

LETTER

RESPONSE

Letter I33b

**From:** Josette Franck [<mailto:quitefrancky@gmail.com>]  
**Sent:** Wednesday, July 16, 2014 9:02 PM  
**To:** Slovick, Mark  
**Cc:** Blackson, Kristin  
**Subject:** LHR DEIR 2014 3800 12-001 et al  
 Lilac Hills Ranch Draft EIR 2014  
 Mark Slovick, Project Manager  
 (858)495-5172  
[Mark.Slovick@sdcounty.ca.gov](mailto:Mark.Slovick@sdcounty.ca.gov)

Project: Lilac Hills Ranch

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

Dear Mark,

The submitted Draft Environmental Impact Report (DEIR) for Lilac Hills Ranch (LHR), which falls glaringly outside of the County's recently adopted General Plan, includes glaring discrepancies, as well as legal issues with respect to roads safety and overburdening of easements.

I33b-1

The General Plan's (GPU) Village areas are where density concentrations are planned and approved, but LHR sits miles outside of the Valley Center North and South, and Fallbrook villages (<http://www.sdcounty.ca.gov/dpw/land/landpdf/Docs/CountywideVillage.pdf>). Accretive Investments (Applicant) was attempting to acquire, through outright purchases or lease options, the +/-608 acres while the GPU was in process, but never requested upzoning changes for, in essence, another Village.

I33b-2

Why is the Applicant being offered a purported alternative that involves the County using eminent domain that would only be required to satisfy the Applicant's project? See 8\_-\_Taper\_at\_Intersection\_Package, GPA12001-REIR-Chap4-061214 (Section 4.8.1.7 Road Design Alternative 7, Section 4.9.1.4 Circulation, Table 4-9, pages 128, 135-136), GPA12001-REIR-AppendixV-2-TrafficFireAlternative-061214, 7\_-\_Modification\_to\_road\_standard\_-\_Reduce\_design\_speed\_Mtn\_Ridge, Implementing\_PGP, Appendix\_W\_-\_GP\_Consistency\_Analysis\_6-9-14.

I33b-3

If not, the County should then regard the public's safety on its public and private road network in and around the proposed project. All ten road exemptions the applicant requests are out of line with the existing conditions and many jeopardize the public's safety, which, as a stand-alone concern, clearly deems denial of this project. What justification does the County give for approving a project that cannot clear even one of the ten aforementioned road hurdles?

I33b-4

Trash collection days on Covey Lane and Mountain Ridge Road - both with high, blind hills - summarily mean lines of residents waiting behind waste vehicles to complete the collection route, or crossing into unseen oncoming traffic to pass the trash trucks: regular trash,

I33b-5

I33b-1 The County acknowledges your comment and opposition to the project. The comment introduces topics that are further developed in the remainder of the letter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

I33b-2 See Global Response, Project Consistency with General Plan Policy LU-1.2, for information relevant to this comment.

I33b-3 CEQA requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines section 15126.6) Chapter 4.0 of the FEIR includes eight alternatives. Each alternative proposes a potential alternative to the project ranging from no development (Alternative 1) to all characteristics being the same except for the location of the fire station and widening of Mountain Ridge Road to public road standards (Alternative 8). The possible exercise of eminent domain by the County relating to Road Design Alternative 7 could be allowed pursuant to County Board Policy J-33. Policy J-33 defines the limited circumstances, and the specific conditions, under which the County would exercise its power of eminent domain to acquire off-site land to satisfy a condition of approval for a development project. Please see Global Response: Off-Site Improvements - Environmental Analysis and Easement Summary Table.

I33b-4 The road design exception requests are allowed by County's Road Standards. The decision makers may approve or deny these requests based on required findings included therein. The road design exception requests are detailed in Chapter 1.0, Table 1-2. As stated in Chapter 1.0, subchapter 1.2.1.4. Impacts associated with the road exception requests have been considered throughout the FEIR sections, primarily under off-site improvements. A discussion of traffic hazards is included in FEIR subchapter 2.3.2.3. As disclosed therein, the road network design for the project would provide adequate ingress and egress for residents as well as emergency access, safe trail system, and conform to Goal M-4 of the General Plan Mobility Element. Therefore, impacts associated with transportation hazards would be less than significant. The Road Design Alternative (subchapter 4.8) addresses additional impacts that could occur if any of the road design exception requests were denied. Ultimately the Board of Supervisors will have the final decision on the project.

