ATTACHMENT

For Item

#1

Wednesday,
August 18, 2021

PUBLIC COMMUNICATION RECEIVED BY THE
CLERK OF THE BOARD

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

August 18, 2021

The Honorable Nathan Fletcher, Chair
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego CA 92102

RE: JVR ENERGY PARK MAJOR USE PERMIT

Dear Chairman Fletcher and Members of the County Board of Supervisors:

The California Department of Fish and Wildlife (CDFW) apologizes for the lateness of this correspondence regarding the JVR Energy Park Project (Project) relative to County processing and the Project's consideration by the County of San Diego (County) Board of Supervisors. We nonetheless thought it important to point out a number of shortcomings in the Project's approach and disagree with some responses from the County on our CEQA comment letter dated December 7, 2020. Most importantly, prior to full approval by the Board of Supervisors, CDFW would appreciate additional time to meet with the County and the U.S. Fish and Wildlife Service (USFWS) regarding the Project's potential impacts to species for which the County may seek permit coverage under the forthcoming East County Multiple Species Conservation Program (ECMSCP). This would also be consistent with the Planning Agreement that was signed at the end of 2020 between the County, CDFW, and USFWS regarding review of interim projects while preparing the North and East County NCCP/HCP Plans.

CDFW had recommended that focused surveys be performed for any and all California Species of Special Concern (SSC) that may be present on the Project site. In particular, the County did not require small mammal trapping to provide sufficient baseline information to determine the presence, distribution, and/or absence of sensitive species that are known/expected to be present or that potentially occur. This information is essential to know if an SSC has been adequately mitigated relative to the proposed impact. One subspecies of particular concern is the Trinidad kangaroo rat (*Dipodomys merriami trinidadensis*), which has only been identified from the Jacumba Valley and has not been collected since 1976. Although much of the Project's low-lying area was previously cultivated, the cessation of cultivation may have allowed recolonization by this subspecies from nearby areas. The San Diego County Mammal Atlas prepared by the San Diego Natural History Museum in 2017 notes that the status of this subspecies needs further study. The apparent rarity of this subspecies strongly warrants performance of a small mammal trapping prior to approving a Project design. If found to be present on-site and in the absence of additional substantial populations in the vicinity, CDFW would consider the occurrence to be significant and proposed mitigation would need to demonstrate that the species also occurs in the on-site mitigation areas.

A second small mammal species of concern is the Jacumba pocket mouse (*Perognathus longimembris internationalis*) that is known from the immediate area of the proposed project. The absence of specific knowledge of the distribution of the species, which would be obtained from an on-site trapping program, makes it impossible to know if the proposed open space will adequately conserve this species, particularly in a configuration that addresses potential edge

effects from the Project. The configuration of on-site mitigation is important to ensure there is long-term conservation value that would presumably contribute to the forthcoming ECMSCP. Additional small mammal species of Special Concern are the Bryant's woodrat (*Neotoma bryanti lepida*), formerly named the San Diego desert woodrat, and the pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*), as well as a very uncommon species, the southern grasshopper mouse (*Onychomys torridus*). The project only proposes to perform pre-construction surveys for the first two species; therefore, it is unknown if the proposed habitat conservation will adequately provide long-term habitat to off-set impacts to these and other small mammal species.

Tricolored blackbird, a California Threatened species, occurs on the site and an estimated 593 acres of potential foraging habitat are identified on-site. Active foraging by tricolored blackbirds was observed on-site in 2019 within the project footprint, and foraging habitat in proximity to the breeding habitat is known to be important to support this species. The direct loss of foraging habitat in proximity to a breeding colony, and the indirect effects from the facility itself and the ongoing associated activities would be expected to produce further adverse effects to this species. Dedicated on-site habitat placed under the biological open space easement as proposed by the Project is generally not through an in-kind habitat replacement for the foraging habitat being impacted. Tricolored blackbirds typically forage in open fields and grasslands rather than shrubby habitat types. The County's mitigation measure M-BI-3 delineates an on-site biological open space easement area primarily comprised of presumably much less favored foraging habitat consisting of Sonoran mixed woody scrub, Sonoran mixed woody and succulent scrub, desert sink scrub, and mesquite bosque. Additionally, CDFW's December 7, 2020, recommended the County require a tricolored blackbird mitigation plan be submitted to CDFW for review and comment; however, there has been no outreach to CDFW by the County in this regard.

Regarding potential impacts to the golden eagle (*Aquila chrysaetos*), the County's response to comments (e.g., A2-52) cites data from 2015-2017; however, the County's response does not reflect the updated golden eagle data provided for the period February 2017 to December 2019, which was provided to Dudek by U.S. Geological Survey (USGS) in July 2020 (email from Dr. Robert Fisher, USGS, to Dudek dated July 28, 2020; R. Fisher, personal communication, August 17, 2021). The County's response thus does not reflect the most current information regarding golden eagle use of the Project site, which was made available in mid-2020. Additionally, the magnitude of impact to all habitat types, including fallow agricultural areas, is also expected to significantly reduce the number of San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), which is a very important prey species for golden eagles. The County concludes a significant impact to foraging habitat of the golden eagle; however, the analysis should further evaluate the potential impact to the viability of any golden eagle territories through consideration of the physical layout of the proposed JVR facility and eagle flight/use patterns, relatively recent golden eagle flight modeling, as well as the value for eagle use of the proposed on-site mitigation areas. This is important information to consider for ECMSCP planning in light of the well-documented decline in golden eagle territories in proximity to urban development and active human recreation within the South County and draft North County MSCP plan areas.

