

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – April 2, 2010
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:03 a.m., recessed at 10:25 a.m., reconvened at 10:46 a.m., recessed at 12:45 p.m., and reconvened at 12:52 adjourned at 1:24 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Commissioners Absent: None

Advisors Present: Brogedir, Lantis, Ortiz, Lantis, Sinsay, Snyder (DPW); Mehnert (OCC)

Staff Present: Aquino, Baca, Beddow, Blackson, Brown, Buell, Giffen, Grunow, Haas, Hofreiter, Lubich, Muto, Ramaiya, Real, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meetings of February 5, February 19, March 5 and March 19, 2010.

Action: Woods - Riess

Approve the Minutes of February 5, February 19, March 5 and March 19, 2010.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 0 - None

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Requests for Continuance

Administrative:

F. Formation of Consent Calendar: Items 4 (P69-011W³), 5 (P07-012) and 7 (P08-040).

G. Director's Report:

No report provided.

P70-212W², Agenda Item 1:**1. Champagne Lakes RV Resort Expansion, Major Use Permit P70-212W², Valley Center Community Plan Area (continued from March 19, 2010)**

Request to modify a Major Use Permit for an existing Recreational Vehicle (RV) Park. The entitlements previously granted consist of 135 recreational vehicle spaces with utility hookups, five mobilehome spaces, and other park ancillary structures. The Modification consists of rearranging and developing all 140 of the previously approved RV spaces and mobilehome spaces with full hookup capacity (septic, water, and electricity). In addition, the applicant requests that 25% percent of the spaces within the park be reserved for a 90-day occupancy within a twelve month period, and that the remaining 75% have no occupancy limitation. The occupancy limitations imposed in condition D.6 and Section 6456.d of the Zoning Ordinance would be modified. Section 18865.2 of California Health and Safety Code, mandates that local jurisdictions that have imposed such time limitations for occupancy of spaces within a special occupancy park, shall grant an exemption to those limitations depending upon substantial findings within Statute 18865.2. The project site is located at 8310 Nelson Way in the Valley Center Community Plan Area. The project site is subject to the Estate Development Area (EDA) Regional Category, the Estate Residential (17) Land Use Designation, and is zoned A70 Limited Agricultural, with a "B" special area designator and a maximum density of 0.5 dwelling unit per acre.

Staff Presentation: Brown

Proponents: 2; **Opponents:** 1

Discussion:

Since the Planning Commission's March 19, 2010 hearing, the applicant has agreed that one mobilehome will be relocated to outside the floodplain, and proposes limiting those within the floodplain to 90-day occupancies. Staff recommends that a partial exemption be allowed, and that additional site inspections be required. Staff is also requiring the applicant to obtain appropriate service-availability letters to ensure compliance, and conditioning the Use Permit to prohibit off-street parking to ensure that all parking is onsite.

P70-212W², Agenda Item 1:

Discussing issues raised by several Planning Commissioners at the March 19, 2010 hearing, Staff acknowledges that RVs are not designed for permanent habitation, while County Counsel reminds the Planning Commissioners that the State's Health and Safety Code authorizes RV park owners to request exemptions that will allow permanent long-term housing. Occupancy exemptions do not include limitations on the amount of time an RV can be occupied. Commissioners Woods and Norby remain concerned about approving RVs for permanent habitation. Commissioner Norby points out that this is the second request an RV park operator has proposed to transcend into a mobilehome park with RVs. A neighboring property owner also remains concerned about this proposal, and alleges that the applicant has been operating the RV park as a permanent occupancy park for quite some time. He believes permitting the use will result in substantial adverse impacts.

The applicant's representative believes this Modification will benefit the community and improve and enhance the existing use. The applicant is aggressively cleaning up the project site. He reminds the Planning Commission that the applicant is willing to limit 25% of the spaces to temporary occupancy and, unless the Commission makes findings that there are substantial impacts that cannot be mitigated, this proposal must be approved. The applicant's representative clarifies that the "impacts" must be associated with impacts on tourism. The applicant is also aggressively cleaning up the site.

