



The County of San Diego

Planning Commission Hearing Report

Date:	August 3, 2018	Case/File No.:	Temporary Meteorological Testing Facilities Administrative Permit; PDS2018-AD-18-007
Place:	County Conference Center, 5520 Overland Avenue, San Diego, CA 92123	Project:	Meteorological Testing Facilities
Time:	9:00 a.m.	Location:	North of the Intersection of Ribbonwood Road and Opalocka Road, Boulevard
Agenda Item:	#4	General Plan:	Rural Lands (RL-80)
Appeal Status:	N/A	Zoning:	General Rural (S92)
Applicant/Owner:	Ken Wagner, Terra-Gen Development Company, LLC/ Gene Gabrich	Community:	Boulevard Subregional Plan Area
Environmental:	CEQA §15303, 15306 Exemptions	APNs:	529-060-01, 529-090-02, 529- 130-01

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate an Appeal of the Director of Planning & Development Service's Approval of an Administrative (AD) Permit for temporary Meteorological Testing (MET) Facilities; and staff recommends that the Planning Commission take the following actions:

- a. Deny the Appeal filed by the Boulevard Community Planning Group (CPG).
- b. Sustain the Director's Decision approving Administrative Permit PDS2018-AD-18-007 (Attachment B), including the adoption of the Environmental Findings included in Attachment E, which includes a finding that the project is exempt from the California Environmental Quality Act (CEQA).

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the County's General Plan?
- b. Does the project comply with the policies set forth under the Boulevard Subregional Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the project consistent with other applicable County regulations?
- e. Does the project comply with CEQA?

B. BACKGROUND

On April 19, 2018, an AD Permit application was submitted for temporary MET facilities on a 600-acre site in the Boulevard Subregional Plan area pursuant to Section 6123 of the County Zoning Ordinance. Temporary MET facilities are constructed to measure the wind energy potential of a certain property, which helps to determine the possibility of constructing a renewable energy wind turbine project.

The AD permit application was reviewed by County staff and approved by the Director on June 7, 2018. An appeal of the Director's decision was subsequently filed by the Boulevard CPG.

Prior to this current action, an AD Permit application was submitted on November 3, 2010 on the same site for similar temporary MET facilities. On December 2, 2010, the Boulevard CPG recommended denial of the project and requested a public hearing of the Zoning Administrator in accordance with Zoning Ordinance Section 7060.d. On April 19, 2011, the project was heard and approved by the Zoning Administrator.

On April 29, 2011, appeals were filed by both the Boulevard CPG and Backcountry Against Dumps Inc. Their concerns were related to the eligibility of the project for the categorical exemption under CEQA Section 15303 and 15306 and the project having significant and cumulative effects on the environment. On June 3, 2011, the Planning Commission denied both appeals and approved the project.

The temporary MET facilities approved in 2011 were constructed and collected data for approximately two years before being removed in December 2013. A Wind Energy project was not applied for on the project site after removal of the MET facilities.

A new AD permit was submitted on the same site by Terra Gen Development Company, LLC. The Director approved the AD permit for temporary MET facilities consisting of three temporary tilt-up towers (towers) and two temporary sonic detection and ranging (SoDAR) units that will be utilized to measure the wind profile of the lower layer of the atmosphere.

On June 18, 2018, an appeal was filed by the Boulevard CPG (Appellant) seeking to overturn the Director's decision. The Appellant contends that the AD permit should be denied, citing the following claims:

- A Negative Declaration should be prepared for the project to fully assess the project's environmental impacts before making a final decision to approve the project.

- The project may have significant aesthetic, air quality, biological, hazard, noise, and cumulative impacts. As the potential for significant impacts exists, this project does not qualify for an exemption from CEQA.
- The proposed towers are not small structures as outlined in CEQA Guidelines Section 15303, and therefore the project cannot be exempted from environmental review under a Class 3 categorical exemption.

C. DEVELOPMENT PROPOSAL

1. Project Description

The project proposes an AD Permit for temporary MET facilities on a 600-acre site in the Boulevard Subregional Plan area pursuant to Section 6123 of the County Zoning Ordinance.

The applicant is requesting an AD Permit for temporary MET facilities to measure meteorological occurrences such as wind speed, wind direction, air pressure, rain, snow or sun exposure, to determine whether it is feasible to develop a renewable energy wind turbine project. The project consists of three towers and two temporary SoDAR units that will be utilized to measure the wind profile of the lower layer of the atmosphere (Figures 1 and 2).

A different project, the Torrey Wind Major Use Permit (PDS2018-MUP-18-014), was submitted on June 21, 2018; the project encompasses 13 parcels including three where MET facilities are proposed with this AD permit. The MUP will be evaluated on its own merits and presented at a public hearing. The approval of the AD permit for the temporary MET facilities does not pre-authorize any subsequent application for a wind turbine project.

Location

The 600-acre project site is located in the Boulevard Subregional Plan Area. The temporary MET facilities will be located approximately five miles from Interstate 8 (I-8) and Old Highway 80, which is the closest major roadway from which one of the towers could be viewed.

Access

An existing road located on the project site will be used to access temporary MET facilities. The on-site access roads that will be used for the project to connect to Ribbonwood Road which is a County maintained from the I-8 to Opalacka Road and then is privately maintained north of Opalacka Road.

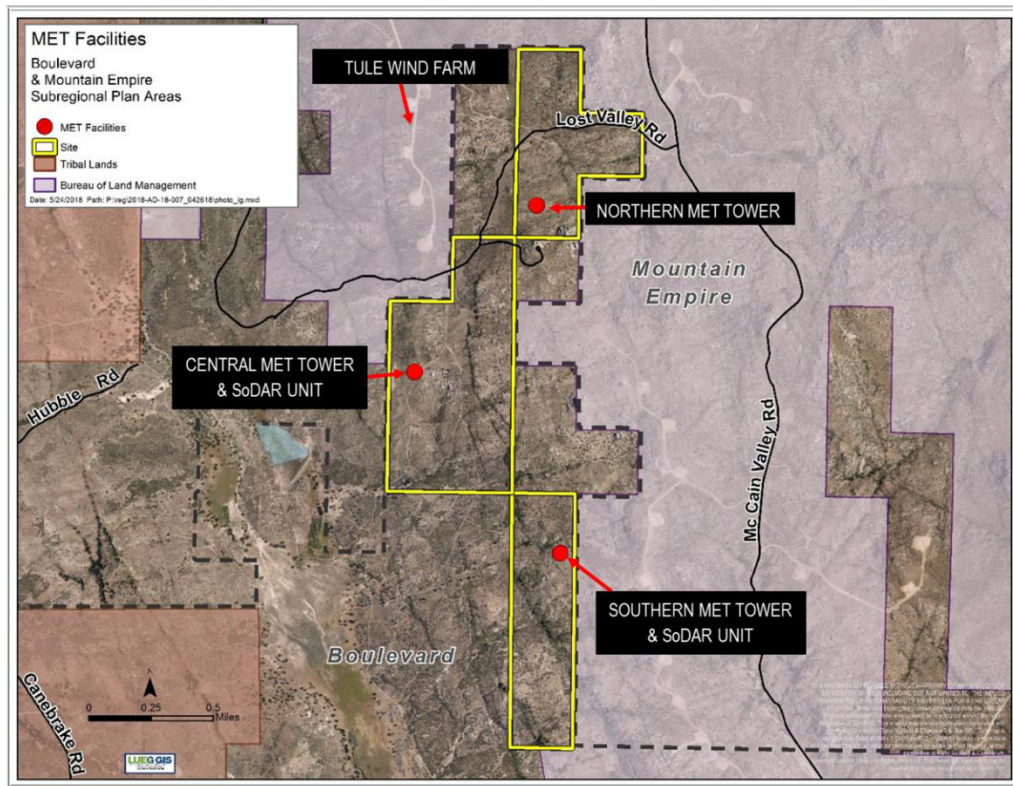


Figure 1: Location of temporary MET Facilities

Towers

The three proposed towers are secured by tension cables (guyed), 197-foot tall, ten-inches in diameter, and tapering to an eight-inch diameter pole with meteorological instruments to measure wind velocity (Figure 2). The towers will be stabilized by 24 tension cables that are secured on the ground by anchors and an eight square-foot steel base plate that will sit on the ground surface. The base of each tower structure will be surrounded by a temporary six-foot tall chain-link fence to secure the tower facilities. The temporary fences will be constructed on the existing grade.

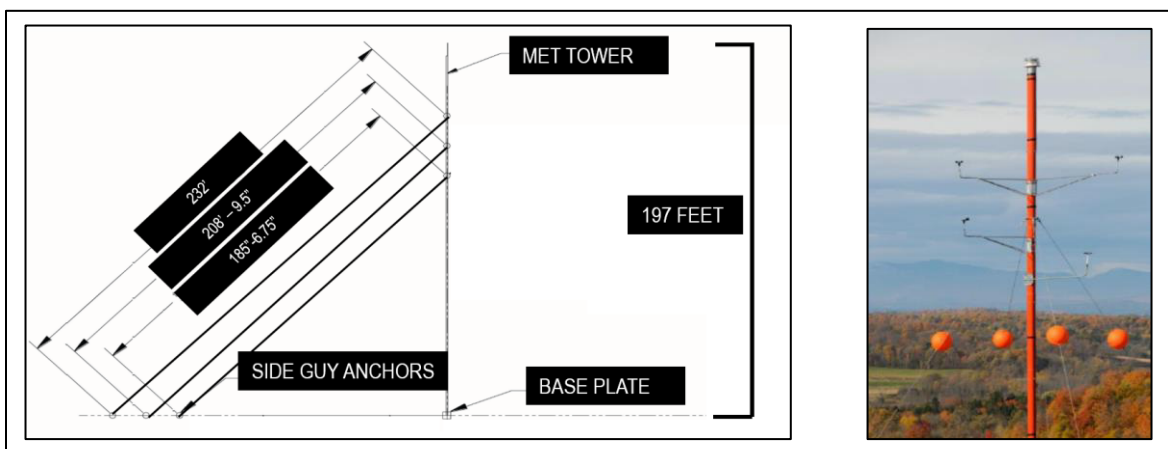


Figure 2: Elevation Drawing and Image of MET Tower

SoDAR units

Two SoDAR units, measuring six feet tall and 6' x 10', will be located with the central and southern towers and will either remain mounted on a utility trailer or will be placed on a level ground surface and protected in place by a six-foot tall chain-link fence surrounding the unit (Figure 3). The units are self-contained meteorological instruments that measure the scattering of sound waves produced by atmospheric turbulence. The units are also used to measure wind speed at various heights above ground and record temperature and pressure at ground level. As discussed later in the Noise analysis section, the SoDAR units will generate on-site exterior noise of 87 decibels (dBA) and are required to comply with the County of San Diego Noise Ordinance.

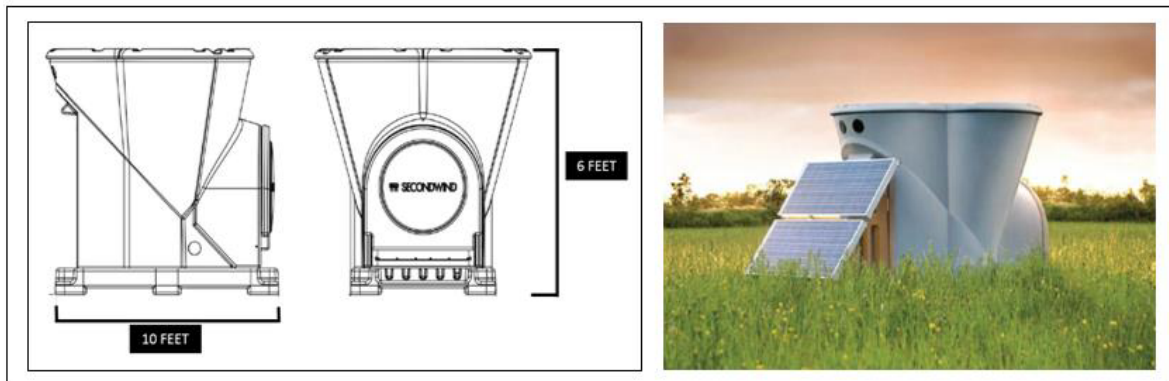


Figure 3: Elevation Drawing and Image of SoDAR Unit

Construction, Operation, Maintenance, Decommissioning

Components of the towers will be brought on site with trucks using existing access roads. The tower components will be transported by truck to the point on the existing access road as close to each site as possible. No grading or heavy construction equipment will be required. Only hand tools and a crew of up to six workers are required to erect and secure the proposed temporary towers and SoDAR units. The proposed MET facilities will remain on-site for no more than three years to gather the necessary information to make a determination about the wind resource profile.

The towers and SoDAR units will require annual maintenance to check the guy wire tension and equipment. The towers will also be lowered for routine maintenance after two years to service the meteorological instruments on the towers. During visits, maintenance personnel will use existing access roads and will walk on foot from the access road to the facilities. Once the necessary data has been collected, the towers and SoDAR units will be decommissioned, disassembled and removed. The project is conditioned to post security to ensure removal of the facilities.

2. Subject Property and Surrounding Land Uses

The MET facility is located on a 600-acre site in the Boulevard Subregional Plan area. The MET facility is on an undeveloped ranch, a portion of which is grazed by cattle and is surrounded by rural residential homes and ranches scattered throughout the region. Land ownership surrounding the project site consists of private lands and Bureau of Land Management (BLM) lands to the north, east and south, and private lands, Native American lands (Manzanita Reservation and Campo Reservation) to the east (Figure 4).

Properties surrounding the north, east and west side of the project site are occupied by the 50 megawatt (MW) Kumeyaay Wind Farm and the 201MW Tule Wind Farm projects, which have wind turbines that range in height from 400 to 492 feet high that are visible from the project site (see Figure 6).

The northern tower will be located 2.6 miles from the nearest residence. The central tower and SoDAR unit will be located two miles from the closest residence and the southern tower and SoDAR unit will be located 1.2 miles from the closest residence (Figure 4).

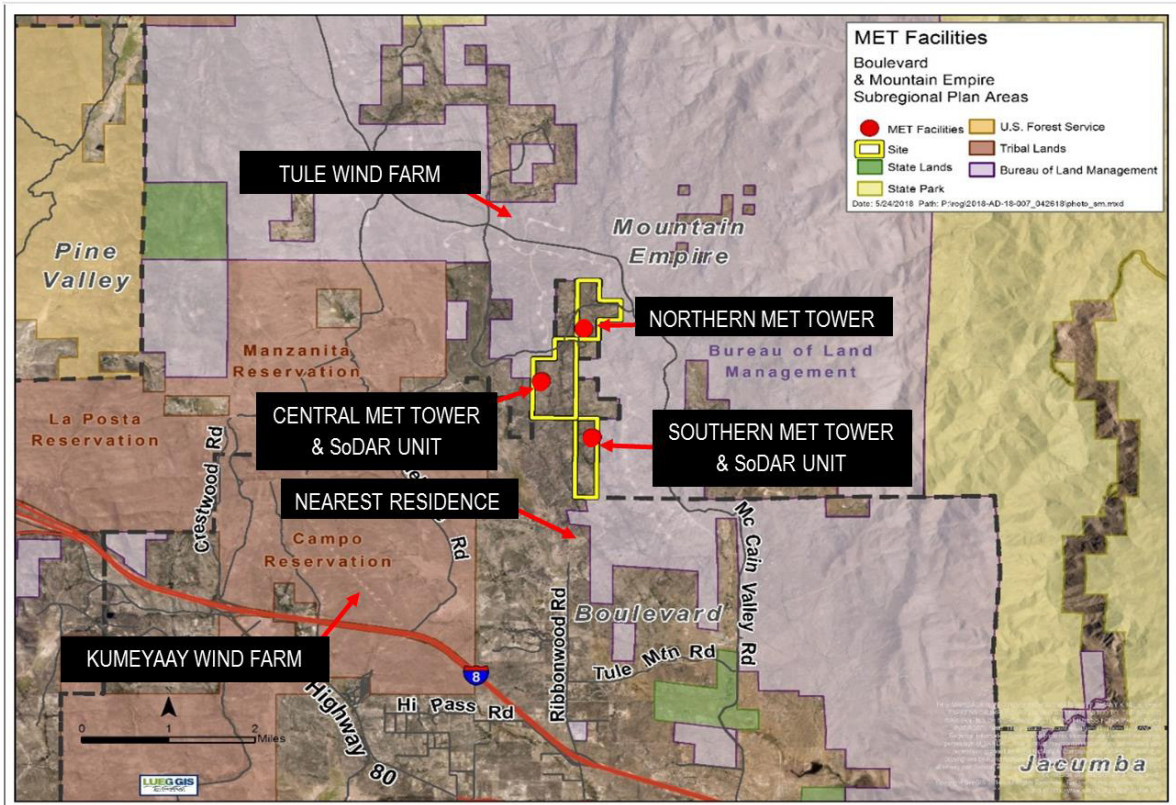


Figure 4: Aerial Photo of Project Site

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Public Agency Lands	S80 (Open Space)	Lost Valley Road	Undeveloped, Wind Turbines
East	Public Agency Lands, Rural Lands	S92 (General Rural) A72 (General Agricultural)	McCain Valley Road	Undeveloped, Wind Turbines
South	Public Agency Lands, Rural Lands	S92 (General Rural) A72 (General Agricultural) S87 (Limited Control)	Ribbonwood Road Tule Mountain Road	Undeveloped, Agricultural Lands, Residential
West	Public Agency Lands, Rural Lands, Tribal Lands	S92 (General Rural) A72 (General Agricultural) S87 (Limited Control)	Hubble Road	Undeveloped, Wind Turbines, Tribal Lands

D. **ANALYSIS AND DISCUSSION**

The project has been reviewed to ensure it conforms to the relevant ordinances, plans and guidelines, including the San Diego County General Plan, Boulevard Community Plan, the Zoning Ordinance and CEQA Guidelines. PDS staff reviewed and analyzed the Appellant's claims in the appeal dated June 18, 2018 (Attachment C). The concerns include CEQA impacts and the use of a categorical exemption. A detailed discussion of the project analysis and consistency with applicable codes, policies, and ordinances is included below, as well as a summary of the Appellant's concerns including Zoning Ordinance compliance, CEQA compliance, noise, aviation safety, height, and land use and community character.

1. **Project Analysis**

Zoning Ordinance Compliance

Point of Appeal

The appeal states that the MET facility should be subject to a Major Use Permit, and are not compatible in bulk, scale, or use with the proposed site or adjacent residential uses.

