further in the County's letter.

6-3. This comment addresses the cumulative analysis related to climate change, noting the County's Climate Action Plan cannot be used due to its rescission in April 2015 by Court Order. The text on page 3.6.-5 of the Final EIR has been revised:

> "Cumulative projects in the County of San Diego would be subject to the County's Recommended Approach to Addressing Climate Change in CEQA Documents guidance[2]. If projects in the County exceed the GHG screening threshold of 900 metric tons of carbon dioxide equivalent (MT CO2e), additional analysis and a reduction of GHG emissions of 16% below business as usual. The County is in the process of preparing a new Climate Action Plan, with a completion date of Fall 2017."

The conclusion regarding cumulative greenhouse gas remains the same and impacts would be less than significant.

6-4. This comment notes that an incorrect date was used in the EIR in reference to a letter from Mr. Wardlaw. The reference to the date of Mr. Wardlaw's letter has been updated in the EIR. Please see page 3.9-15 of the Final EIR.

This comment also states that the EIR did not adequately discuss the steep slopes on the project site and how the project would impact the existing topography. Page 2-9 of the Draft EIR discussed the proposed grading for the project site as part of the EIR project description. Page 2-16 of the EIR notes the current elevation range on the project site. The Draft EIR included visual simulations (Figures 3.1-2 through 3.1-7) which show existing topography and the post-project development condition from six key views. Further, the project focuses development on the less topographically diverse portions of the project site.

6-5. This comment addresses the discussion in the Draft EIR regarding the project's consistency with the MHCP and the draft NCMSCP. The project's consistency with the goals of the MHCP and draft MCMSPC were addressed on page 3.3-21 of the Draft EIR. Additional information regarding the project's consistency with the Planning Goals and Preliminary Conservation Objectives of the draft NCMSCP Planning Agreement (as amended in September 2014) are included on pages 3.3-12 and 3.3-13 in the Final EIR.

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[2] http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/PDS2015GHG%20Guidance%20-1-21-15.pdf

The project is consistent with the Planning Goals (Section 3) of the Planning Agreement by providing for the conservation and management of Covered Species, by preserving aquatic and terrestrial resources through conservation partnerships, by allowing for appropriate and compatible growth and development that are consistent with applicable laws, by providing a basis for necessary permits to lawfully take Covered Species, and by providing a comprehensive means to coordinate and standardize mitigation and compensation requirements.

The project is also consistent with the Preliminary Conservation Objectives (Section 5) of the Planning Agreement by providing for the protection of species, natural communities, and ecosystems on a landscape level, preserving the diversity of plant and animal communities throughout the Planning Areas, minimizing and mitigating the take or loss of Covered Species, identifying and designating biological sensitive habitat areas, and preserving habitat to contribute to the recovery of Covered Species.

6-6. This comment addresses the project's consistency with applicable policies in the County's General Plan. The portion of the Specific Plan that is within the County would be annexed into the City and would be subject to the City's requirements. The only area that would remain in the County is a 22.8acre area that would be biological open space. This area would be subject to the County's General Plan goals and policies. The Draft EIR did analyze the current County designation of SR 10 as a project alternative, reducing the number of residential lots from 189 to 133, a 29 % reduction. The Draft EIR continued with an analysis of the impacts that would result with the "County Zoning Alternative" compared to the project as proposed (Draft EIR, Section 4.3.5, Page 4-19).

6-7. This comment states that Table 3.9-14 fails to analyze the proposed project's consistency with applicable County land use policies. Please see response 6-6. This comment also addresses the use of the EIR for County approvals. The only approval that will be required from the County is a boundary adjustment. The project applicant will be responsible for obtaining a grading permit for the emergency road connection if needed.

6-8. This comment states the project is not consistent with the County's draft NCMSCP. Please see response 6-4.

6-9. This comment notes the omission of Figure 3.3-3, which was inadvertently omitted from the Draft EIR. It is now included in the Final EIR. Please see page 3.3-40 of the Final EIR.

6-10. This comment requests a figure demonstrating the widths for the preserve corridor and notes that no fuel management should occur within the proposed corridor. The northern habitat linkage varies in width, ranging from a maximum of 2,265 feet wide to a minimum of 400 feet wide (515 feet wide including the fuel modification zone. There is one pinch point of 400 feet wide for a maximum of 500 linear feet, consistent with the regulatory permits previously issued for the project. Figure 3.3-4 has been added to the Final EIR to show the varying widths along the northern linkage. Please see page 3.3-42 of the Final EIR.

The City recognizes that the wildlife agencies do not include actively managed fuel modification areas as conserved, however, these areas can provide stepping stone areas for avian (and other) species. For example, according to the California Department of Fish and Wildlife: "Fire buffers, green belts, easements and similar areas often serve as

both fire breaks and as wildlife habitat or wildlife corridors" (Current Issues Fall 2010 - Wildfire Policy and Procedures)[3]. Further, Zone 2 is where permanent vegetation is removed and cleared areas hydroseeded with a mix of native annual and perennial grasses. Native grasslands are a valuable biological resource that provide foraging and movement opportunities for wildlife.

6-11. This comment notes discrepancies in the existing habitat acreage amounts in the Draft EIR. The habitat quantities, impacts and mitigation included in the Draft EIR are the correct acreages. An older version (September 26, 2014) of the biological resources report was included in the technical appendices for the Draft EIR in error. The older report included different acreages than the EIR however the Draft EIR text contained the correct quantities of habitat onsite, proposed impact quantities, and proposed mitigation. Since circulation of the Draft EIR, minor changes were made to the biological resources report based upon response to comments. The most recent version of the report (dated November 4, 2015) is included as Appendix D.1 of the Final EIR.

6-12. This comment addresses the proposed connectivity of the site to other offsite areas of gnatcatcher habitat. As detailed on page 3.3-10 of the Draft EIR, the Buena Creek California Gnatcatcher and Coastal Sage Scrub Conservation Bank is located northwest of, but not contiguous to, the project site. This conservation bank offers coastal California gnatcatcher and CSS habitat credits. The nearest large undisturbed area is the Merriam Mountains, more than a mile north of the site. There is no connection or corridor between the project site and the Merriam Mountains area. Thus, the project site is best described as a "stepping stone" between other isolated habitat areas. Volume 3 of the MHCP acknowledges this and specifically designates the project site and surrounding suburban development area as a stepping stone. As a consequence of this designation, the MHCP considers the function and value of the site in a broader context as providing habitat for birds, which can move between stepping stone patches of habitat.

