

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – August 6, 2010
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:12 a.m., recessed at 10:25 a.m., reconvened at 10:51 a.m., recessed at 12:05 p.m., reconvened at 12:52 p.m., recessed at 2:47 p.m., reconvened at 3:09 p.m. and adjourned at 4:46 p.m.

A. ROLL CALL

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

Commissioners Absent: Beck

Advisors Present: Harron (OCC)

Staff Present: Gibson, Giffen, Grunow, Murphy, Slovick, Jones
(recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of July 23, 2010

Action: Riess - Pallinger

Approve the Minutes of July 23, 2010 as corrected by Chairman Beck to include language pertaining to the need for resolution of impacts on avian and bat populations.

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

E. Requests for Continuance

F. Formation of Consent Calendar: None

G. Director's Report:

Administrative:

On August 4, 2010, The Board of Supervisors adopted the Planning Commission's recommendations regarding the Density Bonus Ordinance, the Tiered Winery Ordinance and the Montecito Ranch proposal.

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PAA 09-007, Agenda Item 1:**1. Accretive Plan Amendment Authorization (PAA) 09-007, Valley Center Community Plan Area (continued from June 12, 2010)**

Request, pursuant to Board of Supervisors Policy I-63, for authorization to file an amendment (PAA 09-007) to the County's General Plan for a master planned community within the Valley Center Community Plan Area. The proposal will allow construction of a maximum of 1,746 dwelling units, a school, a neighborhood-serving commercial village center with retail uses, and an active park. The PAA includes a change in the General Plan Land Use Designation from (17) Estate Residential to (21) Specific Plan Area, with an overall density of 4.3 dwelling units per gross acre, a change in the regional category from 1.3 Estate Development Area (EDA) to 1.1 Current Urban Development Area (CUDA), an amendment to the Circulation Element to include Road 3A and an amendment to the Valley Center Community Plan to include a description of the proposed Specific Plan Area. The request for a PAA was previously denied by the Director of DPLU because the proposal would not be consistent with the existing General Plan or the proposed General Plan Update.

Staff Presentation: Slovick

Proponents: 198; **Opponents:** 241; **Neutral:** 2

Discussion:

Disclosure: County Counsel announces that Commissioner Beck has abstained from participation in these hearings due to a long-standing relationship with one of the applicant's relatives.

Staff provides a brief recap of the Planning Commission's March 5, 2010 consideration of this request, and the Commission's site visit to Valley Center on June 12, 2010. Staff reiterates that the project is inconsistent with the current zoning, as well as the zoning proposed in the General Plan Update. Staff also reiterates that the proposal is inconsistent with the Valley Center Community Plan, the General Plan's Land Use Element, and existing and planned land uses for this area. Community representatives and residents express great concern about the project's incompatibility with the character of this community, pointing out that this is an agricultural area. They insist the proposed density will result in extremely detrimental impacts on local schools and increase traffic on already

PAA 09-007, Agenda Item 1:

overburdened roads. They question the legality of proposed Road 3A and discuss the impacts that would result from its construction, as well as the impacts resulting from conversion of what is currently considered agricultural land. Project opponents question whether water is available to serve the proposed development, and insist that the proposal lacks adequate emergency access/egress.

The applicant, his representatives and many project supporters encourage the Planning Commission to approve this Plan Amendment Authorization. They remind the Commission that the applicant is merely requesting that he be allowed to continue the application process and provide the studies/reports necessary to determine the feasibility of the project. They maintain that the proposed development, if approved, will greatly benefit the community, particularly with respect to road improvements, housing to accommodate anticipated population growth, a new school, a commercial village center and a park.

Note: Due to many concerns raised following today's hearing and confusion expressed by the applicant and members of the public regarding the Planning Commission's motion, it was determined that a transcript of the Commission's discussion following close of public testimony was needed. Please see below.

Comm. Pallinger: ...and that completes our issues for public testimony, Mr. Chairman.

Chairman Brooks: Thank you. At this time, we'd like to have the applicant come forward with a period for rebuttal.

Rebuttal:

Thank you, Chairman Brooks-- Vice Chairman Brooks and Commissioners. My name is Randy Goodson. Again, I really appreciate the time you've taken and I appreciate--

Chairman Brooks: You might need to get a little closer to the mic.

Randy Goodson: I appreciate the time you've taken today and the time that everyone in the audience has taken to come and share their thoughts and opinions.

PAA 09-007, Agenda Item 1:

Chairman Brooks: Randy, before you go on, there's something I need to say. Pardon me, please. This is not the normal course of action. I need to report for public-- to advise the public that I do have a list of signed petitions-- 154 from the Valley Center Community Group here that were opposed to it, so I needed to make that public. Thank you, and pardon me, again.

Randy Goodson: Of course. I just want to respond to a few items that were raised today and answer any questions that the Commission has of me. This is a document from the Staff Report to this Planning Commission back in 2003; at the time the General Plan Update was in its infancy. It identifies issues going on in North County. It identifies that the combination of physical conditions, existing uses, and development pressures produces a strong competition for land in North County communities. I think we've heard a lot about that today. It identifies that there are objectives to retain the rural character while accommodating population growth. I believe this site is a fantastic option to consider for the future. There's balanced residential growth with protections for sensitive habitats and retention of prime agricultural lands, and that's really important, and I'll get to that in a moment. In addition, it concludes with "this will involve developing new or expanded town centers in Harmony Grove or Valley Center", and that is also what I'm proposing that I would like to study more completely. And then, Exhibit 20-- if you can pull that up, John. If you can go to Exhibit 24-- Slide 24, Mark? As it relates to prime agricultural lands, this area and the plan for Valley Center was started with a base map with a completely different set of circumstances. The situation has changed as it relates to prime agriculture and, of course, particularly where our property is located. It has been concluded by Staff that it is not prime agriculture. This is a quote out of the land use framework for the General Plan Update: "Densities were retained within the County's most productive agricultural areas, where residential densities of one dwelling per 10 acres or less are recommended. Those areas include, and I'll get to it, Bonsall/Valley Center border near Lilac Road and the I-15". This was based upon zoning, based upon these lands at the time being considered the County's most productive agricultural areas and that is no longer the case; that's a changed condition, and that is one of the reasons that I would like to further study and put together a very detailed plan and work with the government agencies, water districts and school districts.

Randy Goodson: Another comment related to the density. This is from the Land Use Framework. This is-- you can see the Land Use Framework for the General Plan Update. This is medium density. It is identified as two to 7.3 dwelling units per acre. I have proposed 4.3 dwellings units per acre, which is below the

PAA 09-007, Agenda Item 1:

midpoint of medium density residential. It identifies medium density residential uses-- well, not to read the whole thing but it basically says you start with more intense growth to create a village and you decrease to meet the existing condition of semi-rural at the edges, and it finishes with a very important concept: secondary and compatible uses should be encouraged that support residential use. That's the type of town center that I would like to put together and that I'm contemplating.

Randy Goodson: The other thing is relating to schools. I have-- myself nor Jon Rilling-- we have never, ever discussed any type of general obligation bond district-wide for the school district or any approach. It seems to have been a misconception that came up; I don't know how it came up. I'm not thrilled that there's a misconception. I can't do anything about it, but I'm just clarifying for the record here that there's no concept for a general obligation bond.

Randy Goodson: The County will be building Road 3 in the least impactful way possible and I would appreciate a condition on us to do the same thing, to have our planning efforts on Road 3 and the Road 3A segment be conditioned-- for the planning to occur in the least impactful way possible. And also, in that regard, eminent domain is not-- has not been proposed.

Randy Goodson: As it relates to the questions about the existing condition of the environment or the slopes, this is an excerpt from the County Staff Report for the March 5th hearing: "known site constraint factors such as but not limited to steep slopes and wetlands that would make the request inconsistent"... the conclusion: "although there are portions of the property that may contain environmental resources such as wetlands and steep slopes, there are no prohibitive environmental constraints that would preclude the development of the site", and I think there are-- they were just-- the exhibit that I showed was also from the County website. You can find it on the County website. I passed out copies. I think they relate to some sort of mapping sensitivity level, but that would certainly be determined with submittal-- level of slopes. We are not suggesting any modifications to the Planning Commission recommendation for the General Plan Update, but there are unlocated units that result from the difference between the Planning Commission recommendation and the Referral Map, and that is what we're talking about. Just highlighting that there are unlocated units, that the whole concept of the General Plan Update is for each community to retain its fair share of growth, and we think that this area is an excellent area to at least study to see if all of the technical studies prove out what we've said and what our analysis has been so far.

