



MEMORANDUM

January 20, 2015

TO: BOARD OF SUPERVISORS, COUNTY OF SAN DIEGO

FROM: RYAN WATERMAN

CLIENT: Soitec Solar Development, LLC

MATTER: San Diego Projects

RE: Applicability of San Diego County Policies and Zoning Ordinance Waiver

I. INTRODUCTION

Rugged Solar LLC and Tierra del Sol Solar Farm LLC are seeking major use permit (MUP) approval for the Rugged and Tierra del Sol solar farms in eastern San Diego County. This memorandum explains why neither project is subject to San Diego County Policies I-92 and I-111, and outlines the reasons why County staff recommends that the Board approve a waiver of Zoning Ordinance Section 4830 for the Tierra del Sol solar farm.

Policy I-92 provides criteria for reviewing and approving waiver of code requirements found in sections 81.404(a)(7), 81.707(b)(3), and 51.312 of the County Code of Regulatory Ordinances (County Code) to underground utility distribution facilities. Neither Project is subject to any of these sections of the County Code. Accordingly, Policy I-92 does not apply to either Project.

Zoning Ordinance Section 4813 grants the Board authority to authorize an exception to all Setback Regulations in the Zoning Ordinance, including Section 4830, when approving a major use permit. Staff recommend that the Board grant Tierra del Sol solar farm a waiver to Section 4830's setback requirement from the International Border based on the County's and the applicant's consultation with the Department of Homeland Security (DHS) in 2012. DHS did not respond to either the County's or the applicant's communications and has shown no interest in maintaining the 90 foot setback.

Policy I-111 establishes a process with which an applicant proximate to the International Border for certain types of discretionary permits must comply before County staff will deem the permit application to be complete. The Policy does not apply, however, to MUP applications for properties subject to a setback designator or D designator, and all five parcels that constitute the Tierra del Sol solar farm are subject to the D setback designator. Nevertheless, Soitec Solar Development LLC (Soitec), on behalf of Tierra del Sol Solar Farm LLC, complied with Policy I-

111. No response has been received from the DHS and more than 90 days elapsed from notice to DHS without any response from DHS.

II. DISCUSSION

A. Policy I-92 Does Not Apply to the Projects

Policy I-92 states that County Code Sections 81.404(a)(7), 81.707(b)(3), and 51.312 require undergrounding of new and existing utility distribution facilities within the boundary or abutting half street of any new subdivision or centerline project.¹ Policy I-92 was instituted to provide for a waiver of these requirements for projects that met certain criteria.

Policy I-92 does not apply to the Rugged and Tierra del Sol solar farms, however, because none of the aforementioned County Code sections apply to the projects because they do not involve the subdivision of land or a “centerline project”. Accordingly, the Project need not seek a waiver of the requirements of these provisions through Policy I-92.

1. The Projects Do Not Include the Subdivision of Land.

Neither project includes the subdivision of land “as required by and authorized under the [Subdivision Map Act]”, and neither project is considered to be a “subdivision” as defined in the County Code. (County Code §§ 81.101, 81.102(gg).)² A “subdivision” is defined in the County Code as “the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes.” (*Id.* at § 81.102(gg).)

The Projects are not subject to the Subdivision Map Act or include a “subdivision,” because neither project is dividing any improved or unimproved land, nor is it a condominium project, a community apartment project, or the conversion of dwelling units to a stock cooperative. Therefore, the sections 81.404(a)(7) and 81.707(b)(3) are inapplicable.

2. The Projects are Not Subject to the Undergrounding Requirements of County Code Section 51.312.

County Code Section 51.312 provides that a property owner subject to County Code section 51.303 shall make arrangements with the serving utility companies for all existing utility distribution facilities to place the facilities underground along the frontage of the property. (County Code § 51.312(a).) Section 51.312 also expressly states that “[t]his section shall not

¹ Policy I-92 defines a “centerline project” as “a development project that is subject to the Road Right of Way Requirements, Street Improvement Standards and Setback Requirements (Sections 51.301 - 51.316.”

² Title 8, Division 1 of the County Code “adopts regulations governing the subdivision of land in the unincorporated area of the County as required by and authorized under the SMA.” (County Code § 81.101.)

apply to the installation and maintenance of overhead electric transmission lines in excess of 34,500 volts and long distance and trunk communications facilities.” (*Ibid.*) The generation tie-line for the Tierra del Sol solar farm is 138 kilovolts (kV) (or 138,000 volts), in excess of 34,500 volts. (FPEIR, p. S.0-2.) The Rugged solar farm will interconnect with a generation tie-line previously approved in a separate MUP as an above-ground line.

In addition, Section 51.312 provides that a property owner “subject to County Code section 51.303” shall underground distribution facilities. County Code section 51.303 provides that no person shall construct, erect, or alter a structure for which a building permit is required, on any property zoned for *commercial, manufacturing, or multifamily use*, unless adequate road rights of way are dedicated. (County Code § 51.303.) The projects are situated on lands zoned Agriculture (A70), General Agriculture (A72), and General Rural (S92). Accordingly, neither project is subject to County Code section 51.303, nor is either project subject to County Code section 51.312. Therefore, no waiver under Policy I-92 is necessary.

B. Waiver of Zoning Code Section 4830

The County’s Setback Regulations (Zoning Ord. secs. 4800 - 4899, inclusive) “establish minimum front, side, and rear yard setback requirements for all buildings and other structures within San Diego County in order to assure light, air, privacy, and open areas appropriate to the use, location, and impact of uses and structures.” (Zoning Ord. § 4800.)