The project will preserve, monitor and manage 185.83 acres of coastal sage scrub on the project site. This will afford the long term protection of habitat for the gnatcatcher. The habitat linkage along the northern project boundary will provide stepping stone areas for the gnatcatchers to move between other large blocks of habitat.

6-13. This comment addresses the proposed restoration of CSS on the project site. Restoration will be done in accordance with the HMMP that was prepared for the project (Appendix D.5 of the EIR). Table 12 of the HMMP notes the specific species that will be obtained for transplant on site and the species of container plants that will be used. *Artemisia californica* (California sage brush) will make up 50 percent of the transplanted species to be obtained on site. The other two species to be obtained on site are *Salvia apiana* (white sage) at 30 percent and *Salvia mellifera* (black sage) at 20 percent. As noted in the HMMP, much of the Diegan coastal sage scrub in the project area is dominated by black sage, which indicates that the project site may not be ideal habitat for the California gnatcatcher. The location where the one California gnatcatcher pair was observed will not be disturbed by the proposed project and Diegan coastal sage scrub mitigation efforts will actually expand habitat in the vicinity of the sighting by converting disturbed areas to Diegan coastal sage scrub habitat while restoring and preserving additional off-site lands (HMMP, Appendix D.5, Section 3.3.1).

[3] http://www.fgc.ca.gov/public/reports/DFGissues/Wildfire%20Policy%20and%20Procedures.pdf

6-14. This comment addresses the proposed pathway along Las Posas Road. Per the County's comments, the proposed 16-foot Urban Trail is acceptable and will be included in the project design. The 16-foot Urban Trail is comprised of 10 feet of decomposed granite surface and 6 feet of sidewalk for a total of 16 feet.

6-15. This comment addresses future connections for Trail #37. The proposed improved trail will follow the aqueduct access road across the northwest corner of the project site. The improved trail will end at the south end, because the aqueduct access road then enters the County. The City does not have a trail easement across the two parcels to the south, which are in the County's jurisdiction. The project will provide a local trail connection from Las Posas Road along the southwest side of the development to an existing unimproved trail, which connects to the aqueduct access road. Per the regulatory permits, the unimproved section will need to remain as-is. In addition, the sidewalk along Street A provides pedestrian access from Las Posas Road to Park A which connects to Trail 37.

6-16. This comment addresses the connections for Trail #36. The trail section along Street A near Park "C" will continue along the street to the north of Trail #46 to form a loop trail.

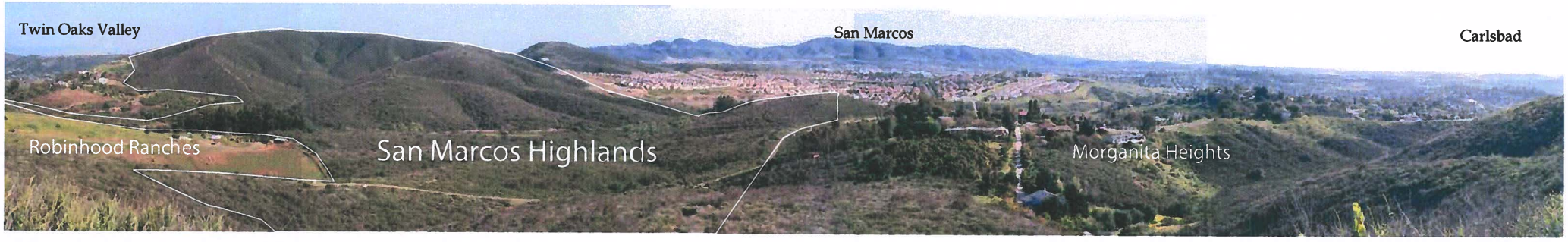
6-17. This comment addresses the connections for Trail #27. This private trail will connect to the east to existing trail along the north side of the Santa Fe Hills neighborhood and Owens Peak.

6-18. This comment addresses future connections to private trails proposed as part of the project. These existing trails will be open to the public. A trail connection is proposed between lots 173 and 174 from the improved trail on Street F to the existing unimproved trails to the east.

6-19. This comment states that open space Lot 3A compromises the potential for a future Las Posas Road connection. Page 6-3 of the Draft EIR noted that the proposed biological mitigation for the project, which includes restoration and enhancement along the riparian corridor on the project site and the preservation of large blocks of land in a biological conservation easement, could make the extension of Las Posas Road more challenging as a proposed extension would likely impact sensitive riparian habitat that is being enhanced, restored, and preserved as part of the proposed project. Additionally, there is no identified right-of-way for the further extension of Las Posas. Therefore, while the open space may make the extension more challenging, it does not preclude an extension from occurring at a later date, and any such extension will require regulatory permits from USACE, CDFW, and RWQCB and mitigation for impacts to sensitive habitats.

6-20. This comment addresses the payment of the County's Transportation Impact Fee (TIF). All of the proposed development will be annexed into the City. There will not be any residential units within the County's jurisdiction nor does the project directly connect to any County roads. The only portion of the project site remaining within the County will be 22.8 acres of open space that will be subject to a conservation easement that would preclude development of residential units.

6-21. This comment provides concluding statements and contact information and does not address the adequacy or accuracy of the information presented in the Draft EIR and therefore no further response is necessary.


Twin Oaks Valley
San Marcos
Carlsbad
Robinhood Ranches
San Marcos Highlands
Morganita Heights

FINAL

ADDENDUM

TO

ENVIRONMENTAL IMPACT REPORT

SPHERES OF INFLUENCE FOR THE CITIES OF

SAN MARCOS AND ESCONDIDO

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

July 2 , 1 979

SUMMARY AND CONCLUSIONS

A. BACKGROUND

This report, has been prepared as an addendum- to the Env iron men t a I Impact Report for the recommended Spheres of Influence for the Cities of San Marcos and Escondido. The Draft EIR for this project was circulated with the LAFCO Staff Report, Recommended Spheres of Influence, Escondido and San Marcos, issued on October 16, 1978. A Final EIR, incorporating comments submitted by i nte rested organizations and individuals, was submitted to the Commission prior to a **publ i c hearing on January 15 , 1979 .**

At a continued public hearing on April 2, the Commission directed Staff to supplement the EIR to evaluate the environmental effects of including territory beyond the Sphere boundaries recommended in the LAFCO Staff report. Specifically, the Commission directed that the EIR be expanded to include the upper Twin Oaks Valley and the entire Escondido General Plan area, minus that portion southwest of Escondido covered by the County's San Dieguito Community Plan. This addendum has been prepared to evaluate the effects of including part or all of the additional territory in the cities' Spheres to be adopted by LAFCO.