PAA 09-007, Agenda Item 1:

Randy Goodson: Staff also-- relating to the assertion that the cost of Road 3 would cause new development, the-- I want to point out that Staff, in their General Plan Update presentation, noted that the cost of Road 3 was going to be borne by-- partly by development and also by Impact Fees for development in the region and, other than our project, there is the Wolfsheimer's Lilac Ranch project that contains a majority of the entire segment of Road 3 and leaving just a small segment on the east that would need to be funded by Impact Fees.

Randy Goodson: And, just lastly as it relates to Mr. Britsch and the Britsch family, its-- I think its really unfortunate that myself and the Britsches ended up in such a contentious situation. That's certainly not great. I worked with the family; Jon and myself both worked with Mr. Britsch to acquire his property. Its his right not to sell the property. We absolutely respect that right. We're not pushing anything on his property, but we exchanged development plans. We had our soils engineers go on his property and dig test pits; numerous test pits, big, big trenches for extensive soil studies and my only point here is he doesn't have to sell his property, absolutely. That's the number one component of property rights, but he can't sit here and say that he wasn't aware of our intention to develop our property or of Road 3, because that's just not--

Hans Britsch: You never said anything about Road 3A. That's a lie.

Chairman Brooks: Sir, you can't speak--

Hans Britsch: Well, he's lying.

Randy Goodson: Will you bring the binders in? In the Staff Report-- I'd like to respond to that-- I mean, just because of the outburst, I think should probably respond to that. The-- in the Staff Report, I included a history of my dealings with Mr. Britsch, Jon Rilling and myself. It starts in the Staff Report on Page 1-24--

Chairman Brooks: Be as brief as possible, due to the time.

Randy Goodson: Yes. I'm just going to hand out a binder (distribution of binders). The Staff Report just covers two pages, Pages 1-24 and 1-25. This is the real history. You'll see in there documents backing up everything referred to in the Staff Report as far as the history. The Staff Report includes the identification of newspaper articles, the identification of correspondence--

PAA 09-007, Agenda Item 1:

Chairman Brooks: What page is that, Sir?

Randy Goodson: 1-24 of the Staff Report, and it identifies all the public discussion, newspaper articles, correspondence between us and Mr. Britsch. He was absolutely aware of the road. In fact, his first development plan that he gave us showed the road, showed impacts of Road 3. If you turn to the Tab 3 of this binder, the question is where does Road 3-- how does Road 3 impact the Britsch property. It's always been known to impact the Britsch property for a long period of time. The Road 3 comes up from Lilac Ranch. Lilac Ranch has been planned since the 80s. They have submitted numerous plans and the question has been how does Road 3 complete its journey from-- where it comes up from Lou Wolfsheimer's Lilac Ranch and intersects with West Lilac Road-- how does it complete that journey over to the I-15, and that's really the point. The-- if you look at Exhibit 1-26, that's a map that shows the variance, and then-- Mark, if you would please pull up the Staff Exhibit showing--

Chairman Brooks: We're not able to find where you are.

Randy Goodson: In the Staff Report?

Chairman Brooks: Oh, in the Staff Report.

Randy Goodson: Staff Report, 1-26--

Chairman Brooks: Oh, okay, we--

Randy Goodson: Yeah, the Staff Report has just a two-page history and a one-page showing the--

Chairman Brooks: We've got it. 1-26.

Randy Goodson: And I will put this on our website and if anyone wants a copy of it, I'm happy to provide a copy. But-- anyway, so the history is here and that's really the only point. It's-- Road-- the road running from Cole Grade Road to the I-15 has not been a secret or a mystery. The alignment is a mystery, but its not set. The alignment is a very wide path and its very clear that Mr. Britsch doesn't want it on his property. If we're compelled to find an alignment, we know-- I know I'm not going to get it from him, so I have to work to find another place for that alignment. Thats a challenge for me and that's incumbent upon

PAA 09-007, Agenda Item 1:

me. That's a challenge that I need to overcome. I just want to address the assertion that its been some sort of secret. That concludes my remarks.

Chairman Brooks: Any questions of the applicant? Commissioner Norby?

Comm. Norby: Yeah, actually for Staff, and the applicant can probably weigh in on this as well. 3A and this road segment, the requirements-- this is a question for Staff-- the requirements typically would be for the applicant to perfect or to construct their onsite reach, if you will, of that road and that future development or other development achieve the rest of the road at some point in time, undefined. Is that accurate or is-- would a requirement typically be that this applicant build the whole road?

Staff: At a-- under County regulations, Commissioner Norby, the minimum that-- of this Road 3A that this applicant would be required to build is those that the property fronts on or where 3A goes through the property. It is obvious from where this project is that-- at a minimum-- improvements to west of the project will be required as well, to some degree; potentially full buildout of Road 3A to the west of the project. Depending on the traffic modeling that occurs, there could be other improvements required, including those east of the project and potentially on West Lilac Road as well.

Comm. Norby: And then, could Staff point out from the eastern boundary where the road-- how much land, how much future development would it require to get us to-- that's west and that would be the eastern part--

Comm. Woods: What's it-- you know, Commissioner Norby, just as a point of information, if I may interject a question? From the edge of this property to 15, what's the distance?

Staff: Its approximately a mile, it looks like.

Comm. Woods: And then, through his property is maybe almost another mile or 3/4, so he'd have almost two miles of construction of 3A that he would be responsible for?

Staff: Mr. Chairman--

Comm. Woods: And that's just-- I wanted to find out from-- you know--

PAA 09-007, Agenda Item 1:

Staff: Yeah. I think its fairly certain that that amount would be required. There may be more, depending on the traffic modeling that's occurred that this applicant would be required to build. You know, at some level we start speculating because we're at a high level here, in terms of a PAA, but I think just given where the project's located, that its certain that the onsite will need to be built, and I'm fairly certain that at a minimum, the portion to the west of the project would need to be built in some fashion and anything more than that would have-- I'd have to have a traffic model.

Comm. Norby: And then, a question to the applicant: your comment about--

Comm. Woods: Thank you, Commissioner Norby.

Comm. Norby: You're welcome-- about-- is it Mr. Wolfsheimer that has a parcel that you said would also include completion of the road?

Randy Goodson: Yes, Commissioner Norby. This is the portion of Road 3B-- the segment coming out of Lilac Ranch. This has been on the maps for a very long time. The question among the community and Staff, Planning Commission and the Board has been is it better to push all this traffic along a 20-foot windy right-of-way that would require condemning 10 homes and 60 other-- 50 other driveways and maybe out parcels, or putting an entirely new road through agricultural land without taking down any structures?

Comm. Norby: And then, it is the Road 3B that would take you to the high school that's three or four miles away? Is that correct or is that incorrect?

Randy Goodson: Yes, Commissioner. It's actually six miles away. Six miles from the center of the project and the answer to the question of distance is-- the site of the June 12th site tour was under a half mile; it was 2,500 feet from--

Comm. Norby: Right--

Randy Goodson: from Highway 395.

Comm. Norby: So... your project, should it go forward in the future, residents of that project attending that high school-- the reality of that six miles of 3B, I guess, you know-- four or five miles of 3B, some of 3A-- getting completed is yet to be determined. There's a lot of road to be built; it's not just the little mile section to the west and into the other road, with respect to the high school.

PAA 09-007, Agenda Item 1:

Randy Goodson: That's correct, Commissioner, although we have-- about 15% of our development land is within the Fallbrook high school district also, which would go-- so they would go conceivably in another location.