The Project proposes to mitigate out-of-kind for impacts to desert saltbush scrub through the preservation of desert sink scrub, mesquite bosque, and Sonoran mixed woody and succulent scrub. Absent a more complete biological inventory, particularly with respect to the distribution

of small mammals on the property, it is unknown if impacts to California Species of Special Concern will be adequately mitigated through the proposed conservation areas.

The Department would like to express to the County our appreciation for many years of partnership and remains dedicated to working with the County to ensure that large projects such as the JVR Energy Park will be consistent with the long-term objectives of the ECMSCP. Questions regarding this letter and further coordination on these issues may be directed to me at (858) 204-8774 or David.Mayer@wildlife.ca.gov.

Sincerely,

David Mayer
Environmental Program Manager
South Coast Region

ec: Kathleen Flannery, Acting Director, Planning and Development Services
Jonathan Snyder, U.S. Fish and Wildlife Service, Carlsbad

Northern California
604 Sutter Street, Suite 250
Folsom, CA 95630

Southern California
750 West Main Street
El Centro, CA 92243

ZGLOBAL
Power Engineering & Energy Solutions

August 17, 2021

Brian Rahman PE
ZGlobal, Executive Director of Engineering

To: County of San Diego Planning & Development Services

Subject: JVR Energy Park

This memo is in response to the proposed JVR Energy Park near Jacumba Hot Springs, CA. My name is Brian Rahman. I am a registered Professional Engineer in the state of California, Lic # E14914. I have been directly involved with renewable project developments over the past 15 years. My resume is attached.

Executive Summary:

The proposed JVR Energy Park presents several issues for county planners to consider in their review of the project. First is the significant impact to the residents of the small community of Jucumba Hot Springs. The proposed project utilized roughly 6 acres to every 1 acre of the community and abuts the community along its entire eastern boundary, not to mention the obvious impacts to the western end of the local airstrip. The project developer has proposed to use larger, 540-Watt, panels but appears to have done this to maximize the installed DC system and not reduce the project footprint. Based on data provided in their EIR the project appears to have a DC to AC ration of 1.8 which is extremly high compared to a typical ratio of 1.25. This high ratio indicates that the proposed project will have a significantly larger footprint than typical or necessary to provide 90 MW AC per their assumed contract with SDG&E.

To measure system DC capacity, you simply multiply the Watt rating of the Panels, in this case 540 Watts, times the number of Panels. As stated in Staff Report 3-3 is 300,000 panels as proposed and 291,000 for the "Community Buffer Alternative". Therefore, the DC Capacity for this project is 162MW or 157MW respectively. In Appendix V Table 1 the DC Capacity is stated to be 115MW and 110MW respectively. Which is inconsistent with the calculations from the stated number of panels and wattage." Independent assessments suggests that the JVR Energy Park could be reduced by 175 Acres and create significant “buffer zone” for the communtiy while still meeting contract obligations for power deliveries.

The JVR Energy Park is not the only project proposed in this area and certainly not the only project needed to meet the 100% renewable objectives of California Senate Bill 100. In fact, there is a significant pipeline of projects, totalling over 4,700 MW in the study process, not counting available imports from Arizona and the desert southwest region. Moreover, the exisiting transmission system, based on recent California Indepenedent System Operator reliability models, shows over 3,000 MW of available capacity, further lessing the need for this project at this location.

Finally, the project opted to request interconnection to the transmission system via a new switching station within the project boundary. However, the new (2014) ECO substation, less than three miles to the east, was constructed to improve local relaibility and deliver renewable generaton to San Diego area customers. This choice by the developer will result in roughly double the space requirements within the project boundary for the project substation and switching station. Alternatively, the developer could

further reduce the project footprint by connecting via a generation tie line to ECO and avoid the unnecessary switching station.

There are multiple options for the JVR Energy Park to lessen its impacts on the local community of Jacumba Hot Springs while still meeting its contract obligations. The project should be a good fit for the local community, businesses, residents and work collaboratively with the community to reach an acceptable project configuration that does not impact the community to the extent the proposed project will.

Introduction:

The JVR Energy Park (" The Project"), as proposed, will have significant impacts to the community of Jacumba Hot Springs and is not needed to meet the renewable energy objectives of the California (i.e. SB 100). This memo addresses the following key points:

1. The Project is not needed to meet SB 100 objectives. There is a significant pipeline of projects behind The Project that can meet these objectives without the longterm impacts to the small community of Jacumba Hot Springs.
2. The Transmission lines that would bring The Project output to the load centers in western San Diego County have surplus capacity. Surplus capacity that would allow for projects as far away as Arizona and as close as Imperial Valley to be delivered to SDG&E.
3. The Project appears to be significantly overbuilt on the DC side compared to typical designs required to meet 90 MW AC power deliveries.
4. The Project, as proposed, essentially abuts up against the eastern edge of the community, eliminates any future growth opportunites, and presents a significant viusal impact.
5. The Project inlcudes an unnecessary new switching station. The ECO substation is only a few miles away and was envisioned to allow interconnection of renewable generation.

1. <u>Pipeline of Projects to meet SB 100 without JVR Energy Ranch</u>

Senate Bill 100 (SB 100) establishes state policy requiring renewable energy and zero-carbon resoure supply 100% of electric retail sales by 2045. In response to SB 100, there has been a significant increase in the number of renewable projects proposed in and around California. With in the general area of the proposed Project, specifically projects proposed at ECO substaiton or on the lines directly connected to ECO substation, there are 6 different projects totaling just over 2,900 MW. These projects are all active in the CAISO interconnection study process which is currently in the "Cluster 14" study process.
In the Cluster 14 process, there are two projects totaling 1090 MW. In cluster 12 and 13, there are another 5 projects totaling 1,918 MW. This includes 1,828 MW from 4 projects that are actively in the study process. 256 MW of these have an executed interconnection agreement and 600 MW from 2 projects that have completed studies and are awaiting a draft interconnection agreement. There is also an additional 973 MW from 1 project that is in the phase 2 study process. Additionally, there are a total of 1,090 MW from 2 projects that have just entered the study process in Cluster 14. In total, there are 2,918 MW from 6 projects requesting interconnection to ECO beyond the proposed 90 MW from JVR energy park. See Attachments for Interconnection Queue details.

