

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

The meeting convened at 9:03 a.m., recessed at 10:28 a.m., reconvened at 10:54 a.m., recessed at 12:22 p.m., reconvened at 12:57 p.m., recessed at 2:35 p.m., reconvened at 2:40 p.m. and adjourned at 3:01 p.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Day (out at 2:35 p.m.), Norby, Pallinger, Woods (out at 1:37 p.m.)

**Commissioners Absent:** Riess

**Advisors Present:** Anzures (OCC)

**Staff Present:** Citrano, Fogg, Lardy, Muto, Murphy, Stiehl, Wong, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of June 25, 2010**

**Action:** Brooks - Woods

Approve the Minutes of June 25, 2010.

Ayes: 5 - Beck, Brooks, Norby, Pallinger, Woods

Noes: 0 - None

Abstain: 1 - Day

Absent: 1 - Riess

**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.

Sandra Smith, Valley Center resident, discusses transparency in public hearings, and request that the Planning Commissioner direct Staff to develop a policy requiring that speakers disclose their financial interests in projects when providing testimony to the Commission. Counsel is requested to look into this recommendation.

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

**E. Requests for Continuance:** None

**Administrative:**

F. **Formation of Consent Calendar:** None

G. **Director's Report:**

No report provided.

POD 10-004, Agenda Item 1:

1. POD 10-004, General Plan Update Ordinances amending the Zoning Ordinance, Zoning Classifications of Certain Properties, Resource Protection Ordinance and Subdivision Ordinance for Consistency with the General Plan Update and other Clean Up actions, Countywide

On April 16, 2010, the Planning Commission recommended approval of the draft General Plan text, land use maps, road network, Community Plans, Implementation Plan and Conservation Subdivision Program. The Ordinance Consistency review is a comprehensive review of the Zoning Ordinance, property specific zoning and other Ordinances to insure that County Ordinances and zoning maps will be consistent with the General Plan Update at the time of adoption. The purpose of today's hearing is to receive recommendations from the Planning Commission regarding the draft Zoning Consistency Review maps, necessary Ordinance amendments as a result of the General Plan Update, and minor clean-up of the General Plan Update land use maps.

Staff Presentation: Muto, Stiehl

Speakers: 90

Discussion:

Staff believes the proposed revisions to the Zoning, Resource Protection and Subdivision Ordinances, and zoning revisions for certain specific properties will ensure that they are consistent with the General Plan Update. A comprehensive Zoning Ordinance update will be performed following adoption of the General Plan Update. The proposed revisions are based on the Planning Commission's recommended draft Land Use Map.

Much of the public testimony received today pertains to continued concerns regarding the financial impacts of the draft Land Use Map recommendations. The Planning Commission directs that Staff revisit recommendations for the Clemmons property in unincorporated El Cajon, and the Russell property in downtown Ramona. County Counsel cautions the Planning Commission that any contemplation of changes to their previous recommendations will require a new hearing date.

**POD 10-004, Agenda Item 1:**

**Property Specific Zoning:**

Industrial Areas in Spring Valley): Staff recommends that the General Plan zoning remain unchanged to retain the existing M54 and M58 zoning.

Raymond Avenue in Ramona: The Ramona Planning Group recommends two du/acre zoning, which is consistent with what the property owners, community residents and Staff recommend. Property owners continue to express concerns about existing drainage and flooding problems in this area.

**Action:** Woods - Pallinger

Staff is to prepare a memo regarding issues related to flooding in this area, submit it to Department of Public Works representatives, and report back to the Planning Commission.

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

**Action:** Brooks - Woods

Staff is to ensure that it is reflected in the draft Land Use Map that the existing zoning for the two industrial areas in the Spring Valley Community Plan Area will remain unchanged.

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

**Ramona 54 Zoning:**

**Action:** Woods - Pallinger

Recommended zoning on a portion of the Souza property is referred back to Staff to ensure that a change is made to the Community Plan. The change is to indicate that the intent is to re-designate M54 zoning if it is determined by FEMA that the property is no longer within the floodway. At that time, the applicant is to return to DPLU for rezoning, potentially as part of a DPLU- initiated General Plan clean-up.

**POD 10-004, Agenda Item 1:**

**Discussion of the Action:**

Commissioner Day believes it would be simpler and more cost effective to revise the draft Land Use Map so that it reflects M54 zoning on this portion of the Souza property.

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

Tecate Community Plan Area: Tecate's proximity to Mexico has given rise to intensive uses nonresidential uses established without a Country Town Regional Category or a Specific Plan. Staff has recommended zoning much of the community S90 "Holding Area. This will allow many of the existing industrial uses to continue.