Analysis and Response

The project is classified as a temporary MET Facility use pursuant to Section 6123 of the Zoning Ordinance. Temporary MET facilities are allowed within the General Rural zone with the approval of an AD Permit. The intent of the Zoning Ordinance is to allow for temporary MET facilities that do not have permanent or harmful effects on the environment. The proposed locations for the MET facilities have been analyzed to comply with the County's Zoning Ordinance and locations will avoid any significant impacts on the environment.

Each temporary MET facility has a very small footprint, not exceeding 0.5 square feet for each of the towers and 60 square feet for the SoDAR units, so the siting analysis focused on specific areas and not the entire parcels on which the facilities will be located. The applicant performed reconnaissance and research to assess potential wind resources and to identify locations for temporary MET facilities.

This approach resulted in the identification of locations that will meet Section 6123(f) of the County Zoning Ordinance. Section 6123(F) includes the following requirement:

“The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. The entire area of disturbance shall be clearly shown on the plans.”

As identified in the permit application, all sites are close to existing roads, no grading will be required and minimal vegetation removal will be necessary to establish the facilities. Additionally, a biologist will map/stake the proposed ingress/egress for the project prior to installation of the towers to ensure resources are avoided. In addition, no heavy-duty construction equipment will be utilized to erect the proposed temporary MET facilities.

CEQA Exemption

Point of Appeal

The appeal states that a Negative Declaration should be prepared for the project to fully assess the project's environmental impacts, as the project does not qualify for an exemption for CEQA.

Analysis and Response

The proposed project has been reviewed under CEQA Guidelines Section 15300, and it has been determined that the project is categorically exempt under two categories, 15306 and 15303, as described below.

The project is categorically exempt from CEQA in accordance with section 15306 (Information Collection) because the proposed use involves resource evaluation and the collection of wind data, and the construction and use of the temporary MET facilities will not cause a major disturbance to an environmental resource. Additionally, the MET facilities will be used for information gathering purposes, and could be part of a study leading to an action, which the County has not yet approved or adopted. Gathering the wind data using the temporary MET facilities is an essential part of determining if wind resources in an area are sufficient to develop a wind farm in the future. An application for a Major Use Permit is required for development of a wind farm on the site, which will require separate discretionary and environmental review in accordance with County and CEQA requirements.

It is determined that the project is also categorically exempt from CEQA in accordance with section 15303, New Construction of Small Structures. This exemption applies because the project consists of a limited number of small facilities with small structures not exceeding 60 square feet. The AD permit will allow for three towers and two SoDAR units. The proposed 197-foot towers are slender, with a maximum of 10 inches in diameter. The small diameter of the towers results

in virtually no appearance of bulk. The proposed SoDAR units will be a maximum of six feet wide, 10 feet long, and six feet tall, and the proposed sound barriers for the SoDAR units will not exceed six feet in height.

Environmental Impacts

Point of Appeal

The appeal states that the project may have significant aesthetic, air quality, biological, hazard, aesthetics, cultural, noise, and cumulative impacts, and therefore does not qualify for an exemption from CEQA.

Analysis and Response

Biological Resources:

The applicant used field reconnaissance and GIS mapping of the project area to identify sensitive resources and to locate sites that avoid any potential sensitive cultural and biological resources. The proposed guy wires on the towers will include bird flight deflectors that will be installed every 15 feet to prevent daytime collisions. Infrared lighting on top of the towers have been proposed for aviation safety. No other lighting will be installed on the towers because lighting on towers can disorient and attract birds. These design considerations and the temporary use of the facilities will ensure the towers will not result in a serious or major disturbance, or significant impact, to resident and migrant birds. It is expected that bats will be able to detect and avoid the proposed facilities.

The Appellant is concerned about noise from SoDAR units impacting wildlife. The two SoDAR units will emit “chirp” sounds to measure wind. The two units will be separated by 0.84 mile within the 600-acre project site with no units located in the northern portion of the site. One unit will be located in the central portion and one unit will be located in the southern portion of the site. The sound barriers, proposed to be installed along the west and north sides of the central SoDAR and one side of the southern SoDAR unit, will reduce noise levels in those directions. The temporary use, dispersed location, and the inclusion of sound barriers to avoid impacts to residences will ensure the SoDAR units will not result in a noise disturbance, or significant impact, to wildlife. No jurisdictional wetlands or Waters of the U.S./State are within the areas elevated for the temporary MET facilities, and no special-status wildlife or plant species were observed.

Hazards

The subject parcels were reviewed for hazardous sites, and it was determined that there are no hazardous sites on any of the parcels. There are no resources of hazardous or critical concern within the project foot prints, therefore the proposed project has no hazardous materials impacts.

Aesthetics

The project site is located approximately five miles north of I-8 (a County designated scenic highway). Due to topography and intervening landforms, the project will not be visible from the highway. The project site does not contain regionally significant scenic vistas and is not visible from scenic highways and corridors.

Cultural Resources

A negative cultural resources survey report was completed by Dudek. The cultural research and investigations did not identify any historical or cultural resources within the areas proposed for

towers or SoDAR units or along proposed access roads. Tower locations and access were sited to avoid any cultural and historical resources. Therefore, no cultural or historic resources will be impacted with implementation of the proposed project.

Noise

Concerns were raised in the appeal comments that the SoDAR units will make loud noises that are not consistent with the character of the community, and that will lead to a harmful effect. A noise analysis was completed to determine compliance with the County Noise Ordinance.

The SoDAR units make an audible noise and run continuously 24 hours per day. The audible noise is intermittent and cycles every 2.5 seconds and lasts for 100 milliseconds. Measurements taken in the community showed that the existing ambient noise levels are approximately 33 A-weighted dBA. The closest off-site property line to the central SoDAR unit is approximately 775 feet to the northwest, resulting in an hourly average noise level of 46 dBA at this property line; and the closest off-site property line to the southern SoDAR unit is approximately 400 feet to the east resulting in an hourly average noise level of 54 dBA at this property line.

Based on these noise modelling results and in order to comply with the 45 dBA sound level limit, an eight-foot tall plywood sound barrier will be constructed at grade is proposed along the west and north sides of the central SoDAR unit and along the east side of the southern SoDAR unit to adequately reduce noise being generated by the SoDAR units. These project design features will ensure the noise levels do not exceed the County Noise Ordinance at adjacent property lines. As such, the noise produced by the SoDAR units will not increase ambient noise within the community and will not cause noise that is harmful to desirable neighborhood character.

Cumulative Impacts

There are no temporary MET facilities within the surrounding area, and there are permanent MET facilities located 0.9 mile from the project site. Given that these proposed MET facilities are dispersed over 1.3 miles of the 600-acre site, are temporary, and have no adverse effects, these facilities have no cumulative impacts. A cumulative impact must result from successive projects of the same type in the same place during the same time frame.

The project complies with the requirements of CEQA because the exemptions that have been used are appropriate, and the exceptions to the exemptions in the CEQA Guidelines Section 15300.2 do not apply.

Aviation Safety

Point of Appeal

The appeal states that military installations should be noticed due to cumulative impacts to regular day and night flight activities through and near the project area of military aircraft. Additionally, impacts to US Border Patrol activities could occur.

Analysis and Response

The project will include design measures to avoid potential impacts to low flying aircraft used for CALFIRE, the United States Forest Service and law enforcement purposes by both the US Border Patrol and County Sheriff's Department. The project will include the following design measures:

Infrared lights will be required on each tower; and towers will be painted with orange and white stripes in accordance Federal Aviation Administration (FAA) requirements. The project is not subject to the requirements and standards of the FAA because the towers are less than 200 feet tall. The measures being added to the towers are beyond what is required by the FAA. Therefore, with concurrence from the above agencies, the towers do not pose a risk to low flying aircraft and will not result in impacts to aviation safety.

Land Use and Community Character

Point of Appeal

The appeal states that the proposed project is not compatible with the surrounding community character and residential land uses.

Analysis and Response

The existing visual character of the project site and surrounding area can be characterized as undeveloped land with existing civic, rural and agricultural uses. Existing uses in the vicinity of the site include the Kumeyaay Wind Farm, a 50 megawatt (MW) wind project (25 wind turbines) located west of the project site on the Campo Native American reservation. Each turbine is approximately 400 feet tall. To the northeast of the project site is the Tule Wind project, a 201MW wind project (128 wind turbines) located on land under the jurisdiction of the United States Department of the Interior Bureau of Land Management (BLM); Ewiiapaayp Indian Reservation; Manzanita and Campo Indian Reservations; Bureau of Indian Affairs (BIA) and the California State Lands Commission (CSLC), as well as private land under the jurisdiction of the County (Figure 6). Each turbine is approximately 492 feet tall.

The proposed temporary MET facilities will be consistent with bulk and scale of existing uses in the surrounding area. The towers consist of three vertical structures that are ten-inch diameter poles, tapering to an eight-inch diameter pole at the peak. As such, the facility has no significant bulk because of the narrow width of the vertical tower and tension cables. The visibility of the towers diminishes as distance increases from the project, thus the scale and bulk of the project reduces and blends with the surrounding area and mountainous terrain. The SoDAR units are small, low lying and cannot be seen from adjacent parcels. The units will be unnoticeable given their small size and the distances to surrounding properties and will be screened by undulating topography and vegetation.

The location, size, design, and operating characteristics of the proposed temporary MET facilities will be compatible with surrounding existing uses, buildings, and structures. The project is compatible due to the distance and intervening topography which minimizes the effects the project will have on the surrounding area. In addition, the project covers less than one percent of the approximately 600-acre site. Because the facilities are unmanned and are temporary, there are no impacts to public facilities, services, and utilities. It has been demonstrated that the proposed project will not have a harmful effect on desirable neighborhood character as visual, traffic, noise, and lighting impacts have been addressed through design considerations and conditions of approval. Therefore, the project is suitable for the site based on the type and intensity of the proposed use.

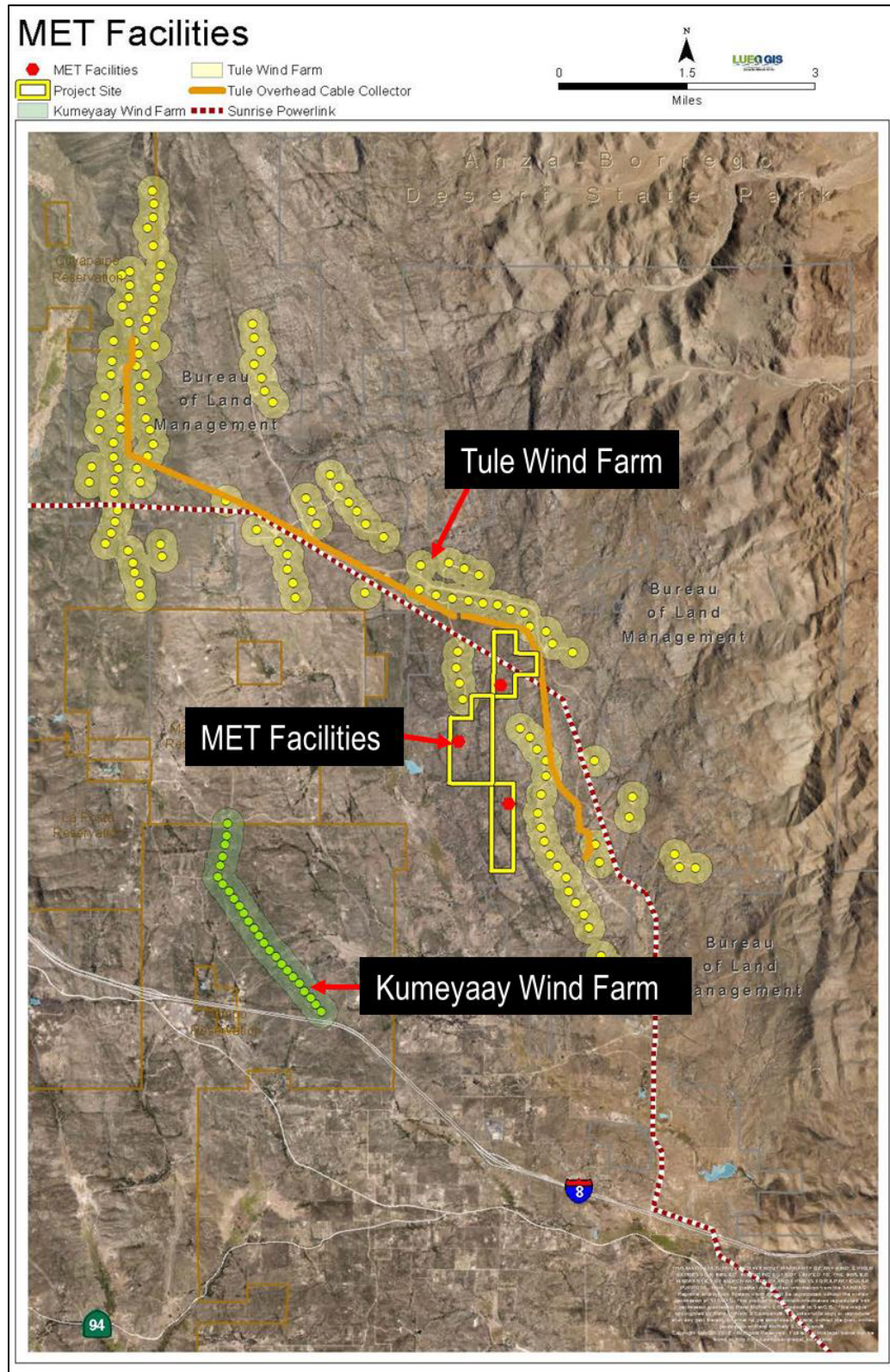


Figure 6: Aerial Photo of Project Site, Kumeyaay Wind Farm and Tule Wind Project

2. General Plan Consistency

The site is subject to the General Plan Rural Lands Land Use Designation. The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Consistency

General Plan Policy	Explanation of Project Conformance
LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.	No grading is proposed for the temporary MET facilities. The temporary MET facilities require a minimal disturbance area and will be located within close proximity to existing access roads.
COS-2.2: Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.	The project has been designed to avoid biologically sensitive habitat onsite including sensitive vegetation communities and jurisdictional wetlands, and Waters of the U.S./State. No special status species plants (including but not limited to rare plants) and wildlife were observed and are not expected to occur within the areas of disturbance for the temporary MET facilities.
COS-7.1 Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.	The project archaeologist has reviewed the locations of the towers, guy wire anchor areas, SoDAR units, sound walls, fencing, staging areas, and ingress/egress access routes and confirmed these facilities and access/staging areas have been surveyed and no cultural resources have been identified.
COS 11.1 – Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.	The project site is located approximately five miles north of I-8 (a County designated scenic highway). Due to topography and intervening landforms, the project will not be visible from the interstate.

General Plan Policy	Explanation of Project Conformance
<p>COS 11.3 – Development Siting and Design. Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas.</p>	<p>The proposed project was sited and designed to be consistent with the surrounding area. The towers consist of three vertical structures that are ten-inch diameter poles, tapering to an eight-inch diameter pole at the peak. As such, the facility has no significant bulk because of the narrow width of the vertical tower and guy-wires. The scale and bulk of the project reduces with distance and blends with the surrounding area and mountainous terrain. The SoDAR units are small, low lying and cannot be seen from adjacent parcels. The units are six feet wide, ten feet long and six feet high. The units will be unnoticeable given their small size and the distances to surrounding properties and will be screened by undulating topography and vegetation.</p>
<p>COS-13.1: Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.</p>	<p>An infrared light has been proposed on each of the towers as a safety measure so each tower is visible to pilots day and night. All project lighting will be designed and installed in accordance with the County of San Diego's Light Pollution Code.</p>
<p>N-6.2 Recurring Intermittent Noise. Minimize impacts from noise in areas where recurring intermittent noise may not exceed the noise standards listed in Table N-2, but can have other adverse effects.</p>	<p>The project has been reviewed to ensure that the project complies with all applicable noise ordinances and regulations. The SoDAR units make an audible noise and run continuously 24 hours per day. Based on results of the noise modelling and in order to comply with the 45 dBA sound level limit an 8-foot tall plywood sound barrier is proposed along the west and north sides of the central SoDAR unit and along the east side of the southern SoDAR unit. As such, the noise produced by the SoDAR units will not increase ambient noise within the community and will not cause noise that is harmful upon desirable neighborhood character. In addition, the project has been conditioned to ensure that the noise levels remain within these decibel limits.</p>

3. Subregional Plan Consistency

The proposed project is consistent with the following relevant Boulevard Subregional Plan goals, policies, and actions as described in Table D-2.

Table D-2: Boulevard Subregional Plan Consistency

Subregional Plan Policy	Explanation of Project Conformance
Policy LU 1.1.2. Encourage development to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community's landscape and natural environment.	The project has been designed to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community's landscape and natural environment to the maximum extent possible.
Policy LU 1.1.3. Encourage development to respectfully incorporate existing topography and landforms, watersheds, riparian areas, oaks, and other native vegetation and wildlife, ridgelines, historic and cultural resources, views, and sustainability design factors.	No grading for the project is required. The existing topography and landforms of the site will not be substantially manipulated and the project site does not contain any ridgelines or historic and cultural resources. The project has been designed to avoid on-site riparian areas and oak woodlands.
Policy LU-3.1.1. Encourage development to preserve dark skies with reduced lighting and increased shielding requirements.	Lighting will be restricted to an infrared light on top of the three temporary MET towers for aviation safety purposes and will be designed and installed in accordance with the County of San Diego's Light Pollution Code.
Policy LU-3.3.1. Encourage the designation, protection, and long-term management of historic sites in the Boulevard area.	The project archaeologist has reviewed the locations of the towers, guy wire anchor areas, SoDAR units, sound walls, fencing, staging areas, and ingress/egress access routes and confirmed these facilities and access/staging areas have been surveyed and no cultural resources have been identified.
Policy LU-6.1.3. Encourage commercial, industrial development and large scale energy generation projects to provide buffers from public roads, adjacent and surrounding properties and residences, recreational areas, and trails.	<p>The project site is suitable for the project because the temporary MET facilities are low intensity uses and are located on parcels that are either undeveloped or near properties containing native vegetation, rock outcroppings, and slopes of varying sizes that create a natural topographical buffer from the project site.</p> <p>The towers and SoDAR units are placed well within the boundary on which the facilities will be located and are not close to existing residences. The distance, combined with the intervening topography, minimizes the effects the MET facilities will have on the surrounding properties.</p>

Subregional Plan Policy	Explanation of Project Conformance
	<p>The northern tower will be located 2.6 miles from the nearest residence. The central tower and SoDAR unit will be located two miles from the closest residence and the southern tower and SoDAR unit will be located 1.2 miles from the closest residence.</p> <p>The SoDAR units will not be visible to existing residences due to intervening topography, the distance between residences and their maximum height of six feet. Design measures have been incorporated into the project to reduce impacts from noise, biology resources, cultural resources, and aviation safety.</p>

4. Zoning Ordinance Consistency

The proposed project includes an AD Permit to allow for temporary MET facilities pursuant to Section 6123 of the Zoning Ordinance. The proposed project complies with all applicable zoning requirements of the S92 Use Regulations, with the incorporation of conditions of approval (see table C-5).