This addendum supplements the information contained in the original EIR, and, to avoid duplication where possible, incorporates pertinent sections by reference. The addendum should therefore be reviewed in connection with the original EIR and LAFCO Staff Report issued in October 1978. A map indicating current City boundaries, Spheres recommended by LAFCO Staff, and additional area required by the cities may be found on the first page of this addendum.

B. MAJOR ISSUES

The Spheres of Influence are plans for the probable ultimate service areas and boundaries of the cities. Once adopted, a Sphere of Influence is to be used by the Commission as a guide in making decisions on specific proposals for changes of organization. Each Sphere of Influence is to be reviewed and

updated periodically. **Since Spheres are policy guidelines, their adoption can have no direct or specific adverse impacts on the environment. However, designation of unincorporated areas within Spheres and use of the adopted Spheres as factors in future decisions involving changes of organization may have certain indirect effects.**

The potential environmental effects of the recommended Spheres are summarized in the original EIR, pages 1-2. Adoption of Spheres of Influence which include part or all of the additional areas discussed in this addendum could have the following effects:

1. San Marcos

(a) The City's adopted general plan does not include all of the areas requested ' and the land use element does not map specific uses - agricultural, residential, etc. - for any of the area. Potential land use changes and the environmental implications can therefore not be determined.

(b) The additional area is beyond the areas designated for urban development in the County's Growth Management Plan and adopted Regional Land Use Element. Including these additional areas within the Sphere could conflict with adopted County plans and development policies.

(c) The City's General Plan does not apply an agricultural designation to any of the area. The City's existing agricultural zoning could allow minimum lot sizes of one acre, which if applied in th.e area, would be unlikely to maintain existing agricultural uses. Including the area within the City's Sphere could therefore adversely affect agricultural lands.

C. ADDITIONAL MITIGATING MEASURES

The original EIR proposed five measures to mitigate potential land-use impacts of Sphere adoption (See Section III., B., 3., P. 13). These measures have been incorporated in the project as recommendations to be made by the Commission when the San Marcos and Escondido Spheres are adopted. All of the measures would apply to any additional area as well as to the Spheres recommended by LAFCO Staff. In addition, the following measures are proposed to mitigate the potential land use impacts of including additional territory within the Spheres:

(f) Prior to considering a proposal for annexation to the cities of San Marcos or Escondido, the Commission shall require prezoning by the City to reflect the actual proposed use of the territory.

(g) To mitigate potential conflict with the County's Growth Management Plan, the Commission will discourage future annexation proposals which are inconsistent with the County's designations of Estate or Rural Development.

(h) The Commission should discourage annexations to the City of Escondido in areas where water is already provided and sewer .service is n@-it required for the proposed type or level of development.

PROJECT DESCRIPTION

A. GENERAL

The proposed project is LAFCO's adoption of Spheres of Influenc(, for th Cities of San Marcos and Escondido. State Taw requires LAFCO to determine a Sphere of Influence for each local government agency in the County. A Sphere of Influence provides a pl an for the " probab1e ultimate service are a an d boundaries " of an agency and, once adopted, is used by the Commission as a factor in decisions on specific annexations, detachments, and other changes of organization. In July 1977 the Commission adopted guidelines for the development of Spheres for local governments in San Diego County. In addition to the eight factors which by law the Commission must consider in determining a Sphere, the key principles in these guidelines include the following:

(1) Areas which will require urban-level services should be included in an agency's Sphere.

(2) Sphere analysis must consider the proximity of anticipated urban-level development, a City's ability and intent to provide a combination of urban-level services, and common topographical features between a city and adjacent unincorporated areas .

These factors are to be considered together in determining a Sphere of Influence. Reviewers are referred to the original EIR, "Project Description," Section II, pages 2-4, and to the October 1978 report for more detail on the project, legislative background, and study method.

In recommending an agency's Sphere, LAFCO Staff employs available data on population growth, urban service requirements, and agency capabilities through 1995. The Commisson has adopted a Sphere revision policy which requires review of adopted Spheres every two years to determi ne whether or not 1 and use or service plans have changed in a given area and merit revision of the adopted Sphere.

B. ADDITIONAL AREA

The original EIR discussed the effects of adoption of the Spheres recommended by Staff in the October 1978 report. On April 2, 1979, the Commission held a continued hearing to consider the San Mar(:os and Escondido Spheres . **As a result of that meeting, the Commission continued the hearing to July 2 and directed Staff to supplement the EIR. The supplement was to evaluate potential effects of Spheres which could include additional territory requested by the two cities beyond the Sphere boundaries recommended by Staff.**

The map on Page 1 of this addendum shows the current boundaries of the two cities, the Spheres recommended by LAFCO Staff, and the areas which the cities have requested be included in,their Spheres.

The purpose of this addendum is to evaluate'the potential environmental effects of including all or part of the additional territory in the cities' Spheres as determined by the Commission. T!ie

addendum is not intended to address individual annexation proposal s , nor is it intended to address speci fi c s ph ere re vi si on requests resulting from a particular project. The additional terri to ry discus se d in the addendum may be des cri bed as fo II ows

San Marcos

The additional area includes the upper Twin Oaks Valley and adjacent portions of the San Marcos and Merriam Mountains. The boundary of the additional area is coterminus with the City's existing corporate boundary on the south; follows the ridgeline between San Marcos and Vista and section lines on the west; follows section lines on the north running east to Old Highway 395; then follows Old 395 south to a point south of the intersection of Old 395 and Jesmond Dene Road. The boundary continues west and south along sections lines to the Vista Irrigation District Fl ume and Bougher Road.

ENVIRONMENTAL EFFECTS

A. GENERAL EFFECTS

1. Existing Setting and 2. Impacts

Reviewers are directed to the original EIR (Section III, pp. 5-"), for a discussion of the general effects of Sphere adoption. Briefly, as one factor in the Commission's decisions on specific proposals for change of organization, a Sphere wi 1 1 have an indirect and variable effect on the environment. Typically, a proposal would proceed through the following steps: (1) designation by LAFCO of an area within a city's Sphere; (2) prezoning by the city of an area proposed for annexation; (3) consideration **()f** an annexation proposal by LAFCO; (4) if approved, annexation of the area to the city; an-d (5) approval by the city of specific development plans. **All of these actions would be subject to environmental review under the California Environmental Quality Act (CEQA). While the potential environmental effects of a Sphere designation may be indirect, designation could conceivable secondary effects on the environment by influencing the timing and location of future urban development.**

3. Mitigating Measures

In addition to the eight factors which LAFCO routinely considers when reviewing an individual annexation proposal, the original EIR identified certain future LAFCO and city actions as mitigating measures **(Section III, B., 3., page 13, "Land Use and Growth Inducement"). LAFCO Staff recommended that the Commission adopt these measures in conjunction with the Spheres for each city. Additional mitigating measures to address the effects of including areas beyond the Sphere boundaries recommended by LAFCO Staff are identified on page 16 of this addendum.**

B. LAND USE AND GROWTH INDUCEMENT

This section discusses potential land use and certain cumulative effects of including the additional areas within the cities' spheres.