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| <p>recyclables and green waste. Approving LHR benefit's the developer, not current residents or businesses, and legal aspects considered, not the County. What does the County consider a fair number of obstacles that existing residents must bear for the sake of a private developer's financial benefit?</p> <p>Other legal problems to examine in this Applicant's project include inconsistency within their DEIR, assumption of easements and overburdening of said easements.</p> <p>One inconsistency exists between the DEIR Evacuation Plan and the Traffic Study. The applicant's evacuation plan states Mountain Ridge Road and Covey Lane will both be gated and locked at all times, with only the fire and police having keys. On the other hand, their traffic study says Mountain Ridge Road will be used only by the church and senior facility via the locked gates. If first responders are the only ones with keys to the gates, then the church and senior facility cannot have keys also. If only the church and senior facility will have access through the gates, then first responders cannot also. If you speak out both sides of your mouth, a clarity deficiency occurs with your words. Which version is actually being offered in this iteration of the DEIR?</p> <p>Each plan the Applicant stated for Mountain Ridge Road and Covey Lane grossly overburdens the restricted easements, which are available only to a few lots in the applicant's proposed project, and do not automatically extend to the remaining lots within the project. Why did the County include eminent domain options that contradict the Board's adoption of Policy J-33? What is the County's cause for asserting eminent domain against private property owners of Mountain Ridge Road and Covey Lane and choosing the subsequent, lengthy, and expensive lawsuits to follow such assertions?</p> <p>For this purportedly stand-alone development to continue without intercession from the public, County or State, easement rights for EVERY lot within, and leading in to / out of the project need to be secured financially, legally, and in writing, from the rightful owners without coercion. What is the applicant's target date for securing said easements?</p> <p>Additionally, the LHR requested road exemptions include drawing roads and sewer lines on properties with no or limited easements / rights. Limited easement rights for one lot do not provide rights to any other lots. Period. In which DEIR version will these roads and sewer lines that lack full access be removed from all of the maps, or where are the recorded documents verifying the applicant acquired all the required easements?</p> <p>In closing, thank you for reviewing the Applicant's DEIR and our responses to but a few problems with the project: its inconsistency with the GPU, discrepancies, and road and easement issues.</p> <p>Respectfully,<br/>         Josette Franck<br/>         Escondido, CA 92026<br/>         760-509-5308</p> | <p>I33b-5 Refer to the Global Response: Easements (Covey Lane and Mountain Ridge Roads) included in the introduction to these responses to comments.</p> <p>I33b-6 Refer to the Global Response: Easements (Covey Lane and Mountain Ridge Roads) included in the introduction to these responses to comments.</p> <p>I33b-7 As stated in the Project Description (Chapter 1.0 of the FEIR), Traffic Impact Study (Appendix E of the FEIR), and the FPP (Appendix J of the FEIR), gates are proposed for the southern portion of the project (phases 4 and 5). As described specifically in subchapter 2.7 of the FEIR, all gates will be in compliance with DSFPD guidelines and County Consolidated Fire Code, Section 503.6. Please see Figure 2.7-1 in the FEIR for the specific location of the gates.</p> <p>In order to assure an orderly evacuation should an emergency arise, the Consolidated Fire Code requires an automatic gate across a fire access roadway or driveway to be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate. As detailed in Section 4.2.6 of the FPP, gates proposed for the project would be in compliance with DSFPD guidelines and County Consolidated Fire Code, Section 503.6. All gates would be accessible by emergency vehicles at all times. In addition, during an emergency such as wildfire, all gates would also be open for evacuation. The Fire Code requires that the gates be fitted with automatic emergency gate openers as well as a back-up manual system. The gates on roads that will be used by residents to go in and out of the project would have automatic openers (for exiting) that are triggered by either a buried sensor or an optical sensor. After being triggered, the gates would remain open to accommodate a stream of traffic. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate. A gate across a fire access roadway shall be equipped with an approved design feature for opening the gate for access by the fire department or law enforcement.</p> <p>Therefore, while general use of the gates will be regulated, emergency use of the gates will allow safe evacuation.</p> |
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|  | <p>I33b-8 Please refer to the Global Response: Easements (Covey Lane and Mountain Ridge Roads) included in the introduction to these responses to comments for a discussion of the easement issues raised for Mountain Ridge Road and Covey Lane. Regarding the inclusion of alternatives that could require use of eminent domain, the purpose of these alternatives are to disclose the potential impacts that would occur if one of these alternatives was selected. This analysis is not intended to demonstrate compliance with Board of Supervisors Policy J-33.</p> <p>I33b-9 As proposed, the project has all easement rights needed to construct the project and required improvements. For additional details, refer to the Global Response: Easements (Covey Lane and Mountain Ridge Roads) included in the introduction to these responses to comments. The applicant does not have full easement rights for implementation of the Mountain Ridge Road Fire Station Alternative and the Road Design Alternatives. However, Chapter 4.0 of the FEIR, Project Alternatives, evaluates the impacts of constructing the full width of improvements. If one of these alternatives were selected, the County would require the applicant to obtain the required easements and if easements could not be acquired the applicant would request initiation of eminent domain proceedings.</p> <p>I33b-10 Refer to the Global Response: Off-Site Improvements - Environmental Analysis and Easement Summary Table included in the introduction to these responses to comments for details on existing and required easements and rights-of-way.</p> <p>I33b-11 This is a concluding remark. Road and easement issues are addressed in the responses to comments above. Regarding General Plan consistency, Chapter 3.0, subchapter 3.1.4, Land Use Planning of the FEIR and Appendix W provide information demonstrating how the project would comply with the General Plan. The County acknowledges your comment and opposition to the project. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.</p> |
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