Chairman Brooks: Okay, Commissioners, I'm going to allow something here that we traditionally don't allow. Mr. Britsch, I'm going to give you-- I'm trying to think through how I'm going to allow this to happen-- I'm going to allow you to rebut something that you heard that you felt very important and then I'll allow the applicant to speak after you, so you're going to get one more time--

Hans Britsch: Okay, thank you. If I knew then what I know now, I would have thrown these guys off my property. They came to me saying that they would protect me against the effects of the GP Update. Here, they have a statement saying "my company has significant experience dealing with the County and I believe we can prevent the impacts of GP 2020 and develop a plan for your land that will maximize its value, proposing a joint venture with an agreement that we, Accretive, receive 50% of the entitled units above the GP 2020 zoning". Note that Accretive was not a land-use applicant to the County until 2009 and that the proposal to us would not comply with the County land use policy. Now, when they first came, I really had no experience in this area. I knew that my property was being downzoned from two acres to four acres. As you've heard in the past, farmers-- a lot of our credits with the banks are due to the land value, so I did have an initial interest in preserving that value, so I did talk to them. Over the four years-- oh, I'm sorry-- the two years, two-year period, four offers were made. I never agreed to any of them. During the two years, each time-- I'm a polite guy-- I said nothing until-- I don't usually outburst, but when people are lying I need to just say something-- each time I said thanks, but no thanks. Each time I said no, they came back with a new offer. So at no time during these two years did they ever inform me of Road 3A. As a matter of fact, the day I learned of the Road 3A through the newspaper in May 2008, I called Jon Rilling. I asked him what he knew about Road 3A. He said I don't know anything about 3A or its alignment". Two weeks passed, and he called again. At this point, the fog had cleared and things were getting clear. I told him "if I'd sold you property, I'd have a road running right in front of my house", and he said it was not his obligation to tell me about it; it was not his job. And this statement I had put-- I wrote last January or two Januaries ago to the Board of Supervisors and to DPLU exactly what I am saying here. It's not some recent thing that comes up just to fit the argument, as it does with Accretive.

PAA 09-007, Agenda Item 1:

Chairman Brooks: So, you were considering selling your land?

Hans Britsch: No, I was not.

Chairman Brooks: Okay.

Hans Britsch: My main focus-- I thought there might be a way to increase-- to keep my density at two acres. That was my intent.

Chairman Brooks: I see. Okay.

Hans Britsch: Again, I got-- I just need to make clear, for two years they said nothing about 3A. In their report, in their timeline, that is a complete and 100% lie.

Chairman Brooks: Okay. Thank you. Mr. Goodson? Again, I'm not going to allow this to be a back and forth debate, but I would like for you to respond to that, and then we have some other questions for you.

Randy Goodson: I appreciate that. I will avoid just the back and forth because obviously we disagree. What I submitted-- our documents-- but despite documents that we produced in our binder, we have on April 10, 2006, the Valley Center Community Planning Group requested an alternative connection to the I-15 via Nelson Way. They added it to the community circulation plan. On July 10, 2006, the VCPG approved the Road 3, including the Road 3A segment. On July 12 that same day, the Valley Center Roadrunner published an article about the road network improving, including the Road 3A segment. On July 18, this Planning Commission-- pardon me-- the Planning Commission Staff Report released for the General Plan Update Road Network included Road 3A; on July 26, the Valley Center Community Planning Group-- of which Mr. Britsch is now a member-- the circulation subcommittee met with County Staff regarding the relocation of the potential Road 3 alignment so it would be north of Nelson Way; on July 28, the San Diego County Planning Commission -- this Commission -- approved the General Plan Update proposed County Road Network, including Road 3A; on August 15, 2006, the North County Times published an article showing the Road 3A alignment and an update on the status of the Lilac Ranch development-- the Wolfsheimer development; on May 2007, the County published the updated General Plan Update Road Network, including Road 3A. All of those occurred before Mr. Britsch pulled his building permit in the beginning of September-- actually, August 30, 2007 is when Mr. Britsch pulled

PAA 09-007, Agenda Item 1:

his building permit. All that information was out in the public realm and his wife is an attorney for the County of Riverside. I mean, she's very familiar with the information being out in the public realm and-- so... you know, that's just public information. If you--

Chairman Brooks: Okay, Mr. -- I think that's-- we've heard enough. Thank you. Patsy, I can't allow you-- public testimony has been closed.

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PAA 09-007, Agenda Item 1:

Patsy Fritz: Thank you, Sir, but I would appreciate-- for your information, in the future, whatever your vote is today, that your legal counsel repre--

Comm. Woods: You can't-- you can't do that--

Chairman Brooks: Okay--

Patsy Fritz: ...take a look at your public records documents--

Chairman Brooks: We can't do anymore-- I'm sorry, Patsy--

Patsy Fritz: ...that this--

Chairman Brooks: Patsy, you're interrupting the meeting. We can't do anymore. I'm sorry about that. (to Mrs. Britsch) No, you can't. Your family's been spoken for. No, I'm sorry. At this point, I've given you a double chance, so thank you. (to a member of the audience) No, no. No, Sir, you're out of order. The applicant has an opportunity to rebut the whole thing. I've allowed opposition to come, and we don't do that normally, so we've already over-extended ourselves and we're not going to do it any further. Thank you. Any further questions of the applicant?

Comm. Woods: I do.

Chairman Brooks: Commissioner Woods?

Comm. Woods: Mr. Goodson, I have a concern about schools and the letter that was generated in the Staff Report from the principal-- the superintendent saying that they had no interest in you donating a school site on your property, and that they had already closed one. Given that scenario, what's your solution for schools and not bussing kids? The amount of time and distance that would be required?

Randy Goodson: Thank you, Commissioner Woods. I also share the concern about the superintendent's issues identified in the letter. The first page of the letter identified that there-- what public funding was available for the construction of schools, and then the conclusion of the letter was that the school district did not have the legal right to charge anything more than statutory school fees--

PAA 09-007, Agenda Item 1:

Comm. Woods: Right.

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PAA 09-007, Agenda Item 1:

Randy Goodson: What was left out is-- and again, I don't know how there was a misunderstanding-- but I met with the superintendent and told her that we would like to build a school and pay for a school. Pay for the land, pay for the building, on our property. And it's certainly, just from an operational expense, it's a lot less expensive to operate a brand new school than it is to operate a school that I think is 30 years old. This school was-- the school that sits vacant today was closed just after a brand new school was opened. A year or two after the brand new school was opened, this other school was closed. So I think it does reflect what the condition is with the school district today, but it doesn't reflect our desire to enter into a mitigation agreement with the school district. It's not as simple as just dealing with one school district, though, because we have three school districts that are all funded by average daily attendance, the statutory State funding, so they would all have an interest in getting as many students as possible. They're all experiencing declining enrollment, and the Valley Center school district has had declining enrollment for most of the last decade. So, we-- I want to be able to know how many units we're planning, what the densities are because the size of the units determine student generation, and then work with the school district to determine the best way to provide the best educational environment.

Comm. Woods: Is it part of your solution to-- I mean-- you know, one of the-- you'd be building an elementary school, correct?

Randy Goodson: My preference is to do a kindergarten through eight school onsite; However, Bonsall has a school just two miles away that is a middle school and it also has capacity and so I don't think we'd be allowed to do that given that Bonsall has a right to 15% of our student generation if our preliminary planning pans out. So-- in which case, we would do a kindergarten through six if the district allows us to build and operate a school for them, and pay for-- just like in San Elijo-- we paid for the operation of the school when the capacity was below the average daily attendance necessary to justify the operation of the school. We were the first ones ever to enter into a vacant student mitigation agreement to mitigate the cost of students who weren't there. So we would operate a kindergarten through six school. If you have 15 grades, each grade roughly represents 7.5% of your student population, so the preference would be to have a kindergarten through six school onsite so all of our families can have their kids go to school together, and then to let the Bonsall school district have the students in the middle school two miles away for seventh and eighth grade, two grades being roughly 15%, so they would get their--

PAA 09-007, Agenda Item 1:

Comm. Woods: And you-- and the high school solution?