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	S92	Yes, upon approval of an AD.
Animal Regulation:	L	N/A
Density:	--	N/A
Lot Size:	11AC	N/A
Building Type:	C	Yes
Height:	35 feet	Yes, upon approval of an AD.
Floor Area Ratio:	-	Yes
Lot Coverage:	-	Yes
Setback:	C	Yes
Open Space:	--	N/A
Special Area Regulations:	-	N/A

Table D-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Section 6123 of the Zoning Ordinance allows for Meteorological Testing (MET) Facility upon issuance of an Administrative Permit.	The project includes three towers and two SoDAR units which is classified in the Zoning Ordinance as a MET Facility use.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of an AD.
Section 6123.a – 6123.m. of the Zoning Ordinance requires that findings be made for the Administrative Permit. Among other things, these findings require 1) neighborhood compatibility; 2) harmony in scale, bulk and coverage; 3) consistency with the General Plan and 4) compliance with the California Environmental Quality Act.	The project has been found to be compatible with surrounding uses, residents, buildings, or structures in scale, bulk, coverage and density, and the project has been found to be consistent with the San Diego County General Plan. A complete analysis of the AD Findings can be found in the Form of Decision (Attachment B).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of an AD.

5. Applicable County Regulations Consistency

Table D-5: Applicable Regulations Consistency

County Regulation Policy	Explanation of Project Conformance
1 Resource Protection Ordinance (RPO)	The project has been found to comply with the RPO because it will not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands.
2 Noise Ordinance	The Noise Analysis for the proposed project demonstrates compliance with the County Noise Ordinance. As part of the on-going conditions of the AD Permit the project is required to conform to these noise level limits.
3 County Fire Code	The County Fire Authority determined that the project site demonstrates compliance with the County Fire Code.
4 Light Pollution Code	An infrared light has been proposed on each of the towers as a safety measure so each tower is visible to pilots day and night. All project lighting will be designed and installed in accordance with the County of San Diego's Light Pollution Code.
5 Watershed Protection Ordinance (WPO)	A Standard Stormwater Quality Management Plan was prepared for the project in compliance with the WPO.

6. CEQA Compliance

The proposed project is exempt from the CEQA pursuant to Section 15306, Information Collection, which is used for basic data collection and research that will not result in a serious or major disturbance to an environmental resource, and Section 15303, which is for the new construction of small structures.

E. COMMUNITY PLANNING GROUP

On May 5, 2018, the Boulevard Community Planning Group (CPG) voted to recommend denial of the project by a vote of 7-0-0-0 (Ayes – 7, Noes – 0, Absent – 0, Vacant – 0). The Boulevard CPG's main concerns regarding the proposed project included, public noticing, cumulative impacts, biological impacts, fire hazards, legal access, AD Permit findings and that the project is not eligible for the categorical exemption under CEQA Section 15303 and 15306.

F. PUBLIC INPUT

The project was required to notice surrounding property owners upon application submittal. Emails and letters were received from the Backcountry Against Dumps Inc. and one property owner who opposes the proposed project. Reasons for opposing the project include: property values, public noticing, cumulative impacts, biological impacts, fire hazards, legal access, AD Permit findings and the project not being eligible for the categorical exemption under CEQA Section 15306.

The correspondence can be found in Public Documentation (Attachment F).

G. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

- a. Deny the Appeal filed by the Boulevard Community Planning Group.
- b. Sustain the issuance of administrative permit PDS2018-AD-18-007 (AD), which includes the requirements and conditions set forth in the Form of Decision in Attachment B, and which includes the environmental findings in Attachment E, which include a finding that the project is exempt from the California Environmental Quality Act (CEQA) Guidelines.

Report Prepared By:
Bronwyn Brown, Project Manager
858-495-5516
Bronwyn.Brown@sdcounty.ca.gov

Report Approved By:
Mark Wardlaw, Director
858-694-2962
Mark.Wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Form of Decision Approving PDS2018-AD-18-007

Attachment C – Appeal Form

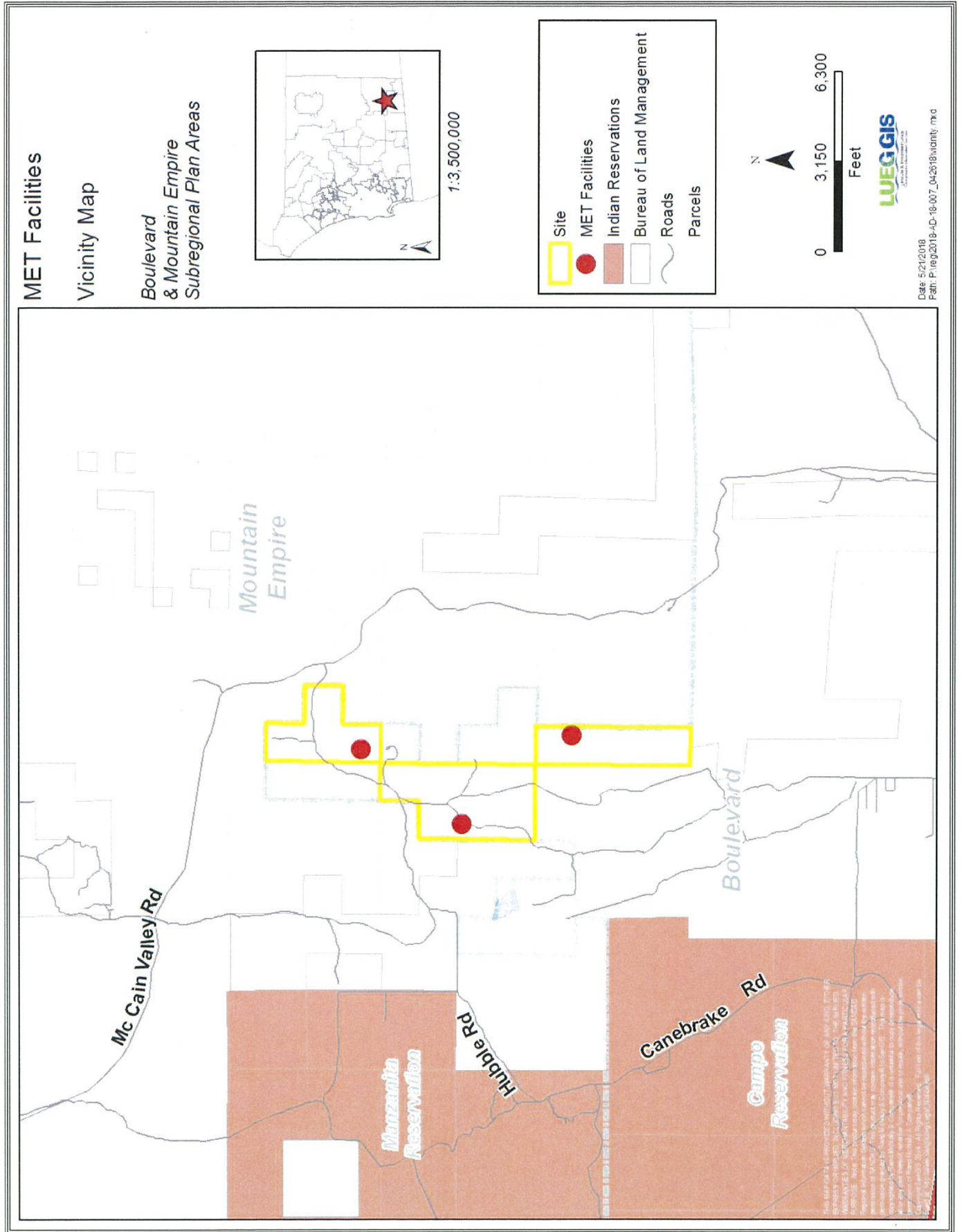
Attachment D – Environmental Documentation