1. Existing Setting

As explained in the original EIR, the focus of environmental review for adoption of the San Marcos and Escondido Spheres of Influence has been a comparison of City and County land use plans for the unincorporated fringe areas studied. The cities' general plans will govern development within Sphere areas if future annexations are approved by LAFCO and the annexing city. A comparison of general plans and development policies therefore provides the most accurate indication available at this stage as to the differences in land use and development which might occur if territory is included within a city's Sphere, and the resulting difference in the level of environmental impacts which might result in the change from County to city jurisdiction.

The origin a l E I R (Section III., B., 1 . , pp. 8-11) compares City and County plans for those unincorporated areas which were included in the Spheres recommended in the LAFCO Staff report. The following sections describe the major features of the additional areas and compare City and County plans for the territory.

Three sets of plans are compared in the following sections. In January 1979 the County adopted a new Regional Land Use Element which incorporates the policies of the Regional Growth Management Program, adopted by the Board of Supervisors in December 1978. Hearings to bring the existing County General Plan into conformance with the new Regional Land Use Element for the areas discussed in this report are tentatively scheduled for Fall 1979. The following sections describe and compare City Plans with both the Regional Land Use Element and the existing County General Plan for each area.

Area numbers refer to the unincorporated fringe areas discussed in detail in the October 1978 Staff report (Section VI., pp 49-
77) and identified on the map on Page 1 of this addendum..

Area 2 - Twin Oaks Valley

This study area covers 5,272 acres, of which only 150 acres were included in Staff's recommendation (October 1978). Approximately 54% of the area is vacant, 40% is in agricultural uses, and 5% is in residential use. The area contains one agricultural preserve located east of Twin Oaks Valley Road and south of Deer Springs Road which covers 133.5 acres, all under contract. Organized service!, in the area are provided by San Marcos County Water District, Vista Irrigation District, the San Marcos Fire Protection District and the Deer Springs Volunteer Fire Department. San Marcos County Water District operates a sewer line beyond city boundaries along Deer Springs Road (See page 27, October 1978 Report, for more detail).

-City of San Marcos

The City's adopted general plan does not include all of the area requested, and the land use element does not map specific land uses agricultural, residential, etc. - for any of the area. The City's land use "concept map" covers only the southern portion of the Valley area adjacent to the City. **The plan**

narrative indicates that one-acre estates and planned residential developments would be appropriate in "mid-valley" and that agriculture should be protected against intruding uses" in the north valley. No specific land use designations for the area have been adopted by the City.

County of San Diego

The County's adopted Regional Land Use Element designates nearly the entire area for Estate Development, which would permit minimum lot sizes of two to twenty acres depending on slope and other factors. The floodplain area and agricultural preserve in the Valley are designated Environmentally Constrained, which would permit lot sizes of four to forty acres depending on specific criteria. As mentioned above, hearings to bring the existing general plan into conformance with the adopted Regional Land Use Element are scheduled for Fall 1979. **The current general plan designations for the area are Floodplain (1 dwelling unit per 4-8 acres) on the valley floor adjacent to City boundaries, Intensive Agriculture (I dwelling unit per 2, 4, or 8 acres) in the vicinity of Buena Creek Road and in the upper Valley, and Mountainin Development (I dwelling unit per 4-20 acres) in the remainder. he area along the Vista Flume adjacent to the Richland neighborho 0 d of the City is currently designated Rural Residential (1 dwelling unit per 1, 2, or 4 acres). Additional detail and a map of th(2 area may be found in the October 1978 Staff report (pages 52-53).**

Conclusion:

The absence of specific city land use designations in the area makes a comparison with County plans largely Speculative. Although the City's plan narrative indicates a desire to preserve agriculture in some unspecified portions of the area, the City has not formalized this commitment in its general plan by adopting specific land use designations. **The County's adopted Regional Land Use Element shows the entire area except that along the Vista Flume to be outside areas where the County's adopted policies would direct most urban development. Because of the lack of specific city plans in the area, the potential effects of future jurisdictional changes are impossible to identify. The absence of City commitment to specific land uses, the availability of sewer service in Deer Springs Road, and a potential conflict with County policies for development in the area are potential impacts.**

San Marcos

(a) The City's adopted general plan does not include all of the area requested, and the land use element does not map specific 1and uses agricultural, residential , e t c .for any of the **(, (i t,**

Potential land use changes and their environmental implications can therefore not be determined.

(b) The additiona1 area is beyond the areas designated for urban development in the County's Growth Management Plan and adopted Regional Land Use Element. Including these additional areas within the Sphere could conflict with adopted County plans and development po I i c i e s .

2. Existing Setting and Impacts

The indirect impacts of Sphere adoption were discussed in the original EIR (Section III., C., pp. 14-15). Following completion of the EIR, County planning staff submitted a memorandum which describes proposed "resource conservation areas" in the area which could be affected by the cities' Spheres 6f Influence . Those areas have been identified as part of the action plan for the County's Conservation Element, adopted in 1975. The areas contain environmental resources of significant value and are cons i de red to be areas where special planning should take place to insure their continued existence.. The map on the following page identifies, the areas of concern. The memorandum describing the areas and their significance is attached to this addendum.

Inclusion of these areas within a city's Sphere could affect County efforts to adopt and implement measures to maintain the proposed resource conservation areas.

3. Mitigation Measures

Ideally, no proposed resource conservation areas would be included within a city's Sphere of Influence until such time as the city had an implementation program to accomplish the special planning needed for their preservation. LAFCO can evaluate the presence of a proposed resource conservation area during the environmental review process and during consideration of any future proposed changes of organization which include territory within any of these areas.