Moreover, there is an additional 1,853 MW listed in the Imperial Irrigation Interconnection Queue, all of which is likely to be exported to the west to serve load within the SDG&E and SCE areas. Combining these MW with the CAISO proposed MW, there is a total of 4,771 MW of projects in the pipeline.

2. Transmission System Capacity for Imports into San Diego Area

There are two main, high voltage, transmisison lines that bring energy from the Southwest into the SDG&E area. These include the 500 kV Sunrise Transmission prject between Imperiall Valley and Suncrest Substations and the 500 kV line between Imperial Valley and Miguel substations. The ECO substatoin is located between Imperial Vally and Miguel substations.

The CAISO is responsible for the safe and reliable operations of the transmisison sysem in California, inclidng the abvove referenced lines and substatoins. These faciliites are included in a recient transmission planing modle made available by the CAISO and used for analysis of the transmisison grid. The specific modle is a 2025 Summer Peak Reliability modle for the SDG&E system. Referencing this modle we find that the loading on these two 500 kV lines are below 50% indicating amble capacity for additional projects. For reference, the Imperial Valley – Suncrest line has a rating of 2,738 MVA and is only loaded to 34% (1,018 MVA) and the Imperial Valley – Miguel line is rated at 2,815 MVA and is only loaded to 45% (1,363 MVA). This leaves 3,172 MVA of surplus capacity availalbve to other projects including energy imports from IID or Arizona. There is no critical need for a renewable project in such clsoe proximity to Jucuma Hot Springs that will primarily serve SDG&E coustmer demand to the west.

3. The Project is overbuilt for 90 MW AC delivery obligation

Based on data and information extracted from publicly available data ZGlobal assessed the proposed solar PV portion of the proposed JVR Energy Park near Jucumba Hot Springs. The assessment specifically looked at the installed DC capacity of the proposed system in comparison to the approved AC capacity interconnection agreement of 90 MW. Of particular interest in this assessment is the AC to DC ratio. A typical AC to DC ratio will be around 1.25, meaning that for every AC MW there will be 1.25 MW DC.

Per “Summery Chapter S page 3” (JVR FEIR - Summary - Final Updated after PC Hearing.pdf (sandiegocounty.gov)) the initial proposed project utilized 385-Watt panels with a total of 300,000 individual solar panels. This equates to an installed DC capacity of 115.5 MW which corresponds to a ratio of 1.28 MW AC for a 90 MW AC project. The annual production under the initial project proposal was found to be 251,456 MWH/year.

However, as described in the last paragraph of the “Project Description”, section S.1.1, the project suggests the use of larger 540-Watt panels to take advantage of technological improvements. They go on to state that this change will increase the production to 283,000 MWh / year. Assuming the same number of panel (i.e., 300,000) the installed DC capacity is 162 MW resulting in a ratio of 1.8. If this is in fact the proposal, it is well above typical ratios of 1.25. Further, the required space would not be reduced and there would be no ability to lessen the impacts to the local community.

Using the 540-Watt panels and a more standard ration of 1.28 ZGlobal found that a total of 213,864 panels would be needed to roughly match the initial annual production volume. The results of the PVsyst simulation performed under this scenario found the production to be 251,905 MW, slightly higher than with the 385-Watt panels. ZGlobal also considered a ratio of 1.25, also with the 540-Watt panels, and found the production was again similar to the initial proposal at 247,325 MWH/year, or a 1.8% reduction from a ratio of 1.28. with a ratio of 1.25 the number of panels required was 208,600.

Panel Size (Watts)	Number of Panels	DC to AC Ratio	Annual Production (MWH/Year)	Comment
385	300,000	1.28	251,456	proposed project
540	300,000	1.8	283,000	Revised with larger panels
540	213,864	1.28	251,905	reduced ratio to same as proposed project
540	208,600	1.25	247,325	reduced ration to 1.25

Table 1 – Summary of Panel Sizes, DC/AC Ratio, and Number of Panels

4. The Project dwarfts the small community of Jacumba Hot Springs

The Project presents a significant impact to the community and surrounding area. From my experience it is not typical for a project of this scale to abut a small community or to surround the end of an airport runway. The sheer magnitue of The Project, proposed at over 600 acres, dwarfs the small community as shown in the following figure. The blue box represents the majority of Jacumba Hot Springs at roughly 100 acres.

