

MINUTES  
SAN DIEGO COUNTY PLANNING COMMISSION  
Regular Meeting – May 14, 2010  
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:01 a.m., recessed at 10:24 a.m., reconvened at 10:44 a.m., recessed at 12:21 p.m., reconvened at 12:27 p.m. and adjourned at 12:48 p.m.

**A. ROLL CALL**

**Commissioners Present:** Brooks, Norby, Pallinger, Riess, Woods

**Commissioners Absent:** Beck, Day

**Advisors Present:** Bunton, Harron (OCC); Lantis (DPW0

**Staff Present:** Beddow, Bennett, Farace, Giffen, Grunow, Murphy, Muto, Real, Shorb, Slovick, Wright, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of April 16, 2010**

Trailed.

**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.

Carl Meyer, chairman of the Potrero Community Planning Group, seeks information regarding how many Planning Commissioners rely on groundwater wells for their properties.

Rudy Reyes requests that the Planning Commission urge the Board of Supervisors to re-establish the honor camp brushing and clearing program to remove dead and dying vegetation along the roads in rural areas . He believes this assist in reducing the impacts of wildfires. Staff volunteers to investigate this recommendation.

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

**E. Requests for Continuance**

**F. Formation of Consent Calendar:**

**G. Director's Report:**

None provided.

TM 5236RPL<sup>5</sup> and  
S09-009, Agenda Item 1:

1. Pine Creek Ranch, Tentative Map (TM 5236RPL<sup>5</sup>, and Site Plan S09-009,  
Central Mountain Subregional Plan Area (continued from April 30, 2010)

Proposed Tentative Map and Site Plan to allow subdivision of 111.6 acres into four lots. Two of the proposed lots would be developed with single-family residences, one of the lots would retain an existing single-family residence and equestrian facility, and one lot would be granted to the Pine Valley Mutual Water Company for use as a well site. The project would be served by on-site septic systems and imported water from the Pine Valley Mutual Water Company. The project site is located off Pine Creek Road and Old Highway 80 in the Central Mountain Subregional Plan Area.

Staff Presentation: Slovick

Proponents: 5 ; Opponents: 6

Discussion:

The Pine Valley Community Planning Group and residents of this community have expressed concerns regarding aesthetics, and impacts on Native American archaeological resources, community character and the Arroyo toad. The Planning Group representatives remind the Planning Commission that in September 2003, the Commission recommended that the project site be zoned one dwelling unit per 40 acres. At that time, the Planning Commission indicated that they might revisit their recommendation, depending on the results of a groundwater study. The Planning Group representatives remind the Commission that the site was recommended for a designation of one dwelling unit per 80 acres at their November 19, 2009 hearing on the General Plan Update. That recommendation was also supported by Staff and is included on the Environmentally Superior land use map.

The Planning Group's representatives and project opponents maintain that the site contains a multitude of archaeological and biological resources. They urge the Planning Commission to: (1) require preparation of an EIR; (2) consider directing that the project be redesigned; particularly Lot 1; (3) ensure that the core Native American cultural resource area is preserved and that signs are provided; (4) require that any ground disturbance be monitored by qualified professionals; (5) restrict grading to only the amount necessary for compaction; and (6) limit residence heights to one story.

**TM 5236RPL<sup>5</sup> and  
S09-009, Agenda Item 1:**

Staff clarifies that the project must be evaluated for its compliance with the existing General Plan, which allows one dwelling unit per one, two or four acres. Only four of the 145 surrounding developed parcels are larger than those proposed by the applicant, and a significant amount of land onsite will be designated biological open space. Signage will be provided to protect the open space, and there are no expected impacts to archaeological resources. Concerns have also been raised about possible impacts to the Arroyo toad. The site has been and will continue to be monitored, but no toads have been found to date. Fencing would have to follow the boundaries of the biological open space, and could attract vandals or curiosity seekers. Staff assures the Planning Commission that a Native American monitor and an archaeologist will be onsite during all grading activity, and recommends approval of this project.

**Action:** Pallinger - Riess

Adopt the environmental findings;

Adopt the resolution approving TM 5236RPL<sup>5</sup>, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regulations;

Grant Site Plan S09-009 and impose the conditions and requirements set forth in the Site Plan Form of Decision;

The residences are limited to single stories; and

Grading is to be minimized to the greatest extent possible.

**Discussion of the Action**

The Planning Commissioners believe the recommended conditions of approval provide for greater onsite resource protection than what is currently being provided. Commissioner Norby is a bit concerned with placing the single-story limitation on the proposed residences, but Commissioner Pallinger believes the condition is necessary because of the property's visibility. Commissioner Woods agrees, noting that the existing meadow is very important to the community. Commissioner Brooks will not support amending the Motion, noting that the applicant has worked diligently with the community's residents and appears to be very sensitive to their concerns. The applicant is appreciative of this comment and agrees that single-story residences are acceptable.

TM 5236RPL<sup>5</sup> and  
S09-009, Agenda Item 1:

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

POD 09-007, Agenda Item 2:**2. Zoning Ordinance Amendment POD 09-007, Medical Marijuana Facilities, Countywide**

Proposed amendments to the County Zoning Ordinance regarding Medical Marijuana Collective Facilities. The proposed amendments would add new language for the regulation of Medical Marijuana Collective Facilities, and would consist of: location requirements for siting such facilities; premises requirements; and nonconforming status. A companion Ordinance pertaining to licensing and operating requirements for Medical Marijuana Collective Facilities proposed as part of County Code of Regulatory Ordinances amendments is not part of this action since the County Code of Regulatory Ordinances is not under the purview of the Planning Commission.