D. SHORT TERM VERSUS LONG-TERM EFFECTS OF THE PROJECT

Short term versus long-term effects of the Spheres recommended by LAFCO Staff were discussed in the attached EIR (See Section III., D., pp. 15-16). That discussion applies to the additional territory evaluated in this addendum, with the following addition:

The additional areas are not shown to require urban levels of service between now and 1995 according to current information. To the extent that including territory in a city's Sphere may encourage annexation proposals, designation of part or all of the additional areas within the Spheres could have a long-term effect in expanding City boundaries and service areas. This impact,,can be mitigated to some extent by the Commission's authority to approve or disapprove annexations and other changes of organization when proposed.

VI. RESPONSE TO COMMENTS RECEIVED

Summary of Comments Received and LAFCO Staff Response

The draft EIR addendum was circulated for a 30-day review **period between May 10 and June 9, 1979. Written comments on the adequacy of the addendum were received from**

the City of San Marcos Planning Director. The City's comments are summarized below with LAFCO Staff's response. The City's letter is attached to the addendum.

A memorandum was also received from County Planning staff describing proposed "resource conservation areas" identified as part of the County's Conservation element action program. This information has been incorporated in the final addendum, 111(i the memorandum is attached.

Comments concerning the Commission's overall decision on the Spheres of influence, but not specifically concerning the addendum, were received from the San Marcos Fire Protection District, **the Sierra Club, two attorneys representing landowners, and an affected citizen. These letters have been attached to the Executive Officer's report for the July 2 LAFCO Agenda.**

City of San Marcos, Planninq Director

City General Plan in Upper Twin Oaks Valley

City staff commented that the addendum was incorrect in stating that the City's general plan does not extend to the upper Twin Oaks Valley area. According to the City, its general plan doe,-l include the area and contains statements on development policies.

Response. LAFCO Staff has reviewed the general plan documents provided by the City during preparation of the Staff report issued in October 1978. The City's land use element does include part but not all of the area north of the existing city boundaries requested by the City for its Sphere. However, the land use element does not map specific land uses, such as agricultural or residential, for any of the area. This makes comparison with the County's Regional Land Use Element -- and therefore an assessment of the environmental consequences of any future changes in jurisdiction -- impossible. The City's General Plan concept map" does include information on residential densities and other uses. However the map provides no circulation or topographical landmarks, and it includes only areas immediately adjacent to the existing City boundaries and none of the upper Twin Oaks Valley or Merriam Mountains requested by the City. The addendum acknowledges the City General plan's broad narrative statements concerning the Twin Oaks Valley on Page 9, and summary statements on Pages 3 and 13 have been made more specific.

City Annexation Policy

City staff objected to a statement in the draft addendum that property owners seek annexation to the City for increased development densities rather than city services.

Response. The statement has been deleted from the final addendum, based on the information provided by the City. Water, sewer and fire protection services are provided in the upper Twin Oaks Valley area by independent special districts and a volunteer fire department, not by the City. Annexations to the City are therefore not requested for the purposes of obtaining these services. Again, the lack of specific land use designations in the requested area makes comparison with County plans impossible, and consequently makes an assessment of environmental impacts highly speculative.

City's Agricultural Preservation Policies

City staff commented that the San Marcos General Plan is the City's formal commitment to preserving agricultural lands and that the City has previously indicated the need for an intensive agricultural zone.

Response. The City general plan land use element does not apply an agricultural designation to any of the area in question. The land use element's broad statement of intent to preserve agricultural uses is acknowledged on Page 9 of the addendum. Without any implementation mechanism, this represents a rather vague commitment to preservation of agricultural uses. The City's open space element proposes mid-valley areas both within the city and adjacent area to the north as a "permanent ranch and agricultural area" but includes no implementation mechanism. The upper Twin Oaks Valley area is not included in the element. This makes the environmental consequences with regard to agricultural lands difficult to determine, as stated in the addendum. The statement on Pages 3 and 14 to which the City's letter refers has been clarified in the final addendum.

A

City of San Marcos

105 W. FTICHMAR AVENUE 0 SAN MARCOS, CAUFORNIA 92069

PLANNINGDEPARTMENT - JeffreyA.Okun,Director
714 - 744-1050

June 5, 1979

Michael Gotch

Executive Officer
Local Agency Formation Commission 1600 Pacific Highway
San Diego, CA 92101

Re: Addendum to Environmental Impact Report Spheres of Influence

Dear Mike:

We have reviewed the addendum to the Draft Environmental Impact Report for the San Marcos-Escondido Sphere of Influence Study and wish to make the following comments:

1. On pages 3, 9 and 15, the statements are made with reference to the San Marcos General Plan and the fact that it does not extend to the Upper Twin Oaks Valley, and therefore, the City has made no formal committment to specific land uses. This statement is incorrect.

The Twin Oaks Valley Neighborhood portion of our San Marcos General Plan extends into the Merriam Mountains. This area comprises the North Twin Oaks Valley and under the definitions within our General Plan, North Twin Oaks Valley is that area of the Valley and mountains, north and east of the North Rancho Boundary (Map 806) extending east to Interstate Highway 15 and north to the Gopher Canyon area.

There are many general policies contained within the General Plan that deal with this area, however, there ar ,,e three specific development policies, listed on page 10 of the Land Use Element that address the Upper Twin Oaks Valley. They are as follows:

a) "'I'he Valley shall be kept in rura1 atmosphere."

b) "Agriculture in the North Valley shall be protected against intrusion of conflicting uses."

c) "Due to hazards to property, the flood channel of San Marcos Creek and very steep hillsides of the San Marcos and Merriam mountains shall be in an open space zone with urban uses by special use permit only."

2. On pages 3 and 15, the following statement is made:

"Based on example of recent annexations to' the City of San Marcos, property owner's have typically sought annexation to obtain higher development densities that would be permitted in the County, rather than to obtain City Services."

This statement lacks . justification and implies that the City is granting higher density zoning in order to increase its land area through annexations without due consideration to the multitude of impacts that may result. The table listed below shows the annexations which were approved for the City of San Marcos during 1978 and 1979 and compares the City's zoning that was placed on **-those** properties prior to annexation, along with the County

zoning that was in existence at the time of annexation. Although in some cases, there may be increased density granted, for ttle most part, this increased zoning did not result in a net increase in density. Excepting for the Mahr Annexation, the zonings applied by ***the City would be consistent with theCounty General Plan, had the property remained in the unincorporated area.***

Additionally, the annexations that eventually get file with LAFCO, represent approximately 10-15% of the actual annexation inquiries we receive. Out of this remaining 85-90% that don't get filed, approximately 75% never even file for prezone applications after annexing with myself and my staff to discuss the zoning they wish to receive. The remaining 10-15% that do file prezoning, find their prezoning request denied and therefore, the annexation request is never consumated.