**Action:** Pallinger - Brooks

Support Staff's recommendations and Erratas. Issues requiring further resolution include recommendations for the Hofler property in Valley Center, recommendations for the Powell property in Ramona; floodway issues in Ramona; recommendations for the Hall property in Alpine; property in Borrego Springs recommended to change from C38 to M54 zoning; and recommendations for the Jackson property in Spring Valley.

Ayes: 4 - Beck, Brooks, Norby, Pallinger  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 3 - Day, Riess, Woods

Commissioner Pallinger also requests that Staff review and respond to issues raised by the Bonsall Community Sponsor Group representatives in their May 6, 2010 letter.

TDR Program, Agenda Item 2:

2. General Plan Update Transfer of Development Rights (TDR) Program, Countywide (Muto)

On April 16, 2010, the Planning Commission voted 6-1 (Commissioner Reiss opposed) to direct Staff to prepare a conceptual Transfer of Development Rights (TDR) program that could be forwarded to the Board of Supervisors with the General Plan Update. They also directed that Staff return to the Planning Commission to review the concept. This item is the review of the draft conceptual TDR program Staff prepared following the April hearing based on two workshops that were held with the public in May and June.

Staff Presentation: Muto

Speakers: 9

Discussion:

On April 16, 2010, the Planning Commission provided Staff with their final recommendations on the General Plan Update for presentation to the Board of Supervisors, but a few issues require resolution: Ordinance changes necessary to ensure consistency with the General Plan Update, and development of a Transfer Development Rights (TDR) program requested by the Planning Commission.

Staff has prepared a draft conceptual TDR program plan for presentation to the Commission today. Staff has also provided guiding criteria, which initially included a recommendation that property owners who experience density increases through the General Plan Update be required to purchase TDR credits (this recommendation received significant opposition and was removed from the current draft). Staff also recommends (1) exploring the possibility of designating communities such as Campo and Borrego as possible receiving sites; (2) incorporating TDRs into the Purchase of Agricultural Conservation Easements (PACE) program; and (3) instituting a program to track and report on the performance of the General Plan as it relates to residential-unit development. In addition, Staff recommends that TDRs be determined through a formula that accounts for a property's constraints, and immigration of the program into the Zoning Ordinance.

**TDR Program, Agenda Item 2:**

Staff further refined the TDR concept by preparing a working draft of Zoning Ordinance amendments, as well as a methodology for allocating transferable rights. The draft Ordinances are included in Staff's Report today. Transferable rights allocation is described in today's Report and has been mapped for the entire County to show possible application of the allocation.

Commissioner Norby is supportive of the draft concept prepared by Staff. He believes it will allow growth and protection of natural resources. Commissioner Norby believes work remains to be done with respect to fairness and equity, noting that the General Plan will greatly enrich some property owners, while others will experience significant loss in their investments. Commissioner Norby recommends that property owners experiencing significant increases in density (more than 50% of what the existing zoning allows or 10 housing units) should be required to purchase TDR credits. He also recommends that the Planning Commission request that the Board of Supervisors adopt a policy that will allow budgeting for the TDR program in the County's General Fund.

Commissioner Woods agrees with some of Commissioner Norby's recommendations. He supports the TDR concept and allowing purchase of credits via GPAs. Commissioners Brooks and Pallinger concur. Commissioner Day does not support the General Plan Update as proposed, Staff's draft TDR concept or the guiding criteria. He supports TDRs, but believes what has been presented today requires substantial refinement. Commissioner Day does not believe developers, property owners or communities should be forced to participate, nor should public funds be expended to purchase TDR credits.

Chairman Beck recommends that a mechanism be developed that would fund the PACE program, which would be a subset of the TDR program. PACE would be related to retiring agricultural properties, units and densities. Chairman Beck suggests that MSCP funding could be a possible source of PACE funding if and where there is an overlap with North-County MSCP acquisitions, and voices his support for requiring that new GPAs contribute to the purchase of TDR credits.

**Action:** Woods - Brooks

Support Staff's TDR concept and inclusion of a more aggressive PACE program with it when the General Plan Update is presented to the Board of Supervisors.

Ayes: 5 - Beck, Brooks, Norby, Pallinger, Woods  
 Noes: 1 - Day  
 Abstain: 0 - None  
 Absent: 1 - Riess

**Administrative:**

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

No reports were provided.

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

No reports were provided.

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

None of the Commissioners were designated to attend the July 14, 2010 Board of Supervisors meeting.

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

None.

**L. Scheduled Meetings:**

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
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

There being no further business to be considered at this time, the Chairman adjourned the meeting at 3:01 p.m. to 9:00 a.m. on July 23, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.