Commissioner Woods directs that the Use Permit be revised to stipulate that no temporary tents, storage units or utility trailers are allowed, and that Staff provide a report back to the Planning Commission 12 months from use and reliance. The applicant's representative informs the Planning Commission that permanent structures will not be allowed, and Staff informs the Planning Commission that the Major Use Permit Modification has been conditioned to ensure that this does not occur and that all of the RVs are operable, wheeled and registered.

Commissioner Pallinger is somewhat supportive of approving the proposal, explaining that it will provide temporary and emergency housing, something that is very much needed in today's economy. Commissioner Day concurs. He reminds those in attendance that the applicant's endeavors will improve the site, fill a gap in the affordable housing market, and complies with State law.

Commissioner Riess does not support the project, and is concerned that the onsite water system is actually park tenants' drinking water. Staff explains that the water system is relatively new and meets all current standards.

P70-212W², Agenda Item 1:

Chairman Beck agrees with Commissioners Riess and Woods. He states there is a fundamental difference between temporary and permanent housing, and directs Staff to prepare a letter to the State summarizing the Planning Commission's concerns.

Action: Woods - Day

Grant Major Use Permit Modification P70-212W², as recommended by Staff. Condition C.12 is to be revised to ensure that no temporary tents, storage units or temporary utility trailers will be allowed onsite. The site is to be inspected within 12 months to ensure that it is in compliance with the Use Permit, and Staff is to prepare a letter to the State of California from the Planning Commission expressing the Planning Commission's concerns regarding the implications of this State law.

Discussion of the Action:

Commissioner Norby's concerns have not been allayed. He is not comfortable with placing tenants indefinitely in what he believes is substandard housing. He reiterates that RVs are meant to be temporary dwellings, and reminds his fellow Commissioners that the tenancy requirements for RV parks are quite different from those of mobilehome parks. Commissioner Norby is not adverse to allowing one-year tenancies, and recommends that 25% of the spaces to be dedicated to mobilehomes, 25% to be designated less than one year tenancies, and 50% to be designated one-year tenancies.

Commissioner Woods requests that Staff provide the Planning Commission with a report on RV parks versus mobilehome parks at a future meeting, and Chairman Beck requests that a legal opinion be provided on Health and Safety Code 18865.2.

Ayes: 5 - Brooks, Day, Pallinger, Riess, Woods
Noes: 2 - Beck, Norby
Abstain: 0 - None
Absent: 0 - None

POD 09-006, Agenda Item 2:

2. Solar Wind Energy Ordinance, POD 09-006, Countywide

Proposed amendments to the County of San Diego Zoning Ordinance, to update standards and regulations for solar and wind energy systems. The amendments consist of new and revised definitions for solar and wind energy systems, a clarification to the Meteorological Testing (MET) Facility section, removal of Wind Turbine System medium regulations, insertion of a new Wind Turbine System small section, a revised Wind Turbine System large section and new Solar Energy System onsite use and offsite use sections.

Staff Presentation: Stiehl

Proponents: 0; Opponents: 0

It is requested that this Item be removed from today's Agenda to allow Staff's review of issues recently raised.

Action: Riess - Brooks

Remove POD 09-006 from today's Agenda. Staff will readvertise this Item for public hearing when appropriate.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**GPA 04-013, SP 01-001, VTM 5250RPL⁶
R04-022, P04-045, P09-023 and
S08-019, Agenda Item 3:**

3. **Montecito Ranch General Plan Amendment (GPA) 04-013, Specific Plan (SP) 01-00, Zone Reclassification R04-022, Vesting Tentative Map (VTM) 5250RPL⁶, Major Use Permit P04-045, Major Use Permit P09-023, and Site Plan S08-019, Ramona Community Plan Area**