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PAA 09-007, Agenda Item 1:

Randy Goodson: ...and then the high school solution is that we would have a dedicated bus. It's a half-an-hour trip; the hour bus ride reflects-- the bus-- school buses are allowed to stop 30 times; they're not allowed to stop more than 30 times but they typically-- given budget constraints-- go to that limit. So, when you have a school bus that starts and stops 30 times and then continues the journey to school, that really stretches out the length. So for students in and around our community, we would offer a direct bus ride that would really streamline the commute and get it back to 30 minutes and then ultimately with Road 3 and the ultimate condition, that would certainly be the optimal and would reduce the length of bus rides for everybody in the northwest portion of Valley Center.

Comm. Woods: Okay, then my last question and I'll let my other colleagues weigh in-- water: where are-- where do you expect and how long of a run do you have to achieve with, I'm assuming, the Valley Center water district or are you going north or what?

Randy Goodson; I apologize. I wanted just to grab an Exhibit. If you wish, I can show you an Exhibit. With water, the reason that we are paying to continue to replant dead and dying groves-- some trees were let to die before we acquired them or we weren't able to revive them when we turned on the water. We lose about \$300,000 a year watering because we maintain our water allocation. When we combine our-- and I have the specific numbers if you'd like to look at a chart, but when our water allocation from the Valley Center municipal water district to our onsite production of water-- we have 109% of the water needed on a net basis for our community, and the net basis means after recycling because under State law-- I mean, we'll recycle anyway-- but we'll provide recycling not just for our own common areas. but also we'll have extra recycling available for the golf courses. Of the three golf courses that are within two miles of and downstream from the sewer treatment facility, the two golf courses at Lawrence Welk are already purple piped. Don Fredericks, the owner, grandson of Lawrence Welk, spoke here in favor on March 5th and mentioned that he would like the access to recycled water, because its also discounted.

Comm. Woods: Okay, I'll let my colleagues continue.

Chairman Brooks: Thank you. Further questions of applicant? There being none, thank you.

Randy Goodson: Thank you.

PAA 09-007, Agenda Item 1:

Chairman Brooks: Public testimony, again, is closed and we'll start the deliberation process and I'll start to my right.

Comm. Norby: Thank you. Thank you, Vice Chairman Brooks. I want to continue to delve into the road issue. Quite frankly, it's the only issue for me that gives me any ability to consider this as a project that I would be interested in supporting a PAA. If you could put up the graphic that shows this property, as well as the high school, because we've heard a lot of testimony about an alternative way out for Valley Center residents, in case of fire, to get out. We've heard many, many, many speakers speak about that.

Susan Smith: There's a mobility map in the Community Planning Group presentation.

Comm. Norby: If we could see the mobility map. I'm looking for road names that had a line from the elementary school, the high school and would have worked, but if there's a better map... So the combination of 3A and 3B, I'll just refer to it as Route 3 or Road 3 or potential Road 3-- the point of that road east from Accretive to where it hooks into the intersection where the school, can you overlay the Accretive project? And what I'm trying to get at-- I'll just ask the question of Staff right now. Based upon projects that are proposed--

Staff: the Accretive site is here--

Comm. Norby: Right, and then there's a section of--

Staff: ...the highschool is over here--

Comm. Norby: That's right. So, based upon-- going east from the intersection near the Accretive project-- the end of 3A, so beginning with 3B and going east-- from Staff's perspective in terms of active development, development potential, what's before you, what's been submitted, what's been discussed with you-- the possibility of construction of that road is highly likely? Highly unlikely? Not funded? What-- can you give me as a Planning Commissioner some degree of what your opinion is on that road?

Staff: What we know today with this route up here is that we've got, of course, the PAA and the segment, we have an active project which is Rancho Lilac and that encompasses most of this segment right here. We do have an existing portion of road that's on the extreme eastern part of Road 3, but the remainder

PAA 09-007, Agenda Item 1:

of that currently would need substantial improvements to meet road standards. The way that we would typically develop those roads is through developments that come in that are within that area of the road, or as we collect our TIFs, and we have the ability to fund those portions of roads. We prioritize our expenditures of those funds in coordination with the communities. We develop a CIP list and identify what the most important roads are for those communities from their perspective and from a traffic circulation perspective, and then we just try to go through that list in an orderly fashion and make those improvements for the benefit of the community.

Comm. Norby: And has that road been prioritized on the CIP list?

Staff: The road, as it's shown right now is not on our current Circulation Element so we don't have the ability yet until the General Plan Update is--

Comm. Norby: And the zoning in that area that will have to be constructed under the General Plan Update, what is the zoning?

Staff: It varies. It's kind of on the edge of our one dwelling unit per two acres and then we're transitioning into one dwelling unit per 20 acres in certain areas, so I would say-- it's hard for me without the overlay, but I think that the majority of it goes through the one dwelling unit per two acre density, so there is subdivision potential within there; you're not going to see really large projects coming through, but there will be probably some smaller subdivisions that will occur within that area.

Comm. Norby: Okay, and then is it fair to say the County has road segments like this that are on the map that haven't been constructed, that may be decades or 25 or 50 years out that the answer is the County will eventually pay for it and get it built, but it hasn't been built? Is that-- I'm familiar with a lot of those different road segments

Staff: Yeah--

Comm. Norby: So this road would compete with a lot of different road segments for public tax dollars to get completed, as well as have to go through a community CIP process of prioritization just from within that community?

Staff: That is true. When we collect our TIFs, there is a portion allocated to the local road network and we also have a regional part of the TIF, and so there's

PAA 09-007, Agenda Item 1:

some inter-community competition that does occur, but there's also a certain amount of moneys that are generated within the community that stay within the community and allows those to go back into that area.

Comm. Norby: Is there any transit planning whatsoever from the Metropolitan Transit District, from NCTD, from the County, from SANDAG? Is there any-- BRT, light rail? Is there any transit planning that's currently being planned for this area?

Staff: The planning that I've seen so far-- there's a high frequency-, so there's a difference between the type they're looking at. They look at your high frequency transit, bus routes for transit, BRT rail, and then there's also just the basic service. So, within this area they are looking at potentially running a bus rapid transit up the 15 corridor and they identified that the possible destination of that could be the 76 interchange. They've also looked at a tie-in to the corridor running along the-- I believe it's the 78 where the Sprinter line goes and basically expanding on that corridor. We've also seen efforts to plan the California high-speed rail in this area, however, from what we've seen, it's not actually going to be located on this side of the freeway; it's most likely going to be on the western side of the 15 and it's highly likely it's going to be grade separated in some fashion, so the closest stops were actually going to either be in Escondido or up in the Temecula area. Other than that, SANDAG has indicated its in their interests to continue some basic level of service to our remote communities, but those would just be a bus or two a day just to allow for people that need to go to the hospital or receive some type of essential service, to get out of the communities and into those other areas. It's not a commuter-level service or anything like that.

Comm. Norby: Thank you. Those are the questions that I have of Staff, and I would ask the Commission's pleasure if they want to hear my remarks or if we should listen to the rest of the questions.

Comm. Day: I'd like to hear your remarks, but if I could interject one question on your line of questioning. Devon, you implied the western portion with this project and then-- of the Road 3-- and then the eastern portion, and in the middle there, I heard you say Rancho Lilac, an active project? So can you define that? How-- what does active mean and how long has it been active?

Staff: Mr. Chairman, Comm. Day, that project still has a technically active application but if you recall, last Fall we started an inactive case policy and that

PAA 09-007, Agenda Item 1:

project's actually been-- while it's got a viable application, we have not seen any real activity on that in a couple of years, and it has been in process for several years.

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PAA 09-007, Agenda Item 1:

Comm. Day: Several years or decades?

Staff: There have been various proposals on that and it has been a very long time. I think the most recent proposal that we've seen is about six years ago.

Comm. Day: So its-- how active is active?

Staff: Not very active in this case.

Chairman Brooks: Comm. Norby, the way I'd like for us to proceed, which would be very beneficial for us, since you're leading from the right why don't you get all of your issues out, but we'll feel free if you touch on something any one of us want to follow up on, we can. Is that fair enough?