This City does not play the increased density for annexation game with property owners. We do, however, take into consideration, our General Plan, the specifics of the piece of property, the nature of the surrounding area, and other standard planning princip in making a determinaition of what the best zoning is for the piece of property.

TABLE 1 1978 and 1979 ANNEXATIONS

Annexation	County Zoning	City Zoning
Mahr	E-1-A (@ Acre)	R-1 (h Acre) + A-1-8 (8 Acre)
Rancho La Sombra	Same Zoning Adopted	
Hallstrom	Same zoning as County, but our Slope restrictions were not as severe as the County's in this zone.	
Vista Corona	R-1-10	R-1-10 + Commercial. at major intersections
West City 2 Adopted	Same Zoning	
West City 3 Adopted	Same zoning	

3. Again, on pages 3 and 15, the statement is made as follows:

"In the absence of formal City committment to preserve agricultural uses, including the area within the City's Sphere could adversely affect existing agricultural lands."

The San Marcos General Plan is the City's formal committment to the preservation of agricultural uses within various areas of San Marcos, not just the Twin -Oaks Valley. Additionally, the City has an Agricultural Preserve Program available to those who wish to participate in it. Our Sphere of Influence Report indicates the need to develop an intensive agricultural zone within the City of San Marcos. The Agricultural Lands Policy, adopted by LAFCO, is intended to discourage annexation to cities that would result in the conversion of agricultural lands.

Michael Gotch
June 5, 1979

Therefore, I believe it is erroneous to-conclude, as you have done on page 15, that the placing of this land in San Marcos' Sphere of Influence could adversely affect existing agricultural land.

In conclusion, I feel the Draft Environmental Impact Report has failed to disclose any major impacts that can be identified that would result from the inclusion of the Twin Oaks Valley in San Marcos's Sphere of Influence. Thank you for an opportunity to review this Draft addendum and we look forward to receiving the final copy.

Sincerly,

Jeffrey A. Okun
Director of Planning

JAO:sv

City of San Marcos
105 W. RICHMAR AVENUE • SAN MARCOS, CALIFORNIA 92069
619/744-4020

July 31, 1989

Juan Flores, Director of Planning
Consultants Collaborative
751 Rancheros Drive, Ste. 7
San Marcos, CA 92069

RE: San Marcos Highlands; Repsonse to Preliminary Environmental Assesment.

Dear Juan:

Thank you for meeting with us on 28JUNE89. As indicated in that meeting, Staff has the following concerns.

1. Staff has completed a density analysis for the project. Exclusive of the area outside of the San Marcos Sphere, Staff has developed a preliminary density range of 42.8885 to 169.6875 units.

   I also recommend that the applicant provide an analysis (map & text) showing the acreage of the property contained in the different General Plan Designations. By comparing the two analyses a final yield will be determined by Staff. As you know the project may not exceed those densities established by the General Plan.

   The applicant should provide a slope analysis of the area outside of the San Marcos Sphere. This will be utilized to determine density.

2. The Specific Plan for the project should have comprehensive accompaning opportunity and constraint maps with mylar overlays showing each category of constraint and opportunity. [Note: The net effect of these overlays will establish project morphology.]

3. Plot ERCE/WESTEC comments on map.

Barry, Robert

From: Dan Silver <dsilverla@me.com>
Sent: Wednesday, October 30, 2019 11:36 PM
To: Barry, Robert
Cc: Michael Beck; Jim Simmons; Kevin Johnson
Subject: San Marcos Highlands Reorganization, November 4, 2019, Item 6a
Attachments: EHL-SanMarcos-LAFCO-11.4.19.pdf

October 29, 2019

RE: PROPOSED "SAN MARCOS HIGHLANDS REORGANIZATION" ANNEXATION TO THE CITY OF SAN MARCOS WITH CONCURRENT ANNEXATIONS TO SAN MARCOS FIRE PROTECTION DISTRICT AND VALLECITOS WATER DISTRICT AND DETACHMENTS FROM VISTA FIRE PROTECTION DISTRICT AND VISTA IRRIGATION DISTRICT LAFCO FILE NOS. SA17-07; RO17-07; Nov 4, 2019, Item 6a

Honorable Members of San Diego LAFCO:

Please find enclosed correspondence on this item for distribution, and please let me know of questions. Acknowledgment of receipt would be appreciated.

Regards,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

October 29, 2019

VIA ELECTRONIC MAIL

San Diego Local Agency Formation Commission
ATTN: Robert Barry, AICP
9335 Hazard Way, Suite 200
San Diego, CA 92121

RE: Agenda for Nov. 4, 2019, San Marcos Highlands Annexation – *Non-opposition*

Dear Chair and Members of the Board:

Endangered Habitats League (EHL) is *not opposed* to your approval of the San Marcos Highlands annexation. The annexation is consistent with a settlement agreement reached between EHL and the applicant. We furthermore concur with the finding of an Annexation Agreement between the City, County, and state and federal agencies that the project complies with Section 6.7.3 of the North County MSCP Planning Agreement between the County and wildlife agencies. This section ensures that annexations of County land to other jurisdictions will not jeopardize the buildout of the preserve or the coverage of species within the Planning Area, or compromise viable linkage areas within the proposed preserve.

EHL's primary focus has been North County MSCP consistency. Due to cooperation between the City and County, the Planning Agreement is working as intended, and the North County MSCP can achieve its important regional goals of conservation and development and infrastructure permitting.

Thank you

Yours truly,

Dan Silver
Executive Director

8424 SANTA MONICA BLVD SUITE A 592 LOS ANGELES CA 90069-4267 ♦ WWW.EHLEAGUE.ORG ♦ PHONE 213.804.2750

Barry, Robert

From: royalviewranch@aol.com
Sent: Thursday, October 31, 2019 6:16 AM
To: Simonds,Keene; Barry, Robert
Subject: San Marcos Highlands Annexation
Attachments: S M Highlands arial view of project.jpg; Highlands location in Twin Oaks (1).pdf; Highlands-FEIR-Volume-II.pdf - Adobe Acrobat Pro DC.JPG

TWIN OAKS VALLEY COMMUNITY SPONSOR GROUP

Dear Keene Simonds and Robert Barry,

Following is a letter to the LAFCO Commissioners and Alternates regarding the San Marcos Highlands reorganization, which is item 6.a) on the Commission's Nov. 4, 2019, agenda. I would appreciate your distributing this letter to the Commissioners and Alternates as soon as possible.