Section 4830 modifies the Setback Zoning Schedule for any parcels within the Mountain Empire Subregional Plan Area and proximate to the International Board by providing for a 90 foot open space corridor paralleling the International Border (in addition to the 60 foot Public Reserve Area immediately proximate to the Border), creating the potential for an 150 foot setback from the International Border.

A waiver of, or modification to, Section 4830 can be obtained by filing an Administrative Permit application and making a showing that a hardship to the remaining property would exist if the 90’ open space corridor is maintained. Section 4830 requires the County to refer all waiver or modification requests to the DHS. If the DHS expresses interest in acquiring all or part of the subject property, then the relevant County officer or decision-making body must defer action on the application for six months, or until DHS completes the acquisition, whichever is less. (Zoning Ord. § 7060(e).)

When the County approves a Major Use Permit, however, Section 4813 grants the County the authority to make an exception to any Setback Regulations that would otherwise apply in order to establish specific setbacks particular to the Major Use Permit being approved. Section 4813 states: “When a major use permit for a use or structure is granted, the use permit may authorize an exception to the *Setback Regulations* and establish other setback and spacing requirements as a condition thereof.” (emphasis added) As noted above, Section 4800 expansively defines the “Setback Regulations” as “Section 4800 through Section 4899, inclusive . . .”, which also includes Section 4830.

As noted above, DHS was given notice of the Tierra del Sol solar farm and offered the right to acquire the 90 foot segment of the subject parcels in 2012. On June 25, 2012, County

staff provided notice of the pending Tierra del Sol project, and on both September 5, 2012, and October 31, 2012, the applicant Soitec Solar Development LLC notified DHS of the Tierra del Sol solar farm and requested that DHS respond if it desired to acquire the 90 foot strip of property along the southern boundary of the project. (Exhibit A, S. Wayne Rosenbaum, Stoel Rives LLP, letter to Michael D. Rogers, U.S. Customs and Border Protection (October 31, 2012); Exhibit B, Mike Armstrong, Soitec, letter to Ryan Yamasaki, U.S. Department of Homeland Security (September 5, 2012).) DHS did not respond to any of these communications.

Accordingly, County staff recommends the Board grant the Tierra del Sol solar farm a waiver of Section 4830 because DHS has shown no interest in acquiring that segment and permitting the project to utilize that area for solar energy generation would further the project objectives.

C. Policy I-111 Does Not Apply

Policy I-111 establishes the process with which an applicant for certain types of discretionary permits must comply before County staff will deem the permit application to be complete. Policy I-111 states that it does not apply, however, to “[d]iscretionary applications for properties which are subject to a setback designator or D designator, which prescribe specific actions to be taken relative to development along the International Border.” (Board Policy I-111.3.b.)

All five parcels that constitute the Tierra del Sol property -- 658-090-31-00, 658-090-55-00, 658-120-03-00, 658-090-54-00, and 658-120-02-00 -- are subject to a D setback designator, and hence, are not subject to Policy I-111.

Nevertheless, in an excess of caution and as described above, the County and Soitec took steps to comply with Policy I-111.

* * * * *

EXHIBIT A



12255 El Camino Real, Suite 100
San Diego, California 92130
main 858.794.4100
fax 858.794.4101
www.stoel.com

October 31, 2012

S. WAYNE ROSENBAUM
Direct (858) 794-4112
swrosenbaum@stoel.com

**VIA E-MAIL MICHAEL.D.ROGERS@DHS.GOV
VIA U.S. FIRST-CLASS MAIL**

Michael D. Rogers
Attorney
Office of Assistant Chief Counsel -- Indianapolis
U.S. Customs and Border Protection
6650 Telecom Drive, Suite 100
Indianapolis, Indiana 46278

Re: Soitec Tierra del Sol Solar Project

Dear Michael:

This firm represents Soitec Solar Development ("Soitec") in the above referenced matter. Further to our discussions on Wednesday, October 24, 2012, I write to request a response from the Department of Homeland Security ("DHS") regarding the agency's interest in acquiring a portion of Soitec's property in San Diego County that abuts the U.S. Border. (See site location map attached hereto as Exhibit A.)

As we noted in our previous conversations, Soitec is proposing to build a solar generation facility capable of producing 60 mW of renewable energy, which will help the nation move closer to energy independence and security. The project includes design features that will augment border security including better access roads available to DHS, additional security fencing along the public reserve right of way, and removal of brush, debris and other visual barriers.

The project can proceed with permitting when the County confirms that DHS does not require the 90 foot strip of Soitec's property abutting DHS's holding for security purposes, pursuant to County Policy I-111 ("Policy") attached hereto as Exhibit B. That confirmation can be either in the form of an affirmative writing by DHS or silence by DHS for 90 days after receiving notice of the project.

On June 25, 2012, Ashley Gungle, a Land Use and Environmental Planner with the County, notified David Martin at DHS as the predecessor agency to INS of Soitec's pending project application. (A copy of the e-mail is attached as Exhibit C.) On September 5, 2012 Soitec



Michael D. Rogers
October 31, 2012
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followed up with its own notice to DHS by way of a letter to Ryan Yamasaki, DHS Sector Chief, a copy of which is attached hereto as Exhibit D.

Soitec understands that the County has not received any written communications from DHS pursuant to the provisions of the Policy. Thus, we conclude that the application must now be deemed complete for the purposes of the Policy and request DHS's confirmation of this conclusion. In the event that DHS disputes the adequacy of the prior notices, we request that the agency accept this letter as formal notice and expedite its decision to the greatest extent possible in order to avoid any additional delays in the approval of this important project.

