

From: [Donna Tisdale](#)
To: PDS.PlanningCommisison@sdcounty.ca.gov; [FGG, Public Comment](#); [Ochoa, Regina](#); [Anderson, Joel](#); [Kazmer, Gregory](#)
Subject: [External] Rugged Solar comments - July 22 Planning Commission #5
Date: Monday, July 18, 2022 10:10:07 AM
Attachments: [BPG Rugged Solar 2 PC 7-18-22.pdf](#)
[BPG CBA comments 7-7-22.pdf](#)
[JCSD Rugged Solar water availability 6-1-22.pdf](#)

Hello,

Please find the attached Boulevard Planning Group (BPG) comments on the Rugged Solar project that is agenda item #5 on the Planning Commission's July 22nd agenda.

Also attached are the 1-page BPG comments on Community Benefits Agreements POD21-007) and the Jacumba Community Services water availability for Rugged Solar dated 6-1-22.

Unfortunately, I will not be able to participate in the July 22nd Planning Commission hearing in person or over the phone. I am asking that the following list of requests be announced by staff during that meeting to ensure the Commissioners are made fully aware of them and they are included in that record:

We are resigned to the fact that County approval is imminent. With that in mind, we hope that the following requests will be recommended by the Planning Commission to improve the project:

1. *Recommend removal of concertina wire from chain link fencing around project.*
2. *Recommend undergrounding of overhead collector lines within project footprint.*
3. *Based on worst drought in 1,200 years: Recommend documentation of the Rugged Solar Water Supply from Jacumba Community Services District's groundwater wells through an actual confirmed contract agreement and not just the vaguely worded PDS-399W Project Facility Availability – Water that includes the disclaimer "NOTE- THIS DOCUMENT IS NOT A COMMITMENT OF SERVICES OR FACILITIES BY THE DISTRICT". The project estimates the need for 36.5 acre-feet (11.9 million gallons) of construction water and 1.41 acre-feet (459,450 gallons)/ per year for operational water use.*
4. *Recommend increased project setback consistent with San Diego County's Defensible Space For Fire Protection Ordinance, especially with adjacent non-participating private property lines.*
5. *Recommend a more generous Community Benefit Agreement (CBA) from Rugged Solar and the absentee property owner, similar to JVR Solar's \$4 million CBA promoted by the Board of Supervisors; with consideration for some form of annual benefit for the 25-40 + years life-of-the-project that the Boulevard community will be burdened with.*
6. *The Boulevard Planning Group should be involved in finalizing the Rugged Solar Community Benefit Agreement that needs some adjustments.*

Please let me know if you have any questions, and confirm that this list of requests will be publicly announced at the July 22nd hearing.

Regards,

Donna Tisdale, Chair

Boulevard Planning Group

619-766-4170

COMMUNITY BENEFIT AGREEMENTS – BOULEVARD PLANNING GROUP COMMENTS

APPROVED BY 7/7/22 VOTE: 4 YES; 0 NO, 0 ABSTAINED, WITH 3 MEMBERS EXCUSED

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

1. Community Benefits must be mandatory for all industrial scale wind, solar, related transmission, and other industrial type projects that impact underserved and disproportionately affected renewable energy front-line communities; increase wildfire risk and the availability and affordability of fire insurance rates in high-threat areas; in addition to adversely affecting community viability, quality of life, utility rates & more.
2. Community Benefits must NOT and cannot require project support from elected or appointed community planning groups. Quid-pro-quo is generally considered unethical and /or illegal under law.
3. Community Benefits MUST REMAIN in the immediate project-impacted community and MUST NOT include jobs for out-of-area labor, out-of-area land for wildlife mitigation, out-of-area manufacturing, out-of-area non-profits or other organizations.
4. Community Benefits must be strictly limited to remain within the impacted Community Planning Area boundaries.
5. The previous Soitec Solar alleged 'community benefits' included a manufacturing plant about 70 miles away from Boulevard where 4 -5 Soitec projects were proposed (Rugged Solar, Tierra Del Sol Solar, LanWest Solar, LanEast Solar & Los Robles Solar).
6. Most wind and solar projects receive taxpayer funded tax credits and / or incentives / subsidies, based on the cost of the project.
7. A generic one-time per Mega Watt (MW) Community Benefit amount may not be appropriate for all projects in all areas of the County.
8. Rugged Solar (88.7MW DC) is proposing \$10,000 per MW DC =\$887,000.
9. 90 MW JVR Solar: Board of Supervisors recommended \$4 million (\$44,444 per MW).
10. Community Benefits could also be based on cost of project. 1% of a \$400 million project would result in a \$4 million. 2% would be \$8 million.
11. Projects and cumulative impact projects proposed in disproportionately impacted / burdened rural communities, like Boulevard and Jacumba, should be required to pay benefits annually throughout the life of the project because that is how long the host community is burdened with that project.
12. Boulevard received NO community benefits, when the Board of Supervisors supported Terra-Gen's Campo Wind, with 9 miles of 600 ft tall turbines on Campo Reservation ridge-tops abutting many private properties, via Board approval of Terra-Gen's related Boulder Brush Substation on private land in Boulevard. NO benefits for Boulder Brush.

Boulevard deserves better.

###

BOULEVARD PLANNING GROUP

Po Box 1272, BOULEVARD, CA 91905

DATE: July 18, 2022

TO: San Diego County Planning Commission via PDS.PlanningCommisison@sdcounty.ca.gov ;
PublicComment@sdcounty.ca.gov ; Regina.Ochoa@sdcounty.ca.gov; Joel.Anderson@sdcounty.ca.gov

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

RE: JULY 22 AGENDA; ITEM #5: Rugged Solar; PDS2017-MUP-12-007W1

At our regular meeting held on 6-2-22 our Boulevard Planning Group voted 4-0-0 (3 absent) to endorse the concept of the Draft Rugged Solar Community Benefit Agreement. No other valid Rugged Solar votes were taken at that meeting due to lack of required quorum per Policy I-1, including one motion with 3 of 4 members present voting to remain neutral on this project. The BPG has 7 members. One member supports Rugged Solar (Keane).

At our regular BPG meeting held on 7-7-22, the following two motions passed with 4 YES, 0 NO, 0 ABSTAINED with 3 members absent / excused (Keane, Coyne, and Strand):

1. **M/S: Casanova/Goodnight: Endorse the 5/23/22 Rugged Solar comment letter (submitted by Tisdale) and authorize the Chair to submit comments to the Planning Commission.**
2. ***Voted 4-0-0 to approve the attached draft BPG Community Benefits Agreement (POD-21-007) comments (excerpts):***
 - A generic one-time per Mega Watt (MW) Community Benefit amount may not be appropriate for all projects in all areas of the County.
 - Rugged Solar (88.7MW DC) is proposing \$10,000 per MW DC = \$887,000.
 - 90 MW JVR Solar: Board of Supervisors recommended \$4 million (\$44,444 per MW)¹
 - Community Benefits could also be based on cost of project. 1% of a \$400 million project would result in a \$4 million CBA. 2% would be \$8 million CBA.