Comm. Norby: Okay. So I'll start with some of my thoughts on this project. I think first of all, as I address the situation about a north and south village and then enhancing those villages, or a new village has potentials, and I look at the word sustainability, I think that you start with the word "sustain", and that means "keep". And I think that on my site visit when I went out there it was very, very clear to me that this is an intensive-- not somewhat-- but a very intensive agricultural area that has a very distinct rural character, and that is the existing view from this Commissioner as I look at that area. It is by no means an urban area. By no means does it have failing agriculture in it, and I think that that's been demonstrated today. As we delve into the topic of sustainability, the most sustainable brick placed-- or the most sustainable brick is the one that's already placed. And those communities have been there for 150 years, 120 years. They have developed, they have matured and I am interested-- and I think that the Planning Director, the Planning Staff and the Planning Group are on the right path. They know that there's going to be development; they want that development to be around the north and the south village.

Comm. Norby: So, as I take a look at General Plan Amendments or PAAs in my evaluation as to my process to either support or deny, I need to take a look at where are we with the General Plan existing and the General Plan Update, and then what is the proposal. So... is it small, medium, large? Great. Are there huge differences? And then that's factored in. And then what's the benefit to the community? What are the benefits? Is it fire? Is it schools? Is it roads? Is it a library? Whatever the benefits are-- needed housing... So, we've had projects here, for me, that have worked; that I think are good for a PAA or good for a General Plan Amendment, and then we've had projects here that I don't

PAA 09-007, Agenda Item 1:

think work. In this particular case, the discrepancy of-- well, before I get to that-- Property rights. We hear over and over and over "it's my property. I have the right to do what I want to do", and I support that. I really support that, and it's defined by the General Plan, and that's the planning document that gives you the rights to do that. To an extent. There still may be situations where you can accomplish what the General Plan allows. When you go over that, you start impacting other people's property rights, and your neighbors and your fellow Valley Center people, they have property rights as well, and the impacts to those property rights on a project like this, I think number one-- I think this will be growth inducing; I think that we will be looking at future PAAs to help pay for the road and increasing densities all up and down that 3A, that 3B. I don't think that's what the Valley Center community wants either. So, I look at the differentiation between what the General Plan allows and what's being proposed, and then the benefits to that. I look at how the community wants to develop, I look at the professional Staff and what their responses are, and I'm going to keep an open mind but those are my comments. Right now, I want to listen to my fellow Commissioners and what their thoughts are, but those are my comments right now, and you can tell that at this point in time I'm going to listen to my fellow Commissioners, but I am not in support of this PAA.

Chairman Brooks: Thank you. Commissioner Riess?

Comm. Riess: Thank you, Mr. Chairman-- Acting Chairman-- I'm sorry. I had a couple of questions for Devon or anybody else from Staff; maybe someone else would know that. When we do roads like this segment of 3A where it goes beyond Accretive over to Lilac, and from Accretive over to 395 through other people's property, does the County use the 13 Act, 15 Act, any of those bond issue programs to fund these things? Do they have a cost recovery district set up for a developer to build something and then recover from those people who develop it later? Adjacent properties?

County Counsel: Can I--

Comm. Riess: Sure.

County Counsel: We used to but now, since the-- I think it was Prop 218 came along--

Comm. Riess: Vote on taxes, yes--

PAA 09-007, Agenda Item 1:

County Counsel: Yes, you have to have a vote on those assessments.

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PAA 09-007, Agenda Item 1:

Comm. Riess: Well, that's why I was thinking it would be the appropriate thing, because right now we're seeing a lot of people out here screaming "this is not what we want" and other people saying "it is what we want", and that would be the advantage of doing a 15 Act, where they'd have a right to vote and they'd have a vote weighted upon how much they're being assessed, and so we'd find out how many people would support this thing or not, based upon a public vote that would be done by the County for public records, and that would be one method of solving all these battles we have over Road 3A; whether it really is what the community wants or not, because I have a sense what Accretive has done in my book here, and that's the thing-- I've worked on a lot of roads over the years-- is they've got the flat land in the middle and they're going to develop that, and then do something with the others out there, but the majority of this is going to be paid through others. The cost of building a road through a mountain pass or through rocky terrain or through up and down hills, is 300%-400% higher than it is through the flat-ground stuff. And so, he's going to get his ability to develop in the middle, and he's gonna be an island in the middle isolated until somebody else wants to develop one of the other properties. At that point in time, we're talking about a tremendous amount of development in Valley Center and I don't-- we haven't-- that's not planned for what we have in there is it, Devon? All these other developments to fund the road for anybody else to pay for it? Out of development funds?

Staff: There will be substantial growth in Valley Center, and the growth throughout Valley Center-- as they develop, they will be required to pay a Transportation Impact Fee.

Comm. Riess: Well, I meant exactions with respect to Road 3A, I'm sorry. There will be TIF fees and DIF fees, whatever you call them, but those are relatively small when compared to what the capital improvements are for Road 3A going through somebody's property when it runs in hilly terrain, right? I mean the other-- that's going to be-- that has to be an exaction to someone who's developing. What is the likelihood of someone with that property developing, and can he afford development costs with the development potential he has on property with more than 25% slopes?

Staff: Well... you see it happen all the time throughout the County. Looking-- I know Rancho Lilac isn't imminent, but you look at their development and they were proposing to build a pretty substantial length of this road, so that whole area, their density, I believe, is around one dwelling unit per two acres throughout that entire project, so it's possible. We see-- I mean-- that's how

PAA 09-007, Agenda Item 1:

we've developed our road network in the County for several years, and for the major roadways that's how we've built out our network.

Comm. Riess: And that's-- are you with Lou or Abby on that one? Wolfsheimer?
(general laughter)

Chairman Brooks: Don't respond (laughter).

Comm. Riess: No, I'm just curious. Abby-- I think, it belongs to Abby's family, but Lou's doing a thing on it-- anyway, okay. Now, back to my view on this. When Eric brought this thing to us the first time-- thanks, Devon-- he had half a dozen things why he didn't think it would work and he went through each one of those things and every one of those things was negative. And the way I see it, its not just "pick one or two", he has to meet each one of those steps along the way before he gets to "lets do a study". And, if he can't meet one of those, it's "lets not do a study" but the idea-- or the ability to make all six of those steps is going to be very, very difficult. That is, from my standpoint, very difficult to do it. The next thing, and there may be a dispute among the parties as to that but at least the record-- the letter I saw from the school district, he said he did not want to do a Mello Roos, which would be taxing the residents within his own subdivision, but he wants to do a G.O. bond, which taxes the entire community, to pay for the schools that he's going to be developing. That's putting another burden on his neighbors rather than putting it on himself and I don't think, from that standpoint, the property's really got the sustainable growth that's necessary. He's got to do growth that's dependent upon the unwilling support of his not-too-appreciative neighbors right now, who seem to be filling the room today and talking. That's my position.

Chairman Brooks: You're finished?

Comm. Riess: No, I've probably got more to say but I'll shut up for now (general laughter).

Chairman Brooks: Thank you, Commissioner Riess. Commissioner Woods, please?

Comm. Woods: Devon, I've got one more question of you. Are you still here?

Staff: I'm over here, now.

PAA 09-007, Agenda Item 1:

Comm. Woods: Oh-- good (general laughter). I could say something, but I won't.

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PAA 09-007, Agenda Item 1:

Staff: Thank you for not saying that.

Woods: On the TIF, what's the ratio that Valley Center employs? In other words, what goes directly back into local roads versus larger roads? Like Ramona has-- 60% goes to Highway 67 coming in, and 40% goes to local roads in the community.

Staff: I'm sorry, Commissioner Woods; I don't have those numbers off the top of my head. I know that the breakdown of what goes to regional/what goes to local is generally the same throughout all the communities. When it goes beyond that as to what moneys are earmarked for certain improvements, it varies substantially by community, and I don't have that--

Comm. Woods: Okay.

(A Staff member approaches the Staff table, and then the podium): Alright. It is about \$7,000 total per dwelling unit. Now this is going in-- Bob Citrano, County General Plan, about \$7,000 per unit; about \$2,000 or \$2,200 of that is for regional, I think and then the rest is local. So, it's maybe like--

Comm. Woods: 70/30.