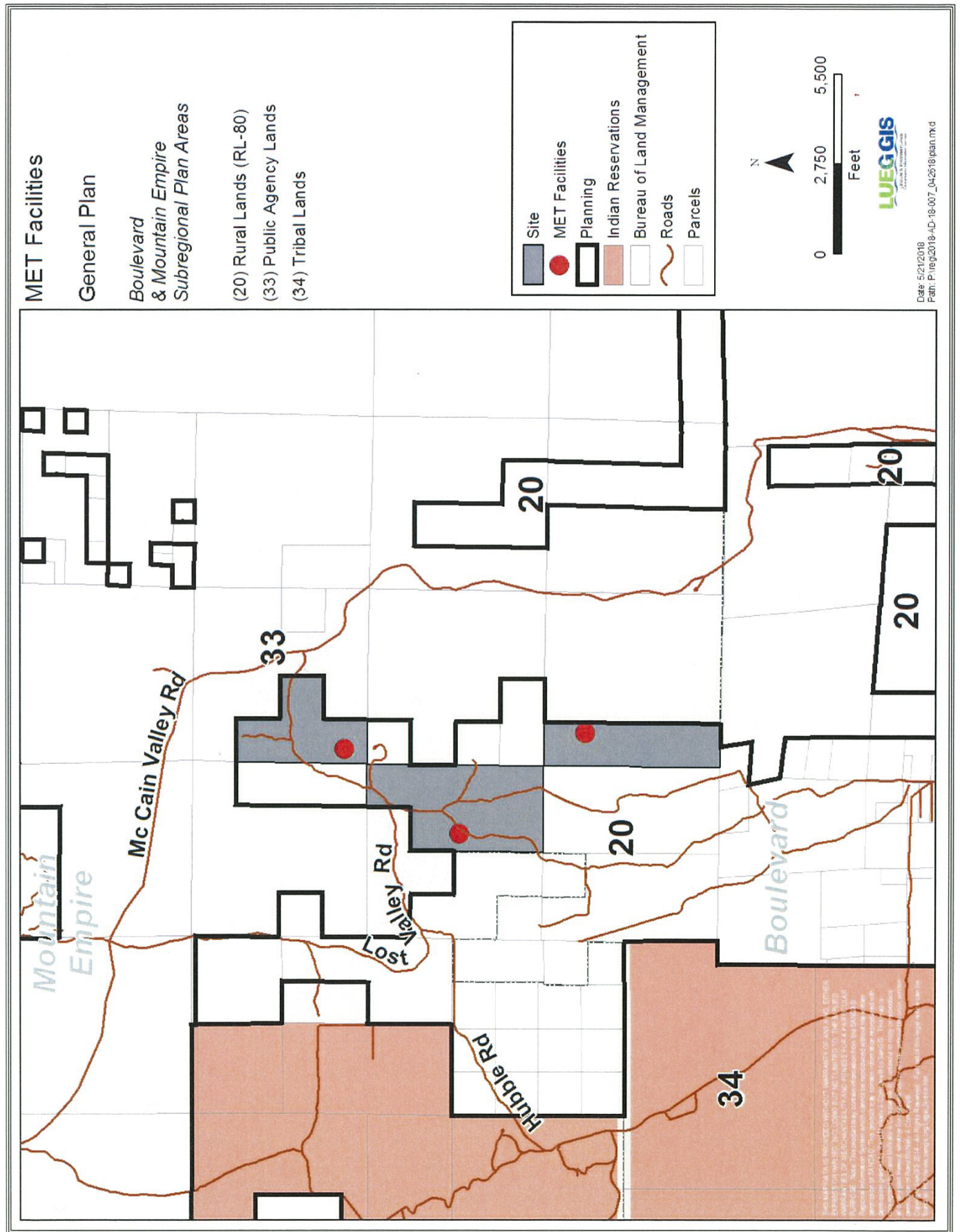
Attachment E – Environmental Findings

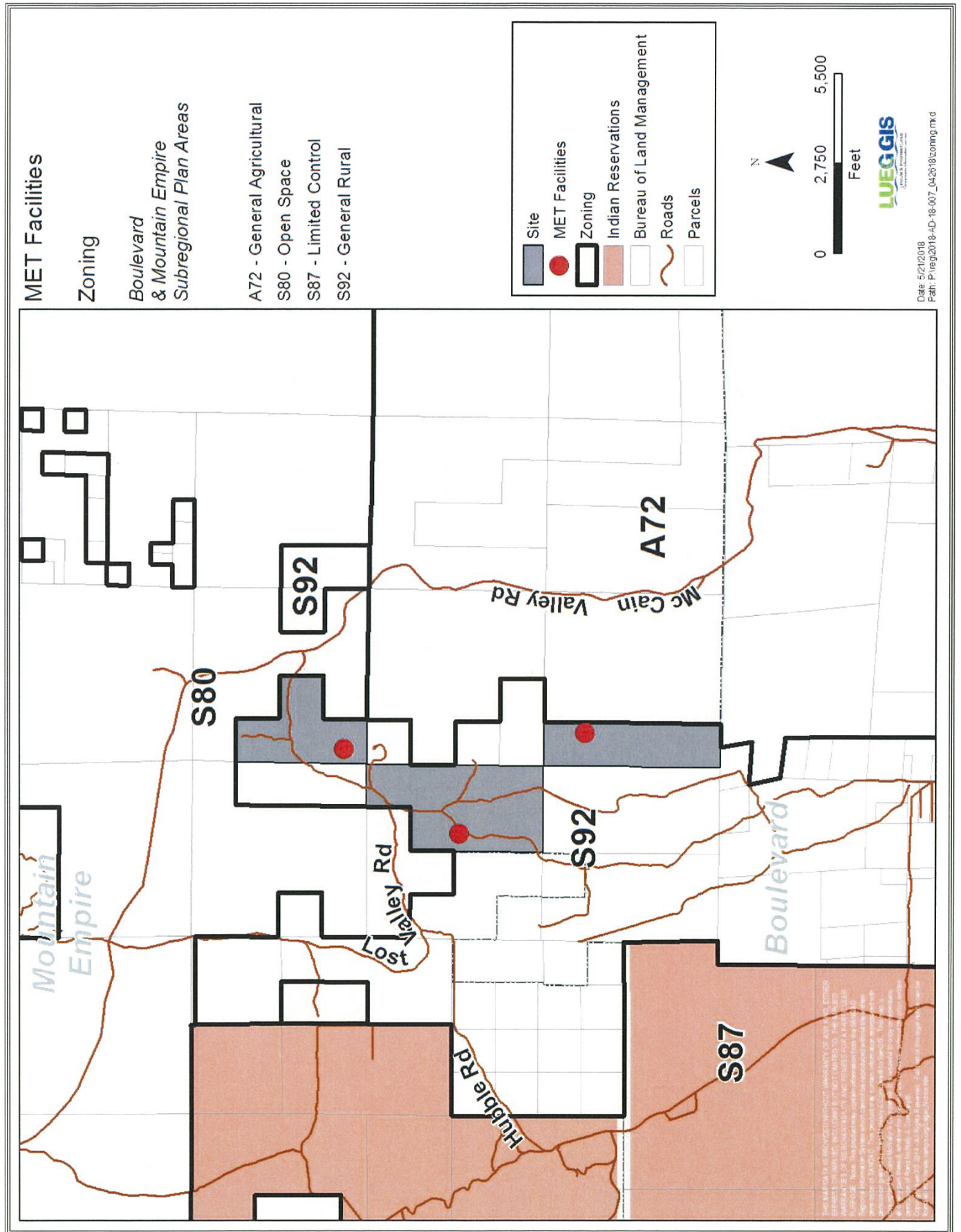
Attachment F – Public Documentation

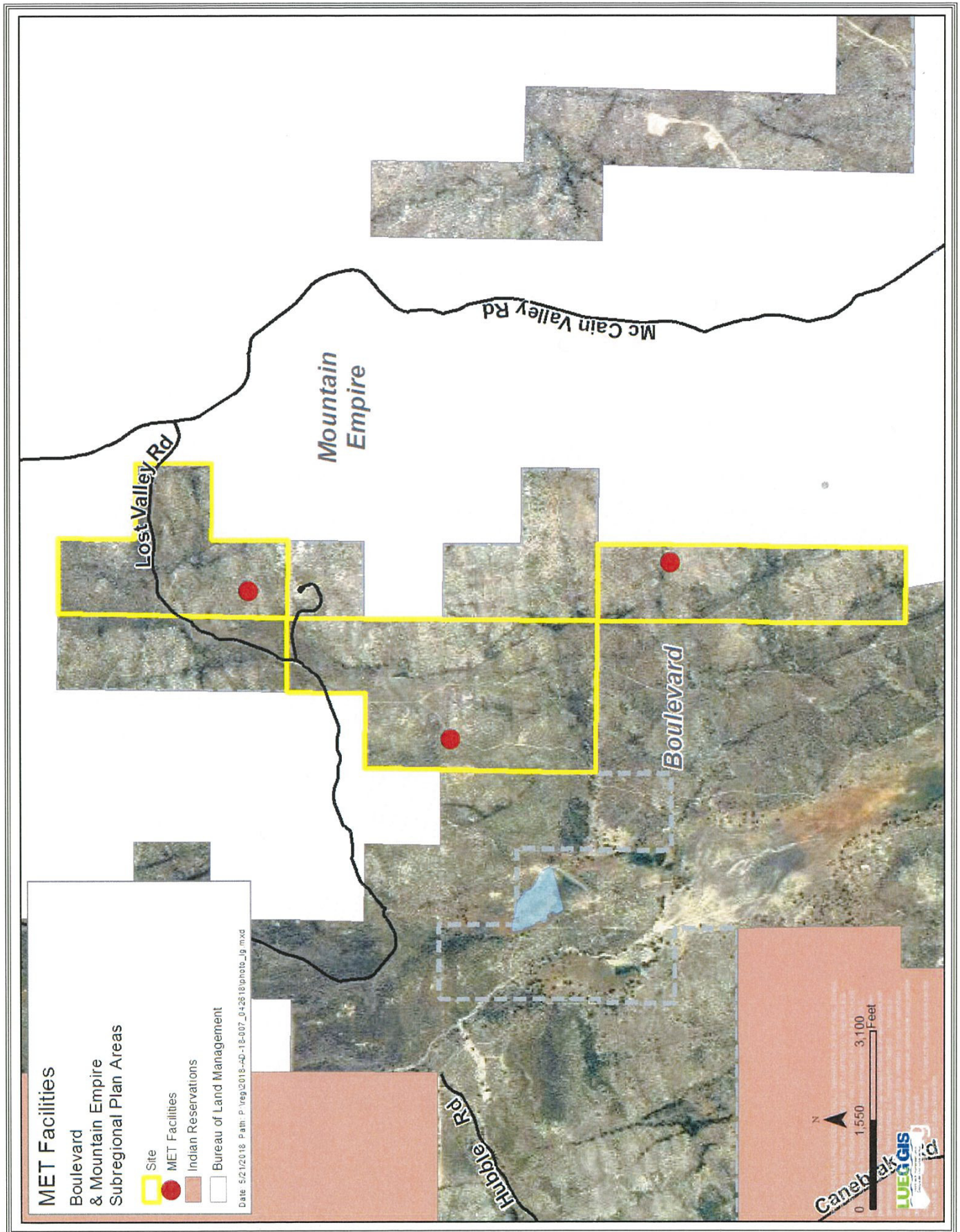
Attachment G – Ownership Disclosure

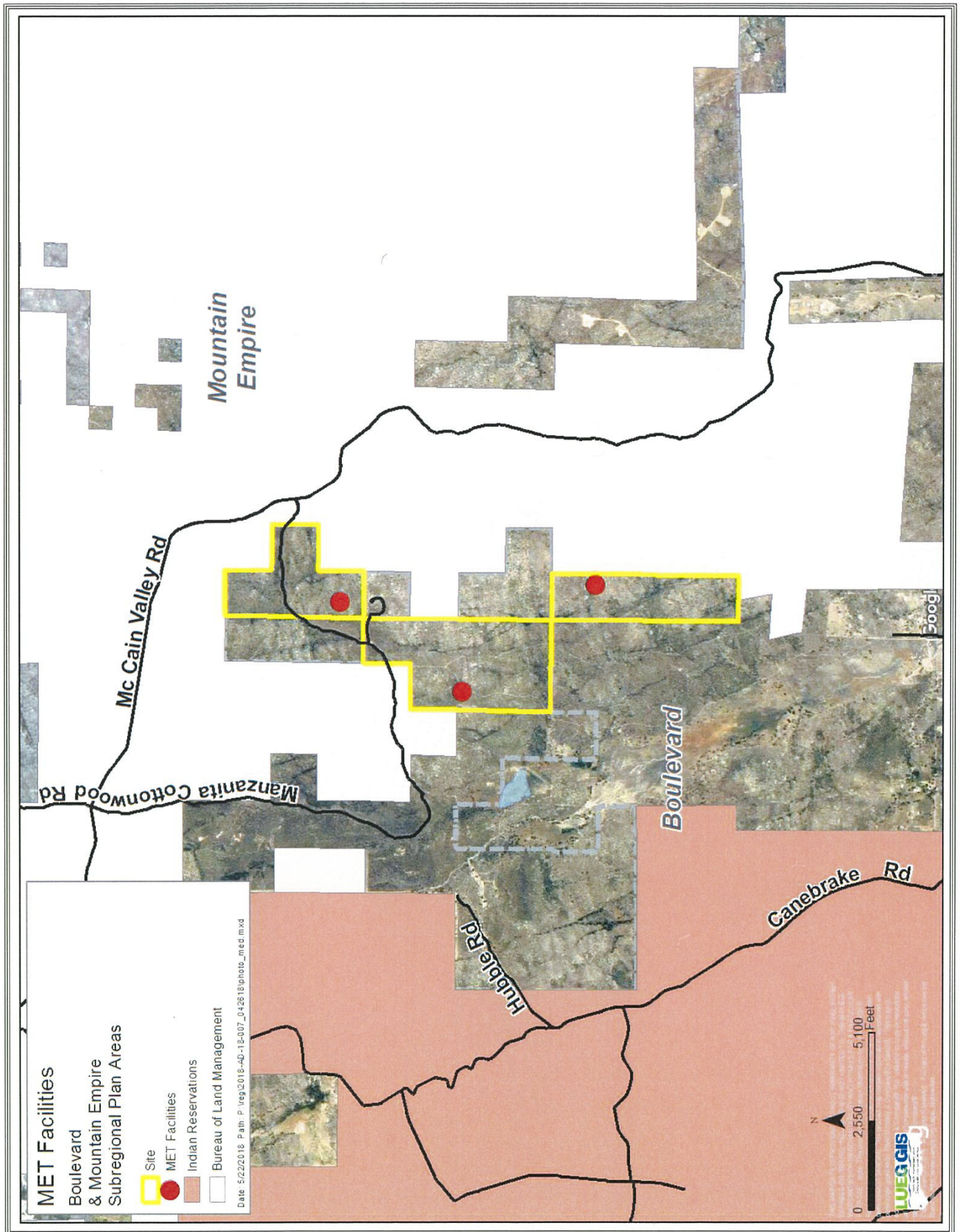
Attachment A – Planning Documentation

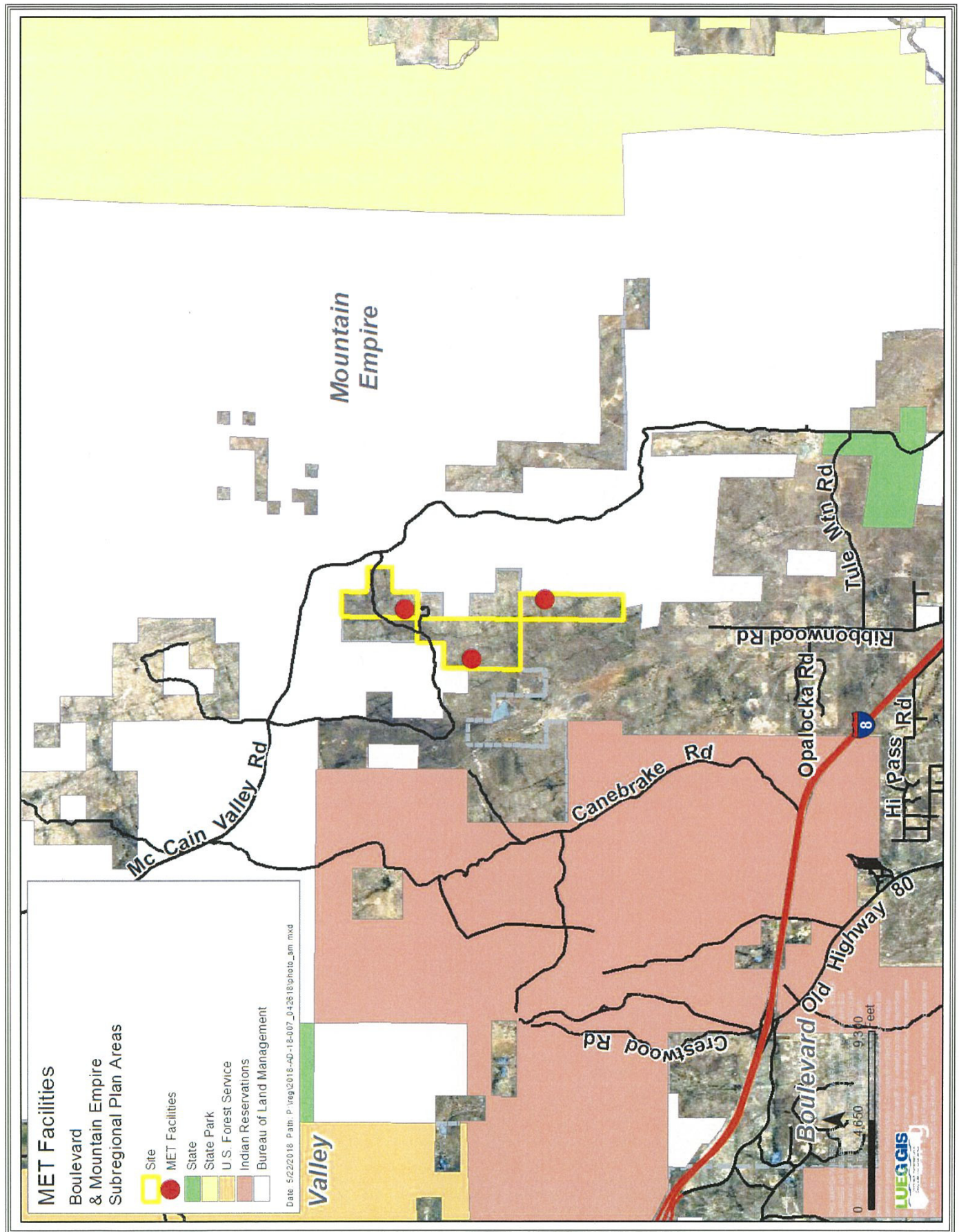


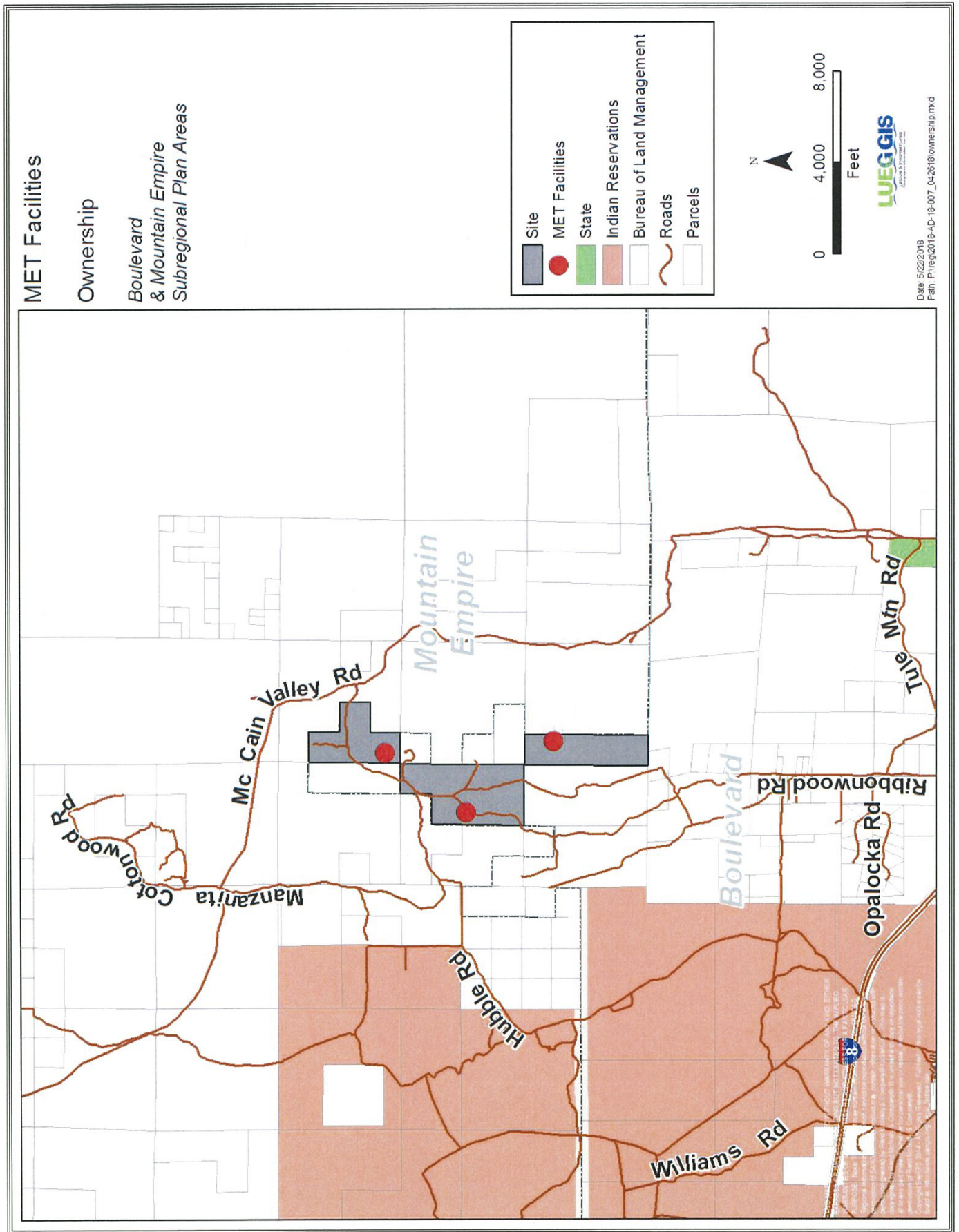






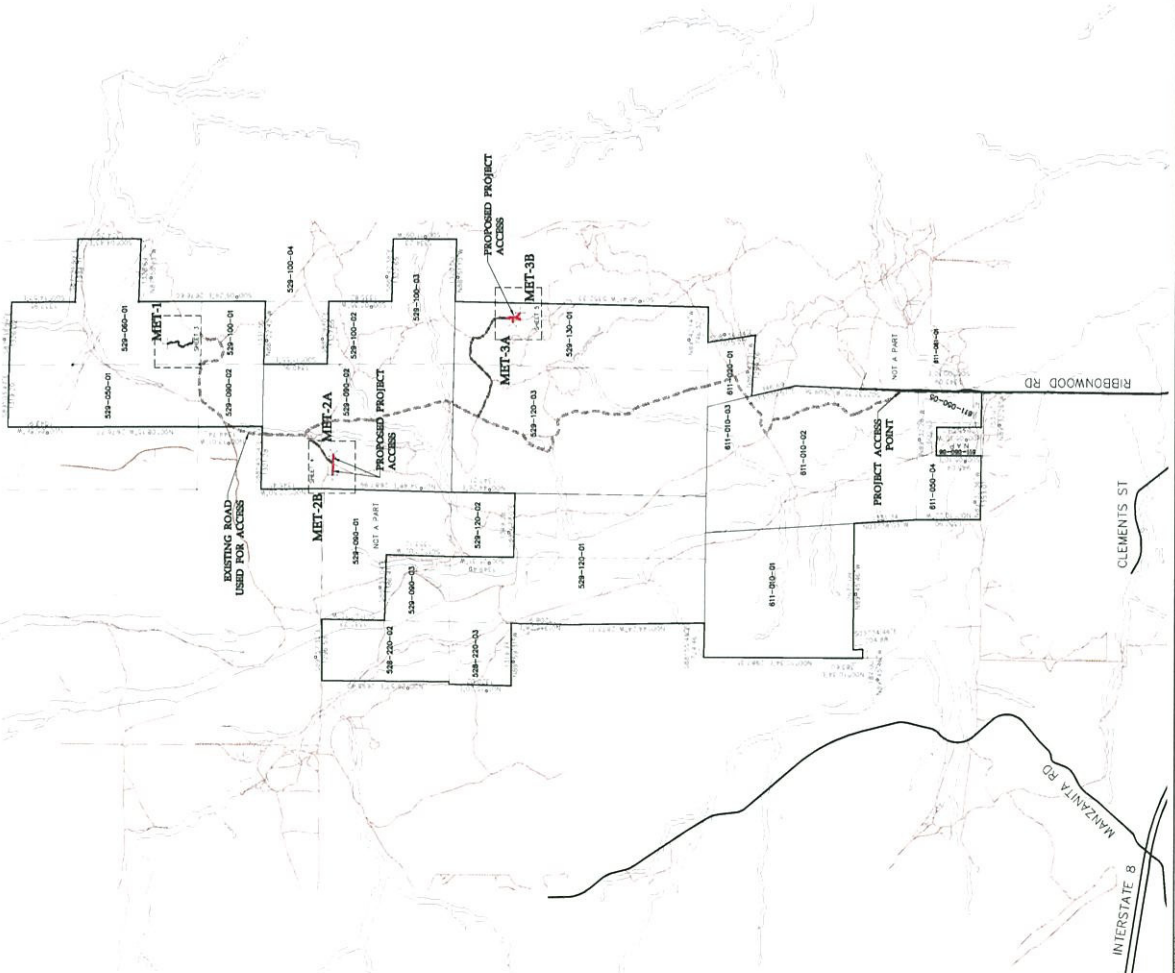






PLOT PLANS

- LEGEND:**
- + MET TOWER LOCATION
 - MET-## MET TOWER NUMBER
 - PROPOSED PROJECT ACCESS
 - EXISTING PRIVATE DIRT TRAIL - USED FOR ACCESS
 - PROJECT BOUNDARY
 - EXISTING PUBLIC ROAD
 - 100-YEAR FLOOD LIMITS



Westwood Professional Services, Inc. 18880 Via Arroyo San Diego, CA 92128 Tel: 619-594-1100 Fax: 619-594-1101 www.westwoodps.com	
COUNTY APPROVED CHANGES	
NO.	DESCRIPTION
APPROVED BY: DATE:	
RECORD PLAN	
BY:	DATE:
REF:	CONVEYOR: J. CANO
EFFECTIVE DATE:	
BENCH MARK	
DESCRIPTION: VERTICAL CONTROL SET IN OVERPASS	
LOCATION: I-8 OVERPASS OVER MCGRAW HILL ROAD	
RECORD FROM:	NCS
ELEVATION:	3327.15
DATE:	05/08/18
PRIVATE CONTRACT	
NO.	DATE OF SALE: 05/08/18
DEPARTMENT OF PUBLIC WORKS	
San Diego Wind Project	
PROJECT NO. 18-000-01	
APPROVED FOR: [Signature]	
DATE: 05/08/18	