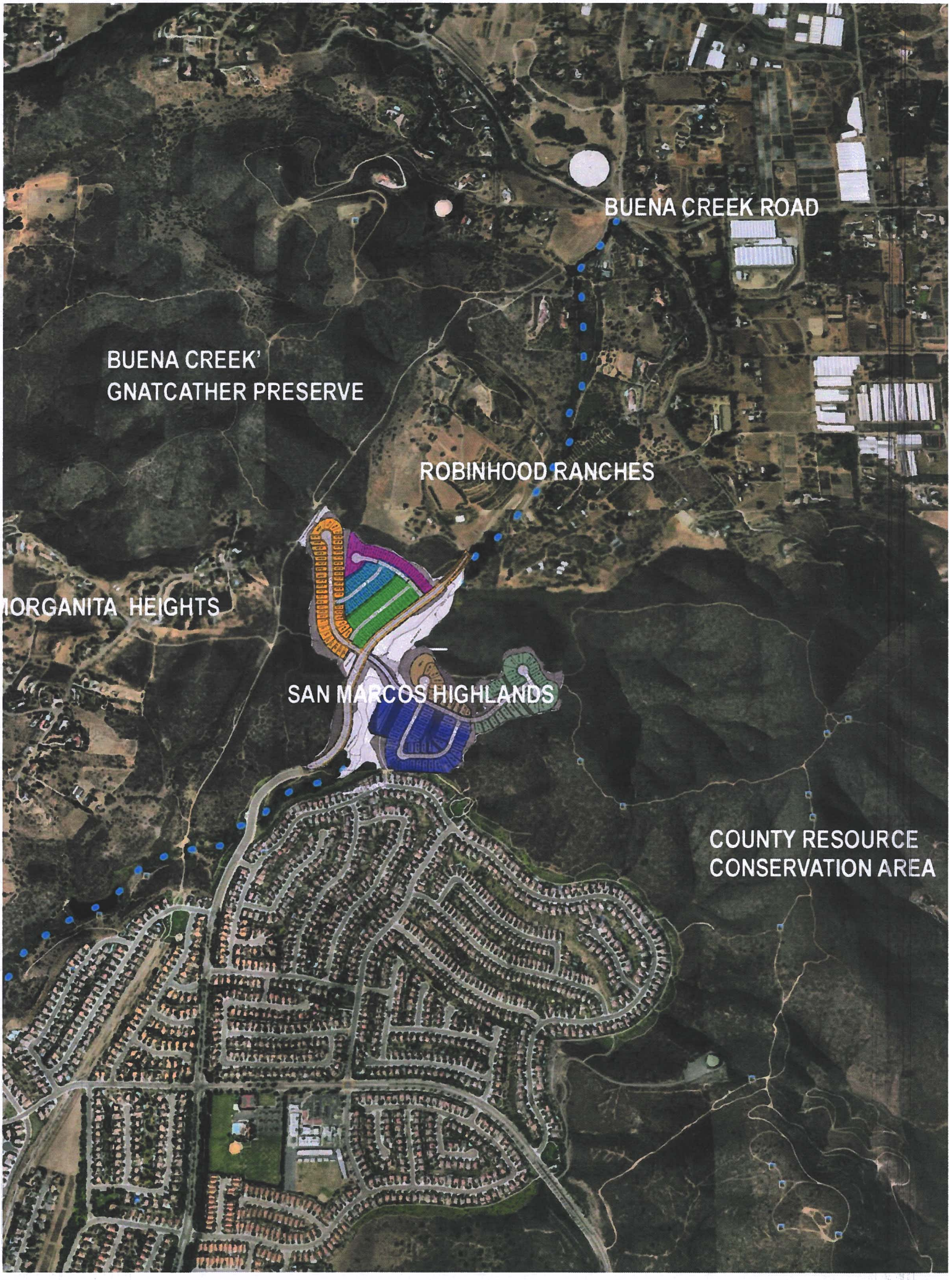
Dear LAFCO Commissioners:

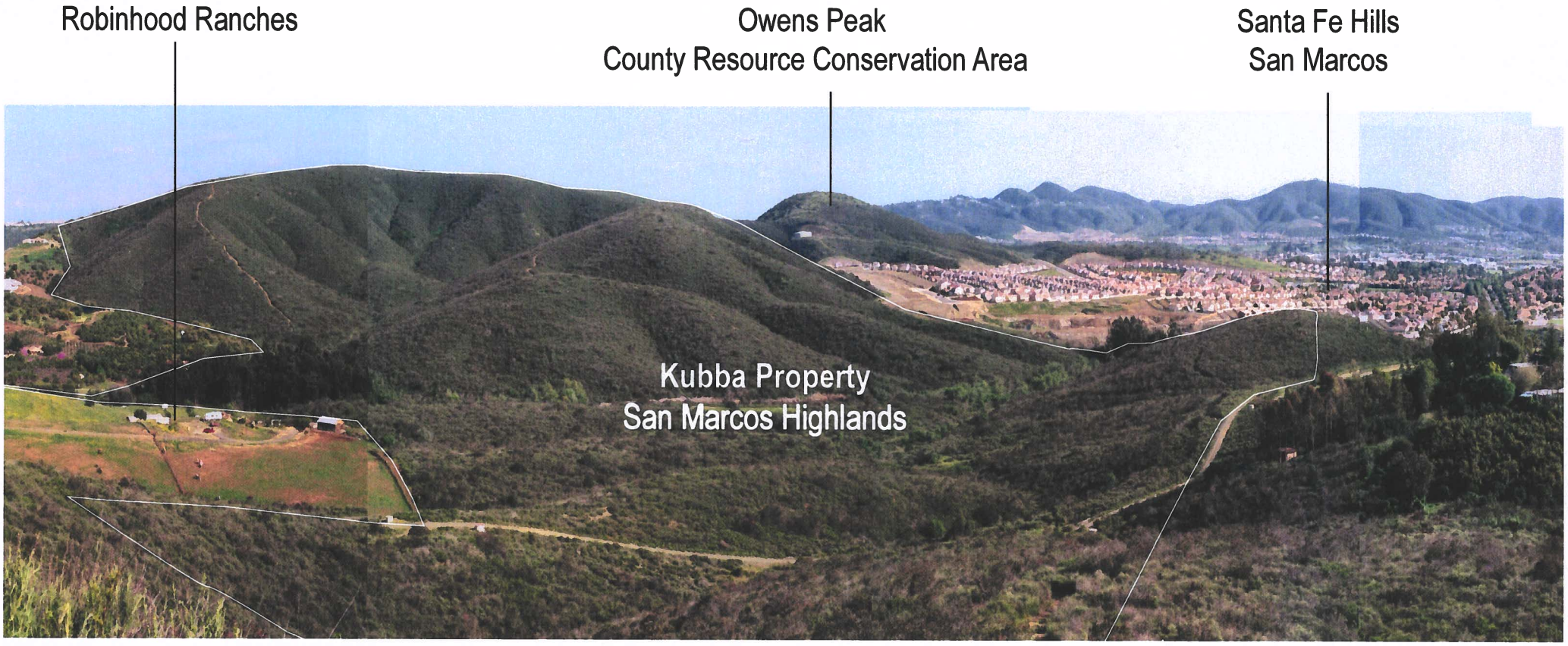
The Twin Oaks Valley Community Sponsor Group recommends you not approve the annexation of the San Marcos Highlands to the City of San Marcos. I would be here today to present why we feel so strongly about this but I can't attend due to medical problems. I ask that you read the letter we submitted.