Staff: More like that, or more, I recall.

Comm. Woods: Okay, that's good.

Comm. Norby: Bob-- if I may, Commissioner?

Comm. Woods: Yeah.

Comm. Norby: The likelihood of getting the revenue required building a home per two acres in that area for a road segment is-- the math doesn't work for me, at least.

Staff: That area that-- east of the Rancho Lilac area is a combination of semi-rural, which-- part of the roads built in that area-- and then it goes to more steep terrain where it become more rural lands in that area.

Comm. Woods: You know, my-- I came into this-- and generally, we've looked at PAAs as something that they're just an opportunity to do more study, and

PAA 09-007, Agenda Item 1:

we've been actually pretty lax on them. But the thing that concerns me about this-- I'm trying to work my way through-- is the number of units that are being proposed for the character of that community, and then when you balance that against the facilities that they have to support in order to put that project near Highway 15, where there's not water close, where there's not schools close, there's community character there, there's farming there, there's an old iconic Western Cactus Farm that's right in the pathway of the road that they want to talk about, I'm having more and more concerns about the viability of this-- almost to the point where I feel it's premature to come in until they have some more things dialed in. One of the things I thought-- I went to the hearing on Wednesday at the Board and I sat there and I watched the Montecito Ranch come in after 12 years of work with the community, and they had not one person there in opposition because they worked so long and with that community to satisfy their needs, to build not cookie-cutter. They built half-acre to 1.8-acre lots that more mirrored the needs of the community for development. And now, we're coming in at 4.3. I think this is really half-acre stuff here. It should be two dwelling units per acre, not 4.3, to stay within the character of the community or to even get close. Now, my challenge is-- I don't know if they can build it at two instead of 4.3, and pay for road 3A and bring the schools and the community character and the water and all the facilities they need to make this thing work, so I'm having more and more concerns than I thought I would coming in here this morning.

Chairman Brooks: Thank you, Commissioner Woods. Commissioner Pallinger?

Comm. Pallinger: Thank you, Mr. Chairman. First of all, I really want to commend the citizens of Valley Center on both sides of this issue, for all the effort and time and passion that you've put into it. It's obviously very important to both sides and having us come out there... very hospitable and we really appreciate that. Plan Amendment Authorizations are a difficult situation and a complicated-- well, I don't know if they're so complicated-- but a difficult procedure. Typically, the Planning Commission views, in the past, Plan Amendment Authorizations as a way to study a project to really get the facts on which to really evaluate a project. And Montecito Ranch, which has been brought up repeatedly as a great example-- there's actually three projects in Ramona that are-- all three of them were Plan Amendment Authorizations. One of them was the Monte Vista Ranch, which had a Plan Amendment Authorization. That project processed for seven or eight years and ultimately was sold to the State of California for an open space preserve, but that wouldn't have happened if the project hadn't moved forward under the PAA process.

PAA 09-007, Agenda Item 1:

Comm. Pallinger: Another project, Cummings Ranch, had a PAA approved 12 or 13 years ago. It's still in process and has very little opposition in the community at this point, and has solved many, many issues, has more issues to solve as it goes along. And then, Montecito Ranch, which we've discussed, started out 12 years ago. Very, very much opposed by the community, so much so that the Planning Group was voted out and a new one voted in in order to oppose that project. That project proposed a whole new road, a Circulation Element road, to the west of town completely changing the traffic patterns in that town. Significant density on that piece of property, but because the Plan Amendment Authorization process was allowed to go forward, that project morphed tremendously. That road went away, the density was cut drastically and-- to the point where last Wednesday, as Commissioner Woods pointed out, it had no opposition here at the Planning Commission; it had almost unanimous approval at the Planning Group level and was approved at the Board of Supervisors. So... those three projects - to me - prove the value of the PAA and allowing the project to proceed with the technical studies in order to start to understand a project. At this point, everything we've discussed is really conjecture. This project, once the technical studies begin, may or may not sustain the current level of density at all, and it may not even need a second 3A or a 3A road at all. It may need a second access, obviously, but that road could go to the south. We have no idea at this point with the information we have, how this project may morph. It could end up - like Monte Vista Ranch - being purchased for open space by the State of California or other preservation group because its under the threat of development. And I understand that that process does have a cost to the community because you have to continue to stay informed and be a part of the process, and I understand that and I respect that. But I think in the end, the value to the community, the applicant, and the region is value to at least allow us to start to understand the issues. And... I don't know anything about this project-- if it's going to be worth approving or not approving, but I do see a value to the PAA, and that's my position.

Chairman Brooks: Thank you, Commissioner Pallinger. Commissioner Day? You're waiting for me to follow?

Comm. Day: Um hmm...

Chairman Brooks: Sure, I'll follow. That's a good way to segue. I'm sitting here with my notes and Commissioner Pallinger spoke to a lot of the issues, and I recognize that most of my issues can't be answered at this stage in terms of the secondary access, the water and whole lot of those things, and my feeling is -

PAA 09-007, Agenda Item 1:

quite frankly - if the applicant is willing to pay money to study and go to that next level where he has to prove that these things can be done, he still has to come back before you and before us to satisfy that. So... that's my position. And, Commissioner Day?

Comm. Day: Thanks. Well, I'd like to start by saying again like I did at the last hearing, thanking the public for their involvement and their patience. Obviously, this is a large project; obviously controversial and I appreciate the-- once again, as I said last time Mr. Britsch -- your kid are incredible. I don't know how-- how old is your son there, because my 10-year-old could never sit there that long. He's a model citizen. I appreciate everyone's involvement. You know, it's really - this is really, for me personally, a very challenging project, as I said at the last hearing, and I've put together a whole list-- a kind of a ledger of pros and cons and, you know, just not to be repetitive but if this were a project - which it's not - I wouldn't support it. That's just the way I feel. I could go on and on: It's not pipelined; this is the eleventh hour; 2020 proposes far less than the existing Plan; the entire issues around the Road 3 and 3A; and the active or inactive status of Rancho Lilac. This is completely--this is agricultural property; the water and the wastewater issues; the costs of all the infrastructure: roads, schools, fire, sheriff. There's still questions about slope, but I think that can be resolved. As Commissioner Woods said about the rural character and the lot size, and the cactus farm, which is absolutely unique and it was wonderful to be onsite. And I've got plenty of other issues, not to mention Merriam Mountains and the Board's vote on that. No secret where I was on that project; I couldn't imagine a better place to put development than Merriam Mountains and I will continue to support that. Talk about smart growth, that's smart growth, but that's not my job, apparently, or our job because the Board has the ultimate jurisdiction and that was their decision. So, that weighs heavily on my mind. And, of course, the position of the Planning Group and the community. That's obviously something that I would take very seriously and I respect. All that being said, I did a little research and I have never found a PAA since I've been on this Commission-- in the roughly 10 years-- that I haven't supported because it's not a project. I respect the need and the angst that the community goes through, through these PAA projects and processes, and I wish there was a better way to do it, and I really hope we can get there after 2020 or whatever is approved. But, as Commissioner Pallinger just said, its an application to pursue studies and its-- its really, frankly, a stupid process but that's what we're forced with. There are benefits to this at first glance. I mean, it is out of the North County MSCP PAMA; roads potentially could be community benefits; jobs, certainly; and this morning's editorial from the North County Times. I give credibility to the local hometown

PAA 09-007, Agenda Item 1:

newspaper with some of their arguments and I did a little research find out where, and remind myself where, they were on Merriam Mountains, and we all know where they are on County Supervisors, so it's not like they're a shill for Bill Horn, so I give them and their words a little bit of credence. So... having said all of that, where I am in this internal conflict really comes down to the fact that we're at the eleventh hour on the 20-20 process and the Board's recent vote on Merriam Mountains and where that General Plan Update is or is not. The fact is that it is going to be at the Board in October. In my mind, I'm not prepared to make a final determination on this application until I see where the Board comes down on the General Plan Update. I have-- I know where Staff is, I know where this Commission is; however, I am under the impression that there are some significant questions from the various community groups and citizens, and that the Board may well have serious concerns about the status of the General Plan. So my initial thought is to continue this hearing until after we hear the Board's discussion on 2020 and, in the meantime, to attempt to request - if possible - from the applicant some additional studies that will put us in a better position to consider this project after we hear where the Board's going on the General Plan.