Please don't base the lack of current public outcry over Rugged Solar to indicate public support. Our predominantly low-income and disproportionately impacted community and Boulevard Planning Group majority have repeatedly opposed this massive industrial solar project since it was first proposed by Soitec Solar over a decade ago. The project and PEIR have already survived a court challenge and the current project has been reduced in size and scale but is still almost 400 scenic acres.

We are resigned to the fact that County approval is imminent. With that in mind, we hope that the following requests will be recommended by the Planning Commission to improve the project:

1. *Recommend removal of concertina wire from chain link fencing around project.*
2. *Recommend undergrounding of overhead collector lines within project footprint.*

¹https://www.sandiegocounty.gov/content/dam/sdc/pds/Groups/jacumba/2021_agendas_minutes/JA210913MI.pdf

3. *Based on worst drought in 1,200 years: Recommend documentation of the Rugged Solar Water Supply from Jacumba Community Services District's groundwater wells through an actual confirmed contract agreement and not just the vaguely worded PDS-399W Project Facility Availability – Water that includes the disclaimer "NOTE- THIS DOCUMENT IS NOT A COMMITMENT OF SERVICES OR FACILITIES BY THE DISTRICT". The project estimates the need for 36.5 acre-feet (11.9 million gallons) of construction water and 1.41 acre-feet (459,450 gallons)/per year for operational water use.*
4. *Recommend increased project setback consistent with San Diego County's Defensible Space For Fire Protection Ordinance², especially with adjacent non-participating private property lines.*
5. *Recommend a more generous Community Benefit Agreement (CBA) from Rugged Solar and the absentee property owner, similar to JVR Solar's \$4 million CBA promoted by the Board of Supervisors; with consideration for some form of annual benefit for the 25-40+ years life-of-the-project that the Boulevard community will be burdened with.*
6. *The Boulevard Planning Group should be involved in finalizing the Rugged Solar Community Benefit Agreement that needs some adjustments.*

Supporting information for these 6 requests:

#1-REQUEST TO RECOMMEND REMOVAL OF CONCERTINA WIRE FROM RUGGED SOLAR PROJECT – IT WAS NOT IN THE ORIGINAL SOITEC SOLAR RUGGED SOLAR PROJECT PLANS OR APPROVED EIR AND IS NOT COMPATIBLE

- **Response to Tisdale comment C-26:** We challenge the false statement that "concertina wire is not wholly inconsistent with surrounding pattern of development in area..." (emphasis added)
- ***There is NO CONCERTINA WIRE in the area – it is NOT compatible with community character.***
- ***Communities / individuals are always asked to provide evidence of our position while proponents are rarely asked to do so. We live here and know our community.***
- Here are two stock photos showing concertina razor wire similar to that inexplicably planned at Rugged Solar:



- ***Below are photos taken by Donna Tisdale on 7-16-22 in the Ribbonwood Rd, McCain Valley Road and Historic RT 80 area of Boulevard that document there is NO CONCERTINA WIRE on existing energy / government facilities. Nor is there any on any other properties in the***

² <https://www.sandiegocounty.gov/content/sdc/sdcfa/prevention/defensible-space.html>

surrounding pattern of development. Claiming otherwise is inconsistent with the facts on the ground.

- Tule Wind maintenance facility (below left) and switch yard (below right) on McCain Valley Road just north of Rugged Solar / Rough Acres Ranch site. NO CONCERTINA WIRE.



- The now closed / boarded up McCain Valley Conservation Camp (state-owned prison camp) with just 3-strand barbed wire fencing , at 2550 McCain Valley Rd, next to Rugged Solar project site (below left) & the 46,000 sq ft US Border Patrol's Boulevard Station at 2463 Ribbonwood Rd (below right). NO CONCERTINA WIRE.



- SDG&E's updated Boulevard Substation on Historic RT 80 in Boulevard (below). Rugged Solar will connect to this substation via the existing Tule Wind gen-tie line that is underground south of I-8. NO CONCERTINA WIRE



#2-REQUEST TO RECOMMEND UNDERGROUNDING OF RUGGED SOLAR’S OVERHEAD COLLECTOR LINES WITHIN PROJECT FOOTPRINT.

- Photo below shows view of some of Rugged Solar site from Ribbonwood Road where dozens of homes are located. Please note the lack of intrusive overhead utility lines visible from this view. It is currently open space along Tule Creek Floodplain with uncluttered views of rural landscape.



- Rugged Solar’s overhead collector lines should be placed underground, like Tule Wind’s and other large solar projects in Imperial Valley: Mt Signal Solar photos below, with interior collector lines underground.³



- *The Rugged Solar site is located within the East County Multiple Species Conservation Plan’s Focused Conservation Area. Our most sensitive habitat areas are being paved over with solar.*

#3 REQUEST CONTRACTUAL DOCUMENTATION OF WATER SUPPLY FROM JCSD GROUNDWATER WELLS INSTEAD OF VAGUELY WORDED PDS-300W FORM THAT DOES NOT REPRESENT A COMMITMENT

- See attached inadequate JCSD PDS-300W form dated 6-1-22. Rugged Solar originally presented an expired form with the release of their amended PEIR.

³ <https://www.power-technology.com/projects/mount-signal-solar-power-plant-imperial-county-california/>

- Unless and until an actual ground water supply contract is signed for the required amount of construction and/ or operation water, *the water supply form admittedly does not represent a commitment.*
- *It is our understanding the JCSD is currently having some issues related to FPPC compliance, decision making process for previous water supply commitments, and lack of transparency.*
- **SDG&E's Amended Water Supply Plan for ECO Substation includes the following:**
 - ***“Documentation of Purchased Water Source(s) is necessary.*** For water that is to be purchased from one or more water/utility district(s), the applicant shall provide written documentation from such district(s) indicating the total amount of water to be provided and the time frame that the water will be made available to the project.”⁵
- ***See JCSD SERVICE CONFIRMATION LETTER for ECO Substation construction water, confirming availability of 15 million gallons in a one pager.***⁶
- Without that contract/confirmation, an alternate source / sources of water may be required that may entail increased green house gas emissions, similar to construction of SDG&E's ECO Substation near Jacumba that approached or exceeded 1 million truck miles, including importing water from the City of San Diego. See SDG&E's Amended Construction Water Supply Plan Table 1 Mileage Summary (pdf page 1)⁷
- Even with a contract, stressed groundwater resources may not be available. During ECO Substation construction, SDG&E amended their water supply to include 52 million gallons of water from Campo Reservation wells. However, those wells produced only 32 million of the 52 before they failed to recharge, requiring them to be shut down, after adjacent tribal and private residential wells and springs were impacted. *“As SDG&E informed the CPUC, the Campo Indian Reservation stopped providing water for the Project as of November 18, 2013”.*⁸

#4- REQUEST EQUAL APPLICATION OF DEFENSIBLE SPACE

- We are simply asking for equal application of the County's Fire Safety Ordinance.
- Solar PV projects are subject to sparking wildfires as documented in previous comments. See LA Times article *How a Bird Started a Fire at a Solar Project*⁹.



