

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 24, 2020**

**MINUTE ORDER NO. 3**

**SUBJECT: NOTICED PUBLIC HEARING:  
RECOMMENDED DENIAL OF LILAC HILLS RANCH GENERAL PLAN  
AMENDMENT, SPECIFIC PLAN, ZONE RECLASSIFICATION, TENTATIVE  
MAPS, MAJOR USE PERMIT, AND SITE PLAN, LOCATED IN THE VALLEY  
CENTER AND BONSALL COMMUNITY PLAN AREAS (DISTRICT: 5)**

**OVERVIEW**

The Lilac Hills Ranch project (Project) is a planned community located on a 608-acre site within the Bonsall and Valley Center Community Plan areas of the unincorporated area of San Diego county. The site is located 0.5 mile east of Interstate 15 (I-15) and Old Highway 395. The Project proposes 1,746 residential units, a town center with a 50-room country inn and 90,000 square feet of office and retail uses, a 9.7-acre school site, a 200-bed group care facility, a senior community center, a community purposes facility (private recreational facility and area for potential fire station), 25.6 gross acres of public and private parks, 16 miles of multi-use community trails and pathways, waste and water recycling facilities, and 104.1 acres of biological open space.

The Project was submitted to Planning & Development Services (PDS) in 2012 and received significant public input from the community and stakeholders throughout its processing. Concerns have been raised regarding the Project's conformance with the San Diego County General Plan, traffic impacts, road improvements and eminent domain, greenhouse gas emissions, and fire safety and emergency evacuation. Staff conducted an evaluation of the Project and in 2015, recommended approval of the Project with modifications, including the addition of a landscaped buffer around the site and requirements on the timing of certain phases like the construction of the town center.

In 2015, the Planning Commission held three public hearings on the Project, including a field trip to the site and surrounding community, and recommended approval of the Project with additional modifications, including required road improvements on West Lilac Road, specific timing on the construction of the necessary sewer facilities, funding and construction of a turn-key school, and conditions related to easement rights and overburdening, which occurs when the traffic added to an existing private road easement exceeds the amount of traffic the road was built to handle.

Prior to the Project moving forward to the Board of Supervisors (Board) in 2016, then-applicant Accretive Investments, Inc. placed a modified version of the Project on the 2016 countywide ballot as a voter initiative. The initiative did not incorporate staff's or the Planning Commission's recommendations and was not approved by the voters. After the election, the current applicant, Village Communities, LLC (Applicant), modified the Project to address the recommendations made by staff and the Planning Commission.

In June 2017, the Applicant reinitiated the Project by submitting both a revised greenhouse gas (GHG) study and an updated Specific Plan. Staff reviewed the revised documentation and recirculated the traffic and GHG sections of the Environmental Impact Report (EIR) for public review in 2018. In June

2018, the Planning Commission considered the changes made after its last review of the project in 2015 and determined the changes were not substantial and therefore, they did not require a new Planning Commission recommendation on the Project.

At the time the Planning Commission recommended approval in 2015, the Deer Springs Fire Protection District (DSFPD) had fire authority jurisdiction and accepted the Fire Protection Plan for the Project and confirmed it could provide fire service. Although the County Fire Authority did not have jurisdiction at the time, it also reviewed the Project and provided comments regarding fire safety, while recognizing the DSFPD had jurisdiction over the Project. Two significant changes have occurred since that time.

First, in 2016, the County Fire Authority began providing fire prevention services on DSFPD's behalf, pursuant to an agreement. Second, California experienced the deadliest wildfires in the state's history. The wildfires resulted in an increased focus on fuel modification along roads, additional fire safety regulations, and analysis of evacuation planning across the state. Upon its review of the Project in 2019, the County identified fire safety concerns, most critically that the Project presents a risk of entrapment along West Lilac Road during a wildfire evacuation. The County also engaged a consultant to perform an independent review of fire-related aspects of the Project. Like the County Fire Authority, the consultant found the Project's proposed use of West Lilac Road as an emergency evacuation route is inadequate because it presents an entrapment risk. To address this risk, the County concluded 20-foot easements along both sides of West Lilac Road were needed to establish and maintain a fuel modification zone. The Applicant worked to resolve many of the County's fire safety concerns but was unable to obtain the easements along West Lilac Road.

Without the easements along West Lilac Road, the entrapment risk remains unaddressed. Staff has therefore determined the Project is unsafe and recommends denial of the Project. The Board can deny the Project or, if it does not support the staff recommendation, the Board can either: (1) refer the Project back to staff for further analysis and allow the Applicant additional time to try and resolve the fire related issues, including making changes to the Project, or (2) direct staff to prepare the necessary documents to approve the existing proposed Project and bring it back to the Board for consideration.

If the Board denies the Project, no further processing would be required, and no further costs would be incurred by the Applicant as the Project would not move forward. There would be no restriction or limitation on any future General Plan Amendment applications requested on the property, even an application for the same Project. However, any future permit applications requested on the property would need to restart the permit process, including the preparation of a new environmental document.

Under either option where the Board refers the Project back to staff, the EIR would need to be recirculated. A recirculation of the EIR would take approximately one and a half years to process and return to the Board with a cost to the Applicant ranging from \$150,000 to \$250,000 depending on the number and complexity of comments received during the recirculation public review period. If the Board directed staff to prepare the necessary documents to approve the Project, the staff recommendation would still be to deny the Project due to the fire safety concerns. To prepare the necessary documents to approve the Project, staff would recirculate the EIR and return to the Board within approximately one and a half years with a cost to the Applicant of approximately \$150,000 to \$250,000 before returning to the Board for consideration.