Comm. Woods: Can I weigh in on the comment?

Chairman Brooks: Please do.

Comm. Woods: That came from left field for me; got to digest it here, a little bit. I think there could be two good things that could come out of this, in my opinion. My concern still remains with too many units, Mr. Goodson, for community character. It does give you time to consider meeting some of your facility issues more head on and get some idea-- a little more concrete idea of what direction you're going to go, and are you going to get support, and does it - it might give you more time to hone in on a little bit of a thing called community character into the design of what you're doing; that would make me more comfortable. And then, thirdly, maybe you could figure out a way to take that road and avoid getting stung by cactus (general laughter), cacti. So... that's an interesting idea. You know, its--

Comm. Day: You want to make a motion?

Comm. Woods: ...because I know the Board is-- this is going to be tough in October or November 1st, whenever it goes to the Board-- what's going to happen with the GPU. And if there's any turmoil there, you're right; it could change the whole landscape of what we're doing.

PAA 09-007, Agenda Item 1:

Chairman Brooks: Wow, this is-- thank you, Commissioner Woods.
Commissioner Pallinger?

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PAA 09-007, Agenda Item 1:

Comm. Pallinger: Thank you, Mr. Chairman. I have a question for Counsel. I think Commissioner Day has brought up an important point. I think the issues are so much in flux right now, and there's so many unknowns on this particular project, and, as I say, through the value of the PAA-- or maybe we can direct the applicant and Staff to work through some of these issues so we have a better understanding, particularly as far as a technical study for traffic, and some of these service issues for schools and the water district-- but Staff said the water district-- that these districts would not give will-serve letters until there is a PAA. Is there a way around that or how could we work to resolve some of these issues so we--

Counsel: Normally, a will-serve letter is after you take care of all of the conditions that the water district is imposing, then they will give you a will-serve; but as far as doing studies as to how you would provide water, you can do that without water district approval or without a will-serve letter.

Comm. Pallinger: The issue-- I think the applicant's attempted to do that and (disagreement from the audience) so, is there a way to do a technical study on water use, Mr. Director? Is there a way to address this so that we get some more information when the applicant comes back?

Staff: Mr. Chairman, Commissioner Pallinger, absolutely that can be done. It, to a certain degree, it's going to depend on the cooperation level of the districts that the applicant has to work with, assuming they're cooperative. There's nothing that I can think of that prohibits them getting the engineering information so that they could do a study and look at where the water and sewer issues are on this project.

Comm. Norby: Just a few more comments, if I may?

Rich Rudolph: Mr. Chairman, can I make one comment on behalf of the Planning Group, please?

Chairman Brooks: Public testimony-- we can't allow-- public testimony is closed. Thank you.

Rich Rudolph: The Board said this project has to be on it's own track outside the General Plan. It has consumed so much time from the Planning Group that we can't spend time working on the General Plan, and don't have-- we only have a month left.

PAA 09-007, Agenda Item 1:

Chairman Brooks: That's fine. We can't allow you to-- I've done some--

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PAA 09-007, Agenda Item 1:

Rich Rudolph: Please don't do this.

Chairman Brooks: I've over-extended myself today and I'm not going to do it anymore. Commissioner Norby?

Comm. Norby: Just a few more comments, and I appreciate all the heartfelt comments and the thoughts of this Commission; it is a great, great body, in my opinion. I am so proud to be a part of this and our diverse thoughts. Again, the issue for me is one of scale. I think Montecito has been brought up, but the number of housing units proposed for Montecito as part of their original project and the number of housing units that were approved were similar; they were the same numbers. And so, it was more a lot-utilization issue that that General Plan Amendment or PAA process went through. So this gets into this kind of gradient-scale. So... that to me was a small one; this one's a large one. And we also have to be aware of costs that projects like this cause a community and I brought this up before, and I think it's a very valid comment. We have a congested corridor on Highway 15, we have a project that's going to generate 17,000 ADTs a day. I'll guess with a thumb and say 30% to 50% of those trips will end up on Highway 15. You could argue more, you could argue less; it's just a thumbnail. Now, that's 8,000 - roughly - vehicle trips a day on Highway 15. Being close in residence to the I-5 corridor, another corridor that's impacted, we have what today would cost over a billion dollars to put in, which is our commuter rail, and the east-west linkage was $\frac{3}{4}$ of a billion dollars to move 5,000 people a day. Less than the traffic from this one development will put on Highway 15. We move 5,000 people a day on the Coaster, and if we were to put that light-rail system in today on the 15 corridor, it would cost over a billion dollars to move the amount of traffic that this project is going to put on, so these impacts are significant and they're beyond the scope of what we typically get involved in, but ultimately, we pay for it. So... I just wanted to make that point, as well.

Chairman Brooks: Thank you, Commissioner Norby. Any other...?

Comm. Day: Well, Mr. Chairman, I don't see anyone else jumping in, so based on the comments of my colleagues, again, I've expressed my feelings. My support for PAAs in the past is pretty obvious, and that's a huge hurdle for me to contradict. I do support allowing applicants to go through the process; I firmly believe that. I recognize the community needs to stay involved and vigilant, but it-- hard dollars out the door-- it's theirs, and the risk is theirs. Merriam Mountains is a great example where they knew up front right at the beginning

PAA 09-007, Agenda Item 1:

what the risk was, and they took that chance. They rolled the dice and they lost, and whether you want to say "shame on them" or not, that's the process we have. So, if the issue were to simply allow the PAA to proceed I would, but based on the comments that I'm hearing from my colleagues, I don't sense the support for that just yet and, given that, I would make a motion to continue this hearing, to return at the end of November and to request technical studies on traffic, water, wastewater and schools.

Chairman Brooks: There's been a motion. The Chair is ready for a second.

Comm. Pallinger: I'll second that.

Chairman Brooks: Seconded by Commissioner Pallinger. Ready for discussion? Before discussion, Staff, you heard the motion and it has some provisions in there, time and effort, so would you please comment?

Staff: If you want to move forward with that motion-- with Commissioner Day's motion, I would just suggest that you link it to the hearing following the Board of Supervisors final decision on the General Plan Update. It may be/it may not be by the end of November; it may be longer. We are intending to go back in late October to the Board, but we anticipate its probably going to take a few hearings to get through that.

Comm. Day: Well, yeah, that's clearly the intent. I've always assumed and heard from Staff that you-- that this was going to come to the Board in the Fall, so we've got three months in the Fall.

Staff: Okay. So... it would be instead of the end of November, it would be--

Comm. Day: You're correct. It would- my revised motion would be "following the Board's substantive determination on the status of the General Plan".

Chairman Brooks: And the second supports that?

Comm. Pallinger: I do.

Chairman Brooks: You've heard the motion. Discussion, please? Commissioner Norby?

PAA 09-007, Agenda Item 1:

Comm. Norby: My preference would be to vote on this today, and I don't know what the outcome of that is. The Accretive may pass, it may fail in terms of our PAA. I do agree with a lower standard for a PAA, a much lower standard to get it. Again, it doesn't clear that hurdle for me. The question I would ask-- some of these studies that you've asked for in your motion-- is four or five months adequate to accomplish the task that you've laid out? It seems to me usually it's a little bit longer than that, but-- so, I guess I'd want that clarified for us, but my preference would be, as a Commissioner, to vote on this today.

Chairman Brooks: Commissioner Riess?

Comm. Riess: Thank you, Mr. Acting Chair (laughter). I think its not a gut maneuver to do it this way, but it would work. I can sure concur with Commissioner Norby that this may take longer to do these studies that we're talking about... the traffic studies. I have a whole bunch of different speculations as to how things may go, and then that goes with the cost of the roadway and all these other-- it may be much more complex that we're talking about, and also we don't know whether the applicant's going to want to do that. He may just want to say "take a vote on it and I'll bite the bullet". I don't know what he wants to do.

