

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

The meeting convened at 9:02 a.m., recessed at 10:12 a.m., reconvened at 10:32 a.m. and adjourned at 12:13 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks (out at 12:08 p.m.), Day (out at 12:08 p.m.), Norby, Pallinger (in at 9:03 a.m.), Riess, Woods

Commissioners Absent: None

Advisors Present: Drinkwater, Sinsay (DPW); Harron (OCC)

Staff Present: Beddow, Bennett, Blackson, Brown, Grunow, Lubich, Murphy, Ramaiya, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of September 24, 2010

Action: Brooks - Norby

Approve the Minutes of September 24, 2010.

Ayes: 6 - Beck, Brooks, Day, Norby, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 1 - Pallinger

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: None

F. Formation of Consent Calendar: None

G. Director's Report: None

P78-153W³, Agenda Item 1:1. Richland Towers, Major Use Permit Modification P78-153W³, Jamul/Dulzura Community Plan Area

Requested Major Use Permit Modification to authorize installation and operation of a 270' tall television transmission tower consisting of a 190' tall lattice tower and an 80' tall broadband antenna system. The proposed tower would replace a previously existing equipment building and tower damaged and subsequently removed following the 2007 fires. The proposed television transmission tower would be located on an existing building pad on a developed project site, and would have a proposed ice bridge connecting the proposed tower to an existing equipment building. The project site is located at 12195 Highway 94 in the Jamul/Dulzura Community Plan Area.

Staff Presentation: Lubich

Proponents: 1; Opponents: 1

Discussion:

Staff recommends approval of this project, but explains that concerns have been expressed regarding improvements of Millar Ranch Road and long-term maintenance. Staff informs the Planning Commission that the applicant is required to provide photographs of this road prior to and after construction, and repair any damage. The Jamul/Dulzura Community Planning Group recommends approval of the project, with requirements that towers be removed within 90 days of being decommissioned.

The applicant's representative explains that the project will allow consolidation of the equipment on the mountain and provide additional services. The applicant was not initially made aware of concerns regarding Millar Ranch Road but agrees with Staff's recommendations. The applicant will participate in the long-term maintenance of the road.

After determining that over 30 residential parcels and other service providers also utilize the road, Commissioner Riess recommends staff make a reasonable effort with any future applicants and surrounding property owners to cooperate jointly with respect to the preservation of access for all property owners using Millar Ranch Road as well as the on-going maintenance of the road by forming a Private Road Maintenance Agreement or association.

Action: Riess - Woods

P78-153W³, Agenda Item 1:

Grant Major Use Permit P78-153W3, make the Findings and impose the requirements and conditions as set forth in the Form of Decision.

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

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P09-012 and P09-014, Agenda Item 2:**2. Eurus Energy Borrego Solar Farm, Major Use Permits P09-012 and P09-014, Borrego Springs Sponsor Group Area, Desert Subregional Plan Area**

Requested Major Use Permits to authorize a Major Impact Utilities pursuant to Section 1350 of the Zoning Ordinance. The project consists of two unmanned photovoltaic solar farms (35-46 MW total), two 69kv transmission line alternatives, and improvements to the SDG&E Borrego Springs 69kv substation. The Use Permits have a combined area of 341 acres on two separate parcels. One of the parcels (54 acres) belongs to the County of San Diego Borrego Valley Airport. Upon approval of the project, a lease agreement would be executed by the Board of Supervisors and the applicant for a period of 20 years. The proposed point of connection would be either the: (1) southern transmission route, which would run south underground from the 53-acre lease parcel to an existing SDG&E distribution system; or the (2) northern transmission route, to be constructed within an existing 20' SDG&E-owned utility easement that would connect directly to the 59kv substation. The point of connection, transmission corridor and substation improvements would be under the authority of the California Public Utilities Commission. The project site is subject to the 1.5 Country Town Regional and 1.4 Rural Development Area Categories, and the (18) Multiple Rural Use Land Use Designation. The 288-acre parcel is zoned (S92) General Rural, and the 54-acre parcel is zoned (RR.25) Rural Residential. The project site also lies within the influence of the Borrego Valley Airport Land Use Compatibility Plan.

Staff Presentation: Brown (DPLU); Drinkwater (DPW)

Proponents: 11; **Opponents:** 5

Discussion:

Staff explains that the applicant considered many locations before determining that Borrego Springs was the most suitable. The project site is distant from most development, its topography is flat, it is adjacent to an airport and will not cause significant environmental impacts. The site is also surrounded by disturbed land, a cement production facility, and a storage facility. Staff believes the project will benefit the County in many ways, most particularly by providing enough clean energy to sustain 37,000 homes. The applicant has conducted extensive meetings with the Borrego Springs Sponsor Group representatives, as well as representatives of the State park, the Anza Borrego Foundation, the local fire department and the airport operators.

