

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – May 28, 2010
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:00 a.m., recessed at 10:24 a.m., reconvened at 10:46 a.m. and adjourned at 1:05 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess, Woods (arrived at 9:55 a.m.)

Commissioners Absent: None

Advisors Present: Harron, Mead (OCC); Lantis (DPW)

Staff Present: Beddow, Bennett, Brown, Gibson, Giffen, Grunow, Gungle, Ramaiya, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of April 16, April 30 and May 14, 2010.

Action: Riess - Day

Approve the Minutes of April 16, April 30 and May 14, 2010

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.

Patsy Fritz, Karen Jackson, Hans Britsch and Floann Sannipal urge the Planning Commission to re-open their discussions on Road 3A (as it pertains to PAA 09-007/the Accretive proposal in the Valley Center Community Plan Area) at a future meeting and recommend permanent deletion of the road.

Administrative:

Chairman Beck reminds the speakers that the Planning Commission will conduct a visit to Valley Center on June 12, 2010, during which they'll be provided with an overview of Road 3A's proposed alignment. At the conclusion of the Commission's visit to Valley Center, further consideration of PAA 09-007 will be scheduled for public hearing.

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

E. Requests for Continuance: None

F. Formation of Consent Calendar: Item 3 (TM 5494)

G. Director's Report

The Director provides a very brief discussion on a recently implemented change in project review: in Staff's ongoing effort to reduce application processing time, the Planning Commission will now be provided with draft CEQA documents following close of the public review period. This will occur only when the Planning Commission is to make advisory recommendations to the Board of Supervisors (typically proposals such as Specific Plans, Specific Plan Amendments, General Plan Amendments, etc.). If comments received during the project's public review period require modifications to the CEQA document(s), those modifications will be made prior to presentation to the Planning Commission. Though understanding of Staff's endeavors, the process change is not fully supported by Chairman Beck, Commissioner Day or Commissioner Riess, who prefer to be apprised of all issues/information pertaining projects prior to making recommendations to the Board of Supervisors.

TM 5484 and AD 07-058, Agenda Item 1:**1. Potrero Valley Road, Tentative Map (TM) 5484 and Administrative Permit 07-058, Mountain Empire Subregional Plan Area**

Proposed subdivision of a 73.5-acre parcel into eight lots. The project site is located at 24843 Potrero Valley Road near the intersection of Highway 94 in the Mountain Empire Subregional Plan. The site is subject to the 1.4 RDA (Rural Development Area) Regional Category of the General Plan, the (18) Multiple Rural Use Land Use Designation, and is zoned S92 (General Rural). The existing house and accessory buildings on the site would be retained, and access to the project site would be provided by a private road that connects to Potrero Valley Road. The project would be served by onsite septic systems and groundwater wells, and earthwork would consist of balanced cut and fill of 25,390 cubic yards of material.

Staff Presentation: Ramaiya

Proponents: 8; **Opponents:** 2

Note: Commissioner Woods announces upon his arrival at 9:55 a.m. that he has been listening to today's Planning Commission meeting via DPLU's web-conference line.

Discussion:

Staff provides a brief review of this project. The property contains a single-family residence and accessory structures that will be retained. Future residences will be serviced by septic systems and well water. Various easements will be recorded to protect rock outcroppings, accessory structures, drainages, cultural and biological resources, and a limited building zone easement will be established to prevent fire clearing within the protected open space and on adjacent properties. Staff believes the project balances environmental protection with lot sizes comparable to existing development. The proposed lot sizes are complementary to the Subregional Plan, will allow increased setbacks and preserves environmental and cultural resources. Furthermore, the proposed project is located within close proximity to all necessary services, near development and away from undeveloped land.

Staff informs the Planning Commission that the Potrero Community Planning Group reviewed the project several times and continues to recommend its denial because of concerns about possible impacts on community character, the proposed clustered design, and impacts on groundwater resources. The Planning Group describes the project area as the center of community activity in the General Plan Update.