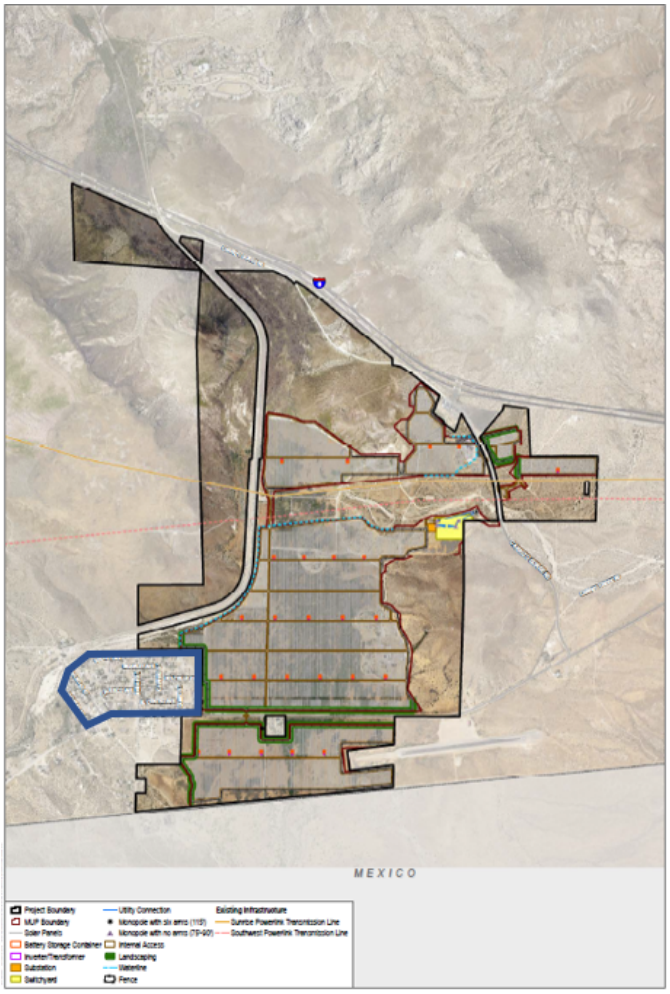

Figure 1 – Overview of The Project and Jacumba Hot Springs

The Project can maintain its ability to produce 90 MW AC and generally satisfy its contractual obligations with a smaller footprint. Table 2 below provides the approximate acreage for panels, row clearances, and inverters. The required acres are estimated based on panel size, typical row clearance, and a margin of error factor of 20%, as a detailed layout was not completed for each.

Scenario	Panel Capacity	Number of panels	Panel length with clearance for shading [meters]	Panel dimension	Area needed for 1 panel (panel lenght * width) [meters]	Total area used by the panel [Meters]	Acres	Acres adding a 20% security factor
1	385	300,000	6.1	Area for QPeak 385 W Panel: 2015*1000(mm) 79.3*39.4(inch)	6.1	1,830,000	452	543
2	540	300,000	6.8	Area for Longi 540W Panel: 2256*1133 (mm)	7.684	2,305,200	570	623*
3	540	213,864	6.8	Area for Longi 540W Panel: 2256*1133 (mm)	7.684	1,643,331	406	487
4	540	208,600	6.8	Area for Longi 540W Panel: 2256*1133 (mm)	7.684	1,602,882	396	475
* Appendix V, of the EIR estimated the need at 623 Acres								

Table 2 – Summary of Project Acreage under different scenarios

The project developer, In Appendix V of the EIR, estimated the need at 623 Acres, which are assumed to include required easements, roads, fire lanes, retention basins, etc. By using the 540-Watt panels and holding the ratio to 1.25 for consistency with typical plant designs, the estimated need is 475 Acres. Comparing these values to typical “rule of thumb” of roughly 5 acres/MW we find that 623 acres equates to 124.6 MW and for 475 acres, 95 MW. Consequently, it appears that the project footprint could be reduced by 148 Acres (i.e., 623 – 475 = 148).

To put this into perspective, by eliminating 148 acres of panels and inverters, the entire section of the project south of Old Hwy 80 and north of the Mexico border can be eliminated. Additionally, the sections of the project along Laguna St can be pushed east by nearly 700 feet and the small section proposed behind the homes on Seeley Ave can be eliminated. The figure below shows the roughly 148 acres of the project that could be eliminated while still meeting the fundamental project objectives of delivering 90 MW AC to the grid.

