

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
WEDNESDAY, FEBRUARY 4, 2015**

**MINUTE ORDER NO. 1**

**SUBJECT: NOTICED PUBLIC HEARING:  
SOITEC SOLAR DEVELOPMENT; MOUNTAIN EMPIRE  
SUBREGIONAL PLAN AREA (DISTRICT: 2)**

**OVERVIEW:**

Application Dates: May 15, 2012, June 15, 2012, August 22, 2012

This is a request for the Board of Supervisors to evaluate and consider the proposed Rugged Solar and Tierra Del Sol Solar concentrated photovoltaic energy projects in the Mountain Empire Subregional Plan area, and make a decision on the certification of the EIR.

Each project would include concentrated photovoltaic (CPV) technology which utilizes a dual-axis tracking system. The entire tracker assembly measures approximately 48 feet across by 25 feet tall and is mounted on a 28-inch diameter steel mast pole. Each of the projects would also include inverters to convert power from direct current (DC) to alternating current (AC), underground and overhead collector lines, internal fire access and service roads, an operation and maintenance building, and an onsite substation.

The application was first submitted in May of 2012, and in response to public input and analysis, the applicant has modified the proposed project and requested actions. The following table summarizes the four projects first evaluated in the EIR, the project modifications made through the processing of the EIR and the discretionary actions being requested at this time. In addition to the recommendations of the Planning Commission to adopt the Environmental Impact Report (EIR), adopt the Rezone resolution, adopt the Agricultural Preserve Disestablishment ordinance, and grant two Major Use Permits, the Department of Planning & Development Services (PDS) also recommends that the Board of Supervisors approve two Fire and Emergency Services Agreements, adopt a Franchise Agreement Ordinance and require the applicant to enter into an agreement to defend and indemnify the County.

	Site Location	Proposed Development	CEQA Analysis	Project Modifications under Alternative 2A	Discretionary Actions
Rugged Solar	East of Ribbonwood Road and west of McCain Valley Road	<ul style="list-style-type: none"> <li>• 765 acre site</li> <li>• 80 megawatt (MW)</li> <li>• Concentrated photovoltaic technology (CPV) (trackers)</li> <li>• Battery Storage</li> <li>• Temporary Batch Plant and Rock Crushing Facility</li> </ul>	EIR	Removal of 177 trackers	<ul style="list-style-type: none"> <li>• Major Use Permit</li> </ul>
Tierra Del Sol Solar	South of Tierra Del Sol and adjacent to the United States-Mexico border	<ul style="list-style-type: none"> <li>• 420 acre site</li> <li>• 60 MW</li> <li>• Concentrated photovoltaic technology (trackers)</li> <li>• 6 mile gen-tie</li> </ul>	EIR	Removal of 99 trackers	<ul style="list-style-type: none"> <li>• Agricultural Preserve Disestablishment</li> <li>• Rezone</li> <li>• Major Use Permit</li> <li>• Utility Franchise</li> </ul>
THE COMPONENTS BELOW ARE NO LONGER A PART OF THE PROPOSED PROJECT					
LanWest	South of Interstate-8 and north of Old Highway 80	<ul style="list-style-type: none"> <li>• 55 acre site</li> <li>• 6.5 MW</li> <li>• Concentrated photovoltaic technology (trackers)</li> </ul>	EIR	Elimination of project	<ul style="list-style-type: none"> <li>• Major Use Permit (Withdrawn)</li> </ul>
LanEast	South of Interstate-8 and north of Old Highway 80	<ul style="list-style-type: none"> <li>• 233 acre site</li> <li>• 22 MW</li> <li>• Concentrated photovoltaic technology (trackers)</li> </ul>	EIR	Elimination of project	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

Table 1: Project Overview

The project case numbers are: PDS2012-3910-120005 (ER), RUGGED SOLAR, PDS2012-3300-12-007 (MUP); TIERRA DEL SOL SOLAR, PDS2012-3600-12-005 (REZ), PDS2012-3921-77-046-01 (AP DIS), PDS2012-3300-12-010 (MUP).

57<sup>th</sup> Edition Thomas Guide Page 1300 D/1, D/2, D/3, E/1, E/2, E/3, E/4, F/4, G/2, G/3, H/2, H/3, Page 1391 J/7, Page 1320 A/7, Page 1339 and Page 1340

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**PLANNING COMMISSION**

On January 16, 2015, the Planning Commission considered the application and made the following recommendations to the Board of Supervisors.

1. Adopt the environmental findings included in Attachment K, which includes the certification of an Environmental Impact Report (EIR).
2. Adopt the Resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96 (Attachment C) for the reasons stated therein and discussed in this report.
3. Adopt the Ordinance titled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ) (Attachment D).
4. Grant Major Use Permit PDS2012-3300-12-010 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment E).
5. Grant Major Use Permit PDS2012-3300-12-007 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment F).

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services concurs with the Planning Commission's recommendations and further recommends the Board take the additional and related actions.

1. Approve the Fire and Emergency Services Agreement between the County of San Diego and Tierra Del Sol Solar Farm LLC and authorize the County Fire Warden or his designee to sign the agreement for the County (Attachment H).
2. Approve the Fire and Emergency Services Agreement between the County of San Diego and Rugged LLC and authorize the County Fire Warden or his designee to sign the agreement for the County (Attachment G).
3. Adopt the Resolution entitled: "RESOLUTION OF INTENTION TO GRANT A FRANCHISE TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD" (Attachment I).

4. Read the title and waive further reading of an Ordinance entitled: “AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD”, and introduce for further consideration and adoption on March 4, 2015 (Attachment I).
5. Require the applicant to enter into an agreement to defend and indemnify the County in accordance with County Code Section 86.201 et seq. and authorize the Director of Planning & Development Services to execute the agreement. If litigation is filed challenging the Board’s action on this project, require Soitec Solar Development, LLC, Tierra Del Sol Solar Farm LLC and Rugged LLC to provide security in the amount of \$300,000.00 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel within 10 days of litigation being filed.

If on February 4, 2015 the Board takes actions recommended in items 3 and 4, then on March 4, 2015 after the close of the protest hearing:

Overrule all protests received and adopt an Ordinance entitled: “AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD” (Attachment I).

**ACTION:**

Noting for the record two Errata sheets were submitted, ON MOTION of Supervisor R. Roberts, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, adopting Resolution No. 15-015, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96; adopting Ordinance No. 10375, entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ); adopting Resolution No. 15-016, entitled: RESOLUTION OF INTENTION TO GRANT A FRANCHISE TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD; and introducing an Ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD for further consideration and adoption on March 4, 2015.

AYES: Cox, D. Roberts, R. Roberts, Horn

NOES: Jacob

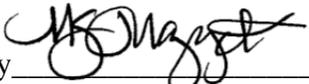
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State of California)  
County of San Diego) §

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.

DAVID HALL  
Clerk of the Board of Supervisors



By   
Marvice E. Mazyck, Chief Deputy