TM 5484 and AD 07-058, Agenda Item 1:

Staff assures the Planning Commission that the project complies with the County's Groundwater Ordinance, and it was determined that no adverse impact to these resources will occur as a result of this project. Cumulative analysis indicates that adequate resources are and will be available at buildout under the General Plan Update, and the quality of the groundwater meets the requirements for domestic use.

The Planning Group chairman informs the Planning Commission that Staff suggested a reduction in the proposed project's density in 2006, but the applicant declined to do so. The Planning Group does not support Staff's recommendation, lot area averaging or the proposed frontage improvements on Potrero Valley Road. The Group chairman urges the Planning Commission to deny the project, and expresses concerns about possible visual impacts and impacts on the rural character of this community. The Group chairman is also disappointed with the placement of Lots-5-8, which are proposed to be placed single-file style on housing pads that are 300 feet apart.

The Planning Group chairman reminds the Planning Commission that only two lot-area averaging projects have been approved by the County within the last several years. He does not believe the applicant will minimize grading, nor does he believe the proposal complies with maximum depth-to-cut ratios. The Planning Group also remains extremely concerned about the proposal's potential impacts on groundwater resources. The Group members do not believe offsite wells were tested or monitored during project review, and they insist that well test results for Lot 1 are only estimates.

Staff informs the Planning Commission that following exhaustive groundwater analyses, it was determined that the project meets all County and CEQA requirements. Staff reiterates that there will be no adverse impacts on groundwater resources resulting from this project, and the majority of the water going into the residences will go back into the aquifer. With respect to well testing in the floodplain, Staff states the highest pad is 50' above the well; it would not have been prudent to spend additional funds drilling another test well. Staff further informs the Planning Commission that discussions were held with neighboring property owners and representatives of the nearby school, none of whom indicated problems with the groundwater supply. Furthermore, none of the neighboring property owners volunteered their wells for testing when Staff offered.

TM 5484 and AD 07-058, Agenda Item 1:

Staff states two onsite wells were monitored: one 90' away from the primary pump and one 130' away. Both experienced negligible impacts during the 24-hour well test. Staff also thoroughly investigated the impacts of this proposal and the cumulative impacts on the tributary basin at buildout under the current General Plan, and at build-out under the Referral Map.

The applicant's representative acknowledges that Staff suggested reducing project density in 2006, but it was determined that lot -area averaging was the best option for eliminating or reducing potential environmental impacts. This option also afforded additional fire protection. The applicant has addressed concerns regarding possible biological and groundwater impacts. He believes the proposed project will result in improved drainage, and protect biological and cultural resources. The applicant's representative also explains that much of the proposed grading is being done to eliminate past grading. With respect to the frontage road improvements, the applicant's representative informs the Commission that DPW approved the frontage road tapering onsite because of constraints offsite.

The applicant's representative further explains that the floodplain across Potrero Road extends north onto this property, clipping the corner of Lot 1 and the project entry road. He explains that the entire length of Potrero Valley Road is subject to overflow during 100-year storms and, in an effort to maintain the current grade on Potrero Valley Road and enhance safety, the applicant has requested that he not be required to raise the road above the 100-year floodplain. The applicant's representative also explains that there are three drainage basins on this property, one of which will be impacted by this project. That pipe is undersized, so all drainage will be treated onsite in a detention basin before it leaves the property.

Following public testimony, Commissioner Norby notes that the proposed lot sizes are large enough to vary the pads. Chairman Beck questions the aesthetic impacts of the required curbs and gutters, and the Staff suggests installation of an AC berm to address those concerns, explaining that the intent is to maintain separate pathways for pedestrians walking to the school.

Commissioner Day reviews a letter submitted by the Endangered Habitats League. The letter voices support of opinions held by Commissioner Day, that smaller lot sizes will allow protection of greater amounts of open space. Commissioner Day also discusses allegations that the Planning Group recently considered this project, though the Group neglected to inform the applicant or DPLU Staff of the meeting. Commissioner Day recommends that this allegation, if true, be investigated, as it is a serious violation of the Ralph M. Brown Act and Board of Supervisors Policy I-1.