Very truly yours,

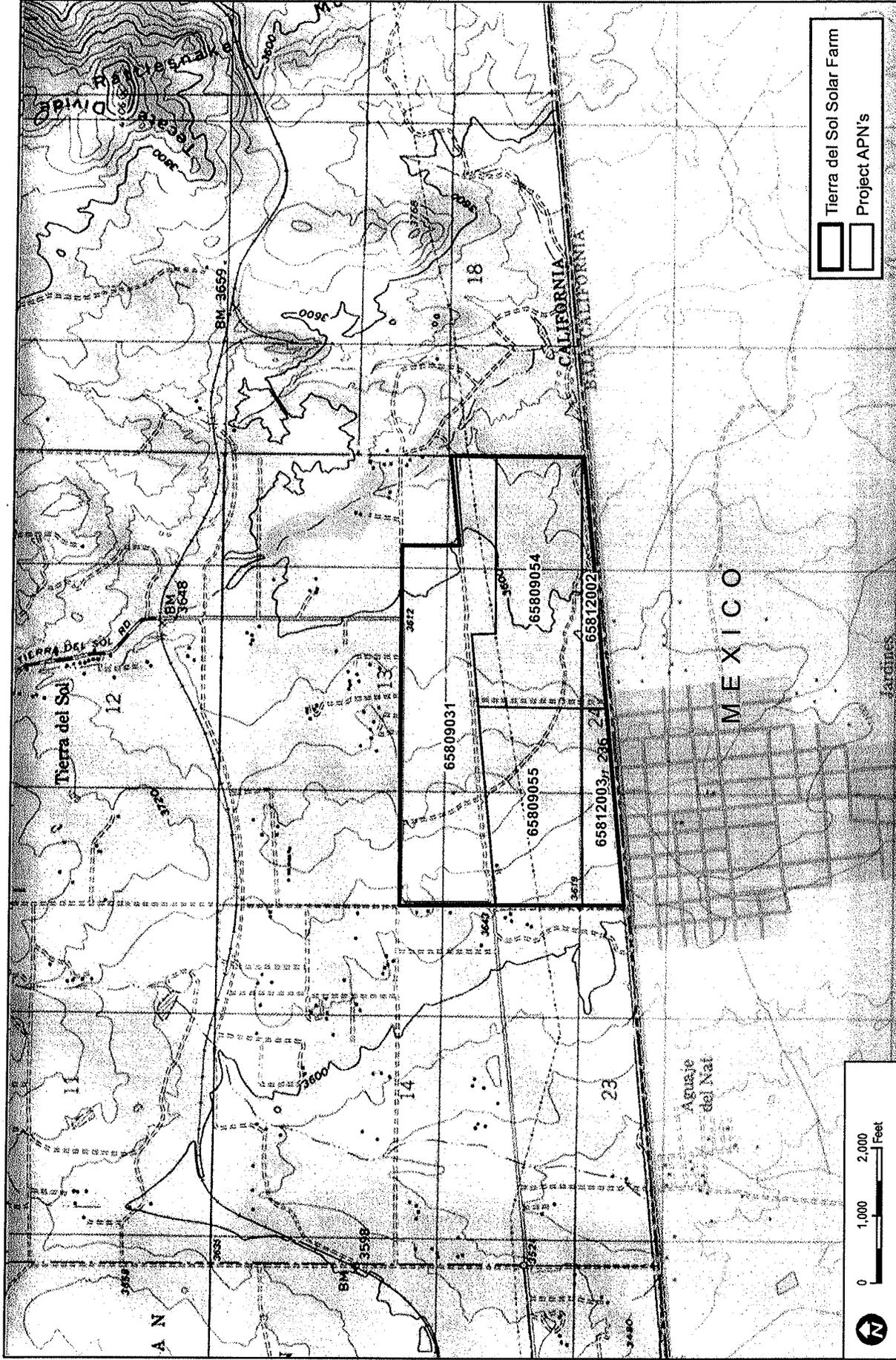
S. Wayne Rosenbaum

Enclosures

CC: Patrick Brown, Soitec Solar Development, LLC
Dwain Boettcher, Soitec Solar Development, LLC
Jim Whalen, J. Whalen Associates
Ryan Waterman, Stoel Rives LLP
Elizabeth Cason, Stoel Rives LLP
Ashley Gungle, County of San Diego
David Sibbit, County of San Diego

EXHIBIT A

Attachment C



SOURCE: USGS 7.5-Minute Series Tierra del Sol Quadrangle.

DUDEK

7123

FIGURE 2

Vicinity Map

PROJECT DESCRIPTION - TIERRA DEL SOL SOLAR FARM

EXHIBIT B

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Land Use Policy for Discretionary Permits Adjacent to the International Border

Policy Number

I-111

Page

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Purpose

To establish a policy and procedure in cooperation with the Federal Government to assist in the acquisition and protection of an open corridor along the International Border prior to the approval of discretionary permits by the County.

Background

Law enforcement along the International Border is a concern to local, State, and Federal Governments and results in considerable time and effort required by various public jurisdictions to resolve problems and issues associated with proximity to the International Border. The Department of Immigration and Naturalization has indicated that such efforts could be enhanced if there existed an open corridor at least (150) feet along the border to facilitate movement of the Patrol's personnel and to serve as an open view corridor. The County of San Diego can assist the Department of Immigration and Naturalization in keeping this corridor open by requiring that discretionary permits provide a time period for the Department of Immigration and Naturalization to purchase rights or fee title to such open corridor before such area is developed. San Diego County can additionally assist by ensuring through subdivision design that new subdivided lots will not be created within this open area.