Proposed residential development consisting of 417 single family residences, an 8.3-acre public park, an 11.9-acre historic park, and 571.2 acres of biological open space on a 935.2-acre site. Residential lots would range in size from 20,000 square feet to 1.8-acres in size. The project is subject to Regional Land Use Element Policy 1.3 Estate Development Area (EDA) and General Plan Land Use Designations (21) Specific Planning Area (0.5) and (18) Multiple Rural Use, and is currently zoned (S-88) Specific Plan area and A-70 (Limited Agricultural). The project site is approximately one mile northwest of the Ramona Town Center in the Ramona Community Plan Area. State Route 78 borders the northern project site boundary, while Montecito Way extends from the southern boundary.

Staff Presentation: Hofreiter

Proponents: 21; **Opponents:** 3

Discussion:

Staff provides a brief overview of this project and surrounding development, and informs the Planning Commission of the Ramona Community Planning Group's and their Trails Subcommittee's recommendations for approval. Concerns have been raised regarding impacts on community character, wastewater disposal and traffic, as well as the design of the open space. Staff explains that the project site is located in the northeastern portion of the Ramona grasslands boundary, and the applicant will contribute 571 acres of open space to the grasslands preserve. The applicant will also provide an 8.31-acre park, more than 11 acres of historic open space, and 7.8 miles of trails (3.6 miles in the open space area; 1.4 miles in the fire clearing area; and 2.8 miles within the road right-of-way). In addition, the applicant will provide significant road improvements to facilitate traffic flow, including realignment of Montecito Road. The project will result in significant and unavoidable impacts to SRs 78 and 67, but it is not within the applicant's purview to improve them. Therefore, a Statement of Overriding Findings is required to approve this project.

GPA 04-013, SP 01-001, VTM 5250RPL⁶
R04-022, P04-045, P09-023 and
S08-019, Agenda Item 3:

The vast majority of those in attendance today, including representatives of the Ramona Community Planning Group, support the applicant's proposal. They believe the proposed clustered development and its large provisions of open space will greatly benefit the community, and urge the Planning Commission to support the project.

Water service could be provided by the Ramona Municipal Water District and LAFCo; however, the applicant proposes construction of a wastewater treatment plant, an option that is discouraged by the Community Plan, and would be quite costly to homeowners. Staff believes connection to the local water district is more cost effective, and recommends that the Planning Commission deny the application for Major Use Permit P09-023.

Commissioner Woods is of the opinion that connection to the sewer districts facilities would over-burden the applicant financially. It appears to him that the applicant is being forced to financially compensate for past mistakes made by the water district. He points out that the water district representatives initially indicated the cost of annexation would be \$60 million, and have now reduced that amount to \$16.4 million. Commissioner Woods is supportive of the proposed wastewater treatment plant, as is Commissioner Day.

The applicant's representatives explain that the water district is in need of funds to upgrade and expand their facilities/services for future development. They insist that the project site is not within the water district's boundaries, nor does the water district have the capacity to serve the project. Furthermore, the cost of annexation would be prohibitive. The proposed wastewater treatment plant would be much more cost effective, environmentally superior to water district facilities, and will allow development of the project. The proposed facility would be designed and constructed to meet all local and federal standards for re-use of the water onsite, and will be operated and maintained by a Community Service District.

Following public testimony, Commissioner Norby seeks and receives assurance that restoration of the historic ranch house will meet Department of the Interior standards, and that the structure will be recommended for designation as a historic structure.

GPA 04-013, SP 01-001, VTM 5250RPL⁶
R04-022, P04-045, P09-023 and
S08-019, Agenda Item 3:

Action: Riess - Brooks

Grant Major Use Permit P09-023, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Discussion of the Action:

Chairman Beck provides a brief presentation on the proposed open space, because he has determined that some of the proposed amenities will impact the preserve area. He demonstrates how a proposed road bisects the preserve, and how recreational amenities (an equestrian facility) encroach on it. Chairman Beck believes that the proposed amenities and proposed trails create fragmentation and edge effects impacting several dozens of animal and bird species.