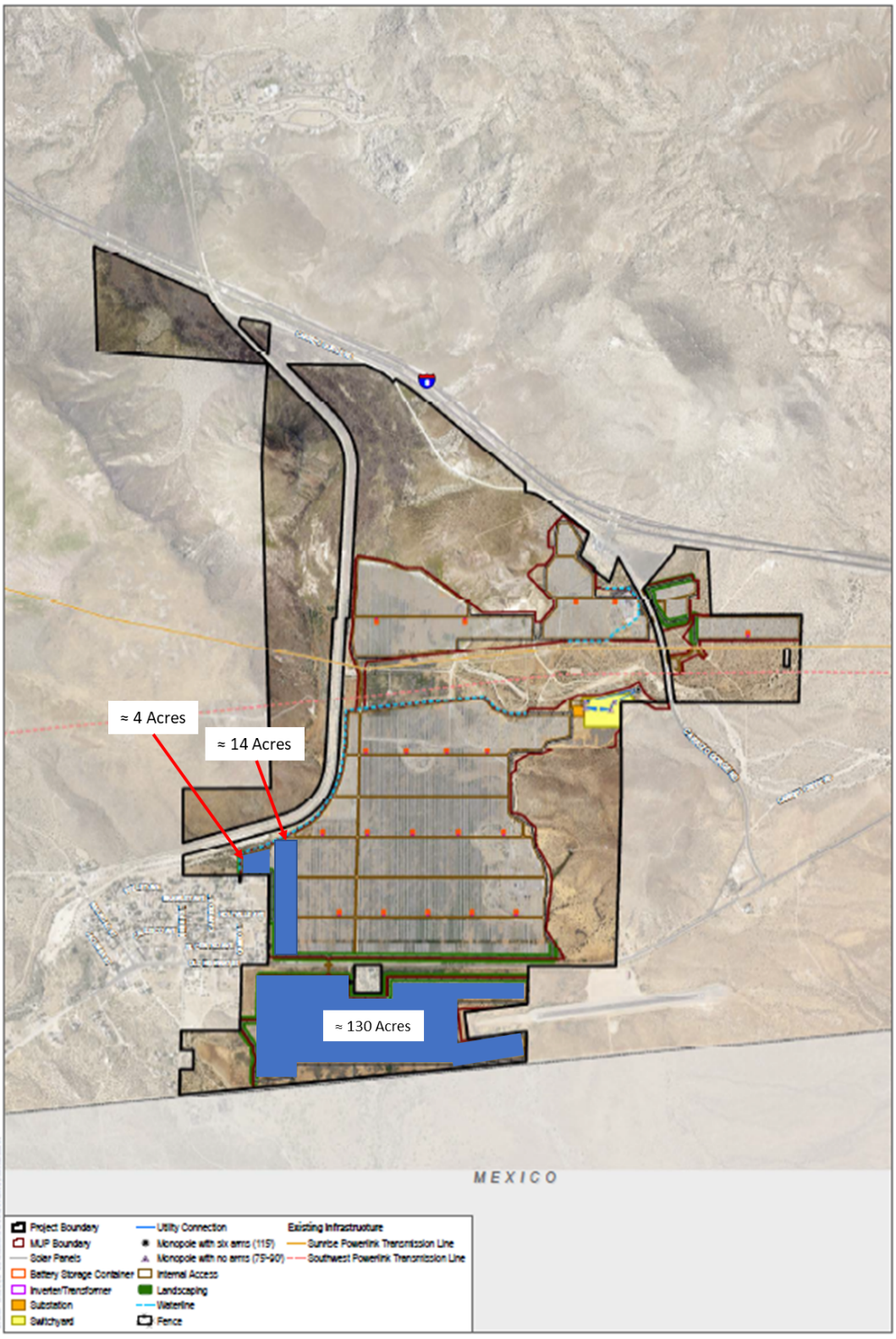

Figure 3 – Potential Reductions to Project Footprint

5. The Project includes an unnecessary switching station and associated land

The Project proposes to interconnect to the local transmission line via a new switching station. However, less than 3 miles to the east is the new ECO substation built in part to enable the interconnection of renewable generation to meet SB 100. As shown in the figure below, ECO substation was built with the notion that it would be expanded to accommodate futue connections. This is apparent from the significant vacant but prepared area within the substation boundary.

Figure 4 – Overview of ECO Substatoin and Proximity to Project Site

In summary, The Project as proposed is not acceptable to the community of Jacumba Hot Springs. Its sheer size and scope dwarf the small community by roughly 6 acres of project to 1 acre of communtiy. The Project appears to be significantly oversized on the DC side resulting in larger land use than necessary to meet its power delivery obligations. There is a pipeline of projects, exceeding 4,700 MW that can replace the JVR Energy Park output, support SB 100, and have significanly less impact on the community. The main transmisison lines feeding into the San Diego load centers have surplus capacity to support the delivery of renewable energy from the east without impacting Jacumba Hot Springs. And lastely, we belive the project is overbuilt and can be substantially reduced by roughly 150 acres while still meeting its contact obligations and reducing the impacts to the community.

Sincerely,

Brian Rahman PE
Office: (916) 985-9461
Cell: (916) 221-0532

BRIAN RAHMAN, B.S., P.E.

604 Sutter Street, Suite 250 ◆ Folsom, CA 95630 ◆ (916) 985-9461 ◆ brian@zglobal.biz

EXECUTIVE DIRECTOR OF ENGINEERING

Brian Rahman is ZGlobal's Executive Director of Engineering. He has over 25 years of extensive experience providing precise professional applications in areas such as overall management of market systems, operations, design and technology update; project coordination in a variety of utility/energy related disciplines.

SKILLS

Managing People and Projects
Energy Scheduling and Bidding
Project Management
Planning
Market Operation
Gap Analysis
Forecasting and System Dispatching

PROFESSIONAL EXPERIENCE

ZGLOBAL ENGINEERING & ENERGY SOLUTIONS (2006-Present)
Executive Director of Engineering

Brian is our resident expert in Energy Market Implementation and Power System Engineering. His engineering and technical expertise in Utility Operations in addition to his proven ability in managing large complex projects, enable him to perform both technical and project management responsibilities. Mr. Rahman is ZGlobal's technical expert in utility matters has provided expert testimony services in various arenas.

CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO) (1997-2006)
MRTU Program Manager and Manager of Program Office

Responsibilities included overall management of the Market Redesign and Technology Upgrade program. This program included the wholesale replacement of all Market Systems, Settlement systems and modifications to approximately 15 supporting applications as well as replacement of the underlying application architecture. Responsible for negotiations and contract relationships with multiple software vendors, service providers, and consulting firms. This was a $170 M program with a contract and staff headcount of 215 people. Role involved routine reporting and interaction with CAISO Board of Governors, FERC, and State regulators.

Manager of: Market Operations, Market Redesign & Technology Update, Special Projects, Market Engineering, Real Time Market Operations, Technical Support for Real-Time Operations

Responsible for the specification, design, procurement, and testing of Real-Time, and Residual Unit Commitment Markets. Provided management and coordination for multiple project groups engaged in the design and implementation of market applications and supporting systems. Oversaw the project requests, budgets, staffing, design documents and contract negotiations. Responsible to insure Tariff and FERC order requirements are represented in market applications and operating procedures. Other responsibilities

included Department Capital and O&M Budget development, department and corporate representative for market design and technical implementation expert, oversee the Day-Ahead, Hour-Ahead, and Real-Time energy, transmission and ancillary service markets, ensure close coordination with grid operations concerning system load forecast, energy and reserve procurements, ensure accuracy of all published prices and settlement quality data. Insured development of detailed design documents for vendor and internally developed software, coordination of software testing and deployment with Market Participants. Project Management responsibilities consisted of overall project development including budget, design, staffing, inter-departmental and Technical Support for Real-Time Operations.