**Staff Presentation:** Farace, Bunton

**Proponents:** 6; **Opponents:** 18

**Discussion:**

Medical marijuana collectives are allowed under State law. Supporters of the proposed Ordinance believe it is too restrictive and will make it difficult, if not impossible, to obtain the products recommended by their doctors, and insist that not creating provisions for reasonable accommodations is a violation of federal law. Staff recommends that the facilities be allowed only in industrially zoned areas, and not within 1,000 feet of residentially zoned properties, schools, churches, playgrounds, parks or other established collective facilities. Other supporters fear that many communities will not allow the collectives, whether or not the Ordinance is approved. Others questions whether the proposed restrictions would be applied to liquor stores, bars or convenience stores. The proposed restrictions will result in allowing 15 to 20 locations in industrial zones for more than 500,000 County residents. Others recommend that the proposed Ordinance be rejected outright.

Those opposed to the Ordinance express concerns that the collectives will result in increased crime, traffic and loitering, and will destroy property values. They request that no signage be allowed, and that requirements be imposed that will force the establishments to be set back from the street if the Ordinance is recommended for approval. With respect to signage, County Counsel explains that collective operators cannot be restricted from the same rights allowed to other establishment operators. The Planning Commission is allowed to restrict the size of the signs, not the content. Staff also explains that the sites must be allowed some visibility for protection purposes. Staff believes the facilities are exempt from CEQA, and that the establishments will promote public health, safety and welfare.

**POD 09-007, Agenda Item 2:**

Several of the Planning Commissioners are supportive of requiring Use Permits if the establishments exceed certain square footages in size, but Counsel advises against this, explaining that courts would not be supportive of any regulations that could possibly be used to disallow the facilities.

**Action:** Pallinger - Woods

Recommend that the Board of Supervisors:

1. Find that the project as proposed complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15308 and 15061(b)(3) of the CEQA Guidelines; and
2. Adopt the Form of Ordinance amending the San Diego County Zoning Ordinance regarding Medical Marijuana Collective Facilities.

**Discussion of the Action:**

Commissioner Norby is concerned with the proposed 1,000-foot restrictions, and proposes the following amendments, which are amenable to Staff, and similar to those adopted for adult entertainment establishments:

- 500 feet from residentially zoned property;
- 600 feet from churches, schools, parks, recreation center, youth center and playgrounds;
- 1,000 feet from other collectives facilities

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

**Action:** Pallinger - Riess

Recommend that the Board of Supervisors also investigate requiring that the establishments meet ADA requirements.

POD 09-007, Agenda Item 2:

**Discussion of the Action:**

Commissioner Brooks voices concern that such a requirement could over burden establishment operators, and announces he will not support this Motion. Commissioner Pallinger clarifies that he, too, is opposed to making the application process more onerous but believes ADA compliance is necessary in this instance, for the patients visiting these establishments.

Ayes: 4 - Norby, Pallinger, Riess, Woods  
Noes: 1 - Brooks  
Abstain: 0- None  
Absent: 2 - Beck, Day

POD 09-007, Agenda Item 2:

3. Palomar Christian Center, Major Use Permit Modification P69-087W<sup>6</sup>; North Mountain Subregional Plan Area

Proposed Major Use Permit Modification to allow an increase in the previously approved usage of 20 acre-feet of groundwater to a maximum of 70 acre-feet per year. The project site is located at 34764 Doane Valley Road in the North Mountain Subregional Plan area. The project site is subject to the 1.4 Rural Development Area (RDA) Regional Category, the (23) National Forest and State Parks Land Use Designation, and is located within the Cleveland National Forest and subject to the Forest Conservation Initiative (FCI). Zoning for the site is A70 (Limited Agricultural) with a minimum lot size of 40 acres. The site is developed with an existing facility that would be retained, and access would be provided by a driveway connecting to Doane Valley Road. The project would be served by an existing on-site septic system and groundwater.

Staff Presentation: Shorb

Proponents: 1; Opponents: 0

This Item is approved on consent.

Action: Pallinger - Woods

Grant Major Use Permit P69-087W<sup>6</sup>, and make the Findings and impose the requirements and Conditions as set forth in the Major Use Permit Modification Form of Decision.

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

**Administrative:**

**H. Report on actions of Planning Commission’s Subcommittees:**

No reports were provided.

**I Results from Board of Supervisors’ Hearing(s):**

No report was provided.

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

Commissioner Day will represent the Planning Commission at the May 19, 2010 Board of Supervisors meeting, and Commissioner Riess will serve as an alternate.

**K. Discussion of correspondence received by Planning Commission:**

There was none.

**L. Scheduled Meetings:**

**Action:** Pallinger - Norby

The June 11, 2010 Planning Commission meeting is cancelled.

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

May 28, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 12, 2010	Site Visit, 31749 Rocking Horse Road, Escondido, CA 92026, 9:00 a.m.
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

Administrative:

August 20, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
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 12:48 p.m. to 9:00 a.m. on May 28, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.