Chairman Brooks: Thank you, Commissioner Riess. Commissioner Woods?

Comm. Woods: Well, I guess-- and speaking to the applicant about this motion, I'm not going to support the PAA unless when you do come back there are some changes that I have suggested. I do believe that getting too close to the cactus farm is wrong. I do believe that the number of units is too high. If you can bring those more into line, I would be much more amenable to supporting you and letting you go forward. I'm not saying ruin your project, but your community character is around-- it's a 180 off right now and I think you need to rethink that to gain my support. Its-- there's a lot of questions and perhaps this will give you an opportunity-- and I do believe-- to the maker of the motion, we're not looking for large studies; we're looking for directive studies to give credence. I'm not trying to pick his pocket here.

Comm. Day: I agree.

Comm. Woods: Okay. And so, I just wanted to make that--

PAA 09-007, Agenda Item 1:

Comm. Day: I agree, and your point about the farm and the density-- if you would want, I can put that into my motion. I don't know that it's necessary; I think the message from this Commission on that point is pretty loud and clear. I would also add-- which I forgot to mention-- is the issue of eminent domain. You know, I could never support eminent domain. It's not within our purview, of course, but I also don't see this Board of Supervisors supporting eminent domain unless its for a highly critical public need facility. A jail, hospital, etcetera. Taking of private property for a road that may or may not go somewhere is so speculative, I don't-- its just so far out of the realm of possibility, I think everyone should just disabuse themselves of that notion, because it's not going to happen in this County. But if you want that in your motion-- my motion, I will--

Comm. Woods: No-- I mean, I think the message is clear and like I say-- I mean, and I'm-- if we could get past a couple of those hurdles and get some assurances that there is some sort of a blueprint developed for some of these facilities that are-- that they are reasonable, that the community would say "yeah, that's not a bad idea". You're certainly not going to have this community stand behind you, you know, three or four months from now as many of them are not today, but I do think from the standpoint of allowing you to work with them in the future, you need a few tweaks, and I think this is a great opportunity.

Chairman Brooks: Staff, with PAAs do you have to, with a PAA, determine the number of dwelling units? They have the three neighborhoods and they came out with approximate numbers for dwelling units. Is that required on a PAA?

Comm. Woods: The density?

Chairman Brooks: The density?

Staff: Chairman Brooks, we need to know what the land use designation is that they are going to change it to. The proposal right now is that they want to change it to a Specific Plan, which is a (21) designation, with an ultimate density of 4.3 dwelling units per acre.

Chairman Brooks: Point well taken.

Comm. Woods: I mean, I don't want to sit there and tell them what to do. I'm just saying try--

PAA 09-007, Agenda Item 1:

Chairman Brooks: No, I didn't either, but the point I was making is that the PAA should give us--

Comm. Woods: It does--

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PAA 09-007, Agenda Item 1:

Chairman Brooks: Right, and what--

Comm. Woods: If they come back and they change their designation--

Chairman Brooks: But what we're requesting with this continuance is it'll help me, quite frankly, with the uncertainty that I have with water capacity and so forth, and would we require them obtain a will-serve letter from--

Comm. Woods: No.

Chairman Brooks: Okay, so that wouldn't be part of it. Okay, Commissioner Norby?

Comm. Norby: Before I vote on this motion, I'd like to ask our Director and County Counsel a question and that is: it seems to me that the changes would be somewhat substantive and can we deny, if you will, without prejudice and what prevents them from coming back with another Plan Amendment application that then gives Staff the ability to weigh in on that, approve it, evaluate it to help us in our deliberation? I mean, if we're going to wait six months, what's that process look like, so I can compare on my vote here?

Staff: Yes, if-- Mr. Chairman, Commissioner Norby, under the Board Policy, if your Commission were to deny this application today, there is nothing to prohibit the applicant from reapplying at a future date with the Department or with the-- well... with the Department, an alternative measure that would-- if they were denied today, they would have to start back with a new PAA at the Department level, and if they didn't get that approved there, then they could come and ask your Commission the same question. The issue in six months-- you've asked for a number of studies and for us to come back after the Board renders their decision on the General Plan Update, we would come back after that. I cannot assure you that those traffic studies and those other studies that you've asked for would be 100% complete, but we could bring them back in the state that they're in and let you know what the conclusions are of them, to the extent that we can say.

Comm. Norby: Okay, so if we were to-- if the applicant were to start a brand new PAA project-- process, how long before it gets back in front of us, the Planning Commission?

PAA 09-007, Agenda Item 1:

Staff: I would say, after they formulated it, I'd say-- I think we took about five months or so of process, is that correct (to Project Manager)? It would be about a-- I think in the realm of six months after they had reformulated their proposal, total, to get both through the Departmental process and to get back before your Commission.

Norby: Okay and, for my consideration again before I vote on the motion that's on the floor, this process of suspending/continuing for a several-month period of time until after the Board of Supervisors weighs in on the General Plan and these studies have been conducted-- that path-- versus denial and resubmittal and that path; is there a significant cost difference in those two paths?

Staff: I would say "no".

Comm. Day: Well, Commissioner Norby, if I could interject... first, the assumption that this is a six-month or more continuance, I think is-- the Board's going to be hearing this in October. From what I understand-- you know, that's two months away. The General Plan has been 13 years in the process; a project such as this-- Montecito, we've all heard-- you know, 10 to 12 years. I mean, I think we need to keep things in context. We're going to have a pretty clear sense of where the Board is or isn't and that's going to give me more comfort. I mean, I knew very strongly where I was on Merriam Mountains. I got a pretty strong message from the Board on where they were. So... the General Plan's the ultimate-- our Constitution and if they've got major misgivings-- the majority of them-- then we need to hear that and we'll know; I will, as one Commissioner, where I will or won't be on this PAA or any other PAA, but given where they may go, it's going to determine where I'm going to want to go on future PAAs.

Comm. Norby: Commissioner Day, I appreciate that. I guess what gives me heartburn is trying to project what the Board of Supervisors is going to do with respect to the General Plan, and some assumption. I don't know-- it could very well be dealt with definitively in three or four months, or it could go on for many more years, so--

Chairman Brooks: Okay, Staff, please, at this point...

Staff: I'd also like to clarify with regard to your question earlier, if your Commission denies this project today, the applicant does have the opportunity to go to the Board of Supervisors and have them consider the PAA as well. They

PAA 09-007, Agenda Item 1:

wouldn't necessarily have to come back with a new PAA and go through the Department.

Comm. Norby: And he doesn't have to wait two years to do it?

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PAA 09-007, Agenda Item 1:

Chairman Brooks: Now, Commissioner Day, what you're advocating or-- your motion is that you are requiring them at this point to do some studies that they would normally do once they had a PAA? Is that correct?

Comm. Day: Well, I'm not requiring; I'm requesting.

Chairman Brooks: I mean, as part of your motion--

Comm. Day: ...and I didn't require any will-serve letters, but we're requesting-- I'm requesting as part of the motion some more in-depth technical studies on those issues that I--

Chairman Brooks: But how-- to what degree, and --

Comm. Day: I need some more information on those issues get me a better comfort level on the context of this project in a regional scale.

Chairman Brooks: That helps me very much.

Comm. Woods: Lets vote.

Chairman Brooks: No further discussion? Please vote on the motion.

Chairman Brooks: The motion passes with Riess, Woods, Brooks, Pallinger, Day voting for it, and Norby voting against, and Beck absent.

Administrative:

H. Report on actions of Planning Commission's Subcommittees

No reports were provided.

I. Results from Board of Supervisors' Hearing(s) (Gibson)

August 4th BOS Hearing:

At their August 4, 2010 meeting, the Board of Supervisors adopted the Planning Commission's recommendations to approve the Tiered Winery Zoning Ordinance Amendment, the Density Bonus Ordinance, and the Montecito Ranch development proposal.

J. Upcoming Board of Supervisors Agenda items and Designation of member to represent Commission at Board of Supervisors

None designated.

K. Discussion of correspondence received by Planning Commission

There was none.

L. Scheduled Meetings

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 4:46 p.m. to 9:00 a.m. on August 20, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.

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