

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – January 8, 2010
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:05 a.m., recessed at 10:25 a.m., reconvened at 10:54 a.m., recessed at 12:10 p.m., reconvened at 1:16 p.m. and adjourned at 2:27 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Commissioners Absent: None

Advisors Present: Lantis, Ortiz, Sinsay (DPW); Mehnert, Taylor (OCC)

Staff Present: Baca, Beddow, Brown, Chan, Ehsan, Gibson, Giffen, Grunow, Muto, Ramaiya, Taylor, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of November 20, 2009

Action: Beck - Brooks

Approve the Minutes of November 20, 2009.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 0 - None

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

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

Administrative:

- E. **Requests for Continuance:** Items 1 (TM 5337RPL⁴), and 6 (TM 5395)
- F. **Formation of Consent Calendar:** Items 4 and 7
- G. **Director's Report:** None.

TM 5337RPL⁴, Agenda Item 1:

1. Rogers Estates, Tentative Map (TM) 5337RPL⁴, North County Metropolitan Subregional Plan Area (continued from November 13, 2009)

Proposed subdivision of 5.59 acres into three single-family residential lots of 1.0, 1.99 and 2.07 net acres. The project site is located on the east side of Marilyn Lane, north of Richland Road. The site has a General Plan Land Use Designation of (1) Residential, is located in the Current Urban Development Area (CUDA) Regional Category, and is zoned A70, Limited Agriculture (one dwelling unit per acre).

Staff Presentation: Taylor

Proponents: 0; Opponents: 0

Discussion:

Staff recommends that this Item be removed from today's Agenda and postponed indefinitely, to allow resolution of issues raised by a neighboring property owner.

Action: Riess - Pallinger

Remove Tentative Map (TM) 5337RPL⁴ from today's Agenda. Staff will advertise the proposal for public hearing when appropriate.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

P70-212W², Agenda Item 2:

2. **Champagne Lakes RV Resort Expansion, Major Use Permit P70-212W², Valley Center Community Plan Area** (continued from the meeting of December 18, 2009)

Proposed Modification of an existing Major Use Permit for an existing recreational vehicle park. The entitlements previously granted consist of 135 recreational vehicle spaces with utility hook-ups, five mobilehome spaces, and other ancillary structures. The proposed Modification consists of rearranging and developing all 140 of the previously approved RV spaces and mobilehome spaces with full hook-up capacity (septic, water and electricity). Additionally, the applicant requests that 25% of the spaces within the park be reserved for a 90-day occupancy within a 12-month period, and the remaining 75% to have no occupancy limitation. The occupancy limitations imposed in Condition D.6 and Section 6456.d of the Zoning Ordinance would be modified. Section 18865.2 of the California Health and Safety Code mandates that local jurisdictions that have imposed such time limitations for occupancy of spaces within a special occupancy park shall grant an exemption to those limitations, depending upon substantial findings within Statute 18865.2.

The project site is located at 8310 Nelson Way in the Valley Center Community Plan Area, and is subject to the Estate Development Area (EDA) Regional Category, the (17) Estate Residential Land Use Designation, and the A70 (Limited Agriculture) zone with a "B" Special Area Designator and maximum density of 0.5 dwelling units per acre.

Staff Presentation: Brown

Proponents: 1; **Opponents:** 1

Discussion:

Following Staff's presentation, a neighboring property owner voices his opposition to the proposed removal of the one-year occupancy limitation. This property owner informs the Planning Commissioners that the property is considered an eyesore and contains sheds and other various structures, including a restaurant and a laundry. The neighboring property owners also inform the Planning Commissioners that some of the spaces contain multiple vehicles and multiple families, and some are located on a seepage pit or within the 100-year floodplain.

P70-212W², Agenda Item 2:

Neighboring property owners believe the proposed Modification more closely fits the definition of a mobilehome park. They maintain that the site currently resembles a shanty town, and express fears that park visitors will become permanent residents of the community.