Staff explains that the proposed road alignment was determined to be the least impactful, following examination of alternative alignments years ago. Staff further explains that the proposed trails are largely located where the land is already disturbed, and signs, fences and controlled lighting will be installed to discourage encroachment on habitat areas. In addition, the applicant will provide a comprehensive management plan for the open space preserve. Chairman Beck recommends that the management plan include monitoring the impacts on wildlife resulting from construction of the proposed road, and future projects. He remains dissatisfied with the fragmentation of the proposed trails and notes that two road access points will bisect the western open space area. He reminds Staff that the various resource protection agencies advise that these issues be resolved. Commissioner Woods recommends that Staff meet with wildlife agency representatives to resolve their concerns. Commissioner Brooks greatly appreciates Chairman Beck's remarks and presentation, and supports Commissioner Woods' recommendation, in that he too believes more protection of the open space is needed.

Amended Action: Riess - Brooks

1. Recommend that the Board of Supervisors:
2. Adopt the CEQA Findings for this project;
3. Adopt the Resolution of Approval of GPA 04-013;

GPA 04-013, SP 01-001, VTM 5250RPL⁶
R04-022, P04-045, P09-023 and
S08-019, Agenda Item 3:

4. Adopt the Form of Ordinance changing the zoning classification of certain property in the Ramona Community Plan Area, Ref. R04-022;
5. Adopt the Resolution of Approval of SP 01-001, make the required Findings and impose those requirements and conditions of approval necessary to ensure that the project is implemented in a manner consistent with State law;
6. Adopt the Resolution of Approval of TM 5250RPL⁶, make the required Findings and impose the requirements and conditions of approval necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law;
7. Grant Site Plan S08-019, make the Findings and impose the requirements and conditions as set forth in the Form of Decision;
8. Grant Major Use Permit P04-045, make the Findings and impose the requirements and conditions as set forth in the Form of Decision;
9. Grant Major Use Permit P09-023, make the Findings and impose the requirements and conditions as set forth in the Form of Decision;
10. Direct Staff to work with the resource agencies to resolve concerns regarding trails, side edge effects and habitat preservation; and
11. Require that the applicant apply for designation of the historic ranch house to the National Register of Historic Places.

Discussion of the Action:

Commissioner Brooks recommends that the applicant consider additional opportunities for protection of the open space, including the possibility of constructing a bridge.

Ayes: 6 - Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 1 - Beck
Absent: 0 - None

P96-011W³, Agenda Item 4:

4. McGrath YMCA, Major Use Permit P96-011W³, Valle De Oro Community Plan Area

Requested Major Use Permit Modification to an existing Major Use Permit for property located at 12012 Campo Road in the Valle De Oro Community Plan Area. The proposed Modification would include the addition of a second story mezzanine (6,670 square feet) within the main recreational building, a bus parking area, a splash pad, two Jacuzzis, a second swimming pool within an enclosure, an 8-foot tall screening wall for the pool area, a pool equipment building, and the relocation of the modular equipment building, to be placed adjacent to the ball field. The project site is subject to the Current Urban Development Area (CUD) Regional Land Use Element and the Environmentally Constrained Area of the Regional Land Use Element, the (21) Specific Plan Area Land Use Designation, and is zoned S88 (Specific Plan Area).

Staff Presentation: Johnston

Proponents: 0; Opponents: 0

This Item is approved on consent.