⁵ Pdf page 5: <https://www.sandiegocounty.gov/content/dam/sdc/dplu/cega/Soitec-Documents/Record-Documents/2014-03-07-DonnaTisdale-Jacumba-Water-Sales-in-Violation-Attach>

⁶ **ATTACHMENT B:** https://ia.cpuc.ca.gov/environment/info/dudek/ecosub/MPR%2014_SDG&E_Request.pdf

⁷ https://ia.cpuc.ca.gov/environment/info/dudek/ecosub/MPR%2014_SDG&E_Request.pdf

⁸ See 5.3 Groundwater : https://ia.cpuc.ca.gov/environment/info/dudek/ecosub/MPR%2014_SDG&E_Request.pdf

⁹ <https://www.latimes.com/business/la-fi-bird-fire-solar-farm-20190624-story.html>

#5- REQUEST RECOMMENDATION FOR A MORE GENEROUS COMMUNITY BENEFIT PACKAGE / AGREEMENT

- 88.7 MW DC Rugged Solar \$887,000 = \$10,000 per MW
- 94 MW JVR Solar CBA was \$4 million = \$44,444 per MW
- 22.9 MW Riverton Town Board (NY) approved \$1.5 million for NextEra solar project = \$65,503 per MW.¹⁰
- Boulevard has historically been targeted for major projects but on the short end for any community benefits.
- The County previously included Soitec Solar's manufacturing plant about 70 miles away, and labor agreement for imported labor, as community benefits when they DO NOT benefit the Boulevard Community Planning Area that was proposed to host 5 massive Soitec Solar projects.
- The actual physical community that is burdened by project impacts should be the sole recipient of any alleged benefits.
- Some previous project proponents have informed us that developers do NOT want locals working on projects because they do not want project problems / failures relayed by word of mouth from local works. Their response is to simply blacklist all local workers.
- Labor Agreements are not the issue; just don't count them as an actual community benefit for rural communities like Boulevard.
- The San Diego region as a whole is not local to Boulevard!
- If Chula Vista, National City, Escondido, Ocean Beach, or any other community had a community benefit agreement for a major project, they would not want Boulevard counted to receive those benefits. It works both ways.

#6-REQUEST FOR BOULEVARD PLANNING GROUP TO BE INVOLVED IN FINALIZING RUGGED SOLAR'S COMMUNITY BENEFITS AGREEMENT:

- We want to ensure that the benefits are properly directed and secured to best serve our Boulevard community / Planning Area through a local non-profit and San Diego Foundation.

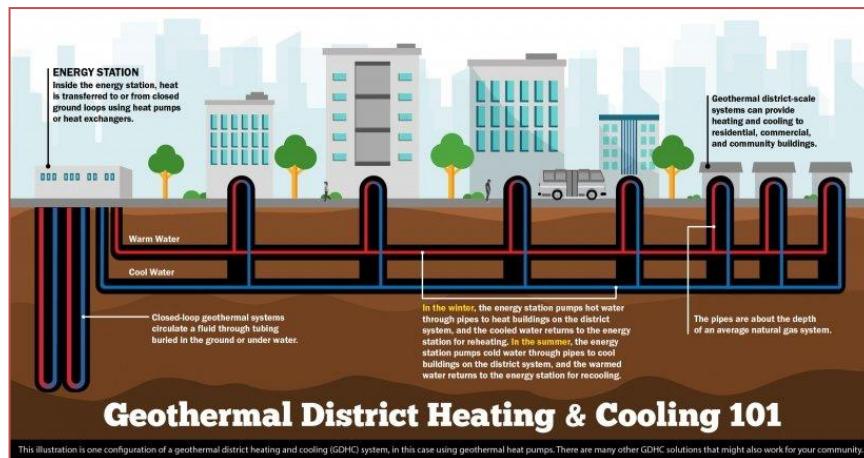
Corrections to Table D-1: Surrounding Zoning and Land Uses (page 5-3)

- North of project site is not just VACANT LAND:
 - Set Free Rough Acres is located at 2750 McCain Valley Road. A 2022 Google map shows numerous vehicles parked at the main building at the old Chargers Training Camp facilities located there. SetFree Rough Acres bypassed local scrutiny and public review.
 - Proposed Rough Acres Campground & Conference Center Major Use Permit #12021; Log No. 122100 is located immediately north of project site.
 - Robert & Kathryn McCallister have resided at their 80 acres at 3032 McCain Valley Road for 45 years. There are other private properties and residents North of the project.
- East / SE of project site is not just VACANT LAND:
 - The Wuest Ranch has at least one occupied home at 2255 McCain Valley Road, adjacent to Tule Lake that is visible in Figure 2 (page 5-4)

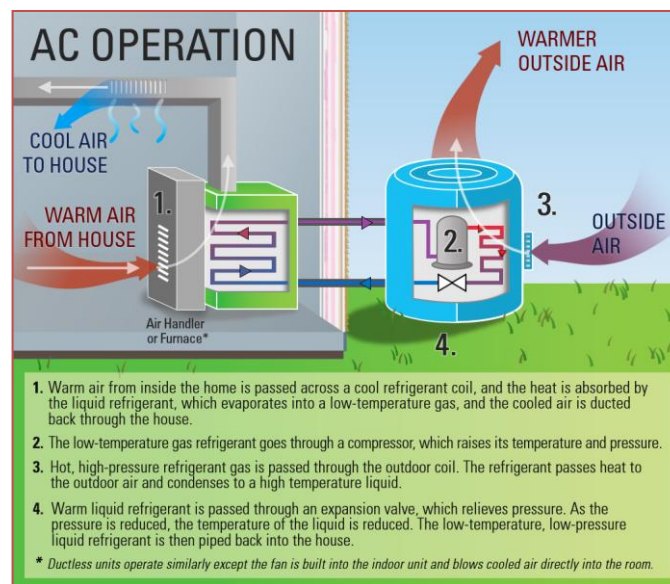
¹⁰ <https://riverheadnewsreview.timesreview.com/2020/11/103051/town-board-outlines-1-9-million-community-benefit-agreement-as-part-of-solar-companys-special-permit-approval/>

Point-of-use alternatives should be considered going forward to help reduce both energy consumption and green house gas emissions that would also serve to prevent future need for destructive large scale projects with cumulative adverse impacts to predominantly low-income rural communities:

- Both geothermal and surface heat pumps can be used for urban districts, new construction, replacement of existing gas-fired systems for commercial and residential use, and more.
- Federal funding is available. See July 12th notice:
<https://www.energy.gov/eere/geothermal/articles/funding-notice-community-geothermal-heating-and-cooling-design-and>



11



12

Thank you for consideration of these comments...