TM 5484 and AD 07-058, Agenda Item 1:

Action: Pallinger - Day

1. Adopt the environmental findings;
2. Adopt Tentative Map 5484 and impose the conditions and requirements set forth in the Resolution of Approval;
3. Approve Administrative Permit AD 07-058, and impose the conditions and requirements set forth in the Form of Decision; and
4. Adopt the Mitigated Negative Declaration dated May 28, 2010 and on file with the Department of Planning and Land Use.

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

TM 5494, Agenda Item 2:

2. Froehlich; Tentative Map, TM 5494; Valley Center Community Plan Area

Proposed subdivision of 31.55 acres into six residential lots ranging in size from 4.0 to 6.45 acres net. The project site is subject to the (17) Estate Residential Land Use Designation, A70 (Limited Agriculture) zoning, and is located south of Sierra Rojo Road along Double K Road in the Valley Center Community Plan Area.

Staff Presentation: Gungle

Proponents: 1; Opponents: 0

Discussion:

This Item is approved on consent following Staff's assurance that the onsite riparian area will be protected from encroachment, via both a buffer to the wetlands area, and a limited building zone. Staff further adds that the project was discussed with the resource protection agencies representatives and MSCP Staff, who all agreed it was most appropriate to place the open space in the areas being presented to the Planning Commission today. The open is required to be dedicated as permanent open space via an easement.

Action: Riess - Brooks

Adopt the environmental findings;

Adopt the Mitigated Negative Declaration dated January 21, 2010 on file with the Department of Planning and Land Use; and

Adopt the Resolution approving TM 5494, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with San Diego County regulations and State law.

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

P95-025W³, Agenda Item 3:

3. Shelby Drive Wireless Facility, Major Use Permit Modification P95-025W³, County Islands Community Plan Area

Requested Major Use Permit Modification to allow the addition of antennas to an existing unmanned wireless facility. The project site is located at 2909 Shelby Drive in the County Islands Community Plan. Proposed is the addition of three panel antennas and three directional antennas to an existing 75' tall monopole that currently contains 15 panel antennas and two dish antennas. The three directional antennas would be added at a height of 63' and the three panel antennas would be added at a height of 60'. In addition, a new equipment enclosure would be installed adjacent to the existing equipment enclosure and would be surrounded by a 6'6" tall concrete masonry unit wall. The project will occupy 25 square-feet of the 0.76-acre parcel, and is subject to the 1.1 Current Urban Development Area (CUDA) Regional Category of the General Plan, the .5 Residential Land Use Designation, and is zoned S87 (Limited Control).

Staff Presentation: Gungle

Proponents: 0; Opponents: 0

Discussion:

This Item is approved on consent.

Action: Riess - Brooks

Grant Major Use Permit Modification P95-025W³, and make the Findings and imposes the requirements and Conditions as set forth in the Form of Decision.

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

P07-011, Agenda Item 4:**4. Covert Canyon, Major Use Permit P07-011, Alpine Community Plan Area**

Proposed Major Use Permit and Williamson Act Agricultural Contract cancellation to allow establishment and operation of a weapons training facility for law enforcement and military groups. Included would be live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group. The Department of Planning and Land Use recommends that the project be denied because necessary infrastructure and fire protection services are not available to serve the property. Consequently, the proposal does not comply with the Public Facility Element of the County General Plan, the Alpine Community Plan, State and County Fire Codes, and Board of Supervisors Policy I-84.

Staff Presentation: Brown

Proponents: 22; **Opponents:** 8

Discussion:

Staff explains that this project site, zoned A72, and designated (20) General Agriculture and (23) National Forest, is surrounded by Cleveland National Forest, large-lot residential development and agriculture. The property is also currently under Williamson Act contract. The site contains a single-family residence, guest-living quarters, and accessory structures. The Major Use Permit and cancellation of the Williamson Act contract is requested to legalize an ongoing unpermitted weapons training facility utilized by local law enforcement and military personnel. Staff further informs the Planning Commission that the applicant has received a "Cease and Desist" order from Code Enforcement representatives, and is subject to additional code violations due to unauthorized grading of Forest Service lands and construction of the guest living quarters without obtaining a permit.