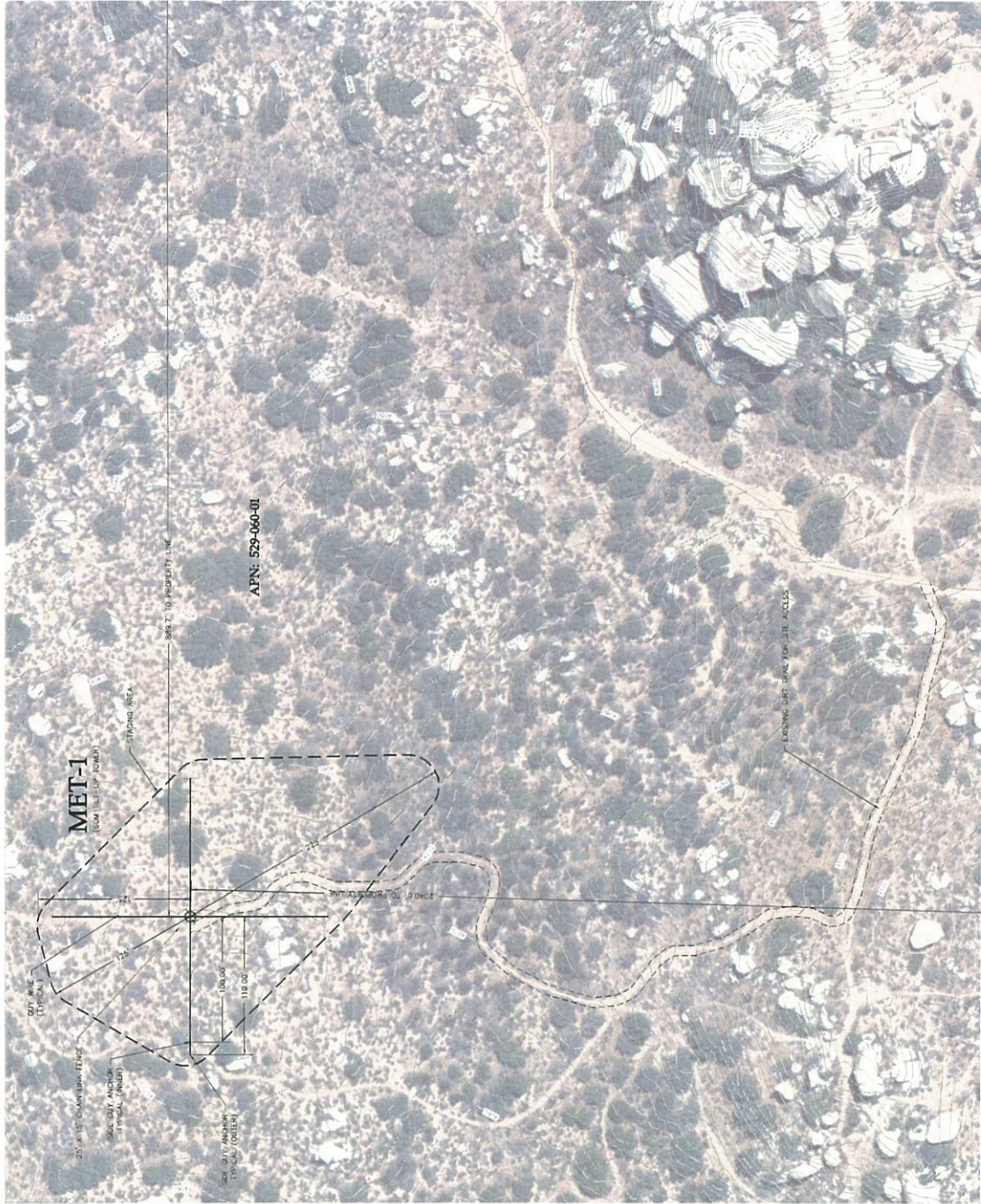
PLOT PLANS

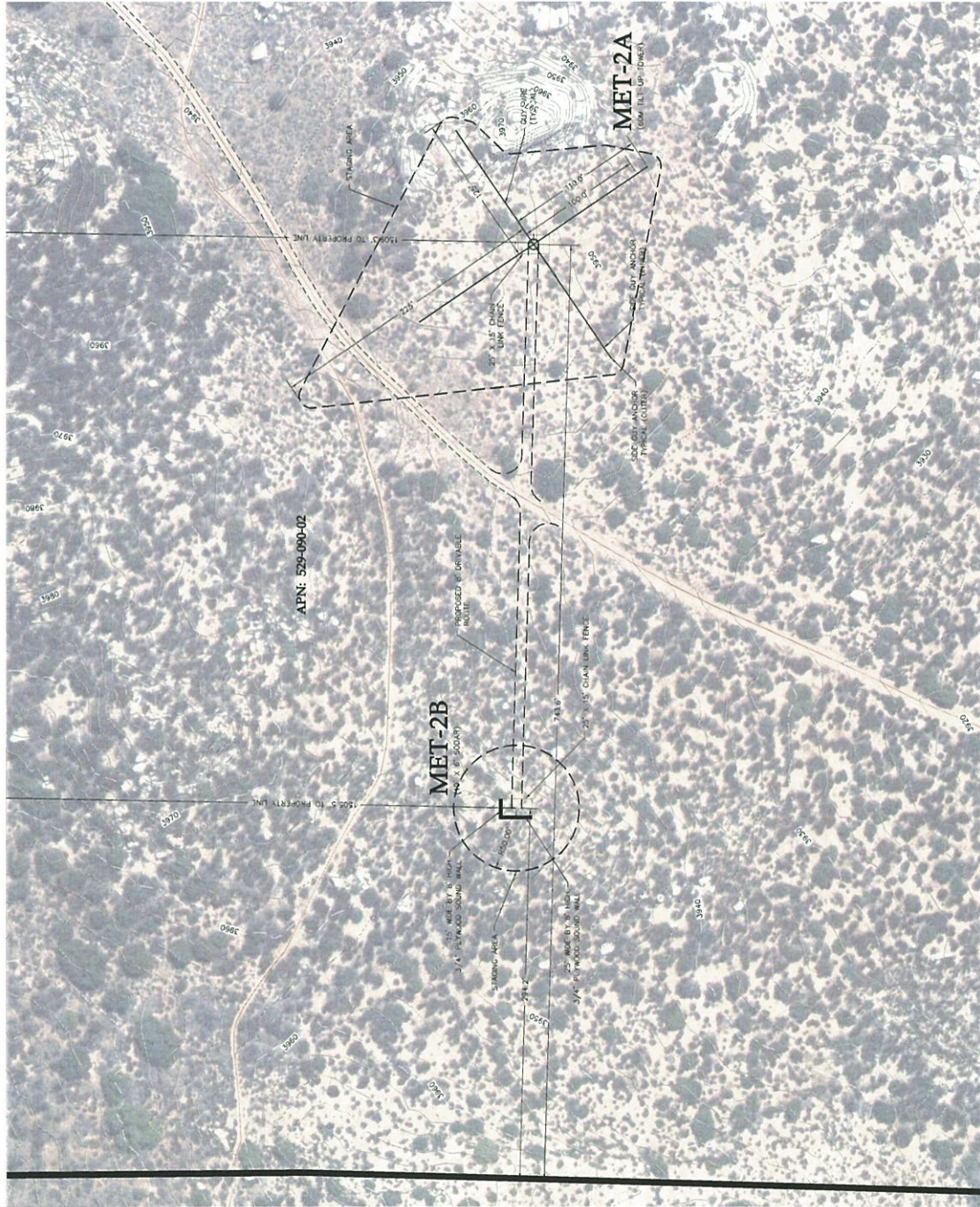
LEGEND:

- MET-#**
- MET TOWER NUMBER
 - PROPOSED DRIVEABLE ROUTE
 - EXISTING DIRT TRAIL - USED FOR ACCESS
 - EXISTING DIRT TRAIL
 - PROJECT BOUNDARY



Westwood Professional Services, Inc. 10000 Wilshire Blvd., Suite 400 Beverly Hills, CA 90210 Tel: 310.274.1100 Fax: 310.274.1101 www.westwoodps.com	
COUNTY APPROVED CHANCES	
NO.	DESCRIPTION
APPROVED BY DATE	
RECORD PLAN	
BY:	DATE
R.C.F.	NAME: CHRISTOPHER J. GANSA
EXEMPT:	
BENCH MARK	
VEGETATION: NATURAL CONTROL: SET IN OVERPASS	
LOCATION: THE OVERPASS OVER MCGRAW HILLS ROAD	
RECORD FROM:	NO.
ELEVATION:	3377.15
DATA IN:	NUMBER
PRIVATE CONTRACT	
SET:	3
APPROVED BY:	DATE: 05/08/18
San Diego Wind Project	
PROJECT NO. 18-0001	
DRAWN BY: J. GANSA	
CHECKED BY: J. GANSA	
DATE: 05/08/18	





MET-##	== == ==	MET TOWER NUMBER
== == ==	---	PROPOSED DRIVEABLE
---	----	EXISTING DIRT TRAIL
-----	- - - - -	EXISTING DIRT TRAIL
=====		PROJECT BOUNDARY



Westwood

Phone (952) 837-5150 2500 Wilmershan Drive, Suite # 300

Fax: (937) 637-5822 business@wvoodps.com
Toll Free: (888) 937-5150 www.wvoodps.com

Western Professional Services, Inc.

NO.	DESCRIPTION	APPROVED BY	DATE
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[illegible]

RECORD PLAN

BY: _____ DATE: _____
NAME: _____

R.C.F. _____ CHRISTOPHER J. CARDA

EXPOSURE

BENCH MARK

VERTICAL CONTROL DISK SET IN CULPASS

1-8 OVERPASS OVER MCCAN VALLEY ROAD

W. NCS

3327.15 DATUM NAVD88

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS

ANS FOR DATE 05/10/19 SHEETS

Disc World Budget

niego wina Project

1000 J. B. A. J.

COUNTY ENGINEER
 20250909 10:00:00 9.11.2025

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[illegible]

 PROJECT BOUNDARY

**Attachment B – Form of Decision Approving
PDS2018-AD-18-007**



County of San Diego
PLANNING & DEVELOPMENT SERVICES

MARK WARDLAW
Director

KATHLEEN A. FLANNERY
Assistant Director

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/pds

COMMISSIONERS

David Pallinger (Chairman)
Michael Seiler (Vice Chairman)
Douglas Barnhart
Michael Beck
Leon Brooks
Michael Edwards
Bryan Woods

July 27, 2018

PERMITEE:	TERRA-GEN DEVELOPMENT COMPANY LLC
ADMINISTRATIVE PERMIT:	PDS2018-AD-18-007
E.R. NUMBER:	N/A
PROPERTY:	RIBBONWOOD ROAD
APN(s):	529-060-01, 529-090-02, 529-130-01

DECISION OF THE DIRECTOR

THE PERIOD OF OPERATION OF THE MET FACILITY SHALL NOT EXCEED THREE YEARS FROM THE DATE OF APPROVAL OF THIS PERMIT UNLESS A TIME EXTENSION IS GRANTED PURSUANT TO SECTION 6123.J. OF THE ZONING ORDINANCE

This Administrative Permit for a temporary Meteorological Testing Facility (MET) consists of five sheets dated April 19, 2018. This permit authorizes a Meteorological Testing Facility pursuant to Section 6123 of the Zoning Ordinance. The MET facility consists of three tilt-up towers with a maximum height of 197 feet, and two SoDAR Unit locations.

AD PERMIT EXPIRATION: This Administrative Permit shall expire on **July 27, 2020** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7070 and 7062 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Administrative Permit has commenced prior to said expiration date.

.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Administrative Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

MET FACILITIES: PDS2018-AD-18-007

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. GEN#3–SECURITY: [PDS, REG] [BP, GP, CP, UO] [PDS, FEE].

INTENT: In order to ensure removal of the MET Facility within three years pursuant to Section 6123 (k), security shall be provided. The applicant must submit a cost estimate that is stamped and signed by the project engineer. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide to the County of San Diego a security in the amount of **\$58,398** to cover the costs associated with the removal of the abandoned MET facilities. The security shall consist of a letter of credit, bond, or cash deposit. **DOCUMENTATION:** The applicant shall provide the approved securities or cash deposit to ensure removal of the facility. The securities shall be submitted to the [PDS, PCC] for final review and approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. **MONITORING:** The [PDS, PCC] shall review the securities provided are in compliance with this condition. Upon acceptance of the securities and the [PDS, PCC], shall provide a confirmation letter-acknowledging acceptance of securities. The letter needs to indicate that the security amount can only be released upon evidence provided to the County that the Use has been discontinued.

4. ROADS#1–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of

MET FACILITIES: PDS2018-AD-18-007

Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____feet of unobstructed intersectional sight distance in both directions from the proposed driveway along Ribbonwood Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

5. PLN#1–FAA NOTIFICATION

INTENT: In order to comply with the Federal Aviation Administration (FAA), FAA Notification is required at least 45 days prior to construction or evidence that notification is not required to the satisfaction of the Director of Planning & Development Services. **DESCRIPTION OF REQUIREMENT:** If notification is required the following condition shall be implemented and indicated on the building plans and made conditions of its issuance. The applicant must submit a 7460-1 form to the Federal Aviation Administration at least 45 days prior to construction or alteration. **DOCUMENTATION:** If notification is required the applicant shall place this condition on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, this condition shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific notes has been placed on all sets of the building plans and made conditions of its issuance.

OCCUPANCY: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

6. PLN#2–SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Administrative Permit plot plan and the building plans. This includes, but is not limited to: design features, all lighting wall/fencing and required signage, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:**

MET FACILITIES: PDS2018-AD-18-007

The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plan **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

7. PLN#3-DEMOLITION PERMIT

INTENT: In order to comply with Zoning Ordinance Section 6123.j. the MET Facility shall be removed within three years of the approval of this permit unless a time extension and an Administrative Permit Modification has been submitted and approved prior to this date.

DESCRIPTION OF REQUIREMENT: A Demolition Permit shall be obtained, the facility shall be removed and final inspection shall be approved from [PDS BD].

DOCUMENTATION: The applicant shall submit for, receive approval of and obtain final inspection of a demolition permit to remove the facility. The applicant shall also submit to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed. **TIMING:** Prior to the expiration of this permit (three years from the date of approval) a Demolition Permit shall be submitted, approved and the applicant shall receive approval of final inspection of this demolition permit. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

8. PLN#4-SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). This includes, but is not limited to maintaining the following: design features, all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

9. NOI#1-ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements:

- a. A noise barrier with a height of at least eight feet shall be placed along the west and north sides of the SoDAR unit on Site 2B, and along the east side of the

MET FACILITIES: PDS2018-AD-18-007

SoDAR unit on Site 3B, as shown on Figure 1 of the Noise Letter Report by Dudek dated May 8, 2018.

- b. The wall shall be constructed from materials with a minimum surface density of 1.75 pounds per square foot, or a minimum Sound Transmission Class (STC) rating of 22.
- c. Plywood sheets with a minimum thickness of 0.625 inch may be used. If plywood sheets are to be used for the noise barrier, the noise barrier shall be located at least 5 feet from the SoDAR unit.
- d. The noise barriers shall not have any perforations or gaps to allow air or noise to pass through.
- e. If new information is provided to prove and certify that the equipment being used is different than what was proposed and noise barrier modification is necessary, then a new noise analysis may be reviewed to the satisfaction of the [PDS, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements.
- f. The eight-foot high sound barrier shall be maintained throughout the use of the SoDAR units.

DOCUMENTATION: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPLU, CODES] is responsible for enforcement of this permit.

ADMINISTRATIVE PERMIT FINDINGS:

Pursuant to Section 6123a of the Zoning Ordinance, the following findings are made in support of the Administrative Permit:

- (a) **The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to**

1. ***Harmony in scale, bulk, coverage and density;***

MET FACILITIES: PDS2018-AD-18-007

Scale and Bulk: The project site and surrounding area is rural and contains scattered residences and varying topography. Many of the surrounding properties contain native vegetation, rock outcroppings, and slopes of varying sizes. The project site is surrounded by a mixture of private, State of California, Bureau of Land Management (BLM) and Native American lands.

The undeveloped 600 acre project site is located in the unincorporated community of Mountain Empire Plan area within the Boulevard Community Plan area. The site is located approximately 1.1 miles north of the Ribbonwood Road and Opalocka Road intersection.

Bulk and Scale of Proposed Project

The proposed project will consist of temporary placement and operation of Meteorological Testing (MET) Facilities to determine the wind energy potential at the subject property. The temporary MET facilities included as part of the project include the erection of three Tilt-up MET towers and placement of two sonic detection and ranging (SoDAR) units on the approximately 600 acre project site. The maximum height of each MET tower is 197 feet. The MET towers are equipped with instruments to measure wind velocity and include 24 guy-wires (1/4 inch thick) that extend out approximately 164 feet in four directions. The MET towers consist of three vertical structures that varies in width from 10 inches at the base to eight inches at the peak. As such, the facility has no significant bulk because of the narrow width of the vertical tower and guy-wires. The guy-wires contain bird flight deflectors every 15 feet along the wires, but the deflectors do not significantly increase the visibility of the wires because they are yellow matte colored spirals that do not reflect, emit light, or glow in the dark. The visibility of the MET towers diminishes as distance increases from the project, thus the scale and bulk of the project reduces and blends with the surrounding area and mountainous terrain. The structural mounting plate at the base of the MET towers are approximately eight square feet in size and cannot be seen unless one is close to the base of the unit. Therefore, the facilities are in harmony with the bulk and scale of the surrounding land uses.

The SoDAR units are small, low lying and cannot be seen from adjacent parcels. The units are six feet wide, 10 feet long and six feet high. The units would be unnoticeable given their small size and the distances to surrounding properties and will be screened by undulating topography and vegetation.

The project is harmonious with surrounding land uses in terms of bulk and scale for several reasons. Properties surrounding the east and west side of the project site are occupied by the Kumeyaay Wind Farm and Tule Wind Farm projects which have wind turbines that range from 400 to 492 feet high and are visible from the project sight. The temporary MET facilities would be screened by topography and would be approximately 1.2 miles from the nearest residential land uses. There are no identified temporary MET facilities within the surrounding area. There are permanent MET facilities operating for the Tule Wind Farm project that are located 0.9 miles from the project site.

Coverage: The project is harmonious with surrounding land uses in terms of coverage because the MET facilities have very little ground coverage consisting of 0.0007 percent over the 600 acre project site. The tilt-up MET towers are a single vertical structure that would be a maximum of 10 inches in width at the base with 24 guy-wires (¼ inch wide) that would be placed in four directions. The structural elements at the base of each of the MET towers are approximately eight square feet. Consequently, they would have minimal coverage. The SoDAR units are portable and are not permanently affixed to the ground. Each SoDAR unit would have coverage of 60 square feet. Given that the project area is rural with scattered development and that the MET facilities have minimal coverage, the MET facilities would be in harmony with the adjacent uses and structures.

Density: The project is in harmony with the surrounding area in terms of density because the project is unmanned MET facilities that do not include any habitable or residential structures. Thus, the project would not affect the density of the area.

The proposed MET facilities would not introduce a new feature that would be incompatible with the scale, bulk, coverage and density in the area. The MET facilities require a minimal disturbance area and would be located within close proximity to existing access roads.

2. *The availability of public facilities, services and utilities;*

The project does not impact public facilities, services and utilities because the project is temporary unmanned MET facilities that do not use public facilities, services or utilities.

3. *The harmful effect, if any, upon desirable neighborhood character;*

The project does not have a harmful effect on desirable neighborhood character. The surrounding area is rural with varying topography. The surrounding community consists of large residential and agricultural lots with scattered residences. Many of the surrounding properties contain native vegetation, rock outcroppings, and slopes. The temporary MET towers and SoDAR units are placed well within the parcels on which the facilities would be located and are not close to existing residences. The nearest residence is approximately 1.2 miles from the closest MET facility. The distance, combined with the intervening topography, minimizes the effects the MET facilities would have on the community character.

The SoDAR units are low-lying, portable units with dimensions of six feet in width, 10 feet in length and six feet in height. The SoDAR units would not be visible to existing residences because they are only a maximum of six feet tall and because of the distance and topography.