Attachments: BPG Community Benefit Agreement comments 7-7-22;

JCSD PDS-300W form 6-1-22

¹¹ <https://www.energy.gov/eere/geothermal/articles/funding-notice-community-geothermal-heating-and-cooling-design-and>

¹² <https://cleantechnica.com/2022/07/15/heat-pumps-clean-energy-101/>



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - WATER
ZONING DIVISION

Please type or use pen (720)
CLEAN FOCUS RENEWABLES 683-6653

Owner's Name _____ Phone _____
363 CENTENNIA PARKWAY, SUITE 105
Owner's Mailing Address _____ Street _____
LOUISVILLE, COLORADO 80027
City _____ State _____ Zip _____

ORG _____
ACCT _____
ACT _____
TASK _____
DATE _____ AMT \$ _____

W

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION

TO BE COMPLETED BY APPLICANT

- A. ☐ Major Subdivision (TM) ☐ Specific Plan or Specific Plan Amendment
☐ Minor Subdivision (TPM) ☐ Certificate of Compliance: _____
☐ Boundary Adjustment
☐ Rezone (Reclassification) from _____ to _____ zone.
☐ Major Use Permit (MUP), purpose: _____
☐ Time Extension...Case No. _____
☐ Expired Map...Case No. _____
☒ Other **MAJOR USE PERMIT MODIFICATION**

Assessor's Parcel Number(s)
(Add extra if necessary)

- B. ☐ Residential Total number of dwelling units _____
☐ Commercial Gross floor area _____
☐ Industrial Gross floor area _____
☐ Other Gross floor area _____
- C. ☐ Total Project acreage **765** Total number of lots **NONE, SOLAR**

- D. Is the project proposing the use of groundwater? ☒ Yes ☐ No
Is the project proposing the use of reclaimed water? ☐ Yes ☒ No

Thomas Guide Page **430** Grid **D7**
McCAW VALLEY RD., NORTH OF I-8
Project address _____ Street _____
BOULEVARD / MOUNTAIN EMPIRE
Community Planning Area/Subregion _____ Zip **91905**

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and
COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: _____ Date: **5/26/2022**
Address: **2851 CAMINO DEL RIO S., SUITE 200, S.D. CA 92108** Phone: **619-683-5544**

(On completion of above, present to the district that provides water protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

- District Name: **Jacumba Community Service District** Service area **Town of Jacumba Hot Springs**
- A. ☐ Project is in the district.
☐ Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.
☒ Project is not in the district and is not within its Sphere of Influence boundary.
☐ The project is not located entirely within the district and a potential boundary issue exists with the _____ District.
- B. ☐ Facilities to serve the project ☐ ARE ☐ ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached _____. (Number of sheets) _____
☐ Project will not be served for the following reason(s): _____
- C. ☐ District conditions are attached. Number of sheets attached: _____
☐ District has specific water reclamation conditions which are attached. Number of sheets attached: _____
☒ District will submit conditions at a later date.
- D. ☐ How far will the pipeline(s) have to be extended to serve the project? _____

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: **Emilio G** Print Name **Emilio Gonzalez**
Print Title **General Manager** Phone **619-766-4359** Date **6/1/2022**

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT
On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123



From: noreply@granicusideas.com
To: [Pallinger, David](#); [Barnhart, Douglas](#); [Calvo, Yolanda](#); [Hough, Tommy](#); [Ashman, Ronald](#); [Edwards, Michael \(LUEG\)](#); [Hitzke, Ginger](#); [Lynch, Dahvia](#); [LUEG, PDS.PlanningCommission](#); [Slovick, Mark](#); [Smith, Ashley](#); [Bray, Kelly](#); [Talleh, Rami](#)
Subject: [External] New eComment for Planning Commission Hearing
Date: Wednesday, July 20, 2022 2:12:34 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Susie Robles submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I am against this project. We are all in a severe drought. Our groundwater needs to be protected.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 2:41:00 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Teresa Briggs submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Not sure how I feel but know we would be worse off with anything that will use our water. Not enough for those who already live here.

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From: [Cherry Diefenbach](#)
To: [Ochoa, Regina](#)
Cc: [Kazmer, Gregory](#)
Subject: [External] comments on the Rugged Solar PFEIR Addendum
Date: Monday, July 18, 2022 2:13:52 PM

Please provide the following comments to the San Diego Planning Commission prior to their July 22, 2022 vote on the 391-acre Rugged Solar Project proposed for an area just north of Boulevard, CA.

Dear Planning Commissioners,

I am the chair of the Jacumba Community Sponsor Group (JCSG). About a year ago, the Planning Commission and the Board of Supervisors voted to approve the even more expansive JVR solar project in the village center of Jacumba Hot Springs against the out-spoken wishes of our economically disadvantaged community.

Now, our sister community of Boulevard is facing a similar project that will also permanently transform a rural environment into an industrial area, displacing wildlife and destroying the viewshed of a scenic and historic valley.

I am strongly opposed to the placement of yet another industrial scale renewable energy project in our backcountry landscape. However, since I expect that the Rugged Solar project will likely be approved in spite of opposition by the local residents, **I request the following project modifications:**

--Require the project developer to increase the amount of community benefit money from the \$890K to \$3 million. This increase would bring the project in line with the amount of community benefit money the County Board of Supervisors awarded Jacumba when they approved the 90 MW JVR solar facility in August 2021.

--Require that the Rugged Solar developer has obtained a valid bulk groundwater purchase agreement so that local private wells are not negatively impacted by an overdraw of the local aquifers.

--Require that the developer has a valid recycling plan in place for solar components that become obsolete or have reached the end of their service.

-Require that project complies with the County's Defensive Space setbacks which individual property owners are required to adhere to.

-Require that the project eliminate the placement of concertina wire on top of the perimeter chain-link fencing along Ribbonwood Rd. and both sides of McCain Valley Rd as concertina wire was never approved in the original Soitec Rugged Solar EIR.