Our group for over twenty years has been opposed to this project for the following reasons:

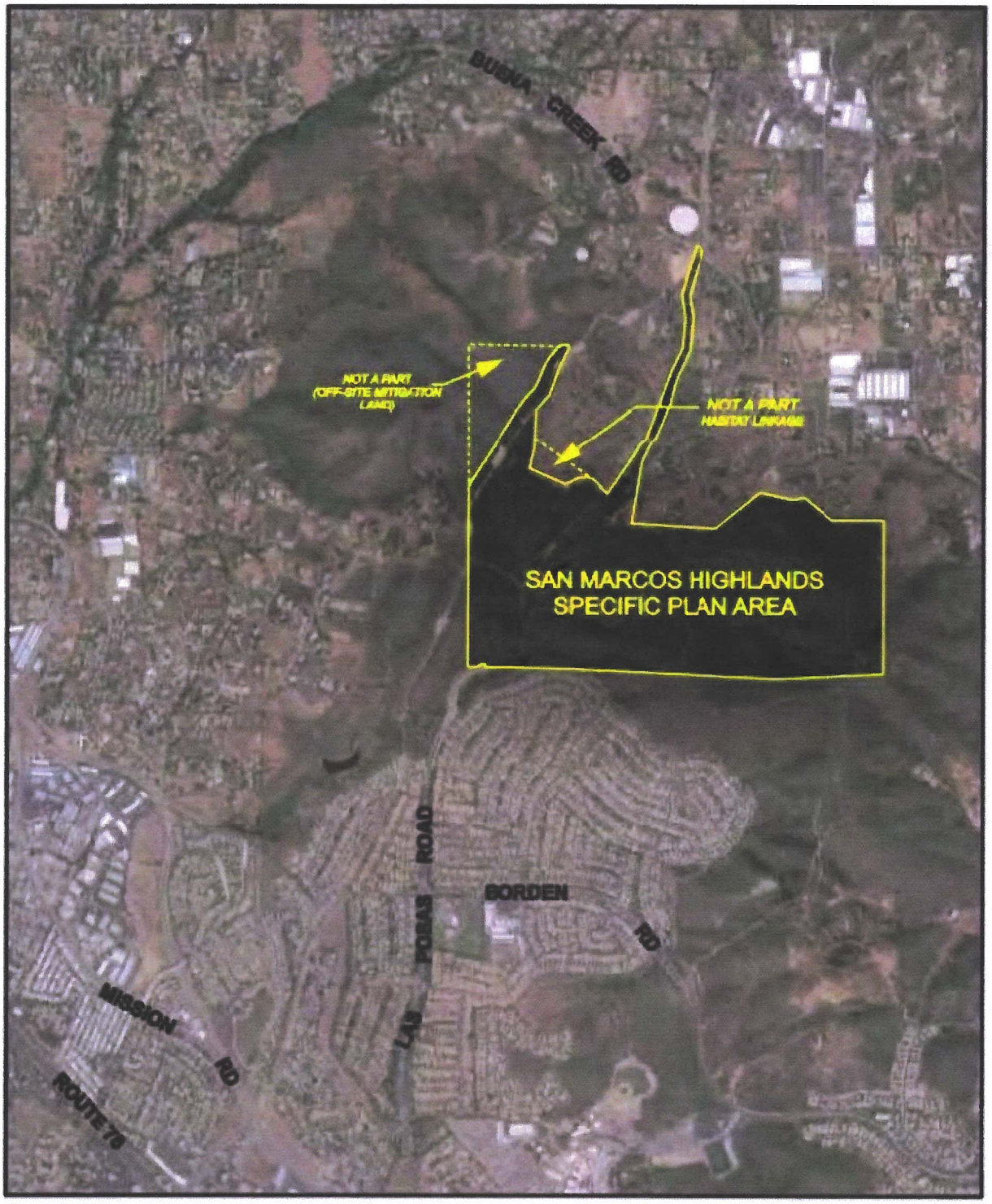
1. The annexation will enable the San Marcos Highlands development to be implemented by the City of San Marcos. This project which will place dense residential development, 16 times what is allowed under the County General Plan, against 4 -acre rural residential land uses. We believe this will have a negative impact on the rural community character and result in urban growth spreading beyond the project and into the Twin Oaks Community.
2. The annexation will result in a development that divides a portion of the Twin Oaks Community by placing a wedge between Morganita Heights on the south- west and Robinhood Ranches that is located off of Buena Creek Road to the north-east..
3. The annexation will result in a development that is a spot zone for the benefit of one land owner to convert the large block of open space into dense residential development.
4. The annexation will enable a development that will wedge development into a small valley with predominate east-west winds that is listed as a high-fire area with minimal ingress and egress. Given the traffic congestion of both Mission Road and Twin Oaks Valley Road we are concerned the response time listed in the report and EIR is optimistic.

Until the County recently approved the Annexation Agreement the County over the past twenty years has also not supported the San Marcos Highlands project siting in incompatibility to the County General Plan . Although the Annexation Agreement addresses some habitat issues is does not address the issues we have raised above. Given so much of our planning area is in an adjacent jurisdiction we our concerned that the approval of this annexation will undermine the County General


BUENA CREEK ROAD
BUENA CREEK'
GNATCATHER PRESERVE
ROBINHOOD RANCHES
ORGANITA HEIGHTS
SAN MARCOS HIGHLANDS
COUNTY RESOURCE
CONSERVATION AREA



View Looking South From Ridgeline Adjacent to Buena Creek Road



Project Vicinity *Exhibit I-1*

SAN MARCOS HIGHLANDS

N

NOT TO SCALE