## **RECOMMENDATIONS PLANNING COMMISSION**

On August 7, 2015, the Lilac Hills Ranch project (Project) was presented to the Planning Commission. Approximately 110 people spoke on the matter during the hearing. The Planning Commission had

questions about the project and continued the item to August 12, 2015 for a site visit. On August 12, 2015, the Planning Commission conducted a site visit that consisted of five stops along the Project site and surrounding area. The Planning Commission asked questions of staff and requested the preparation of responses for the subsequent hearing. At the conclusion of the site visit, the Planning Commission continued the item to September 11, 2015.

On September 11, 2015, after receiving additional public testimony and staff presented responses to the questions from the August 7 hearing and August 12 site visit, the Planning Commission voted 4 Ayes, 3 Noes, 0 Abstain and 0 Absent (Ayes: Pallinger, Brooks, Barnhart and Woods; Noes: Beck, Norby and Seiler) to recommend approval of the Project to the Board of Supervisors (Board). This vote was consistent with the recommendation made by Planning & Development Services at the time, with additional modifications. The Planning Commission recommendation includes Project conditions related to roads (design, access rights, overburdening and improvements) and the construction and timing of facilities (Town Center, school, fire station and wastewater treatment plant).

On May 15, 2020, the Planning Commission requested that Planning & Development Services add an item to the June 12, 2020 agenda regarding the formation of an ad hoc subcommittee for the Project related to fire safety. On June 12, 2020, the Planning Commission conducted a noticed public hearing to consider forming an ad hoc subcommittee for the Project and for County staff to provide an overview of the fire safety determination for the Project. The Planning Commission did not form an ad hoc subcommittee and voted 5 Ayes, 2 Noes, 0 Abstain, and 0 Absent (Ayes: Barnhart, Woods, Edwards, Pallinger, Seiler; Noes: Beck, Calvo) to recommend the Board of Supervisors not deny the project. The Planning Commission recommended the necessary fuel modification along West Lilac Road be conducted without requiring easements and that a condition be added to the Project to fund the fuel modification along West Lilac Road in perpetuity.

#### **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) does not concur with the Planning Commission's recommendations because of the changed factors related to fire safety. PDS conducted a detailed analysis of the Lilac Hills Ranch project (Project) for consistency with the General Plan, Zoning Ordinance and other applicable regulations, policies and ordinances as well as a thorough review of the Project's potential impacts on the environment in accordance with CEQA.

Although some revisions to the Project have been made to address the fire safety concerns, Village Communities LLC, was unable to obtain easements along West Lilac Road to ensure that fuel modification would be implemented and maintained in perpetuity. Without the required easements to ensure that fuel modification would take place annually along West Lilac Road, staff recommends the Board:

1. Find that the Project is not subject to environmental review under Section 21080(b)(5) and 15270 of the California Environmental Quality Act (CEQA) guidelines because CEQA does not apply to projects that a public agency rejects or disapproves.
2. Adopt a Resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS DENYING GENERAL PLAN AMENDMENT (GPA) PDS2012-3800-12-001, ZONING RECLASSIFICATION PDS2012-3600-12-003 (REZ), SPECIFIC PLAN PDS2012-3810-12-001 (SP), MASTER TENTATIVE MAP PDS2012-3100-5571 (TM), IMPLEMENTING TENTATIVE MAP PDS2012-3100-5572 (TM), MAJOR USE PERMIT PDS2012-3300-12-005 (MUP), AND SITE PLAN PDS2012-3500-12-018 (STP) (Attachment A) based on the fire safety concerns further described in this report.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION 3.1:**

A motion was introduced by Supervisor Desmond, seconded by Supervisor Gaspar, to refer the project back to the Chief Administrative Officer for further analysis and allow the applicant additional time to try to resolve the fire safety and easement issues and only return to the Board if the Fire Authority and the Sheriff Department approve of the project, allow the applicant to make changes to the project, and directed the Chief Administrative Officer to make and recommendations to the Board while recirculating the Environmental Impact Report.

A substitute motion was introduced.

**ACTION 3.2:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following:

1. Found that the Project is not subject to environmental review under Section 21080(b)(5) and 15270 of the California Environmental Quality Act (CEQA) guidelines because CEQA does not apply to projects that a public agency rejects or disapproves.
2. Adopted Resolution No. 20-078, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS DENYING GENERAL PLAN AMENDMENT (GPA) PDS2012-3800-12-001, ZONING RECLASSIFICATION PDS2012-3600-12-003 (REZ), SPECIFIC PLAN PDS2012-3810-12-001 (SP), MASTER TENTATIVE MAP PDS2012-3100-5571 (TM), IMPLEMENTING TENTATIVE MAP PDS2012-3100-5572 (TM), MAJOR USE PERMIT PDS2012-3300-12-005 (MUP), AND SITE PLAN PDS2012-3500-12-018 (STP).
3. Found that this project is inconsistent with General Plan Policy H-2.1, "Development that Respects Community Character".

AYES: Cox, Jacob, Gaspar, Fletcher  
 NOES: Desmond

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
**by** Marvice Mazyck, Chief Deputy