PACIFIC GAS & ELECTRIC (PG&E) (1991-1997)
Electrical Engineer, Hydro Generation, Project Engineering

Prepared job proposals that included cost estimates, engineering calculations, studies and design. Developed equipment and consulting specifications, procurement documents and evaluated proposals for electrical equipment and system revisions and upgrades. Provided engineering guidance and technical support to engineering designers and drafters. Planned, designed and developed routine work plans needed to maintain and improve PG&E hydro facilities.

Distribution Engineer

Provided electric planning and operations support for 12kV distribution network. Performed load growth studies and developed capacity increase projects as needed for future growth. Provided protection settings for distribution breakers and line equipment to insure coordination of protective devices. Investigated and resolved power quality and voltage complaints. Served as on-call supervisor during off-hour emergencies.

Electrical Engineer, Hydro Generation

Primarily responsible for the facilities located on the Mokelumne and Stanislaus watersheds consisting of 9 powerhouses and a variety of extensive water conveyance systems. Provided construction, maintenance, and operations engineering support for PG&E hydro facilities. Identified equipment problems and developed scope, cost, design, and procurement documents. Provided technical support for maintenance activities, operational constraints, and construction projects. Provided budget input including project alternatives, economic evaluations, and justification. Served as project manager, providing project estimating, justification, schedule and cost tracking. Provided construction coordination and on-site engineering. Served as on-call supervisor. Applied Reliability Center Maintenance practices to PG&E hydro facilities. Responsibilities included: Comprehensive review of hydro generation equipment maintenance practices and detailed reviews with maintenance staff, documentation of existing time-based practices, and recommended condition-based analysis used to trigger maintenance.

Project Coordination

Prepared job proposals that included cost estimates, engineering calculations, studies, and design. Developed equipment/consulting specifications, procurement documents, and evaluated proposals for electrical equipment/system revisions and upgrades. Provided engineering guidance and technical support to engineering designers and drafters. Planned, designed, and developed routine hydro work needed to maintain and improve PG&E hydro facilities.

Engineering Consulting

Solved electrical engineering problems, evaluated and recommended alternative solutions, evaluated equipment and engineering service bids and assisted in the project scope, evaluation and justification.

Power System Engineer

Performed contingency studies, analyzed system disturbances and coordinated switching and clearances for transmission and relay protection maintenance. Monitored system performance and developed Dispatch Operating Instructions. Reviewed transmission and generation planning projects for operational capability, relay coordination and determined impact to generation resources. Performed transformer evaluation studies for use in transformer bank re-rating project and station capability report for planning studies. Developed qualifying facility database and PG&E winter electric system base-case. Worked on procedure for Diablo Canyon Power Plant black-start.

EDUCATION & CERTIFICATIONS

WASHINGTON STATE UNIVERSITY
Bachelor of Science (B.S.) in Electrical Engineering

STATE OF CALIFORNIA

Registered Professional Engineer

TESTIMONIES

"Arbitration Findings and Award in Cities of Anaheim et al. v. the ISO & Southern California Edison regarding "Allocation of Transmission Cost", Rahman, B., Testimony, Docket No. EL03-54-000, August 27, 2003 [View PDF: http://zglobal.biz/pdf/DocketNo_EL03-54-000_SouthernCitiesv_CaliforniaISO.pdf]

"Ancillary Service Must Offer Obligation and Resource Adequacy Standard Capacity Product", Testimony submitted by Brian Rahman to FERC, Docket No. ER 09-1064-000, April 28, 2009

"Investigation of Wholesale Rates of Utility Sellers of Energy and Ancillary Services in the Western Systems Coordinating Council" testimony provided By Brian Rahman, MRTU Director to FERC, Docket No. EL01-68-017, ER02-1656-030, ER02-1656-009, Docket No. ER06-615-000, March 15, 2006

"Long-Term Firm Transmission Rights in Organized Electricity Markets" proposal by Brian Rahman, Program Director of CAISO Market Re-design and Technology Upgrade (MRTU), Submitted to FERC Docket Nos. RM06-8-000 and AD05-7-000, March 13, 2007. [View PDF: http://zglobal.biz/pdf/Docket%20No_RM06-8_Long_TermFirmTransmissionRights.pdf]

"Post-Technical Conference Response of the California Independent System Operator Corporation on Business Practice Manual Issues", Brian Rahman, Program Director of CAISO Market Re-design and Technology Upgrade (MRTU), submitted to FERC in March 2007, Docket # ER06-615-012 and ER 07-1257-000 [View PDF: http://zglobal.biz/pdf/MRTU_DocketNos_ER06-615-012.pdf]

"California Independent System Operator Corporation Electric Tariff Filing to Reflect Market Redesign and Technology Upgrade", Docket No. ER06, declaration and testimony of Brian Rahman, Program Director of CAISO Market Re-design and Technology Upgrade (MRTU), Submitted to FERC on February 9, 2006. [View PDF: http://zglobal.biz/pdf/AttachmentM-DirectTestimony-BrianRahman_ExhibitNo_ISO-8.pdf]

"Tesoro Refining & Marketing Co. LLC v. Pacific Gas and Electric Co." Case No. 3:14-cv-00930 in the U.S. District Court of California. Provided Expert Witness Testimony on behalf of Tesoro Refining and Marketing including written testimony, rebuttal, and on the stand questioning and cross examination.

Imperial Irrigation District v. California Independent System Operator. Docket #3:15-cv-01576-AJB-AGS in the US District Court- Southern California. Provided testimony on Transmission Operations between the two balancing authorities on behalf of the IID.

"California Solar Ranch v. Area Energy" JAMS Ref. No. 1100088728. Provided Expert Witness Testimony on Behalf of Area Energy including written testimony, rebuttal, questioning and cross examination.