On October 22, 1986, as part of the public hearing for General Plan Amendment GPA86-03, the Board of Supervisors adopted a special setback on land adjacent to the International Border. This special (90) foot setback exclusive of the existing (60) foot Public Reserve adjacent to the International Border creates a (150) foot open space corridor. The purpose of this open space is to function as a view corridor and to provide emergency access to facilitate law enforcement and fire protection.

Policy

It is the policy of the Board of Supervisors that for discretionary permits requested for properties located within 150 feet from the International Border, the following shall apply:

1. Upon the receipt of such above described application, the Department of Planning and Land Use shall notify the local Office of Immigration and Naturalization (INS) of such pending application and of the provisions of this policy.
2. Such application shall not be deemed complete until one of the following occurs:

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Land Use Policy for Discretionary Permits Adjacent to the International Border

Policy Number

I-111

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a. A letter submitted from the INS indicating they do not plan on entering into negotiations toward purchasing rights to the open space corridor located on the property subject to the application.

b. Ninety days has elapsed from the date of original submittal and the INS has not indicated to the Department that they are interested in opening negotiations regarding an open space corridor.

c. A letter is submitted from INS indicating that negotiations have been completed, or attempts to purchase have been abandoned.

d. One hundred eighty days have elapsed from the date upon which the letter from the INS indicating intent to negotiate was received by the Department of Planning and Land Use.

3. The provisions of this policy shall not apply in the following instances:

a. Discretionary applications submitted which do not propose building pads, structures, or fences within (150) feet of the International Border.

b. Discretionary applications for properties which are subject to a setback designator or D designator, which prescribe specific actions to be taken relative to development along the International Border.

Sunset Date

This policy will be reviewed for continuance by December 31, 2012.

Board Action

10-14-87 (23)

12-12-89 (49)

4-14-99 (11)

06-23-04 (12)

12-09-08 (33)

CAO Reference

1. Department of Planning and Land Use

EXHIBIT C

From: Gungle, Ashley
Sent: Monday, June 25, 2012 2:05 PM
To: 'brian.martin@dhs.gov'
Subject: Tierra Del Sol Solar Project (R12-005/P12-010)
Attachments: 3600-12-005-PLOT-PLAN.pdf; Tierra De Sol Solar- Notice.pdf

Brian,

I received your contact information from David Sibbet with the County of San Diego (DPLU). I am hoping that you are the correct person to speak with or that you may be able to lead me in the right direction.

I am attempting to notify the Department of Homeland Security/Border Patrol that a new project has been for a large solar project near the US-Mexico border. Attached is the notice that was sent out for this project. The project description is as follows:

The project is a Major Use Permit for the construction and operation of a 60MW solar energy system on an approximately 420-acre site and a Rezone to remove the "A" special area designator from the site. The project site is located within the Boulevard Community Plan area of the Unincorporated County of San Diego, adjacent to the US/Mexico border (APN 658-120-03-00, 658-090-31-00, 658-090-55-00, 658-120-02-00, 658-090-54-00)

The project would be completed in two phases; phase I consisting of 1,910 concentrating photovoltaic (CPV) trackers on approximately 330 acres and phase II consisting of 619 CPV trackers on approximately 90 acres. Also included would be a 1,000 volt DC underground collection system, a 34.5 kV overhead and underground collection system to link the CPV systems to the onsite substation, a 4-acre operations and maintenance(O&M) area including a 7,500 square foot O&M building, a 3-acre onsite private collector substation site, 31 to 46 inverter stations and a 138 kV overhead transmission line connecting the onsite private collector substation to SDG&E's proposed Boulevard Substation.

The project site is accessed off of Tierra Del Sol Road. Internal circulation would be provided by 24-foot graded and 12-foot improved (with an all weather surface) fire access roads located in the north/south direction (and in the east/west direction every fourth row) and 20-foot wide service roads located in the north/south direction.

The site is subject to the Rural General Plan Regional Category and Rural Lands (RL-80) Land Use Designation. Zoning for the site is S92 (General Rural) and A70 (Limited Agricultural). The project would include a restroom in the operations and maintenance building which would be served by septic. Water to be used during the construction and maintenance phases would be provided by an onsite well. Earthwork would consist of the balanced cut and fill of approximately 694,450 cubic yards of material.

I have also included a plot plan for the proposed project. I am hoping to get Department of Homeland Security/Border Patrol involved in this process as soon as possible to ensure that any concerns are addressed up front. Please let me know if it would be beneficial to set up a meeting with the applicant at this time and also please let me know if you have any additional questions about the proposed project.

Thank you,

Ashley

Ashley Gungle
Land Use/ Environmental Planner
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123
office: 858-495-5375
fax: 858-694-3373

"How to access Zoning Information "online"; Open website: <http://www.sdcounty.ca.gov/dplu/>; click on "Online Services", scroll

down and click on "Find Maps" (GIS); scroll down and click on "Property Profile Map"; enter APN and click "Submit".

"How to access the Zoning Ordinance "online"; Open website: <http://www.sdcounty.ca.gov/dplu/>; click on "Zoning Ordinance", click Part Two for Use Regulations, etc.

Please consider the environment before printing this email. 

EXHIBIT D



Soitec Solar Inc.
4250 Executive Square, Suite 770
La Jolla, CA 92037 (USA)
T. + 1(0)858-349-2642
Mike.Armstrong@soitec.com
www.soitec.com

September 5, 2012

U.S. Department of Homeland Security
Attention: Ryan Yamasaki, Sector Chief
2411 Boswell Road
Chula Vista, CA 91914

Soitec Tierra del Sol Solar Project

Dear Mr. Yamasaki:

Soitec Solar Development is requesting to work with the Department of Homeland Security (Border Patrol) regarding coordination with Soitec on a large solar project that abuts the United States and Mexico border. This letter summarizes what we believe are the security measures that are needed in order to maintain or improve security in the vicinity of the Tierra del Sol Solar project.