Action: Pallinger - Riess

Grant Major Use Permit Modification P96-011W³, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Recused: 1 - Day
Absent: 0 - None

P07-012, Agenda Item 5:

5. Osuna Ranch Major Use Permit; P07-012; San Dieguito Community Plan Area (Shalom-Buell)

Proposed Major Use Permit to allow the operation of an existing equestrian facility that includes barns, stables, storage sheds, paddocks, riding arenas, and pastures. No new structures or facilities are proposed, nor is additional grading. There is an associated Tentative Parcel Map (TPM 21163) for subdivision of the parcel into two lots; however, this action will be reviewed by the Director of Planning and Land Use following approval of this Major Use Permit. The site is subject to the Estate Development Area Regional Category, with a very small portion in the southeast within the Environmentally Constrained Area (ECA) that is on the periphery of the dam inundation area for Lake Hodges (approximately 5 miles northeast of the property). The Land Use Designation is (17) Estate Residential and zoning for the site is RR.35 (Rural Residential).

Staff Presentation: Shalom-Buell

Proponents: 2; Opponents: 0

This Item is approved on consent.

Action: Pallinger - Riess

Grant Major Use Permit P07-012, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Recused:	1 -	Day
Absent:	0 -	None

TM 5243, Agenda Item 6:

6. Vande Vegte Tentative Map (TM) 5243, Fallbrook Community Plan Area

Proposed Tentative Map to allow subdivision of a 13.32 acre parcel into eight residential lots. Seven of the eight proposed lots will be accessed by Beaver Creek Lane, a private road. Lot 5 would be accessed via Fallbrook Street, a public road. Five areas of existing open space amounting to 5.06 acres would be retained for the preservation of oak riparian forest and woodland. Additional off-site preservation of biological resources would be required as a mitigation measure. The project would be served by individual on-site septic systems. Water would be provided by the Fallbrook Public Utilities District, and fire services would be provided by the North County Fire Protection District. The project site is located at the southern terminus of Beaver Creek Lane in the Fallbrook Community Plan area.

Staff Presentation: Powers

Proponents: 0; **Opponents:** 0

Chairman Beck notes that the project site has been used for agricultural purposes for the past four years, and questions whether this would qualify it's designation as farmland. Staff explains that the property must contain prime soils to be considered farmland; this property does not. Chairman Beck recommends that language pertaining to this issue be clarified for future projects.

Action: Day - Pallinger

Adopt the Resolution approving TM 5243, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

P08-040, Agenda Item 7:

7. Pala-Temecula II Wireless Telecommunications Facility; Major Use Permit, P08-040; Pala-Pauma Subregional Plan Area (Lubich)

Requested Major Use Permit to allow construction and operation of an unmanned wireless telecommunications facility at 11435 Temepa Road in the Pala-Pauma Subregional Plan Area. The project consists of mounting 48 panel antennas and one microwave dish antenna to a proposed 50-foot high faux broadleaf tree. Verizon Wireless, T-Mobile, AT&T Mobility, and Sprint/Nextel would co-locate on the proposed facility. Associated equipment would consist of equipment cabinets, two air conditioning units, and an emergency back-up generator. The proposed faux broadleaf tree and associated equipment would be surrounded by an 8-foot tall concrete masonry unit wall. The project site is subject to the 1.3 Estate Development Area (EDA) Regional Category, the (18) Multiple Rural Land Use Designation, and is zoned A70 (Limited Agricultural).

Staff Presentation: Lubich

Proponents: 1; Opponents: 0

This Item is approved on consent.

Grant Major Use Permit P08-040, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

Administrative:

H. Report on actions of Planning Commission's Subcommittees:

No reports.

I. Results from Board of Supervisor Hearing(s):

No report provided.

J. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

None.

K. Discussion of correspondence received by the Planning Commission:

None.

L. Scheduled Meetings:

April 16, 2010	General Plan Update, 9:00 a.m., DPLU Hearing Room
April 30, 2010	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
May 14, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 28, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 11, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 25, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 9, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 23, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 6, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 20, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

Administrative:

September 10, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 24, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 8, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 22, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 3, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 17, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 1:24 p.m. to 9:00 a.m. on April 16, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.