The SoDAR units make an audible noise and run continuously 24 hours per day. The audible noise made by the units is an intermittent noise that cycles every 2.5 seconds and lasts for 100 milliseconds. Measurements taken in the community

MET FACILITIES: PDS2018-AD-18-007

showed that the existing ambient noise levels are approximately 33 dBA. Based on results of the noise modelling and in order to comply with the 45 dBA sound level limit an 8-foot tall plywood sound barrier is proposed along the west and north sides of the SoDAR 2b and along the east side of SoDAR 3b to adequately shield adjacent properties from noise being generated by the SoDAR units. These project design features will ensure the noise levels do not exceed the County Noise Ordinance at adjacent property lines. As such, the noise produced by the SoDAR units would not increase ambient noise within the community and would not cause noise that is harmful upon desirable neighborhood character. The project would comply with the County Noise Ordinance and the County General Plan.

The MET towers are 197 feet high and have a maximum of 10 inches in width with associated guy-wires. The MET facilities would be located over five miles away from Interstate 8 (I-8) and Old Highway 80, which is the closest major roadway from which one of the MET towers could be viewed. MET tower 1 would be located 2.6 miles from the nearest residence. MET tower 2A and MET SoDAR 2B would be located 2.0 miles from the closest residence and MET tower 3A and SoDAR 3B would be located 1.2 miles from the closest residence. The proposed MET tower locations are relatively flat and would not require any grading for installation. Based on the distance from prominent viewpoints and residential structures, the MET facilities would not have a harmful effect on the existing visual character of the surrounding area.

4. *The generation of traffic and the capacity and physical character of surrounding streets;*

The project would generate minimal trips during installation and decommissioning of the temporary MET facilities. The project would not generate substantial traffic that would alter or affect the physical character of surrounding streets because the project is an unmanned operation that would generate less than one daily trip per unit once a month during operation. The data collected by the units will be transmitted electronically to a remote facility. Therefore, the project would not generate significant traffic and would have no impact on the capacity and character of streets and roads in the area.

5. *The suitability of the site for the type and intensity of use or development, which is proposed;*

The project site is suitable for the project because the temporary MET facilities are low intensity uses and are located on parcels that are either undeveloped or near surrounding properties containing native vegetation, rock outcroppings, and slopes of varying sizes that create a natural topographical buffer from the project site. Additionally, the project would not have a significant effect on the environment for the following reasons: (a) the footprints of the MET facilities are minimal and not unusual in nature compared to similar exempt activities; (b) there are no unusual circumstances with this type of exempt activity that would subsequently lead to significant impacts; (c) the facilities are proposed to be located as close as possible to an existing access road; (d) the project does not require any grading;

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(e) a biologist will map/stake the proposed ingress/egress for the project prior to installation of the temporary MET towers; and (f) the proposed MET facilities would not generate significant traffic that could impact surrounding streets. The project site is suitable for the project, which does not result in any unusual circumstances and, therefore, is categorically exempt from CEQA.

6. *Any other relevant impact of the proposed use;*

The project will include design measures to avoid potential impacts to low flying aircraft used for CALFIRE, the United States Forest Service and law enforcement purposes by both the US Border Patrol and County Sheriff's Department.

Pursuant to discussions with the above agencies the project will include the following design measures:

1. Infrared lights on each MET tilt-up tower.
2. The MET towers would be painted with orange and white stripes in accordance Federal Aviation Administration (FAA) Advisory Circular AC 70-7460-1k.
3. Bird deflectors

The above design measures determined it to be safe for aviation because the towers would be visible to pilots day and night. The project is not subject to the requirements and standards of the FAA because the MET towers are less than 200' feet tall. The measures being added to the towers are beyond what is required by the FAA. Therefore, with concurrence from the above agencies, the MET towers do not pose a risk to low flying aircraft and would not result in impacts to aviation safety.

(b) That the impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:

The project is consistent with the Rural General Plan Regional Category and Rural Lands (RL-80) Land Use Designation because the project does not have any significant adverse environmental impacts, nor does it require public services. The project is consistent with the Mountain Empire Subregional Plan and the Boulevard Subregional Plan. Therefore, the project is consistent with all of the goals and policies of the General Plan, the Mountain Empire Subregional Plan and the Boulevard Community Plan.

(c) That the requirements of the California Environmental Quality Act (CEQA) have been complied with;

The project complies with CEQA because the project is exempt from CEQA in accordance with Section 15306 (Information Collection) and Section 15303 (New Construction or Conversion of Small Structures), as discussed below.

The proposed project is exempt under Section 15306 for the following reasons: (1) the proposed use involves the collection of wind data which is consistent with information

MET FACILITIES: PDS2018-AD-18-007

collection identified in section 15306; and (2) the construction and use of the MET towers would not result in a significant impact to an environmental resource due to unusual circumstances; The MET facilities would be used for information gathering purposes only. Gathering the wind data is an essential part of determining if wind resources are sufficient to develop a wind farm in the future, which will be required to submit an application for an Major Use Permit and undergo discretionary and environmental review in accordance with County and CEQA requirements.

The proposed project is also exempt in accordance with Section 15303 (Small Structures) for the following reasons: (1) the project consists of a three temporary MET tilt-up towers and two SoDAR units not exceeding 60 square feet each; (2) the 197-foot tall tilt-up towers are a maximum of 10 inches in diameter, supported by guy wires; and (3) the SoDAR units are small in size (six feet wide, 10 feet long, and six feet tall).

Therefore, the project complies with the requirements of the CEQA because the exemptions that have been used are appropriate.

Moreover, the exceptions in CEQA Guidelines section 15300.2 are not present for this project. CEQA section 15300.2 states,

- (a) **Location:** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

This exception does not apply because the MET facilities have been specifically sited to avoid sensitive resources, including cultural and biological resources. The applicant used field reconnaissance and GIS mapping of the project area to identify sensitive resources and to locate sites that avoid any potential sensitive resources. Additionally, there are no resources of hazardous or critical concern within the project foot prints.

- (b) **Cumulative Impact:** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There are permanent MET tower facilities located 0.9 mile from the project site. There are no temporary MET facilities within the surrounding area. Given that these proposed MET facilities are dispersed over 1.3 miles, are temporary, and have no adverse effects, these facilities have no cumulative impacts. A cumulative impact must result from successive projects of the same type in the same place during the same time frame.

- (c) **Significant Effect:** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

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There are no unusual circumstances with respect to the proposed project. Even if there were unusual circumstances, the project would not result in a significant effect on the environment.

- (d) **Scenic Highways:** *A categorical exemption shall not be used for a project, which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.*

The project does not impact scenic resources within a State designated scenic highway because there is no State designated scenic highway near the project site.

- (e) **Hazardous Waste Sites:** *A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The properties were reviewed for hazardous sites, and there are no sites on any of the project parcels.

- (f) **Historical Resources:** *A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.*

A negative cultural resources survey report was completed by Dudek. The cultural research and investigations did not identify any historical or cultural resources within the areas proposed for MET towers or SoDAR units or along proposed access roads. MET tower locations and access were sited to avoid any cultural and historical resources. Therefore, no cultural or historic resources would be impacted with implementation of the proposed project.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements. These Notices are standard with all discretionary projects:

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 915 Wilshire Blvd., Suite 1101, Los Angeles, CA 90017; (213) 452-3333; <http://www.usace.army.mil/>

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Regional Water Quality Control Board: 2375 Northside Drive, Suite 100, San Diego, CA 92108; RB9_DredgeFill@waterboards.ca.gov; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 636-3160; AskR5@wildlife.ca.gov; <http://www.dfg.ca.gov/>

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION PROGRAM/susmppdf/lid_handbook_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below. <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to Section 87.201 of Grading Ordinance.

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CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3284, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the County Noise Ordinance 36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved plans associated with this permit. No project-related noise sources shall produce noise levels in violation of the County Noise Ordinance 36.404. The property owner and permittee shall conform to the approved plot plans, specific permit conditions, and approved building plans associated with this permit. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

MET FACILITIES: PDS2018-AD-18-007

NOTICE: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

NOTICE: Pursuant to Section 86.203 of the San Diego County Code of Regulatory Ordinances: Each applicant for a discretionary land use development project ("Project"), to the extent the applicant is at fault in causing liability to the County, shall indemnify the County, its agents, officers and employees (collectively "County Parties") from any claim, action, liability or proceeding against the County Parties to attack, set aside, void or annul the Project or any of the proceedings, acts or determinations taken, done or made as a result of County's processing and/or approval of the Project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the County Parties alleging failure to comply with the California Environmental Quality Act or compliance with the requirements of any other federal, state, or local laws, including but not limited to general plan and zoning requirements. This indemnification requirement shall be included in the application form provided to all Project applicants. Each applicant's obligation to indemnify the County Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the County, damages, and/or settlement costs, which arise out of County's processing and/or approval of the Project, except that an applicant shall only be responsible for indemnifying the County Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the County shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the Project. Notwithstanding this section, when a defense and indemnification agreement is required for a Project under Section 86.201 of this Code, the provisions of the defense and indemnification agreement shall apply to the Project owner and/or applicant and not the provisions of this section.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR

MET FACILITIES: PDS2018-AD-18-007

Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

ON MOTION of Commissioner _____ seconded by Commissioner _____, this form of Decision is passed and approved by the Planning commission of the County of San Diego, State of California, at a regular meeting held on the 27th day of July 2018, in Planning Development Services Conference Center Hearing Room, 55220 Overland Avenue, San Diego, California, by the following vote:

AYES:

NOTES:

ABSTAIN:

ABSENT:

cc: Ken Wagner, 11512 El Camino Real, #370, San Diego, CA 92103
 Gene Gabrych, 2006 Old Highway 395, Fallbrook, CA 92028
 David Hochart & Matt Valerio, 605 Third Street, Encinitas, CA 92024

email cc:

Ben Mills, Planning Manager
 Bronwyn Brown, Project Manager
 Ed Sinsay, Land Development, Project Manager
 Darin Neufeld, Planning Manager
 Boulevard Community Planning Group
 Backyard Against Dumps, Donna Tisdale

MET FACILITIES: PDS2018-AD-18-007

pincal@sbcglobal.net

Attachment C – Appeal Form



COUNTY OF SAN DIEGO

DEPARTMENT OF PLANNING AND LAND USE: Zoning APPEALS APPLICATION

APPEAL TO:

- ☐ Board of Supervisors
☒ Planning Commission
☐ Administrative Appeal
 (Requires deposit & Form 346)

FOR DEPARTMENT USE ONLY

Thomas Bros. Map Ref.	Code _____	Case or Plan File Number
Fee _____		
Community Plan Area _____		
General Plan Designation _____	Zone _____	

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Ribbonwood Road (Terra-Gen MET Tower)			529-060-01, 529-090-02, et. al.		
Site Address	Number	Street	City	Assessor's Parcel Number	
Tisdale, Donna for Boulevard Planning Group			Terra-Gen Development Company LLC		
Appellant's Name/Last		First	Middle	Owner's Name/Last	
PO Box 1272				11512 El Camino Real Suite 370	
Mailing Address		Number	Street	Mailing Address	
Boulevard		CA	91905	San Diego, CA 92130	
		City	Zip		
619-766-4170			858-764-3720		
Telephone			Telephone		

REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.

Appeal June 7, 2018 Decision of the Director to approve Administrative Permit No. PDS2018-AD-18-007 granting a permit to allow the erection of three, 197-foot-high Meteorological Testing (MET) towers and two SoDar units without fully assessing the potential environmental impacts of the project.

JUSTIFICATION: Attach additional sheets if necessary.

A Negative Declaration should be prepared for the project to fully assess the project's environmental impacts before making a final decision to approve the project. A fair argument exists, as previously provided in a letter to Planning Staff by the Boulevard Planning Group and attached herewith, that the project may have significant aesthetic, air quality, biological, hazard, noise, and cumulative impacts. As the potential for significant impacts exists, this project does not qualify for an exemption from CEQA (CEQA Guidelines Section 15300.2). A reasonable person would also agree that the proposed towers are not small structures as outlined in CEQA Guidelines Section 15303 and therefore the project cannot be exempted from environmental review under a Class 3 categorical exemption.


 Signature of Appellant

Chair, Boulevard Planning Group

If Company Officer – indicate Company Name and function
(Please print)



DPLU-125 (11/09)

DATE: May 5, 2018

TO: BRONWYN BROWN, PDS PROJECT MANAGER via Bronwyn.brown@sdcounty.ca.gov

FROM: Donna Tisdale, Chair, Boulevard Planning Group; tisdale.donna@gmail.com; 619-766-4170

RE: PRELIMINARY COMMENTS ON PDS2018-AD-18-007; TERRA-GEN'S APPLICATION FOR MET TESTING FACILITIES

At our regular meeting held on May 3rd, the Boulevard Planning Group voted unanimously (7 yes 0 no 0 absent 0 abstained) to recommend denial of Terra-Gen's application for installation and operation of MET facilities to test the wind resources for their San Diego Wind project. In the same motion, the Group also authorized the Chair to submit comments.

NOTICE TO PROPERTY OWNERS:

- Using the address of "0 McCain Valley Road", even if it is the correct address, is misleading and fails to alert residents along Ribbonwood Road that the project and related San Diego Wind project will actually be located on their road near their homes, and not on McCain Valley Road to the East that accesses public BLM land and the existing Tule Wind project.
- The single page notice does not make it clear that the testing facilities are the first step for Terra-Gen's San Diego Wind project.
- How wide of an area received the Notice to Property Owners?
- During our May 2nd meeting, prior to the May 3rd Planning Group meeting, Terra-Gen representatives confirmed that residents living on the Campo and Manzanita Reservations, north of I-8, were not included in the notification. They should be noticed because their homes and other existing uses will also be impacted.
- Aerial photos identifying existing homes and roads, including those on adjacent tribal lands, should be provided to the public for full disclosure.

PDS-346 ERRORS:

- Boulevard is the correct community planning group and area, *not Mountain Empire*.
- Using the scale on the project map provided in the Notice to Property Owners, the project DOES appear to be within ½ mile of a regional park, McCain Valley Recreation Management & OHV Area, and potentially Lark Canyon Campground. However, it is difficult to determine using the vague and inadequate maps provided.
- Military installation notice should be required due cumulative impacts to regular day and night flight activities through/ near the project area of military aircraft from the bases in Seeley, Yuma, Coronado, Miramar and the local special ops La Posta Mountain Warfare Training Facility AKA the Michael Monsoor Mountain Warfare Training Facility.
- In addition, we have significant Homeland Security aviation activities, with local helipad facilities at the Border Patrol Station at 2463 Ribbonwood Road in Boulevard and the Campo facility at 32355 Old Hwy 80, Pine Valley, CA.

PROJECT DESCRIPTION ISSUES:

1.1 Purpose and Need:

- This project is the initial step for Terra-Gen's San Diego Wind project (PDS 2017-MPA-17-015) that will potentially entail 2,246 acres over 18 parcels.
- However, California has current glut of green energy¹
- A 2017 article in Utility Dive covers how expanded renewables has resulted in new round of negative pricing and curtailment in California. To counteract overproduction and negative pricing, grid operators can order curtailment of utility generation, including renewables.²

1.2 Project Location:

- The project location is in upper McCain Valley not Jewel Valley. Jewel Valley is south of I-8 and Old Hwy 80.
- The maps and photos (Figures 2-6) provided do not show the proximity of existing homes and other uses.
- The project description fails to mention the fact that the project is located between two existing wind energy facilities on adjacent federal lands, Tule Wind on public access BLM land and Kumeyaay Wind on the Campo Reservation.
- This location raises issues with potential wake effects from turbines on three sides, with Tule Wind turbines to the east and north and Kumeyaay to the west, and the generation of wake effects on the same turbines depending on which way the wind is blowing.
- The wake of a turbine is a region of lower wind speed and increased turbulence that reduces the power output and increases damaging loads on downwind turbines in its path.
- The MET towers appear to be located on the property's higher points; the majority of the property and potential turbine locations appear to be located at lower elevations along both sides of the Tule Creek floodplain through upper McCain Valley.
- The project site is also located in a transitional Mediterranean Mosaic area between the Laguna Mountains and the Anza Borrego Desert Park floor below. This increases the diversity of potential plant and wildlife species present.

1.3 Regional Planning Context:

- The project site is supposed to be covered by the long-stalled East County MSCP (ECMSCP) and the Resource Protection Ordinance.
- The stalled ECMSCP has failed to fully identify or protect local resources from a wide variety of potentially cumulatively significant adverse impacts related to MET facilities, industrial wind turbines, high voltage power lines, multiple substations, loss of foraging habitat, increased noise and collision hazards, and more.

¹ www.latimes.com/projects/la-fi-electricity-capacity/

² <https://www.utilitydive.com/news/prognosis-negative-how-california-is-dealing-with-below-zero-power-market/442130/>

- See related comments under 2. BIOLOGICAL RESOURCES.

1.4 MET Facilities Overview

1.4.1 Tilt-up Towers

- Research over several decades has concluded that there are increased bird kills at guyed towers when compared to un-guyed towers.
- The guy wires are virtually invisible to birds under various conditions, especially for nocturnal migrants.
- **Height, Guy Wires, and Steady-Burning Lights Increase Hazard of Communication Towers to Nocturnal Migrants: A Review and Meta-Analysis: excerpt**
 - *"Guy wires.—Most towers from which large bird kills have been reported have guy wires (but see [Gregory 1975](#)). Observational studies of birds in the vicinity of towers revealed that birds are much more likely to collide with the guy wires than with the tower itself ([Brewer and Ellis 1958](#), [Fisher 1966](#), [Avery et al. 1976](#)). Greater mortality caused by guyed towers would be expected because of the circling behavior exhibited by migrants under the influence of lights on towers ([Gauthreaux and Belser 2006](#)). In a study of bird mortality at transmission towers in Wisconsin, ([Kruse 1996](#)) found that locations of dead birds and of guy wires were highly correlated, implicating collisions with guy wires as the cause of death. ([Weise 1971](#)) searched three towers near Milwaukee daily from 1965 to 1970. Although each tower was 305 m tall, the tower with no guy wires killed "very few" birds, whereas two nearby towers with guy wires killed more birds in frequent small kills and in occasional kills of 300–500 birds in a night. Finally, J. Gehring et al. (unpubl. data) found dramatically lower mortality at freestanding towers than at guyed towers of the same height (116–146 m).*
 - *Wind power producers also have investigated the hazard of guy wires to migrating birds. Research on unguyed wind turbines and nearby guyed structures has confirmed the increased risk of guyed structures. For example, the average number of birds killed at a guyed meteorological tower was ~3× greater than the average rate of mortality at nearby turbines of a similar height without guy wires ([Young et al. 2003](#))".³*
 - **Problematic Wildlife (2016): Chapter 20: Impacts to Birds and Bats Due to Collisions and Electrocutions With Some Tall Structures in the United States; Wires, Towers, Turbines, and Solar Arrays-State of the Art in Addressing the Problems by Albert M. Manville II.⁴**
 - Air and airspace habitat are addressed in the publication referenced above, along with the impacts from tall structures and other facilities and their deleterious direct effects to flying wildlife and indirect effects caused by air and facility disturbance from infra- sound noise and lighting, barriers, and fragmented habitats.