The existing project site conditions are such that visibility and access are poor because of the dense 5' to 12' foot high native chaparral vegetation. We believe that clearing the entire site of vegetation and the implementation of the following measures would increase security for the surrounding community. Please see the attached map for reference points of the proposed measures:

- A. Eastern Access Road:** This access road would provide unobstructed travel from north to south starting about 1000' feet from the westerly turn off Tierra del Sol Road and commencing due south to the U.S Government 60' foot easement at the border.
- B. Security Gates:** A key pad security system and electric gate would be provided at no cost to the Department. Both the North and South entrance gates will have the secured access with the ability to change gate codes upon request. The gates will also provide access to the Fire Department for emergency situations.
- C. Western Access Road:** This access road would provide unobstructed travel from westerly turn off Tierra del Sol Road and commencing due south to the U.S Government 60' foot easement. (See "A" above)
- D. Clear Space Requirement:** The County of San Diego Board of Supervisor's Policy I-111 requires that an additional 90' foot setback be provided for any proposed discretionary project application within 150' feet of the U.S. Mexico Border. The estimated gross area that would be lost due to this setback is approximately 13 acres of land spread over the length of the property (6,618' feet X 90' Feet = 13.67 acres).

There is a provision in the County Zoning Ordinance that allows for a waiver to be granted from this setback requirement, if it is supported by the Department. Soitec Solar Development requests that the Department grant this waiver to allow for us to maximize our development foot print. We understand that there may be a risk of equipment damage as the modules get closer to the border, but this would allow us flexibility in our site design.

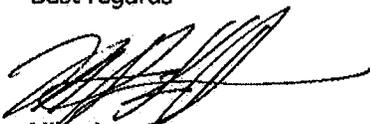
**Tierra del Sol Solar
Homeland Security Letter**

Page 2

A form of easement or agreement mutually acceptable by both parties would need to be executed to allow for access at the Department's discretion.

The Tierra del Sol project was submitted to the County on June 15, 2012. We respectfully request a response letter that validates the project design measures if possible by September 21st for our resubmital in October 2012. If you have any questions or would like to discuss this matter, please contact Patrick Brown at 619-733-2649 or by email at Patrick.Brown@soltec.com.

Best regards



Mike Armstrong,
Business Development Manager
Soltec Solar Department Inc.

Attachments:

- A: County of San Diego Board of Supervisors Policy I-111
- B: Marked Map of Proposed Project Features
- C: Vicinity Map

cc:

Dwain Boettcher, Project Development Manager, Soltec Solar Dwain.BOETTCHER@soltec.com
Patrick Brown, Environmental Permitting Manager, Soltec Solar Development, Patrick.Brown@soltec.com
Jim Whalen, Jim Whalen and Associates, James@jwhalen.net

Attachment A.

COUNTY OF SAN DIEGO, CALIFORNIA BOARD OF SUPERVISORS POLICY

Subject

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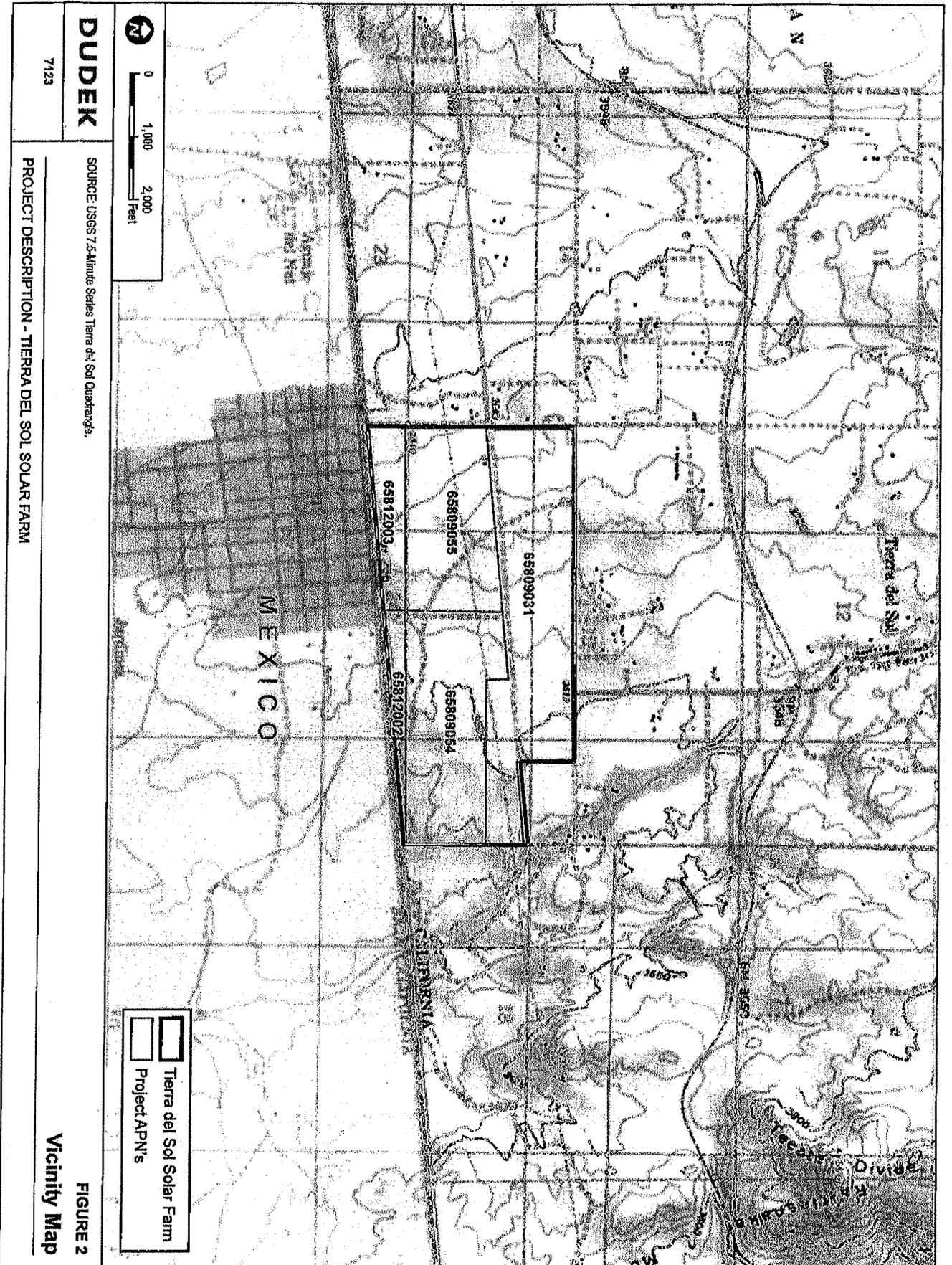
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12-09-08 (33)