Attachemnt 2 – Interconnection Queue Postings

Preliminary Cluster 14 Interconnection Queue (CAISO)

PTO	Affected PTO	Area	Total MW @ POI	Technology #1	MW-T1	Technology #2	MW-T2	Technology #3	MW-T3	POI	Voltage (kV)
SDGE		SDGE	900	Wind Turbine	940.8					ECO Substation	500
SDGE		SDGE	150	Battery	150.0					ESCO Substation	69
SDGE		SDGE	80	Solar PV	82.8					Boulevard East Substation	69
SDGE		SDGE	200	Battery	206.3					Boulevard East Substation	138

Active Interconnection Queue (CAISO)

California ISO

Date: 08/11/2021

The California ISO Controlled Grid Generation Queue for All: Active

					Generating Facility				et MW	Deliverability Status		Location		Point of Interconnection			Study Availability		
Project Name	Queue Position	Interconnection Request Receive Date	Application Status	Study Process	Type-1	Type-2	Fuel-1	Fuel-2	MW Total	Full Capacity, Partial or Energy Only (FC/P/EO)	Off-Peak Deliverability and Economic Only	County	State	Utility	Station or Transmission Line	Current On-line Date	System Impact Study or Phase I Cluste	Facilities Study (FAS) or Phase II Cluster Study	Interconnection Agreement Status
ENERGIA SIERRA JUAREZ WIND	159A	12/6/2006	ACTIVE	Serial LGP	Wind Turbine	Wind Turbine			256	Full Capacity	ff-Peak Deliverabilit	AJA CALIFORNI	MX	SDGE	East County (ECO) Substation 230kV	1/15/2022	Complete	Complete	Executed
KETTLE SOLAR ONE	1532	4/16/2018	ACTIVE	C11	Photovoltaic	Storage	Solar	Battery	90	Full Capacity	ff-Peak Deliverabilit	SAN DIEGO	CA	SDGE	New Switchyard with East County-Boulevard East 138 kV line looped-in	12/1/2022	Complete	Complete	Executed
CIMARRON WIND	1660	3/29/2019	ACTIVE	C12	Wind Turbine	Wind Turbine			300	Full Capacity	ff-Peak Deliverabilit	TECATE	MX	SDGE	ECO Substation 230kV	12/31/2024	Complete	Complete	
OBSIDIAN WIND	1661	4/5/2019	ACTIVE	C12	Wind Turbine	Wind Turbine			300	Full Capacity	ff-Peak Deliverabilit	AJA CALIFORNI	MX	SDGE	ECO Substation 230kV	12/1/2024	Complete	Complete	
VIENTO FRONTERIZO	1824	4/11/2020	ACTIVE	C13	Wind Turbine	Wind Turbine			972.82	Full Capacity	ff-Peak Deliverabilit	CIPALITY OF TE	MX	SDGE	East County Substation 500kV	9/30/2024	Complete		
GOAL LINE RELIABILITY PROJECT	1832	2/8/2021	ACTIVE	C14	Storage	Battery			150	Full Capacity		SAN DIEGO	CA	SDGE	ESCO	5/30/2023			

IID Interconnection Queue

IID

IID Generation Interconnection Queue **07.06.2021**

Queue Position	Queue Designation	Request Date	Request Process	Service Type	Max MW Output	Location	Interconnection Facility	Estimated In-Service Date	Updated In-Service Date	Facility Type	Status
84	**GI-2016-118**	August 9, 2016	GIP	ER	400	Imperial County	Midway Substation	Jan-19	Jan-22	Solar/Storage	Active
85	**GI-2016-119**	October 14, 2016	GIP	ER	250	Imperial County	Midway Substation	Q2023	Q2023	Geothermal	Active
95	**GI-2020-130**	January 15, 2020	GIP	ER	50	Imperial County	161kV L line	Dec-21	Dec-21	Geothermal	Active
85A	**GI-2016-119A**	October 14, 2016	GIP	ER	250	Imperial County	Midway Substation	TBD	TBD	Geothermal	Active
100	**GI-2020-136**	September 16, 2020	GIP	ER	240	Imperial County	230kV KN/KS line	Sep-22	Nov-22	Solar/Storage	Active
101	**GI-2020-137**	September 16, 2020	GIP	ER	60	Imperial County	161kV F line	Sep-22	Nov-22	Solar/Storage	Active
102	**GI-2020-138**	September 16, 2020	GIP	ER	100	Imperial County	92kV P line	Sep-22	Nov-22	Solar/Storage	Active
103	**GI-2020-139**	November 9, 2020	GIP	ER	80	Imperial County	92kV Coachella Valley Substation	May-22	May-22	Biomass/Storage	Active
104	**GI-2020-140**	November 16, 2020	GIP	ER	75	Imperial County	161 kV L line	Sep-22	Sep-22	Solar/Storage	Active
105	**GI-2020-141**	November 16, 2020	GIP	ER	150	Imperial County	230kV KN line	Sep-22	Sep-22	Solar/Storage	Active
106	**GI-2020-142**	November 16, 2020	GIP	ER	120	Imperial County	92kV R line	Sep-22	Sep-22	Solar/Storage	Active
107	**GI-2021-143**	January 7, 2021	GIP	ER	50	Imperial County	MW2 92kV line	Sep-22	Sep-22	Solar/Storage	Active
108	**GI-2021-144**	March 8, 2021	GIP	ER	28	Imperial County	92kV J line	Q2 2023	Q1 2024	Biomass	Active

Project Jacumba photovolic modules 623 Acres JVR Energy Park

90 MW battery storage for up to 90 MW 35 year life span

Board of Supervisors County of San Diego PDS-2018-MUP-18-022 PDS2018-ER-18-22-001

Meeting Friday August 18th 2021

Developer : Bay Wa r.e.