P09-012 and P09-014, Agenda Item 2:

Staff informs the Planning Commission that concerns have been raised regarding visual impacts and glare that could impact airplane pilots and surrounding views, groundwater, environmental impacts, including disturbance of crypto-biotic soils, cumulative impacts, the adequacy of the environmental document, and the need to underground power lines. A visual resource report was prepared and visual impacts assessed, but the structures don't have the appearance of bulk and scale because of their distance from development and the viewshed. With respect to impacts from glare, the structures will be covered with an anti-reflective coating. Staff explains that the proposal has been reviewed by the FAA, the Regional Airport Authority and the Department of Public Works Airport Division.

Discussing concerns raised regarding impacts on groundwater, Staff explains that the applicant anticipates utilization of 4.0 acre feet of groundwater per year. To mitigate this impact, the applicant proposes fallowing agricultural lands, though Chairman Beck and Commissioner Norby express reluctance to removing agriculturally-zoned land from production. The applicant also proposes limiting the amount of water to be used.

Staff informs the Planning Commission that all concerns raised by those opposed to this project have been resolved. The applicant will provide mitigation for any potential environmental impacts, including development and implementation of a lizard relocation program during and after project construction. In addition, the project will be sized and constructed within the constraints of the existing transmission system. Staff has determined that the project is consistent with all applicable State, County and Federal regulations, and believes the Mitigated Negative Declaration is the appropriate environmental review document.

Neither Commissioner Norby nor Chairman Beck are completely supportive of the applicant's proposal to fallow agricultural land, and express their reluctance to taking that type of land out of production. However, they are very supportive of the project, though it is bothersome that encroachment on this desert land will increase as providers grow. Commissioners Norby, Pallinger and Brooks agree that the proposed use is much less impactful and intrusive than other uses for which the project site is zoned.

Commissioner Reese was concerned that the Airport Land Use Compatibility Plan had been previously altered to down zone the property north of the airport, which would accommodate the Solar project. The Director of DPW Airports explained that the plan was altered to accommodate the Aerobatic training area that has been a use of the Airport for many years. It is a coincidence that a solar project is a compatible use that can be accommodated on the land to the north of the airport, which is considered buffer property.

P09-012 and P09-014, Agenda Item 2:

Chairman Beck agrees believes the cumulative impacts of this technology and these facilities must be determined and be examined. He suggests that a Program EIR be developed in the future; under which, all future projects of this type can be reviewed. The capacity of the existing transmission lines Commissioners Brooks and Pallinger urge the applicant to pursue employing local labor during and after construction. The Planning Commissioners were concerned that the project would be abandoned when the technology no longer was viable. The project is conditioned to provide a decommissioning plan with a financial mechanism that would ensure that the land would be left in a state that is compatible with the underlying zoning. DPLU Staff and the Department of Fish and Game representatives are to approve any land selected for offsite mitigation purposes, and the applicant is to make every effort to acquire mitigation land either within or adjacent to the State park. The Planning Commissioners voice support for use of the southern transmission route because it may reduce environmental impacts. Staff commented that both transmission routes were not equal because they both had environmental impacts

Action: Pallinger - Woods

Grant Major Use Permits P09-012 and P09-014, make the Findings and impose the requirements and conditions as set forth in the Forms of Decision and adopt the errata sheet. If there is a willing seller the applicant is to diligently pursue the purchase of inholdings or lands adjacent to the state park for the mitigation lands. Require the applicant to use the southern transmission route, and eliminate the northern route.

Discussion of the Action:

The Motion is amended following further discussion to remove the Planning Commission's preference for the southern transmission route.

Amended Action:

Grant Major Use Permits P09-012 and P09-014, make the Findings and impose the requirements and conditions as set forth in the Forms of Decision and adopt the errata sheet. If there is a willing seller the applicant is to diligently pursue purchase of inholdings or lands adjacent to the state park for the mitigation lands. The southern transmission route is the preferred route and the northern route is a secondary option if need be, but undergrounded

P09-012 and P09-014, Agenda Item 2:

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

Prior to adjournment of today's meeting, Commissioner Pallinger discusses his concerns regarding the need to proactively address cumulative impacts, and announces support of Chairman Beck's previous recommendation that thought be given to development of a Programmatic EIR to evaluate these proposals. Staff is somewhat reluctant to support this recommendation for a number of reasons, primarily due to the expense and problems associated with Program EIRs. The Planning Commissioners also share that County of San Diego representatives were not asked to provide input on the Department of Fish and Games' renewable energy NCCP. Staff is directed to prepare a letter for submittal to Fish and Game representatives, reminding them that a lot of the transmission lines come through San Diego County.

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Administrative:

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

No reports were provided.

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

No report was provided.

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

Commissioners Beck, Riess and Woods will present the Planning Commission at the October 20, 2010 Board of Supervisors hearing on the General Plan Update.

K. Discussion of correspondence received by the Planning Commission:

There was none.

L. Scheduled Meetings:

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| 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 |
| January 7, 2011 | Regular Meeting, 9:00 a.m., DPLU Hearing Room |
| January 21, 2011 | Regular Meeting, 9:00 a.m., DPLU Hearing Room |
| February 4, 2011 | Regular Meeting, 9:00 a.m., DPLU Hearing Room |
| February 25, 2011 | 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 12:13 p.m. to 9:00 a.m. on October 22, 2010 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.