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1. Department of Planning and Land Use

Attachment C



DUDEK

7123

SOURCE: USGS 7.5 Minute Series Terra de Sol Quadrangle,

PROJECT DESCRIPTION - TIERRA DEL SOL SOLAR FARM

FIGURE 2
Vicinity Map

EXHIBIT B



Soitec Solar Inc.
4256 Executive Square, Suite 770
La Jolla, CA 92037 (USA)
T. + 1(0)858-349-2642
Mike.Armstrong@soitec.com
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September 5, 2012

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The existing project site conditions are such that visibility and access are poor because of the dense 5' to 12' foot high native chaparral vegetation. We believe that clearing the entire site of vegetation and the implementation of the following measures would increase security for the surrounding community. Please see the attached map for reference points of the proposed measures:

- A. Eastern Access Road:** This access road would provide unobstructed travel from north to south starting about 1000' feet from the westerly turn off Tierra del Sol Road and commencing due south to the U.S Government 60' foot easement at the border.
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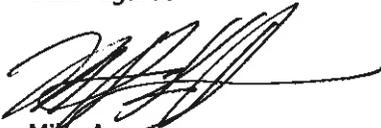
**Tierra del Sol Solar
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Mike Armstrong,
Business Development Manager
Soitec Solar Department Inc.

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cc:

Dwain Boettcher, Project Development Manager, Soitec Solar Dwain.BOETTCHER@soitec.com
Patrick Brown, Environmental Permitting Manager, Soitec Solar Development, Patrick.Brown@soitec.com
Jim Whalen, Jim Whalen and Associates, James@jwhalen.net

Attachment A.

COUNTY OF SAN DIEGO, CALIFORNIA BOARD OF SUPERVISORS POLICY

Subject

Land Use Policy for Discretionary Permits Adjacent to the International Border

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To establish a policy and procedure in cooperation with the Federal Government to assist in the acquisition and protection of an open corridor along the International Border prior to the approval of discretionary permits by the County.

Background

Law enforcement along the International Border is a concern to local, State, and Federal Governments and results in considerable time and effort required by various public jurisdictions to resolve problems and issues associated with proximity to the International Border. The Department of Immigration and Naturalization has indicated that such efforts could be enhanced if there existed an open corridor at least (150) feet along the border to facilitate movement of the Patrol's personnel and to serve as an open view corridor. The County of San Diego can assist the Department of Immigration and Naturalization in keeping this corridor open by requiring that discretionary permits provide a time period for the Department of Immigration and Naturalization to purchase rights or fee title to such open corridor before such area is developed. San Diego County can additionally assist by ensuring through subdivision design that new subdivided lots will not be created within this open area.

On October 22, 1986, as part of the public hearing for General Plan Amendment GPA86-03, the Board of Supervisors adopted a special setback on land adjacent to the International Border. This special (90) foot setback exclusive of the existing (60) foot Public Reserve adjacent to the International Border creates a (150) foot open space corridor. The purpose of this open space is to function as a view corridor and to provide emergency access to facilitate law enforcement and fire protection.

Policy

It is the policy of the Board of Supervisors that for discretionary permits requested for properties located within 150 feet from the International Border, the following shall apply:

1. Upon the receipt of such above described application, the Department of Planning and Land Use shall notify the local Office of Immigration and Naturalization (INS) of such pending application and of the provisions of this policy.
2. Such application shall not be deemed complete until one of the following occurs:

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Land Use Policy for Discretionary Permits Adjacent to the International Border

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I-111

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- a. A letter submitted from the INS indicating they do not plan on entering into negotiations toward purchasing rights to the open space corridor located on the property subject to the application.
- b. Ninety days has elapsed from the date of original submittal and the INS has not indicated to the Department that they are interested in opening negotiations regarding an open space corridor.
- c. A letter is submitted from INS indicating that negotiations have been completed, or attempts to purchase have been abandoned.
- d. One hundred eighty days have elapsed from the date upon which the letter from the INS indicating intent to negotiate was received by the Department of Planning and Land Use.

3. The provisions of this policy shall not apply in the following instances:

- a. Discretionary applications submitted which do not propose building pads, structures, or fences within (150) feet of the International Border.
- b. Discretionary applications for properties which are subject to a setback designator or D designator, which prescribe specific actions to be taken relative to development along the International Border.