³ <https://doi.org/10.1525/auk.2008.06253>

⁴ http://www.electronicssilent.spring.com/wp-content/uploads/2016/01/chp_10.1007_978-3-319-22246-2_20.pdf

- For Terra-Gen's project, cumulative impacts must be addressed for existing and approved industrial wind turbines, power lines, solar projects and related substations, within and adjacent to the same McCain Valley and Tule Creek vicinity.
- **The Role of Tower Height and Guy Wires on Avian Collisions with Communication Towers** Joelle Gehring Paul Kerlinger and Albert M. Manville II Division of Migratory Bird Management, United States Fish and Wildlife Service, 4401 N. Fairfax Dr., MBSP-4107, Arlington, VA 22203, USA⁵; *Journal of Wildlife Management*:
 - ABSTRACT: "Every year an estimated 4–5 million migratory birds collide with communication towers in the United States. We examined the relative risks that tower support systems and tower height pose to migrating and other birds. We collected data comparing tower support systems (guyed vs. unguyed) and tower height categories in Michigan during 20 days of the peak of songbird migration at 6 towers in September–October 2003, 23 towers in May 2004, 24 towers in September 2004, and 6 towers in both May and September 2005. We systematically and simultaneously searched for bird carcasses under each tower and measured carcass removal and observer detection rates each season. Of those towers, 21 were between 116 and 146 m above ground level (AGL, medium) and 3 were >305 m AGL (tall). During the five 20-day sample periods we found a mean of 8.2 bird carcasses per guyed medium tower and a mean of 0.5 bird carcasses under unguyed medium towers. During four 20-day sample periods we detected a mean of 34.7 birds per guyed tall tower. Using both parametric and nonparametric tests (Mann–Whitney U–test, Kruskal–Wallis test, and Tukey's Honestly Significant Difference multiple comparison procedure) we determined that unguyed medium towers were involved in significantly fewer fatalities than guyed medium towers. We detected 54–86% fewer fatalities at guyed medium towers than at guyed tall towers. We found 16 times more fatalities at guyed medium towers than at unguyed medium towers. Tall, guyed towers were responsible for 70 times as many bird fatalities as the unguyed medium towers and nearly five times as many as guyed medium towers. These findings will provide managers and regulators, such as the US Fish and Wildlife Service, with quantitative data; thereby, allowing them to effectively work with the Federal Communications Commission in siting and authorizing tower placement".
- **Avian Collision Mortality at 50- and 60-M Guyed Towers in Central California;** Paul Kerlinger, John Guarnaccia, Aaron Hasch, Renee C. E. Culver, Richard C. Curry, Loan Tran, M. Joan Stewart and Daniel Riser-Espinoza⁶
 - Abstract: "By searching for carcasses weekly year round, we estimated rates of avian fatality from collision with ten 50-m and eight 60-m temporary meteorological towers supported by guy wires near wind turbines at the Altamont Pass (n = 3) and Collinsville Montezuma Hills (n = 15) wind resource areas in central California. All towers were searched out to 55 m, beyond the farthest guy-wire anchors. Estimates for the total number of fatalities were based on searchers 'efficiency and scavengers' removal rates determined empirically at one of the wind farms. In 1632 searches (90.7 ± 5.4 per tower; 136.0 ± 2.8 per month), we found 85 carcasses of 19 species, for an average of

⁵<http://www.bioone.org/doi/abs/10.1002/jwmg.99>

⁶The Condor 114(3):462-469. 2012 ; <https://doi.org/10.1525/cond.2012.110157>

*2.8 carcasses per tower per year. When adjusted for searchers' efficiency and scavenging, fatalities per tower per year were 6.8 ± 1.1 for all birds. Icterids, the Horned Lark (*Eremophila alpestris*), pipits, and sparrows accounted for 60% of carcasses, whereas night-migrating songbirds accounted for only 7% of carcasses. This level of mortality likely did not result in population effects because fatalities were spread among many, mostly common species and the towers were temporary structures. Because the towers we studied were similar in structure to guyed communication towers of the same height, our findings are likely applicable to those structures in California. There is currently no other empirical information available on fatality from towers of these heights and support systems, even though they are one of the most common types of such towers in California and elsewhere".*

1.4.2 SoDAR Units

- We are encouraged that Dudek conducted a noise analysis for the San Diego Wind MET facilities and that partial 8-foot tall sound walls will be installed at SoDAR units 2b and 3b near adjacent properties, especially after we had originally raised this issue during Enel's MET facilities application process for their Jewel Valley Wind project.
- What are the related noise impacts on wildlife?
- For full disclosure, one Group member expressed concern that the sound walls could potentially interfere with the collection of data.

Construction Techniques

- This section mentions the intent to drive overland over low and sparse vegetation.
- Even low and sparse vegetation can ignite a wildfire when it comes in contact with hot vehicle components and/or sparks.
- The 2014 Chariot Fire that burned for 10 days destroying over 7,000 acres and 149 buildings in Mt Laguna, was reportedly sparked by a BLM jeep igniting dry vegetation on the desert floor miles to the east and 3,000 vertical feet below Mt. Laguna.^{7, 8}
- Site photos # 5-12 in the application all show the presence of buckwheat and other dry and drought impacted vegetation that is tall enough to create a potential fire threat.

1.7 Access Routes to Internal Roadway Network

- What is the legal status of the approximate 1.1 mile of the unpaved section of Ribbonwood Road, north of Opalacka Road that is proposed for project access? Is it Private?
- What is the legally deeded ingress/egress route for all the proposed project parcels?
- Can McCain Valley Road and Lost Valley Road be used instead of Ribbonwood?
- Will the proposed Ribbonwood Road Pathway be impacted? The pathway's route along the same property's access road is documented in the Boulevard Community Trails Map approved by the Board of Supervisors on June 24, 2009.

2. BIOLOGICAL RESOURCES

⁷ <http://fox5sandiego.com/2014/05/09/chariot-fire-sparked-by-blm-jeep-cal-fire-says/>;

⁸ <http://wildfiretoday.com/tag/chariot-fire/>

- 2.3.5 Special Status Plant and Wildlife Species:
 - Dudek's limited list fails to include potential species listed in the ESMSCP⁹
 - They fail to include bird and bat species that could be impacted directly, indirectly, and cumulatively through collision, noise, habitat fragmentation, and other project related impacts.
 - We have lots of raptors, including Golden Eagles in the area that have already been impacted by cumulative impact projects: Tule Wind, Kumeyaay Wind, Sunrise Powerlink, Boulevard Substation, ECO Substation, Jacumba Solar, Ocotillo Wind.
 - Migratory birds pass through our area, too. They should be protected under the Migratory Bird Treaty Act.
 - Our transitional area between the mountains and desert below is biologically rich according to the USGS maps in the **California Chapter of their Status and Trends of the Nation's Biological Resources- Volume 2**¹⁰. See Figure 27 @ page 622, Figure 31 @ page 625, Figure 33 @ page 627, Figure 34 @ page 633 and Figure 35 @ page 634.

3. CULTURAL RESOURCES:

- The McCain Valley and Tule Creek area are well-known for being rich in cultural resources due to the thousands of years of occupation by the local tribes.
- Upper McCain Valley also has historic ranching history and routes of travel.

4. CEQA EXEMPTION FINDINGS:

- **These MET facilities are not eligible for CEQA exemption under 15306 for the following reasons:**
- **15300.2 Exceptions to 15306 Information Collection and additional exceptions in Public Resource Code 21084 regarding significant and cumulative effects on the environment do apply** due to a proliferation of MET towers and existing and pending industrial wind turbines and solar projects in this area that create both an aviation and public safety nuisance and concern.
- **15300.2 (b) Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Here we have Terra-Gen's application in addition to the existing Tule Wind and Kumeyaay Wind turbines and MET towers and pending Tule Wind Phase 2¹¹.
- **15300.2 (c) Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (including future activities). San Diego Wind is a reasonably

⁹ Draft species list for East County MSCP see Exhibit D at pages 28-32 @ https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/2014%20Planning%20Agreement_North%20and%20East%20County%20MSCP.pdf

¹⁰ <https://www.nwrc.usgs.gov/sandt/Calif.pdf>

¹¹ <http://resources.ca.gov/ceqa/guidelines/art19.html>

foreseeable future activity that represents multiple significant effects including visual, noise, electromagnetic interference, health and safety, increased fire risk, biological, cultural resources, and more.

- **Discussion: In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136,** the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.
- **A MUP and CEQA review are required due to significant and cumulative impacts from existing, proposed, and reasonably foreseeable industrial scale wind turbine projects and related infrastructure.**
- **MET facilities, and the industrial wind projects that will follow, are not compatible in bulk, scale, or use with the proposed site, or adjacent, and nearby residential uses. San Diego Wind would be the first industrial wind project on private land under County jurisdiction. This would set a dangerous precedent.**
- **MET facilities do have a harmful effect on the desirable rural neighborhood character creating a *nuisance stigma* that must be disclosed to potential buyers.**
- **The project sites are not suitable for the type of and intensity of commercial industrial use or development which is proposed and other foreseeable adverse impacts of the proposed use.**
- **Zoning Code 7074 Revocation or modification of an Administrative Permit for Cause...3. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. See below for discussion of project related nuisance issues.**
- **15060. Preliminary Review** "(a) A lead agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the lead agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application (b) Except as provided in Section 15111, the lead agency shall begin the formal environmental evaluation of the project after accepting an application as complete and determining that the project is subject to CEQA. (c) Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (1) The activity does not involve the exercise of discretionary powers by a public agency; (2) ***The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or... (emphasis added)***
- **15382. Significant Effect on the Environment:** "Significant effect on the environment" means a substantial, or ***potentially*** substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise,

and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Table 2 Zoning Ordinance Consistency with Proposed MET Facilities:

- 6123(a)1i: Harmony in scale, bulk, coverage and density:
 - We disagree with Dudek's denial of impacts.
 - Terra-Gen's MET towers are the precursor to their San Diego Wind project that, if successfully permitted, would be the first such industrial wind project on private land under County jurisdiction.
 - It would introduce new features that are not currently present on private land in our area, setting a dangerous precedent.
 - If the existing MET facilities and industrial wind turbines for Kumeyaay Wind and Tule are considered by the County then the cumulative impacts must also be considered.
- 6123(a)1iii: The harmful effect, if any, upon desirable neighborhood character:
 - See response to 6123(a)1i, above.
 - People do not live in or move to the country to look at or be impacted by industrial wind projects or the preceding 197 ft tall MET towers and noisy SoDAR units.
 - These negative impacts do impact property values and must be disclosed to potential buyers.
- 6123(a)1v: The suitability of the site for the type and intensity of use or development which is proposed ; and to
 - The MET facilities represent the reasonably foreseeable San Diego Wind project and the related increased density of industrial wind turbines and related infrastructure and numerous impacts as described elsewhere in these comments.
- 6123(a)1vi: Any other relevant impact of the proposed use and:
 - We disagree with Dudek's denial of impacts
 - See responses to 6123(a)1i-6123(a)1v, above.
- 6123(a)2: That impacts, as described in paragraph "a.1" of this section and the location of the proposed use will be consistent with the San Diego County General Plan and;
 - See response to 6123(a)1vi, above.
- 6123(c): Notification
 - Notification was inadequate. As noted in our comments, above, Terra-Gen representatives confirmed they had not notified any adjacent tribal residents or tribal government representatives, when the Manzanita tribal land is located immediately adjacent to the western boundaries of the project site.
 - If notification of adjacent tribal residents is not required by the County, it should be. They have a right to be informed.
- 6123(h): Lighting
 - During the May 2nd meeting with Chair Donna Tisdale, Vice-Chair Bob Maupin and Terra Gen representatives, we informed them that lights should be included for the MET towers due to the low-flying military and Homeland Security aircraft in and around to project site and the need to help ensure their safety.

- 6123(k) Security
 - We agree with the need for Terra-Gen to provide security in the form and amount needed to ensure timely removal of the MET facilities, prior to issuance of any permits.

Our predominantly low-income community/area continues to be disproportionately impacted by these unnecessary and unwanted projects that are meant to benefit corporate entities and energy consumers in distant communities at the expense of the health and well being and quality of life of local residents, and our impacted resources. Any errors or omissions are unintentional.

Regards,

/s/

Donna Tisdale, Chair

Attachment D – Environmental Documentation

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF Meteorological Testing (MET) Facilities Administrative Permit, PDS2018-AD-18-007

July 27, 2018

I. HABITAT LOSS PERMIT ORDINANCE- Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
☐

NO
☐

NOT APPLICABLE/EXEMPT
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO- Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
☐

NO
☐

NOT APPLICABLE/EXEMPT
☒

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE- Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
☐

NO
☐

NOT APPLICABLE/EXEMPT
☒

Discussion:

The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE- Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The <u>Steep Slope</u> section (Section 86.604(e))?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).

Floodways and Floodplain Fringe:

The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).

Steep Slopes:

The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).

Sensitive Habitats:

The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).

Significant Prehistoric and Historic Sites:

The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).

V. STORMWATER ORDINANCE (WPO)- Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

☐

NO

☐

NOT APPLICABLE

☒

Discussion:

The project is not one of the listed permit application types listed in Section 67.803(c) of Ordinance No. 10096 that must comply with the requirements of the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

☒

NO

☐

NOT APPLICABLE

☐

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed the Noise Letter Report by Dudek dated May 8, 2018 and received by the County on May 29, 2018. Staff has final recommendations to ensure the project demonstrates compliance with County noise standards. The project would install three Tilt-up tower to carry instruments for wind measurements. Two Sound Detection and Ranging (SoDAR) units would also be installed to measure the scattering of sound waves by atmospheric turbulence. The SoDAR units would also measure wind speed at various heights above the ground and record temperature and pressure at ground level. Eight-foot noise barriers would be installed between the units and nearby property lines to reduce noise levels. Operational noise-generating components of the project would be limited to the two SoDAR units. No proposed noise sensitive receptors are proposed and the project operations would comply with the requirements pursuant to the County Noise Element.

The project is zoned S92 and is subject to the most restrictive daytime one hour average sound level limit of 50 dBA and nighttime limit of 45 dBA at the project property lines pursuant to the County Code Noise Ordinance. As part of the project design, installation of an eight-foot high noise barrier between the SoDAR units and nearby property lines would be incorporated to attenuate operational noise. Anticipated noise levels at the nearest property lines would be 37 dBA and below from the project operations, and the project operations would therefore demonstrate compliance with County noise standards

Attachment E – Environmental Findings

ENVIRONMENTAL FINDINGS
Meteorological Testing (MET) Facilities Administrative Permit,
PDS2018-AD-18-007

July 27, 2018

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15303 AND 15306 for the reasons stated in the Notice of Exemption.
2. The Resource Protection Ordinance is not applicable to this project because Administrative Permits that are categorically exempt from CEQA are not listed as a project that is subject to RPO (See Section 86.603).
3. The project will not use any groundwater for any purpose, including irrigation or domestic supply.
4. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

Attachment F – Public Documentation



County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
 GROUP PROJECT RECOMMENDATION**
 ZONING DIVISION

Record ID(s): PDS2018-AD-18-007

Project Name: Metrological Testing Facilities

Planning/Sponsor Group: Boulevard CPG

Results of Planning/Sponsor Group Review

Meeting Date: 5-3-18

A. Comments made by the group on the proposed project.

*COMMENT LETTER WILL BE SUBMITTED SEPARATELY. CUMULATIVE
 IMPACTS WERE DISCUSSED, ALONG WITH OTHER CONCERNS.*

B. Advisory Vote: The Group ☒ **Did** ☐ **Did Not** make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

MOTION:

- ☐ Approve without conditions
- ☐ Approve with recommended conditions
- ☒ Deny
- ☐ Continue

VOTE: 7 Yes 0 No 0 Abstain 0 Vacant/Absent

C. Recommended conditions of approval:

Reported by: Glenn Tisdale Position: Chair Date: 5-4-18

Please email recommendations to BOTH EMAILS;

Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov **and to**
CommunityGroups.LUEG@sdcounty.ca.gov

BACKCOUNTRY AGAINST DUMPS PO

Box 1275, BOULEVARD, CA 91905

DATE: May 5, 2018

TO: BRONWYN BROWN, PDS PROJECT MANAGER via Bronwyn.brown@sdcounty.ca.gov

FROM: Donna Tisdale, President; tisdale.donna@gmail.com; 619-766-4170

RE: PRELIMINARY COMMENTS ON PDS2018-AD-18-007; TERRA-GEN'S APPLICATION FOR MET TESTING FACILITIES

Backcountry Against Dumps is a 501(c) 4 non-profit, incorporated in 1991. Our Board of Directors voted unanimously last week to authorize me to submit comments and to recommend denial of Terra-Gen's application for installation and operation of MET facilities to test the wind resources for their San Diego Wind project.

These comments are also submitted on my own behalf as an individual. They are identical to the comments that I submitted for the Boulevard Planning Group where am the Chair, other than the header, footer, and my title.

NOTICE TO PROPERTY OWNERS:

- Using the address of "0 McCain Valley Road", even if it is the correct address, is misleading and fails to alert residents along Ribbonwood Road that the project and related San Diego Wind project will actually be located on their road near their homes, and not on McCain Valley Road to the East that accesses public BLM land and the existing Tule Wind project.
- The single page notice does not make it clear that the testing facilities are the first step for Terra-Gen's San Diego Wind project.
- How wide of an area received the Notice to Property Owners?
- During our May 2nd meeting, prior to the May 3rd Planning Group meeting, Terra-Gen representatives confirmed that residents living on the Campo and Manzanita Reservations, north of I-8, were not included in the notification. They should be noticed because their homes and other existing uses will also be impacted.
- Aerial photos identifying existing homes and roads, including those on adjacent tribal lands, should be provided to the public for full disclosure.