Sincerely,

Cherry Diefenbach
619-743-5224

From: noreply@granicusideas.com
To: [Pallinger, David](#); [Barnhart, Douglas](#); [Calvo, Yolanda](#); [Hough, Tommy](#); [Ashman, Ronald](#); [Edwards, Michael \(LUEG\)](#); [Hitzke, Ginger](#); [Lynch, Dahvia](#); [LUEG, PDS.PlanningCommission](#); [Slovick, Mark](#); [Smith, Ashley](#); [Bray, Kelly](#); [Talleh, Rami](#)
Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 2:33:52 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Barrance Zakar submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Too many industrial energy projects dumped into mountain area of county. Wasteful inefficient source of energy taking up far too much space and out of place in picturesque mountains. Limited or no benefit to local community that it effects.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 3:08:32 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Dennis Wilson submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Where are they going to get the water? This is a very bad time and place for this. Nobody thinks about the disposal of these solar panels years from now. The same with these wind turbines. Temporary power for the city, permanent damage to our beautiful mountains.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Monday, July 18, 2022 9:12:18 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Diane Ang submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: NO! to this project. I oppose this because of ground water concerns and the blatant destruction of our back country. We should be considering point of use solar projects. Build Solar over parking lots and on roof tops where it is needed.

[View and Analyze eComments](#)

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Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 3:57:14 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Erin Tuatagaloa submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I understand there is a big push for green energy at this time. What is not being considered is the wholistic impact on our mountain community, environment and animal world. Please stop placing so many projects up here that destroy our beautiful mountain. Stop sacrificing our homes, water supply and natural environment to supply power to other regions it simply is not fair!

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Subject: [External] New eComment for Planning Commission Hearing
Date: Monday, July 18, 2022 1:06:12 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

JEFFREY MORRISON submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I am very worried about fire dangers and water tables. Where are they going to put the bad panels that do not work? It hurts the environment to build these things and dispose of them. Bad idea.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Monday, July 18, 2022 8:21:57 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

JoEllen Quinting submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I oppose this project due to concerns for the contamination and depletion of groundwater resources.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Sunday, July 17, 2022 9:42:09 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Laura Felten submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Since we have been in a drought situation for so long, I don't agree with this project taking any of the ground water for the building stage as well as the maintaining stage. This project has a major negative effect on our water table here that we the people need to continue survival in our community here. The city should not allow this project to destroy our wildlife species and vegetation here in the pristine back country. Put your project where it doesn't negatively impact property values.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Monday, July 18, 2022 8:57:27 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

MANUEL CASANOVA submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: The estimated water cost of this project (36.5 acre-feet /11.9 million gallon) from the regional aquifer is dangerous. This threatens the communities that depend on that water to live. This project is a perfect example of the inequalities that city projects force on impoverished rural area. These communities do not have the infrastructure to support the families who will be negatively be impacted when this project lowers the water table and dries up esential wells. Please vote no!

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Subject: [External] New eComment for Planning Commission Hearing
Date: Sunday, July 17, 2022 8:18:33 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Mary Dauphine submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I do not support any industrial projects in our beautiful back country communities. These projects are destroying our scenic mountains and valleys, uprooting wildlife and taking a half million gallons of precious underground water for their grading. These kinds of projects only bring negative effects to our home's and countryside. Build them on govt leased properties out in the desert where they will have minimal effects on people, wildlife and beautiful landscapes. NO...NO...NO on this project!

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Subject: [External] New eComment for Planning Commission Hearing
Date: Wednesday, July 20, 2022 6:35:14 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Pamela Forrest submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I agree with those whom oppose this project! We all want to continue with our well water and keep our water table stabilized and avoid expensive cost of drilling a new well nor paying a water company especially the cost of our economy today is outrageous. We need our well water for Cal Fire due to extreme hot weather for fires. Plus the following: Environment, wild animals, insects, farm animals, all plant life, agriculture, power shut down, mountain terrain, grazing, Real estate value, ect.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Sunday, July 17, 2022 11:20:23 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Patricia Stuart submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: In this drought, our water table has dropped drastically, we had to drill a new well from our old one at 100 ft. to a new one over 400 ft. four years ago and who knows how long that will last. Jacumba sells water and a lot of water is used for the construction and upkeep of the proposed project. It should not be allowed during this emergency water shortage and should not be allowed at all.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Sunday, July 17, 2022 7:58:39 AM

[SpeakUp](#)

New eComment for Planning Commission Hearing

R P submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: I oppose this proposal.

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Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 8:17:31 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Sharon Madsen submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: No, no

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Subject: [External] New eComment for Planning Commission Hearing
Date: Thursday, July 14, 2022 3:53:02 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

York Heimerdinger submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Grading and destruction of this terrain is not proper for this area! The proposed geographic location of this project is directly in conflict with an environmental sensitive of plant and animal habitation. This exact location has been used for 100's of years for cattle grazing and supports vast wild animal, insect, and plant life. It is a very bad idea to grade this land to bare dirt, unthinkable! Please think about locating this project in the desert not this treasured valley.

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Balancing the needs of the environment with those of business.

July 11, 2022

Chairperson David Pallinger and Commissioners
Planning Commission
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, Ca 92123

RE: Community Benefits Agreement for Rugged Solar

2851 Camino Del Rio South

Suite 200, Dept. A

San Diego, California

92108

619.683.5544

619.683.5585 FAX

www.jwhalen.net

Dear Chairperson Pallinger and Commissioners:

This firm represents Rugged Solar LLC, the project applicant for the Major Use Permit Modification in front of your body docketed on July 22nd. We are pleased to report that we have reached agreement with the San Diego Foundation to fund the \$887,000 Rugged Boulevard Community Benefits Fund with the primary purpose to support the social and economic development of the Boulevard community, by way of renovations and improvements to the Boulevard community center, located in Boulevard, proposed by the Jacumba-Boulevard Revitalization Alliance. The funding was calculated using a metric of \$10,000/megawatt, with a project generation of 88.7MW x \$10,000/MW = \$887,000.

The Center is intended to be more than a vast improvement on the current community center, the former fire and sheriff's station. The community has converged on the vision of adaptively reusing the old station, with creative purposing for both seniors and young people as well as the Boulevard area at large.

Given its location at the corner of Old Highway 80 and Ribbonwood Road, the revitalized Center will also act as the catalyst activating the surrounding area, which is the historic center of Boulevard from the pre-freeway days when the community was a cooler respite from the Imperial Valley heat with restaurants and lodging, even a house-made candy store. Over the years after the I-8 freeway was built, businesses suffered. With a new community center, people will come and the area will organically improve.