Sunset Date

This policy will be reviewed for continuance by December 31, 2012.

Board Action

10-14-87 (23)

12-12-89 (49)

4-14-99 (11)

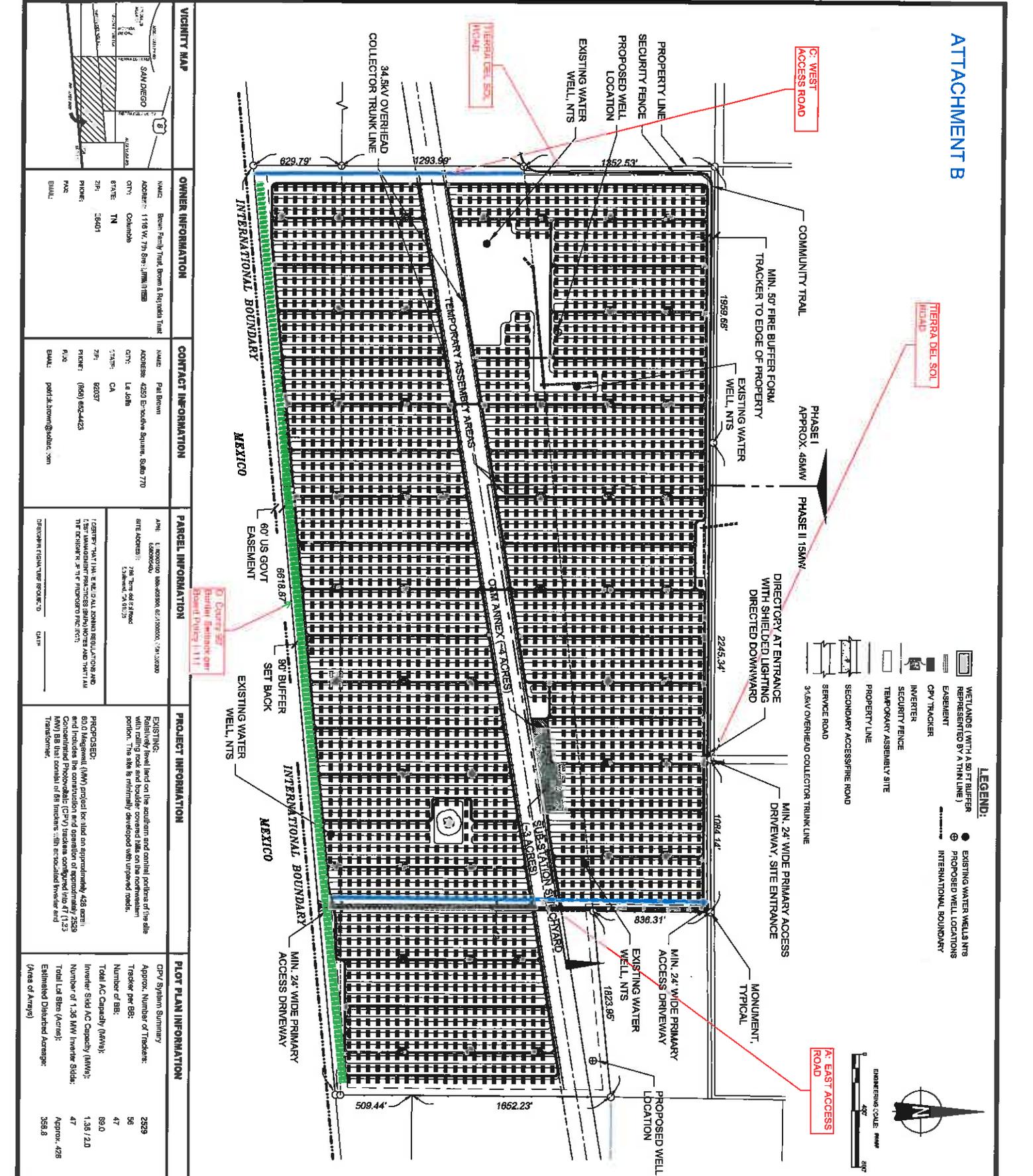
06-23-04 (12)

12-09-08 (33)

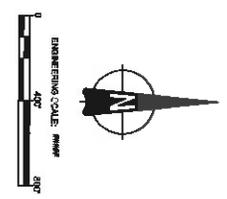
CAO Reference

1. Department of Planning and Land Use

ATTACHMENT B



- LEGEND:**
- WELL AND/OR (WITH A 50 FT BUFFER REPRESENTED BY A THIN LINE)
 - EASEMENT
 - CPV TRACKER
 - INVERTER
 - SECURITY FENCE
 - TEMPORARY ASSEMBLY SITE
 - PROPERTY LINE
 - SECONDARY ACCESS/SPINE ROAD
 - SERVICE ROAD
 - 34.5KV OVERHEAD COLLECTOR TRUNK LINE
 - EXISTING WELL NTS
 - PROPOSED WELL LOCATIONS
 - INTERNATIONAL BOUNDARY