Chairman Woods and Commissioner Norby believe the Planning Commission's approval of this proposal would, in effect, legitimize the use of the property as a mobilehome park. Commissioner Norby discusses the lack of certain facilities and amenities, and is informed that a septic system was recently installed, expanded and approved by DPW to handle the additional users. Staff further explains that the Use Permit Modification has been conditioned to ensure that only RVs are allowed in the spaces, and the Commission is assured that site inspections will be performed. In addition, the RVs must be operable and road-ready, with no structures attached to them. Commissioners Norby and Riess remind the applicant that RVs were never intended to be permanent living accommodations. Commissioner Norby also points out that RV park users don't typically enroll children in schools, but approval of this Modification will allow them to do so. Commissioner Riess reminds those in attendance that the vehicles will not be operable after months of non-use. Staff and County Counsel share the Planning Commission's concerns, but the County must meet this State mandate. County Counsel clarifies that the Commission can institute duration of occupancy restrictions, but the exemption must be granted unless the Commission can prove that there would be specific unmitigable impacts. Chairman Woods believes this proposal should be referred back to Staff for further review of occupancy restrictions, and his fellow Commissioners agree. This proposal be postponed to allow additional review by Staff, and to allow Staff to provide additional information pertaining to the approved configuration versus the proposed configuration, a partial versus a full exemption, and details on where the floodplain crosses the property, and how this project will contribute to the County's housing base, how will the County address the fact that RVs are not constructed to be permanent housing.

Commissioner Beck is greatly concerned about allegations that some of the spaces are located in the floodplain. Staff acknowledges that this statement is true, but explains that the applicant is required to elevate the structures above the flood stage. The applicant's representative explains that the applicant is merely attempting to meet the State Health and Safety Code requirements, and informs the Planning Commission that the applicant is more than willing to locate the 90-day occupancy spaces within the floodplain.

P70-212W², Agenda Item 2:

Commissioner Beck is also greatly concerned about allegations that the RV spaces contain multiple families and vehicles. It is clarified that the Major Use Permit would allow control of how many vehicles would be allowed per space, but the County has no control over how many families may occupy the RVs within those spaces.

Action: Beck - Norby

Continue consideration of Major Use Permit Modification P70-212W² to the meeting of March 19, 2010. Staff is to provide details regarding occupancy restrictions, additional information pertaining to the approved configuration versus the proposed configuration, a partial versus a full exemption, details on where the floodplain crosses the property, information on how the proposed project will contribute to the County's housing base, and will Staff address the fact that RVs are not constructed to be permanent housing.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

TPM 20854, Agenda Item 3:**3. Jonna Tentative Parcel Map (TPM) 20854, Valle de Oro Community Plan Area**

Appeal, filed by the Valle de Oro Community Planning Group, of the Final Notice of Approval for TPM 20854, issued by the Director of Planning and Land Use on November 10, 2009. The proposed project is a subdivision of 1.27 acres into two residential parcels measuring .65 and .62 acres in size. There is an existing home on Parcel 1, which will remain. The project site is subject to the (3) Residential Land Use Designation (two dwelling units per acre), and is zoned RR2, Rural Residential, which permits .5-acre parcel sizes. The site is located at the southwest corner of the intersection of Explorer Road and Explorer Court, and would take access from Explorer Road.

Staff Presentation: Ehsan

Proponents: 6; Opponents: 10

Discussion:

Following Staff's presentation, the Planning Commission is informed that the Valle de Oro Community Planning Group has voiced concerns about a number of issues, including the existence of deed restrictions that preclude additional subdivisions from being constructed in this area, centerline separations, lot depth-to-width ratios, and impacts on neighborhood character. The Planning Group also believes approval of the project would be precedent setting.

The Planning Group chairman insists that the project is non-conforming and will violate design intent. He believes residents on Parcel 2 will be crowded into the Explorer Road portion of the property. The Planning Group chairman also maintains that the project is inconsistent with various Sections of the Subdivision Ordinance, in that the average length-to-width ratio exceeds the 3:1 maximum. He also believes Staff's granting of the requested waiver of centerline separation attacks the CC&R designed to protect the integrity of the original subdivision.

County Counsel cautions that privately created deed restrictions are matters of private enforcement, and the County has no involvement in them. The applicant's representative does not believe the CC&Rs contain anything that would prevent or limit construction of additional subdivisions. With respect to the 3:1 ratio, the applicant's representative believes there are several ways to interpret it, but the

TPM 20854, Agenda Item 3:

shape of the parcel ensures that the lots aren't long and narrow. Speaking about centerline separations, the applicant's representative informs the Planning Commission that the existing lots in the neighborhood don't meet the requirements either, because of lot size. He believes this proposal will enhance the neighborhood, and is an appropriate infill project and.

Project opponents insist that the applicant's existing house has contributed to drainage and stability problems. They maintain that the CC&Rs specifically state one single-family dwelling per lot, and to allow otherwise would impact property values. Project opponents insist that the Board of Supervisors denied the applicant's previous project because of inadequate length-to-width ratios and inadequate setbacks. The applicant resolved those issues by purchasing easements from neighboring property owners.