Staff recommends denial of the requested Major Use Permit, and informs the Planning Commission that the proposal does not comply with County codes. The applicant has been unable to provide evidence that the proposed project can be served by a local fire protection district, or that code-compliant access can be provided. As a consequence, the project does not comply with the County's General Plan, the Alpine Community Plan, the Consolidated Fire Code, County road standards, or Board of Supervisors Policy I-84.

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The Planning Commission is also informed that the access road to the project site (High Glen Road) is densely vegetated and poorly surfaced, contains grades of at least 25%, and does not comply with the County's minimum road width standards. Any improvements to the road will require approval by the U.S. Forest Service. In addition, due to the site's remoteness and road conditions, the project does not comply with the General Plan's emergency travel time requirements, and exceeds the dead-end road limits established by both the State of California and the County of San Diego Fire Codes. Staff explains that the applicant proposes to mitigate the excessive dead-end road length by providing shelter-in-place onsite. While this concept could apply in certain circumstances, Staff doesn't support it for this project because of the lack of adequate infrastructure and fire service, deficient primary access, inconsistencies with established travel time requirements, nonconformity with County road standards, and the lack of a willing fire protection district to serve the site. Also, the applicant's account is in deficit.

Staff informed the applicant of these issues on numerous occasions during the past several years and advised the applicant that a fire protection plan would be required, but the applicant never responded to these concerns or provided the requested information. The County Fire Marshal's determination that the project is inconsistent with the Fire Code was appealed by the applicant to the Regional Fire Appeals Board. That appeal was subsequently denied because of the conditions of the access road, and because shelter-in-place concepts are not appropriate for projects that lack basic infrastructure and fire protection service. Staff believes introduction of a live munitions training facility would greatly increase the potential for negative impacts on human health and safety, and it is imperative that responders have a safe and reliable route to the project site. Staff does not believe the findings necessary to approve this Major Use Permit can be made. Staff also reminds the Planning Commission that impacts to community character, biological resources and noise haven't been fully evaluated because of the proposal's unresolved inadequacies. Staff does not support further processing of this application until these significant issues have been addressed. Those members of the audience opposed to the project concur with Staff's conclusions and recommendations, and express great concern about potential impacts on health and safety.

The Alpine Community Planning Group recommends approval of the project, and so do former and current members of the military attending today's hearing. The applicant and his representatives insist that the project should be classified as a civic use, and maintains that the proposal is a stand-alone project wherein appropriate mitigation can address and enhance fire safety. The applicant's

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representatives explain that only 18 acres of the 160-acre is proposed for development, which will consist of low intensity uses patronized by professional law enforcement and military personnel. The applicant does not see a need to provide additional protection of the non-flammable steel/concrete structures.

The applicant's representative also disagrees with Staff's assessment of the access road, and requests that the Planning Commission refer the project back to Staff for further processing. He maintains that the Public Facilities Element determines emergency response time by residential lot size or commercial or industrial type uses, and does not apply to civic-type uses. The applicant's representative reminds the Planning Commission that the State and County Fire Codes allow for modification of standards where same practical effect can be applied, commensurate with the need for the project and the risks associated by the proposed project. Certain Permits are subject to Policy I-84, not all of them, and the standards contained therein can be mitigated by other measures. The applicant's representative reminds the Planning Commission that the applicant, his family and friends are allowed to practice shooting onsite by-right, with none of the restrictions imposed by a Use Permit. The applicant also informs the Planning Commission that a fire protection plan was prepared but not submitted because it doesn't meet the strict standards of the Fire Code.

With respect to the road access, the applicant's representative explains that a special use permit was granted by the U.S. Forest Service. This permit allows regular maintenance on High Glen Road and the associated drainage structures. Maintenance includes grading, blading, removal of debris and shaping of the roadbed including shoulders, turn-outs and turn-arounds that can be utilized by emergency responders. He insists that only 2% of the road grade is greater than 20%. The applicant's representative reminds the Planning Commission that lot sizes impact dead-end road length requirements. The General Plan requires 40- or 80-acre minimum lot sizes in this area, which automatically increases allowances for dead-end road lengths to one mile, thereby greatly reducing the road-length overage for this project.