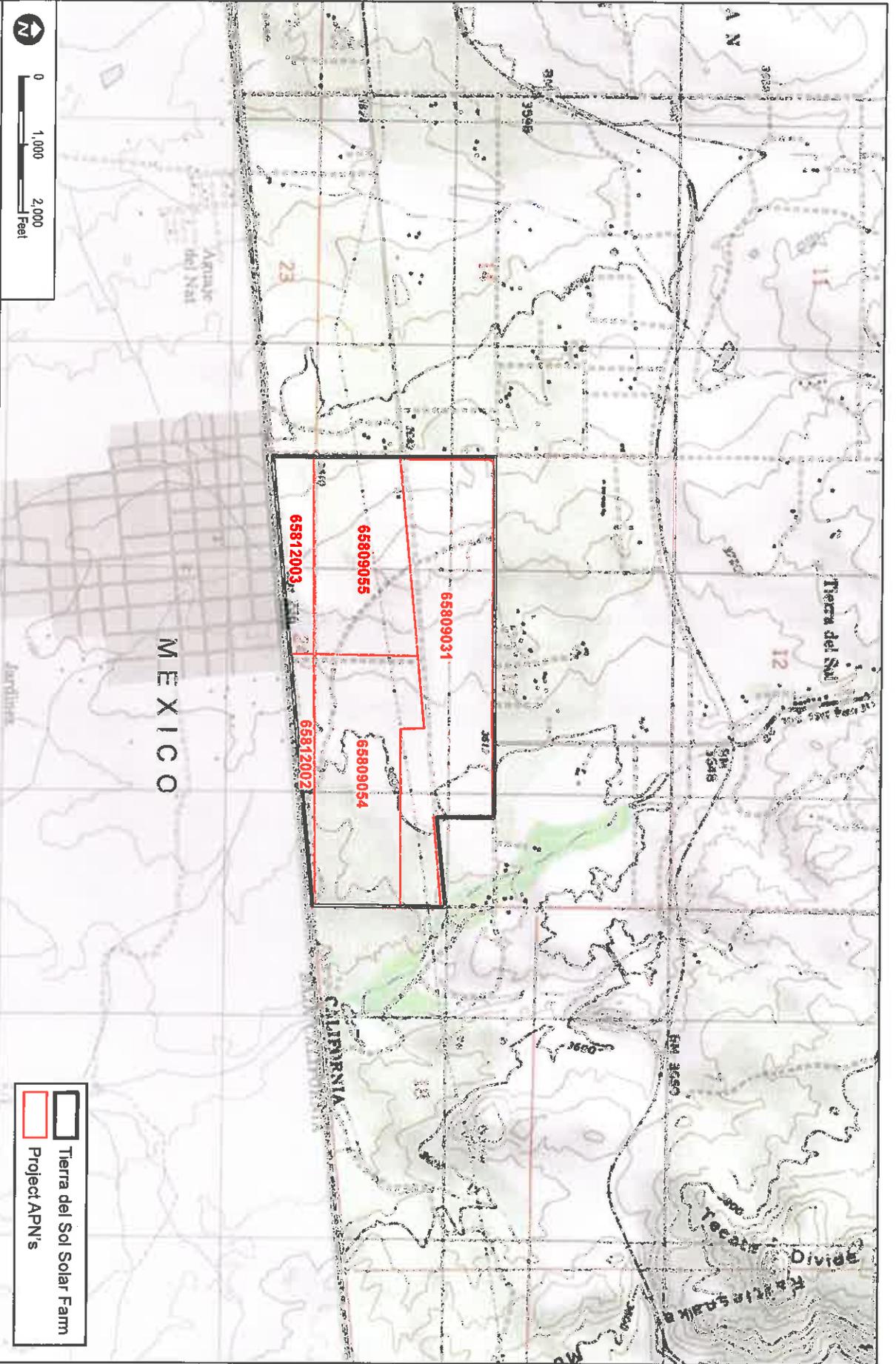
VICINITY MAP 	
OWNER INFORMATION NAME: Brown Family Trust, Brown & Boyden Trust ADDRESS: 1118 W. 7th St., JMW10788 CITY: Columbus STATE: TN ZIP: 38401 PHONE: FAX: EMAIL:	
CONTACT INFORMATION NAME: Paul Brown ADDRESS: 4250 Bryndale Square, Suite 770 CITY: La Jolla STATE: CA ZIP: 92037 PHONE: (619) 602-4423 FAX: EMAIL: paul.a.brown@soltec.com	
PARCEL INFORMATION APN: 1490000-000-000-000-000-000-000 ACREAGE: 788.78 COUNTY: SAN DIEGO ZONING: PD-115	
PROJECT INFORMATION EXISTING: Relatively level land on the southern end central portion of the site portion. The site is primarily developed with improved roads. PROPOSED: 600,000 (MW) project located on approximately 428 acres and including 1,36 MW inverters, 47 inverters, 428 CPV trackers configured into 47 (1.25 MW) BE that consists of 88 trackers with associated inverter and transformer.	
PLOT PLAN INFORMATION CPV System Summary Approx. Number of Trackers: 2529 Trackers per BE: 56 Number of BEs: 47 Total AC Capacity (MW): 69.0 Inverter: 1.36 / 2.0 Number of 1.36 MW Inverter Sticks: 47 Total LA Sticks (Acres): 1.38 / 2.0 Estimated Disturbed Average: 356.8	
SHEET TITLE PLOT PLAN	
SHEET NUMBER C-101	
REV. 0	

AECOM
 DESIGNER
 AECOM TECHNICAL SERVICES, INC.
 140 Stevens Avenue, Suite 250
 San Diego, CA 92101
 619.441.7144 ext. 888.947.7145 fax
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Soitec
 Soitec Solar Development, LLC
 4777 Scripps Ranch, Suite 770
 San Diego, CA 92131

CLIENT

Attachment C



DUKED

7123

SOURCE: USGS 7.5-Minute Series Terra del Sol Quadrangle.

PROJECT DESCRIPTION - TIERRA DEL SOL SOLAR FARM

FIGURE 2
Vicinity Map