Rugged Solar is making this donation voluntarily, and worked closely with both the Center and Boulevard Planning Group to come up with a community benefit plan with the broadest value to the most people. Indeed, Chair Donna Tisdale made the motion of the Group to endorse the revitalization plan. Much work has already been done by Center director Mark Ostrander and his wife, both inside and outside, but the new funding will complete the work effort.

An estimate of the cost to complete the renovation and improvements was completed by another Boulevard solar project applicant familiar with construction, given their shopping center parent company. Serendipitously, the estimate is about the same amount as the Rugged Solar donation.


Since the Rugged Solar donation is voluntary and thus not considered mitigation, there is an opportunity to seek matching funds to pay for park improvements to the outside of the Center, which enjoys a 5-acre site with beautiful oak trees. While County Parks was clear to characterize their stance as interested and no more at this time, there are options which could lead to leveraging the \$887,000.

The agreement with the San Diego Foundation was reached just after County staff completed their Commission package so is being send here under separate cover. We or staff will be able to answer any questions you might have at the hearing on July 22nd.

We appreciate this opportunity to show how commercial-scale renewable energy can also contribute to the well-being of an affected community.

Very truly yours,

J. Whalen Associates, Inc.,
a California corporation



by: James E. Whalen
President
Attachment

cc: Jean-Paul La Marche



COMMUNITY BENEFITS AGREEMENT
Rugged Boulevard Community Benefits Fund
 Advised Non-endowment fund

THIS AGREEMENT is made and entered into on July 7, 2022, by and between the SAN DIEGO FOUNDATION, a California nonprofit public benefit corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("SDF") and Rugged Solar LLC ("Founder"), as represented by Stanley Chin, Authorized Signatory. Founder representative's authority to amend this fund agreement is directly tied to his/her position held at Rugged Solar LLC or its successor organization. Upon death, incapacity or resignation of Rugged Solar LLC, the Founder representative's authority shall be transferred to the person(s) holding the Authorized Signatory title. Founder Representative shall also serve as Fund Advisor.

RECITALS

- A) Founder is a renewable energy project development organization seeking approval for a Major Use Permit Modification from the County of San Diego on an 887,000 kilowatt (or 88.7 megawatt, direct current) solar project PDS2017-MUP-12-007W1 on part of the Founder's project land area in Boulevard, California (the "Project"). In order to comply with an expected County requirement to have a Community Benefits Agreement, and in recognition of the Project will have tangible benefits to the Community in addition to providing and additional inexpensive source of clean renewable energy to the Community and its residents, Founder is donating a total of \$887,000 (the "Donation") to the Rugged Boulevard Community Benefits Fund, subject to the terms and conditions set forth herein.

- B) The Donation will be made in two phases. The first phase, in the amount of \$50,000, will occur within one (1) months after the Major Use Permit modification has been approved by the County of San Diego Board of Supervisors and the appeal period has ended. The remaining \$837,000 will be donated by the Founder at the time of r the Commercial Operation Date for the Project.

1. NAME OF THE FUND

Founder hereby irrevocably transfers as of the dates specified above, assets to SDF to establish in SDF the Rugged Boulevard Community Benefits Fund (the "Fund"). SDF may receive additional irrevocable gifts of property acceptable to SDF from time to time from Founder and from any other source to be added to the Fund, all subject to the provisions hereof.

2. PURPOSE

Subject to the limitations of paragraph 4 below, the primary purpose of the Fund shall be to support the social and economic development of the Boulevard community, by way of renovations and improvements to the Boulevard community center proposed by the Jacumba Boulevard Revitalization Alliance.

3. INVESTMENT OF FUNDS

SDF shall have all powers necessary or desirable to carry out the purposes of the Fund, including, but not limited to, the power to retain, invest and reinvest the Fund in any manner within the “prudent person” standard and the power to commingle the assets of the Fund with those of other funds for investment purposes, subject, however, to the requirements of Sections 5231 and 5240 of the California Corporations Code. SDF may accept investment recommendations from the Fund Advisor, if any; provided, however, that such recommendations from the Fund Advisor shall be solely advisory, and SDF may accept or reject them, consistent with the standards of this paragraph. If the Fund Advisor fails to provide investment recommendations within ninety (90) days from the date of this Agreement, SDF may invest the Fund’s assets in Pool A (Short-Term Fixed Income).

4. DISTRIBUTEES

Subject to paragraph 6, principal and/or earnings allocated by SDF to the Fund shall be distributed exclusively for charitable, scientific, literary or educational purposes or to organizations of the type to which an individual taxpayer may make deductible charitable contributions, gifts, and bequests under the income, gift and estate tax provisions of the Internal Revenue Code of 1986, as amended, and of the Revenue and Taxation Code of California. It is intended by the foregoing that at the time a distribution is made from the Fund, the distribution must be made for a charitable, scientific, literary or educational purpose as described in, or to an organization which is described in, Sections 170(c)(1) or (2), of the Internal Revenue Code of 1986, as amended, and Section 17201 of the Revenue and Taxation Code of California. Distributions from the Fund shall be within the purposes and procedures of SDF as contained in its Articles of Incorporation and its Bylaws. Distributees must demonstrate appropriate and reasonable care in fiscal responsibility and governance. Distributees must also demonstrate to SDF that the requested funds are no more than the needed amount for the specified activity and the appropriate due diligence and approvals are completed.

5. RECOMMENDATIONS FOR DISTRIBUTION

Distributions from the Fund may be made from income and/or principal and shall be made at such times and in such amounts as may be determined by the Board of Governors. There shall be no requirement that income be distributed each year; income may be accumulated and added to principal. Consistent with the foregoing, distributions shall be made to such

distributees of the type described in paragraph 4 as may be designated by SDF; provided, however, that the Fund Advisor of the Fund, if any, may from time to time submit to SDF the names of distributees to which it is recommended that distributions be made, which distributees shall not be other than those described in paragraph 4. All recommendations from the Fund Advisor shall be solely advisory, and SDF may accept or reject them, applying reasonable standards and guidelines with regard thereto. If the intended distributee does not require all available funds for the planned work, then the remaining funds will remain in the account and be available for future and/or other use.

6. CONTINUITY OF THE FUND

The Fund shall continue so long as assets are available in the Fund and the purposes in the Fund can be served by its continuation. If the Fund is terminated for either of the above reasons, SDF shall devote any remaining assets in the Fund exclusively for charitable purposes that:

- a. are within the scope of the charitable purposes of SDF's Articles of incorporation; and,
- b. most nearly approximate, in the good faith opinion of the Board of Governors, the original purpose of the Fund.