The applicant's representative believes the same portion of the site utilized by CalFire as a staging area in the Horse Thief Canyon fire is very suitable for shelter-in-place, and an onsite full-time manager would operate the shelter-in-place facility. He assures the Planning Commission that onsite activities can be suspended at a moment's notice, and there would be no temptation to stay and defend the property as many homeowners are tempted to do when residences are involved. The applicant's representative believes site evacuation can be conducted in an orderly

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fashion by following plans developed and required by facility operators. In addition, all personnel and clients must participate in fire-safety training programs, an additional water supply and onsite ponds will be available, vehicles will be limited, and no incendiary or flammable material will be utilized to construct the facility. The applicant insists that fire conditions will be monitored and, if necessary, the facility will be shut down if fires are within five miles of the site to allow early and orderly emergency evacuation.

Action: Riess - Norby

Deny Major Use Permit P07-011.

Discussion of the Action:

Commissioner Riess commends the law enforcement and military personnel in attendance, but reminds them that proposed project is a privately-run facility on private property. The proposal must comply with local law, first of which must be provision of adequate access.

Commissioner Pallinger believes the site is an appropriate location for the project, and supports sending the application back to Staff for further processing. Referring to the account already in deficit, Commissioner Pallinger cautions the applicant that further processing will result in additional costs. Commissioner Day reminds those in attendance that he is a resident of Alpine and frequently passes the property. He supports the applicant's request that the application be sent back to Staff for further processing, also, because of its unique type and intensity of use.

Substitute Action: Day - Woods

Refer Major Use permit P07-011 back to Staff. The applicant is to develop and submit a fire protection plan, as well as submit other studies required by Staff. The applicant is also required to obtain an easement that will allow modification of High Glen Road from the U.S. Forestry Service representatives, and undertake fuel modification efforts..

Discussion of the Substitute Action:

Commissioner Day agrees that use of the site as it's currently zoned would result in substantially more impacts than the proposed project. He believes the necessary findings can be made to approve the project. Chairman Beck disagrees, and

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discusses the inadequacies of the access road. He discusses the danger residents in the area could encounter if a fire occurs in this very high-risk fire area. Chairman Beck discusses the endeavors undertaken by the Planning Commission to address fire protection following the recent wildfires. He supports Staff's recommendations to deny the Use Permit for this commercial operation. Chairman Beck also reminds the Planning Commission that the illegal uses onsite, unpaid fees and the project's inconsistency with the General Plan, the Community Plan, Board of Supervisors Policies and the County Fire Code remain unresolved. He notes that Staff advised the applicant to withdraw his application throughout the process.

Commissioner Brooks announces his support of the substitute motion. He realizes that the required mitigation might make the project infeasible, but believes the applicant should be allowed to provide the reports, the fire protection plan, and any other supporting documents Staff requests. Staff reminds the Planning Commissioners that the local fire protection district rejected the project and no fuel modification plan has been provided. In addition, travel time requirements included in the General Plan must be met. Staff would rather rescind the application and allow the applicant to work with Department of Forestry representatives.

Ayes: 5 - Brooks, Day, Pallinger, Riess, Woods
Noes: 2 - Beck, Norby
Abstain: 0 - None
Absent: 0 - None

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

No reports were provided.

I. Results from May 19, 2010 Board of Supervisors Hearing:

The Board of Supervisors adopted the Planning Commission's recommendations with respect to the Embly project (GPA 07-007/R07-004/AP 07-001, considered by the Planning Commission on 12/18/10); and Fuerte Ranch Estates (GPA 03-006/R03-017/TM 5343RPL⁴, considered by the Planning Commission on 01/11/10).

J. Designation of member to represent Commission at Board of Supervisors.

No Planning Commissioners will be attending the June 23, 2010 Board of Supervisors meeting.

K. Discussion of correspondence received by Planning Commission.

There was none.

L. Scheduled Meetings. Scheduled Meetings:

June 12, 2010	Site Visit, 31749 Rocking Horse Road, Escondido, CA 92026, 9:00 a.m.
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

Administrative:

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 1:05 p.m. to 9:00 a.m. on June 12, 2010 at 31749 Rocking Horse Road, Escondido, California.