PDS-346 ERRORS:

- Boulevard is the correct community planning group and area, *not Mountain Empire*.
- Using the scale on the project map provided in the Notice to Property Owners, the project DOES appear to be within ½ mile of a regional park, McCain Valley Recreation Management & OHV Area, and potentially Lark Canyon Campground. However, it is difficult to determine using the vague and inadequate maps provided.
- Military installation notice should be required due cumulative impacts to regular day and night flight activities through/ near the project area of military aircraft from the bases in Seeley,

Yuma, Coronado, Miramar and the local special ops La Posta Mountain Warfare Training Facility AKA the Michael Monsoor Mountain Warfare Training Facility.

- In addition, we have significant Homeland Security aviation activities, with local helipad facilities at the Border Patrol Station at 2463 Ribbonwood Road in Boulevard and the Campo facility at 32355 Old Hwy 80, Pine Valley, CA.

PROJECT DESCRIPTION ISSUES:

1.1 Purpose and Need:

- This project is the initial step for Terra-Gen's San Diego Wind project (PDS 2017-MPA-17-015) that will potentially entail 2,246 acres over 18 parcels.
- However, California has current glut of green energy¹
- A 2017 article in Utility Dive covers how expanded renewables has resulted in new round of negative pricing and curtailment in California. To counteract overproduction and negative pricing, grid operators can order curtailment of utility generation, including renewables.²

1.2 Project Location:

- The project location is in upper McCain Valley not Jewel Valley. Jewel Valley is south of I-8 and Old Hwy 80.
- The maps and photos (Figures 2-6) provided do not show the proximity of existing homes and other uses.
- The project description fails to mention the fact that the project is located between two existing wind energy facilities on adjacent federal lands, Tule Wind on public access BLM land and Kumeyaay Wind on the Campo Reservation.
- This location raises issues with potential wake effects from turbines on three sides, with Tule Wind turbines to the east and north and Kumeyaay to the west, and the generation of wake effects on the same turbines depending on which way the wind is blowing.
- The wake of a turbine is a region of lower wind speed and increased turbulence that reduces the power output and increases damaging loads on downwind turbines in its path.
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- The project site is also located in a transitional Mediterranean Mosaic area between the Laguna Mountains and the Anza Borrego Desert Park floor below. This increases the diversity of potential plant and wildlife species present.

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- See related comments under 2. BIOLOGICAL RESOURCES.

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- Research over several decades has concluded that there are increased bird kills at guyed towers when compared to un-guyed towers.
- The guy wires are virtually invisible to birds under various conditions, especially for nocturnal migrants.
- **Height, Guy Wires, and Steady-Burning Lights Increase Hazard of Communication Towers to Nocturnal Migrants: A Review and Meta-Analysis: excerpt**
 - *"Guy wires.—Most towers from which large bird kills have been reported have guy wires (but see Gregory 1975). Observational studies of birds in the vicinity of towers revealed that birds are much more likely to collide with the guy wires than with the tower itself (Brewer and Ellis 1958, Fisher 1966, Avery et al. 1976). Greater mortality caused by guyed towers would be expected because of the circling behavior exhibited by migrants under the influence of lights on towers (Gauthreaux and Belser 2006). In a study of bird mortality at transmission towers in Wisconsin, (Kruse 1996) found that locations of dead birds and of guy wires were highly correlated, implicating collisions with guy wires as the cause of death. (Weise 1971) searched three towers near Milwaukee daily from 1965 to 1970. Although each tower was 305 m tall, the tower with no guy wires killed "very few" birds, whereas two nearby towers with guy wires killed more birds in frequent small kills and in occasional kills of 300–500 birds in a night. Finally, J. Gehring et al. (unpubl. data) found dramatically lower mortality at freestanding towers than at guyed towers of the same height (116–146 m).*
 - *Wind power producers also have investigated the hazard of guy wires to migrating birds. Research on unguyed wind turbines and nearby guyed structures has confirmed the increased risk of guyed structures. For example, the average number of birds killed at a guyed meteorological tower was ~3× greater than the average rate of mortality at nearby turbines of a similar height without guy wires (Young et al. 2003)".³*
 - **Problematic Wildlife (2016): Chapter 20: Impacts to Birds and Bats Due to Collisions and Electrocutions With Some Tall Structures in the United States; Wires, Towers,**

³ <https://doi.org/10.1525/auk.2008.06253>

Turbines, and Solar Arrays-State of the Art in Addressing the Problems by Albert M. Manville II.⁴

- Air and airspace habitat are addressed in the publication referenced above, along with the impacts from tall structures and other facilities and their deleterious direct effects to flying wildlife and indirect effects caused by air and facility disturbance from infra- sound noise and lighting, barriers, and fragmented habitats.
- For Terra-Gen's project, cumulative impacts must be addressed for existing and approved industrial wind turbines, power lines, solar projects and related substations, within and adjacent to the same McCain Valley and Tule Creek vicinity.
- **The Role of Tower Height and Guy Wires on Avian Collisions with Communication Towers** Joelle Gehring Paul Kerlinger and Albert M. Manville II Division of Migratory Bird Management, United States Fish and Wildlife Service, 4401 N. Fairfax Dr., MBSP-4107, Arlington, VA 22203, USA⁵; *Journal of Wildlife Management*:
 - **ABSTRACT:** *"Every year an estimated 4–5 million migratory birds collide with communication towers in the United States. We examined the relative risks that tower support systems and tower height pose to migrating and other birds. We collected data comparing tower support systems (guyed vs. unguyed) and tower height categories in Michigan during 20 days of the peak of songbird migration at 6 towers in September–October 2003, 23 towers in May 2004, 24 towers in September 2004, and 6 towers in both May and September 2005. We systematically and simultaneously searched for bird carcasses under each tower and measured carcass removal and observer detection rates each season. Of those towers, 21 were between 116 and 146 m above ground level (AGL, medium) and 3 were >305 m AGL (tall). During the five 20-day sample periods we found a mean of 8.2 bird carcasses per guyed medium tower and a mean of 0.5 bird carcasses under unguyed medium towers. During four 20-day sample periods we detected a mean of 34.7 birds per guyed tall tower. Using both parametric and nonparametric tests (Mann–Whitney U–test, Kruskal–Wallis test, and Tukey's Honestly Significant Difference multiple comparison procedure) we determined that unguyed medium towers were involved in significantly fewer fatalities than guyed medium towers. We detected 54–86% fewer fatalities at guyed medium towers than at guyed tall towers. We found 16 times more fatalities at guyed medium towers than at unguyed medium towers. Tall, guyed towers were responsible for 70 times as many bird fatalities as the unguyed medium towers and nearly five times as many as guyed medium towers. These findings will provide managers and regulators, such as the US Fish and Wildlife Service, with quantitative data; thereby, allowing them to effectively work with the Federal Communications Commission in siting and authorizing tower placement".*
- **Avian Collision Mortality at 50- and 60-M Guyed Towers in Central California;** Paul Kerlinger, John Guarnaccia, Aaron Hasch, Renee C. E. Culver, Richard C. Curry, Loan Tran, M. Joan Stewart and Daniel Riser-Espinoza⁶

⁴http://www.electronicsilentspring.com/wp-content/uploads/2016/01/chp_10.1007_978-3-319-22246-2_20.pdf

⁵<http://www.bioone.org/doi/abs/10.1002/jwmg.99>

⁶The Condor 114(3):462-469. 2012 ; <https://doi.org/10.1525/cond.2012.110157>

- *Abstract: "By searching for carcasses weekly year round, we estimated rates of avian fatality from collision with ten 50-m and eight 60-m temporary meteorological towers supported by guy wires near wind turbines at the Altamont Pass (n = 3) and Collinsville Montezuma Hills (n = 15) wind resource areas in central California. All towers were searched out to 55 m, beyond the farthest guy-wire anchors. Estimates for the total number of fatalities were based on searchers' efficiency and scavengers' removal rates determined empirically at one of the wind farms. In 1632 searches (90.7 ± 5.4 per tower; 136.0 ± 2.8 per month), we found 85 carcasses of 19 species, for an average of 2.8 carcasses per tower per year. When adjusted for searchers' efficiency and scavenging, fatalities per tower per year were 6.8 ± 1.1 for all birds. Icterids, the Horned Lark (*Eremophila alpestris*), pipits, and sparrows accounted for 60% of carcasses, whereas night-migrating songbirds accounted for only 7% of carcasses. This level of mortality likely did not result in population effects because fatalities were spread among many, mostly common species and the towers were temporary structures. Because the towers we studied were similar in structure to guyed communication towers of the same height, our findings are likely applicable to those structures in California. There is currently no other empirical information available on fatality from towers of these heights and support systems, even though they are one of the most common types of such towers in California and elsewhere".*

1.4.2 SoDAR Units

- We are encouraged that Dudek conducted a noise analysis for the San Diego Wind MET facilities and that partial 8-foot tall sound walls will be installed at SoDAR units 2b and 3b near adjacent properties, especially after we had originally raised this issue during Enel's MET facilities application process for their Jewel Valley Wind project.
- What are the related noise impacts on wildlife?
- For full disclosure, one Group member expressed concern that the sound walls could potentially interfere with the collection of data.

Construction Techniques

- This section mentions the intent to drive overland over low and sparse vegetation.
- Even low and sparse vegetation can ignite a wildfire when it comes in contact with hot vehicle components and/or sparks.
- The 2014 Chariot Fire that burned for 10 days destroying over 7,000 acres and 149 buildings in Mt Laguna, was reportedly sparked by a BLM jeep igniting dry vegetation on the desert floor miles to the east and 3,000 vertical feet below Mt. Laguna.^{7, 8}
- Site photos # 5-12 in the application all show the presence of buckwheat and other dry and drought impacted vegetation that is tall enough to create a potential fire threat.

1.7 Access Routes to Internal Roadway Network

⁷ <http://fox5sandiego.com/2014/05/09/chariot-fire-sparked-by-blm-jeep-cal-fire-says/>;

⁸ <http://wildfiretoday.com/tag/chariot-fire/>

- What is the legal status of the approximate 1.1 mile of the unpaved section of Ribbonwood Road, north of Opalacka Road that is proposed for project access? Is it Private?
- What is the legally deeded ingress/egress route for all the proposed project parcels?
- Can McCain Valley Road and Lost Valley Road be used instead of Ribbonwood?
- Will the proposed Ribbonwood Road Pathway be impacted? The pathway's route along the same property's access road is documented in the Boulevard Community Trails Map approved by the Board of Supervisors on June 24, 2009.

2. BIOLOGICAL RESOURCES

- 2.3.5 Special Status Plant and Wildlife Species:
 - Dudek's limited list fails to include potential species listed in the ESMSCP⁹
 - They fail to include bird and bat species that could be impacted directly, indirectly, and cumulatively through collision, noise, habitat fragmentation, and other project related impacts.
 - We have lots of raptors, including Golden Eagles in the area that have already been impacted by cumulative impact projects: Tule Wind, Kumeyaay Wind, Sunrise Powerlink, Boulevard Substation, ECO Substation, Jacumba Solar, Ocotillo Wind.
 - Migratory birds pass through our area, too. They should be protected under the Migratory Bird Treaty Act.
 - Our transitional area between the mountains and desert below is biologically rich according to the USGS maps in the **California Chapter of their Status and Trends of the Nation's Biological Resources- Volume 2**¹⁰. See Figure 27 @ page 622, Figure 31 @ page 625, Figure 33 @ page 627, Figure 34 @ page 633 and Figure 35 @ page 634.

3. CULTURAL RESOURCES:

- The McCain Valley and Tule Creek area are well-known for being rich in cultural resources due to the thousands of years of occupation by the local tribes.
- Upper McCain Valley also has historic ranching history and routes of travel.

4. CEQA EXEMPTION FINDINGS:

- **These MET facilities are not eligible for CEQA exemption under 15306 for the following reasons:**
- **15300.2 Exceptions to 15306 Information Collection and additional exceptions in Public Resource Code 21084 regarding significant and cumulative effects on the environment do apply** due to a proliferation of MET towers and existing and pending industrial wind turbines

⁹ Draft species list for East County MSCP see Exhibit D at pages 28-32 @ <https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/2014%20Planning%20Agreement%20and%20East%20County%20MSCP.pdf>

¹⁰ <https://www.nwrc.usgs.gov/sandt/Calif.pdf>

and solar projects in this area that create both an aviation and public safety nuisance and concern.

- **15300.2 (b) Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Here we have Terra-Gen's application in addition to the existing Tule Wind and Kumeyaay Wind turbines and MET towers and pending Tule Wind Phase 2¹¹.
- **15300.2 (c) Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (including future activities). San Diego Wind is a reasonably foreseeable future activity that represents multiple significant effects including visual, noise, electromagnetic interference, health and safety, increased fire risk, biological, cultural resources, and more.
- **Discussion: In McQueen v. Mid-Peninsula Regional Open Space (1988) 202 Cal. App. 3d 1136,** the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.
- **A MUP and CEQA review are required due to significant and cumulative impacts from existing, proposed, and reasonably foreseeable industrial scale wind turbine projects and related infrastructure.**
- **MET facilities, and the industrial wind projects that will follow, are not compatible in bulk, scale, or use with the proposed site, or adjacent, and nearby residential uses. San Diego Wind would be the first industrial wind project on private land under County jurisdiction. This would set a dangerous precedent.**
- **MET facilities do have a harmful effect on the desirable rural neighborhood character creating a *nuisance stigma* that must be disclosed to potential buyers.**
- **The project sites are not suitable for the type of and intensity of commercial industrial use or development which is proposed and other foreseeable adverse impacts of the proposed use.**
- **Zoning Code 7074 Revocation or modification of an Administrative Permit for Cause...3. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. See below for discussion of project related nuisance issues.**
- **15060. Preliminary Review** "(a) A lead agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the lead agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring

¹¹ <http://resources.ca.gov/ceqa/guidelines/art19.html>

such additional information after the application is complete does not change the status of the application (b) Except as provided in Section 15111, the lead agency shall begin the formal environmental evaluation of the project after accepting an application as complete and determining that the project is subject to CEQA. (c) Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (1) The activity does not involve the exercise of discretionary powers by a public agency; (2) ***The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or...(emphasis added)***

- **15382. Significant Effect on the Environment:** "Significant effect on the environment" means a substantial, or ***potentially*** substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Table 2 Zoning Ordinance Consistency with Proposed MET Facilities:

- 6123(a)1i: Harmony in scale, bulk, coverage and density: We disagree with Dudek's denial of impacts.
 - We disagree with Dudek's denial of impacts.
 - Terra-Gen's MET towers are the precursor to San Diego Wind that, if permitted would be the first such industrial wind project on private land under County jurisdiction
 - If the existing MET facilities and industrial wind turbines for Kumeyaay Wind and Tule are considered by the County then the cumulative impacts must also be considered.
- 6123(a)1iii: The harmful effect, if any, upon desirable neighborhood character:
 - See response to 6123(a)1i, above.
 - People do not live in or move to the country to look at or be impacted by industrial wind projects or the preceding 197 ft tall MET towers and noisy SoDAR units.
 - These negative impacts do impact property values and must be disclosed to potential buyers.
- 6123(a)1v: The suitability of the site for the type and intensity of use or development which is proposed ; and to
 - The MET facilities represent the reasonably foreseeable San Diego Wind project and the related increased density of industrial wind turbines and related infrastructure and numerous impacts as described elsewhere in these comments.
- 6123(a)1vi: Any other relevant impact of the proposed use and:
 - We disagree with Dudek's denial of impacts
 - See responses to 6123(a)1i-6123(a)1v, above.
- 6123(a)2: That impacts, as described in paragraph "a.1" of this section and the location of the proposed use will be consistent with the San Diego County General Plan and;
 - See response to 6123(a)1vi, above.
- 6123(c): Notification
 - Notification was inadequate. As noted in our comments, above, Terra-Gen representatives confirmed they had not notified any adjacent tribal residents or tribal

government representatives, when the Manzanita tribal land is located immediately adjacent to the western boundaries of the project site.

- If notification of adjacent tribal residents is not required by the County, it should be. They have a right to be informed.
- 6123(h): Lighting
 - During the May 2nd meeting with Chair Donna Tisdale, Vice-Chair Bob Maupin and Terra Gen representatives, we informed them that lights should be included for the MET towers due to the low-flying military and Homeland Security aircraft in and around to project site and the need to help ensure their safety.
- 6123(k) Security
 - We agree with the need for Terra-Gen to provide security in the form and amount needed to ensure timely removal of the MET facilities, prior to issuance of any permits.

Our predominantly low-income community/area continues to be disproportionately impacted by these unnecessary and unwanted projects that are meant to benefit corporate entities and energy consumers in distant communities at the expense of the health and well being and quality of life of local residents, and our impacted resources. Any errors or omissions are unintentional.

Regards,

Donna Tisdale, President

Brown, Bronwyn

From: Pinney Caldwell <pincal@sbcglobal.net>
Sent: Monday, May 07, 2018 4:52 PM
To: Brown, Bronwyn
Cc: Lorraine Johnson
Subject: Project: Meteorological Testing Facilities near Ribbonwood Road, Boulevard; Record ID# AD18-007 filed on 04-19-18

Dear Ms. Brown,

I very much appreciate the information you provided to me today over the phone. As indicated, I would appreciate further information, including notice of whatever decision is taken by the Director of Planning Development Services. It is also my understanding that if the project is approved by the director, then it could be appealed to the planning commission.

My wife and I currently have property West of Ribbonwood Road in Boulevard. We have lived at 2754 Ribbonwood Road, Boulevard for 21 years. Our properties consist of 2750 Ribbonwood Road (92 acres) and 2754 Ribbonwood Road (10 acres) for a total of 102 acres.

Currently, the existing wind facilities have only served to reduce to the beauty of the surrounding area and hurt our residential property values. When we wake up in the morning, we get to watch the revolving of huge fan blades, rather than reviewing the beautiful scenery. From what we have seen and been told, we can only assume that such facilities also endanger the existing bird population. As you can tell, we are not in favor of furthering the number of fan blades that will be encroaching on our view. Therefore, please inform the Director of our objections and please keep us informed of the status of the proposed facilities and any future projects in the area.

Thank you for your kind attention to this matter.

Sincerely,

Clifford C. Caldwell and Concepcion G. Caldwell

Attachment G – Ownership Disclosure



County of San Diego, Planning & Development Services

**APPLICANT'S DISCLOSURE OF OWNERSHIP
INTERESTS ON APPLICATION FOR ZONING
PERMITS/ APPROVALS**
ZONING DIVISION

Record ID(s):

AD- 18-007

Assessor's Parcel Number(s) 5290600100, 5290900200, 5291300100

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

GM Gabrych Family Partnership LP

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

Gene Gabrych

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Ken Wagner
Signature of Applicant

Ken Wagner
Print Name

4-16-18
Date

— OFFICIAL USE ONLY
SDC PDS RCVD 04-19-18

AD18-007

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcountry.ca.gov/pds>