7. NOT A SEPARATE TRUST

The Fund shall be subject to the Articles of Incorporation and Bylaws of SDF. All money and property in the Fund shall be assets of SDF, and not a separate trust, and shall be subject only to the control of SDF. Pursuant to Treasury Regulations, the Board of Governors of the San Diego Foundation has the power "to modify any restriction or condition on the distribution of funds for any specified charitable purpose or to any specified organization if, in the sole discretion of the Board of Governors, such restriction or condition becomes unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served." Treas. Reg. §1.170A-9(f)(11)(v)(B) and (E).

8. COSTS OF THE FUND

It is understood and agreed that the Fund shall share a fair portion of the total administrative costs of SDF. The administrative cost charged against the Fund shall be determined in accordance with Attachment C. Any costs to SDF in accepting, transferring or managing property donated to SDF for the Fund shall also be paid from the Fund.

9. ACCOUNTING


This Fund shall be accounted for separately and apart from other gifts to SDF.

10. CHARITABLE DEDUCTIONS

It is intended by Founders and by SDF that federal gift, income and estate tax charitable deductions shall be allowed to Founders and to Founders' estate and that SDF shall continue to qualify as an organization described in Sections 170(b)(1)(A)(vi), 170(c), 2055(a), and 2522(a) of the Internal Revenue Code of 1986.

This entire Agreement shall be construed and applied so as to comply with the requirements of federal tax law for allowance of such charitable deductions and for such qualifications.

IN WITNESS WHEREOF, we execute this agreement as of the Effective Date.

DocuSigned by:

9777328EB8AD40E

Stanley Chin, Authorized Signatory
Rugged Solar LLC

Date signed: 7/7/2022

Approved by the President & CEO, the San Diego Foundation

DocuSigned by:

7B1BE928F5E34C4...

Mark A. Stuart, CFRE, President & CEO

SD Foundation

Date signed: 7/7/2022

Attachment A

Non-Endowment Investment Recommendation

Rugged Boulevard Community Benefits Fund

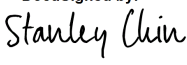
Fund Advisor Recommendation

As Fund Advisor to this Fund, I recommend the Fund's assets be invested in the following pool:

- ☐ Sustainable Non-Endowment
- ☐ Short-term
- ☐ Intermediate-term
- ☒ Medium-term
- ☐ Long-term (Note that Funds invested in Long-term require a 90-day advance notice for grants of \$100,000 or more)

Each of the investment pools above includes a money market component to allow for the liquidity needs of those funds participating in the pool. The asset allocation of Pools Medium-term and Long-term varies from time to time. Information on the asset allocation of Pools Medium-term and Long-term is available from the San Diego Foundation.

*I understand that assets in the Sustainable, Short-term, Intermediate-term, Medium-term & Long-term Investment Pools **will experience both capital gains and capital losses** according to market conditions. I understand that these recommendations are advisory and that SDF has final authority over investment of its assets.*

DocuSigned by:

9777328EB8AD40E...

7/7/2022

Stanley Chin, Authorized Signatory
Rugged Solar LLC

Date

If the Non-Endowment Investment Recommendation form is signed, but no Pool is selected, assets may be invested in Short-term.



Attachment B
SAN DIEGO FOUNDATION PROGRAM GUIDELINES
Revised April 2020

1. San Diego Foundation. San Diego Foundation ("SDF") is a California nonprofit public benefit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("IRC"). SDF is recognized as a public charity under IRC Sections 509(a)(1) and 170(b)(1)(A)(vi) and operates as a "community trust" under U.S. Treasury Regulations Section 1.170A-9T(f)(11). All contributions to and assets of SDF are subject to its Articles of Incorporation, Bylaws and Program Policies. SDF reserves the right to modify the terms and conditions of its Articles of Incorporation, Bylaws and Program Policies at any time.
2. Donor Advised Funds. As a community foundation, SDF may establish for its donors a "donor advised fund," which is separately identified by reference to the donor or donors. The fund is owned and controlled by SDF and the donor or persons appointed by the donor have the privilege of providing advice with respect to the fund's investments or distributions. SDF has final authority over the distribution of all grants from its donor advised funds, and reserves the right to decline or modify a grant recommendation that is not consistent with these policies or SDF's charitable purposes. Gifts to a donor advised fund are irrevocable.
3. Other Funds. In addition to donor advised funds, SDF also establishes scholarship funds (discussed below), agency funds (for the benefit of a specified charity), field of interest funds (for a specified charitable purpose) and habitat funds (to administer funds set aside to maintain ecological preserves). Gifts to these funds are irrevocable.
4. Fund Minimums. Generally, a minimum of \$50,000 is required to establish an agency fund and \$25,000 for all other funds.
5. Providing Grant Advice to Donor Advised Funds. Once a donor advised fund has been established and funded, the advisor(s) named in the agreement may recommend distributions to qualified charitable organizations. (SDF staff will perform due diligence to verify that the organization is a current, qualified charity). The following rules govern grant recommendations:
 - a. Minimums. Each recommended grant should be for at least \$250.00.
 - b. Procedure. Unless otherwise restricted as an endowment, grants may be recommended out of the original principal, as well as accumulated investment earnings, if any. Grant recommendations can be made at any time during the year, except for designated endowment funds, which make distributions in March and/or September. A maximum of four (4) grants may be made per year from Agency non-endowment funds. Recommendations can be submitted by mail, facsimile or electronic mail. Forms and instructions for making grant recommendations will be provided upon creation of a fund, as part of an advisor orientation process.
 - c. Grant Restrictions. The following restrictions apply to grants:

i. No Indirect Benefit. Grants from donor advised funds may not be used to secure any benefit from the grantee for the donor, the advisor or any persons related to them.

ii. Enforceable Pledges. Grants from donor advised funds may not be used to discharge or satisfy a charitable pledge or obligation that is legally enforceable against the donor or any other person.

iii. Event Tickets. Grants from donor advised funds may not be used to pay for goods or services of value received by the donor, advisor or their family members. For example, grants may not be used to support any charitable event, including fundraising dinners, concerts, auctions, or other benefit functions when the donor would receive a return benefit, such as the benefit of being able to attend a fundraising dinner or event. Further, no grants may be used to pay for any portion of a split or bifurcated disbursement to a charity. A split or bifurcated payment refers to the splitting of a payment to a charity, such as for tickets to an event, into two parts: the deductible portion and the non-deductible portion.

iv. Giving to Individuals. Donors may not choose a specific individual to receive a benefit from a grant from a donor advised fund.

v. Prohibited Loans & Compensation. Donors, advisors or any related parties may not receive grants, loans, compensation or similar payments (including expense reimbursements) from donor advised funds.

d. Restricted Organizations and Purposes. SDF will not approve grant recommendations that are for non-functionally integrated Type III supporting organizations; supporting organizations that provide support to organizations controlled by the donor, advisor or related persons; supporting organizations that are controlled by the donor, advisor, or related persons; private non-operating foundations; lobbying, political campaigns or other political activities; or any purpose that is not entirely charitable.

e. Remedial Action. SDF will take remedial action if it discovers that grants have been made for improper purposes. Remedial actions may include, but are not limited to, a requirement that the recipient charity return the grant and/or termination of the donor's advisory privileges.

f. Anti-Terrorism Provisions. As part of the grant review process, SDF checks all recommended grant recipients against the Treasury Department's List of Specially-Designated Nationals, other U.S. and foreign government watch lists, and the IRS list of organizations whose tax exemption has been suspended under IRC Section 501(p). SDF will not approve grant recommendations to organizations that appear on such lists.