Motion: Day - Beck

Grant TPM 20854 and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Discussion of the Motion:

Commissioner Beck clarifies that he seconded this Motion for discussion purposes only. He understands that the County doesn't enforce CC&Rs, but does not believe the CC&Rs were meant to be violated. He explains that this contract clearly states one building per lot, and all property owners in the neighborhood are bound by this. Chairman Woods concurs with Commissioner Beck's position, stating the issue of community character must be weighed. Commissioner Riess acknowledges that contract does state one house per lot, and the proposed project would change the character of the neighborhood, but points out that the CC&Rs were crafted 50 years ago and contain nothing that implies the subdivision must remain 50 lots.

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

The Motion fails.

TPM 20854, Agenda Item 3:

Action: Beck - Brooks

Deny Staff's recommendation due to issues related to neighborhood character, the language contained in the CC&Rs stipulating that there will only be one residence per lot, and the expectation defined within the covenant that there would be 50 lots without subdividing.

Discussion of the Action:

Commissioner Day is extremely unsupportive of this Motion. He does not believe the Planning Commission should consider CC&Rs in their decision, and believes to do so sets a dangerous precedent. Commissioner Day believes the applicant's proposal meets all County rules and Ordinances, and the proposal is entirely consistent with existing development in the area.

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

P08-045, Agenda Item 4:

4. Peterman Wireless Telecommunications Facility, Major Use Permit P08-045, Pala-Pauma Subregional Plan Area

Proposed Major Use Permit to authorize construction, operation and maintenance of an unmanned wireless telecommunication facility at 15770 Adams Drive in the Pala-Pauma Subregional Plan Area. The proposed facility consists of a 45' tall mono-broadleaf tree mounted with 12 panel antennas, one GPS antenna and 24 TMA antennas. An extra antenna array is also allocated for future collocation. Associated equipment will include a generator receptacle, outdoor equipment cabinets, telco/power panels, all of which would be enclosed by an 8' tall CMU wall. In addition, 745 feet of underground trench would be placed within the existing access road and disturbed area.

Staff Presentation: Chan

Proponents: 1; Opponents: 0

Discussion:

This Item is approved on consent.

Action: Beck - Brooks

Grant Major Use Permit P08-045, and make the Findings and impose the requirements and Conditions as set forth in the Form of Decision.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

GPA 03-006, R03-017, and
TM 5343RPL⁴, Agenda Item 5:

5. Fuerte Ranch Estates, General Plan Amendment (GPA) 03-006, Zone
Reclassification R03-017 and Tentative Map (TM) 5343RPL⁴, Valle de Oro
Community Plan Area

Requested General Plan Amendment, Zone Reclassification and Tentative Map for a residential development consisting of 36 residential lots with a minimum lot size of .5 acre. The project site compasses 27.26 acres located south of Fuerte Drive and east of Damon Lane. Access would be provided by both of these public roads. This project was considered by the Planning Commission on May 22, 2009 and, at that time, the Planning Commission voted 5-2 to recommend denial of the project as it was proposed. The Board of Supervisors considered the project on July 22, 2009, and referred it back to Staff to work with the community on evaluating potential redesigns and resolution of major issues identified in public comments.

Staff Presentation: Muto

Proponents: 13; Opponents: 29

Discussion:

Staff informs the Planning Commission that the applicant has made the following revisions to the project initially presented on May 22, 2009:

- Lots 7-12 along Damon Lane have been reconfigured to front on Damon Lane, to integrate the project into the established surrounding community;
- Driveways have been paired, reducing need to park on Damon Lane;
- Project grading has been revised to lower the fill slopes along Damon Lane to no greater than five feet above the current roadway grade; and
- Lots 26, 27, 28 and 29 along the southeastern property boundary have been enlarged to one acre in size.

GPA 03-006, R03-017, and
TM 5343RPL⁴, Agenda Item 5:

The most of the proposed lots are at least one-half acre in size, as are the vast majority of the existing lots in this area, and the proposed will not create any direct or indirect impacts on traffic. In addition, the project will connect to Otay Water District water and sewer.

The Planning Group chairman informs the Planning Commission that the revised project doesn't adequately address the Group's or neighborhood residents' concerns. They remain dissatisfied with the configuration of the lots on Damon Lane, and insist that the proposed reduction in grading only lowered the fill bed by 2.5 feet. The Planning Group chairman is positive the project will result in visual impacts, and impacts on existing infrastructure. He maintains that the project is incompatible with the character of this community, conflicts with the Valle de Oro Community Plan and will greatly increase density. Many of the community residents voicing opposition to the project are supportive of one-dwelling-unit-per-acre development, while others admit that they would oppose the project regardless of the density.