6. Scholarship Funds. Scholarship funds may have a scholarship advisory committee. All scholarship advisory committee members must be approved by the SDF's Board of Governors prior to making the first scholarship awards and thereafter annually. The founder may participate on the scholarship advisory committee, provided that neither the founder nor the founder's designees (related parties) may chair the scholarship advisory committee or in any way control the selection process or constitute a majority of the scholarship advisory committee members. In the event the scholarship advisory committee shall cease to be in existence, the Board of Governors of SDF shall serve as the advisor of the scholarship fund. All scholarships shall be awarded on an objective and nondiscriminatory basis using procedures that have been

approved in advance by the Board of Governors of SDF and that have been designed to ensure that all such grants meet the requirements of paragraphs (1), (2), or (3) of Section 4945(g) of the Internal Revenue Code of 1986.

7. Income and Estate Tax Deductions. SDF does not provide any advice or assurance to its donors as to the income tax treatment of amounts deposited in a fund. Donors are advised to seek independent advice as to such income tax treatment.

8. Investments. The fund advisors for endowment funds will have the assets invested in SDF's Endowment pool. The fund advisors for non-endowment funds with assets in excess of \$25,000 may recommend that the assets of the fund be invested in one of three investment pools (subject to liquidity requirements); information regarding the composition of each investment pool will be provided to the donor at the time the fund is established. Such recommendations are advisory, and SDF has final authority over the investment of assets in its funds.

9. Fees and Costs. Each fund established at SDF shall share a fair portion of the total administrative costs of SDF. The administrative cost annually charged against each fund shall be determined in accordance with Attachment C. Administrative fees for charitable expenses will be negotiated and incurred based upon the complexity of the transaction. Charitable expenses apply exclusively to Field of Interest or Special Project Funds. In addition, upon receipt of assets upon the death of a donor, a onetime estate fee will be assessed in accordance with the then current fee policy of SDF. Any costs to SDF in accepting, transferring or managing property donated to SDF for a fund shall also be paid from such fund.

10. Provision for Governing Law. These Program Policies, all fund agreements, and any program-related agreement executed by a Donor shall be governed by California law. All gift agreements are deemed to be entered into in the State of California, and all contributions to the SDF are intended to be administered and managed in the State of California.

11. Confidentiality. All information concerning donors' or prospective donors' gifts, including names of beneficiaries, gift amounts, and other personal information shall be kept confidential unless permission is obtained from the donor to release such information.

12. Active Fund Granting Policy. The San Diego Board of Governors believes that all donor-advised funds held at The Foundation should regularly make grants to nonprofit organizations to improve quality of life in our region. All funds are required to make at least one grant during each three-year period. If no grants have been recommended for 36 consecutive months, our staff will contact the advisor(s), using all contact information available, and discuss options for grantmaking. If the advisors are unresponsive or fail to make a grant within 90 days, the Board of Governors of the San Diego Foundation will make a grant from the fund in accordance with the fund purpose. Granting from inactive funds will come from the entirety of the distributable balance for endowed funds, and 15% of the balance for non-endowed funds. After a period of six years of no fund advisor-initiated grants, the balance of funds will revert to the discretion of the San Diego Foundation.

Founder acknowledges that they have reviewed and are familiar with the above "Program Guidelines" and that the Fund will be administered in accordance with such guidelines.

7/7/2022

Attachment C**SD Foundation Fees**

SDF Fee for Custom Grant Program	
	Support Fee
Task 1 - Initiate New Fund Process	\$13,721
Task 2 - Grant Processing	\$18,524
Task 3 - Reporting	\$16,070
Task 4 – Closeout	\$12,470
Yearly Grant Cycle Fee	\$ 60,785
Total Fund Amount	\$ 887,000.00
Yearly Fee	6.85%

SDF Standard Yearly Fee (Non-Endowment)	
The San Diego Foundation Support Fee	1.5%
Investment Manager Fees	0.35%-0.5%
Custodial and Reporting Fees	0.4%
Yearly Fee of Fund Balances	2.25%-4%

Exhibit 1
Basic Terms and Conditions

1. Term: One (1) year, beginning on the Commercial Operation Date of the Project.
2. Funding: The total amount available for the funding effort is \$887,000. SD Foundation's fees will be subtracted from that total amount as outlined in Attachment B.
3. Commercial Operation Date of the Project: Is expected to occur within two (2) years of the Effective Date. The actual date will be determined by the Founder, who will ensure that the SDF is notified in writing, by email or other means.
4. Geographic area: Funds shall be disbursed for activities physically located in Boulevard, which we define as the area contained in the Boulevard Community Plan of the County of San Diego.
5. Funding priorities: Funding decisions shall prioritize providing broad benefits across the resident population.

From: noreply@granicusideas.com
To: [Pallinger, David](#); [Barnhart, Douglas](#); [Calvo, Yolanda](#); [Hough, Tommy](#); [Ashman, Ronald](#); [Edwards, Michael \(LUEG\)](#); [Hitzke, Ginger](#); [Lynch, Dahvia](#); [LUEG, PDS.PlanningCommission](#); [Slovick, Mark](#); [Smith, Ashley](#); [Bray, Kelly](#); [Talleh, Rami](#)
Subject: [External] New eComment for Planning Commission Hearing
Date: Saturday, July 16, 2022 4:23:03 PM

[SpeakUp](#)

New eComment for Planning Commission Hearing

Kevin Keane submitted a new eComment.

Meeting: Planning Commission Hearing

Item: 5. Rugged Solar; PDS2017-MUP-12-007W1 (R. Ochoa)

eComment: Green energy is a necessity at this point. Solar projects are a good way for our mountain community to shoulder a part of the burden. Just as long as you keep wind turbines away from us, please - they are as intrusive to us as they would be in Balboa Park.

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