The applicant, his representatives and project supporters clarify that the proposed density is less than the current and future General Plans allow for this site. They point out that the proposed density is only .3 dwelling units per acre greater than the density supported by the Planning Group. Project supporters remind the Planning Commission that at least 86% of the existing lots in this community are less than one acre in size.

Action: Day - Pallinger

1. Recommend that the Board of Supervisors:

Approve the Fuerte Ranch Estates project (GPA 03-006), make the appropriate Findings, and include the necessary requirements and Conditions through adoption of the Resolution of Approval, GPA 10-001;

Adopt the Form of Ordinance changing the zoning classification of certain property in the Valle de Oro Community Plan Area;

Approve Tentative Map (TM) 5343RPL4, make the appropriate Findings and include the necessary requirements and Conditions through the adoption of the Resolution of Approval; and

GPA 03-006, R03-017, and
TM 5343RPL⁴, Agenda Item 5:

2. Find that the Planning Commission has reviewed, considered and determined to be adequate the information contained in the Final Mitigated Negative Declaration dated January 8, 2010, on file with the Department of Planning and Land Use prior to making its recommendations.

Discussion of the Action:

Commissioner Pallinger believes the applicant has resolved the concerns raised by the Planning Commission in May 2009 but, in an effort to reassure Planning Group representatives and residents of this community, he recommends that all pertinent documentation clearly specify all fill slopes on Damon Lane will be no taller than five feet. Chairman Woods concurs, and also recommends that Site Plan review with color renderings is to be required. Commissioner Day is sympathetic to the Chairman's concerns, but is reluctant to overburden the applicant. Commissioners Beck and Brooks seek assurance that the proposed residents will not be "cookie-cutter" in design, and they're informed by Staff that placement of a "D" Designator on the site will ensure that all of their concerns are addressed, including architectural compatibility with existing residences. Commissioner Norby advises Staff to ensure that all landscaping utilizes water conservation technology and contains native vegetation, and the Planning Commissioners

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

TM 5395, Agenda Item 6:

6. Cielo Azul, Tentative Map (TM) 5395, San Dieguito Community Planning Group

Proposed 18-lot residential subdivision of an approximately 100-acre property, with lot sizes ranging from two to 11.7 net acres. The project site is located on Harmony Grove Road. The Department of Planning and Land Use recommends that this project be denied because adequate infrastructure and public facilities are not available to serve the property, and because the proposal is inconsistent with the General Plan Public Facilities Element, the San Dieguito Community Plan, the Subdivision Map Act, Section 81.401© of the County Subdivision Ordinance, the State SRA Fire Safe Regulations and the County Fire Code.

Staff Presentation: Grunow

Proponents: 0; Opponents: 0

Discussion:

The applicant is unavailable to attend today's hearing and has submitted a written request that consideration of the Tentative Map be postponed.

Action: Riess - Pallinger

Continue consideration of Tentative Map (TM) 5395 to the meeting of March 5, 2010.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

TM 5321, Agenda Item 7:

7. Prominence at Pala, Tentative Map (TM) 5321, Pala-Pauma Subregional Plan Area

Proposed subdivision of an approximately 359-acre property into 30 residential and two open space lots ranging in size from four to 96 acres. The application includes a Tentative Map to subdivide the property and an Administrative Permit for lot-area averaging. The Department of Planning and Land use recommends that the project be denied because adequate public facilities are not available to serve the property and because the proposal does not comply with the Land use and Public Facility Elements of the County General Plan, the Pala-Pauma Subregional Plan, the Subdivision Map Act, and State and County Fire Codes.

Staff Presentation: Grunow

Proponents: 0; Opponents: 0

Discussion:

This Item is denied on consent, following Staff's explanation that the applicant has not responded to repeated written communications or telephone calls.

Action: Beck - Brooks

Adopt the Resolution of Disapproval for Tentative Map TM 5321; and

Deny Administrative Permit AD 06-071.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

Administrative:

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

No reports.

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

No reports were provided.

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

No one was designated to represent the Planning Commission at the January 13, 2010 Board of Supervisors meeting.

K. Discussion of correspondence received by the Planning Commission:

There was none.

L. Scheduled Meetings:

January 22, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 2, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 16, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 30, 2010	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
May 14, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 28, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

Administrative:

June 11, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 25, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 9, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 23, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 6, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 20, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 10, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 24, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 8, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 22, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 3, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 17, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 2:27 p.m. to 9:00 a.m. on January 22, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.