Recommend to Vote: No

Comments by Jacumba Hot Springs property Owner: Dan Mannix

1. The proposed development boundary is on both sides of the gateway road, Old 80 to Jacumba Hot Springs. This is out of place to arrive at this rural town in the back country.
2. The size of the development would dwarf the town. The town would be at about 15% of the total area while the proposed would be at about 85%. This is out of scale and should be reevaluated. Instead of Jacumba Hot Springs, the area's new name may be proposed to be "The Jacumba Solar farm". It will not be rural.
3. The proposed fencing and landscaping does not adequately address the view corridors. The proposed 110' setback is not adequate. Driving in from highway 8 the solar panels will dominate.
4. The project is proposed to be located on prime farmland. The LEED (Leadership in Energy and Environmental Design) V4 LT Credit: Sensitive Land protection under Option 1 has PRIME Farmland exclusion for development. Also, the heat Island effect appears to be problematic.
5. The proposed may provide a safe haven for illegal migrants coming across the border to hide. The protection fence is 6' high with razor wire on top. That appears to be an easy breach. Has CBP (US Customs and Border Protection) been contacted for comments?
6. The proposed photovolic modules will not provide any direct power for Jacumba Hot Springs houses or the commercial district.
7. The proposed development is inconsistent with the General Plan and Zoning laws. Small scale residential development is permitted, but an industrial development is inappropriate.
8. PV mounting details are not provided. It does not appear to be high wind resistant.
9. The 70'-115' pole height exceeds the maximum height for the area.
10. The storage battery areas will need to be addressed to comply with Haz-Mat codes with adequate containment for spills to protect the ground water.
11. The area is in a flood plain. What happens during a big storm?
12. The 30 feet fire clearing for wildfire protection is not consistent with County regulations.
13. The Biological Resources will be affected by this project.
14. Tribal Cultural artifacts are also a concern and should be addressed.

15. Jacumba Hot Springs new housing construction requires solar panels. What about utilizing the mandated roof mounted solar panels as a source for power in lieu of a solar farm?
16. The VMT (Vehicle Mileage tax) is a swap out with the gas tax paid at the pump. If this tax is voted in place, the land use patterns in San Diego County is not expected to change since this is another method to calculate tax revenue. The current system will be modified or eliminated at the pump switching to a mileage driven calculation. The electric cars and hybrids will catch up with the other gas vehicles taxes to be more fair. Therefore, Jacumba Hot Springs has the potential for expansion of the town since the VMT is expected to render use patterns unchanged.
17. The Jacumba Valley Ranch of the 1990's previously proposed will be more likely be a well-received project with a golf course, housing and commercial space. The JVR Energy Park project may block any chances of that type of development.
18. The land use for this large parcel should be studied carefully to maintain the natural rustic character of Jacumba Hot Springs. The JVR Energy Park appears not to be a good fit for the surrounding areas and limits expansion.

SAVE OUR FOREST AND RANCHLANDS

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CLEVELAND NATIONAL FOREST FOUNDATION

P.O. Box 779 Descanso, CA 91916
www.cnff.org info@cnff.org

www.transitsandiego.org

August 17, 2021

Via Electronic Mail
Board of Supervisors
San Diego County
1600 Pacific Coast Highway, Room 402
San Diego, CA 92101

Re: August 18, 2021 Agenda Item 1: JVR Energy Park Major Use Permit, Fire Protection and Mitigation Agreement, and Environmental Document
JVR Energy Park – OPPOSE

Dear Board of Supervisors,

A now famous question was once asked in response to the outrageous behavior of vengeful American Senator Joseph R. McCarthy during the era of Communist fear: "Have you no sense of decency, sir?"[1]

Considering the lack of the County's VMT reduction responsibility, I ask the same question of the BOS:

"Do you have no sense of decency when you do so little about reducing the County's General Plan VMT - the greatest contributor to C02 emissions - yet at the same time you are planning to decimate the Jacumba community for the sake of climate change goals?[2]

In addition, at the very moment you are considering the Jacumba project, you are also facing the embarrassment of a judicial hearing on the total dereliction of duty on SB743[3] where you actually propose to increase VMT instead of following the law to reduce it. And yet your board seems prepared and willing to make Jacumba a sacrifice zone in spite of the fact that our current General Plan encourages low-density sprawl development at the expense of energy efficiency and our natural lands. Renewable energy is not inherently sustainable if it is squandered on energy inefficient sprawl development. It is an established fact that compact urban development with higher population densities tend to be more energy efficient than their counterparts.

And as a reminder of the connection between the Housing ,Climate and Transportation planning sectors, SANDAG has documented that as a region we could get 80% of way to reaching Climate targets and solve the housing crisis if we realized the Urban Area Transit Strategy (UATS)[4] by making transit bike

[1] https://www.senate.gov/about/powers-procedures/investigations/mccarthy-hearings/have-you-no-sense-of-decency.htm

[2] https://inewsource.org/2021/07/19/solar-farm-developer-strikes-deals-in-jacumba/

[3] https://drive.google.com/file/d/1KqXLSsmZfBDOf3FG-U2MFfe7JjRdy4Bj/view

[4] https://www.sandag.org/index.asp?projectid=368&fuseaction=projects.detail

and walk competitive with auto. And yet even though the world is at condition red Climate emergency[5] our current transit bike and walk mode share in the urban areas is a pathetic 13%.

Since transportation contributes by far the greatest share of GHG impacts and are even double the electricity impacts, wouldn't it be the honorable thing to do to require the built urban side of the equation to meet a minimum of transit mode share targets and VMT reductions targets before asking Jacumba to sacrifice itself because you can't get your own VMT house in order?

With the above facts in mind, the world Climate emergency at our door step and your incumbent regional responsibilities, I ask again what would be the right thing to do?

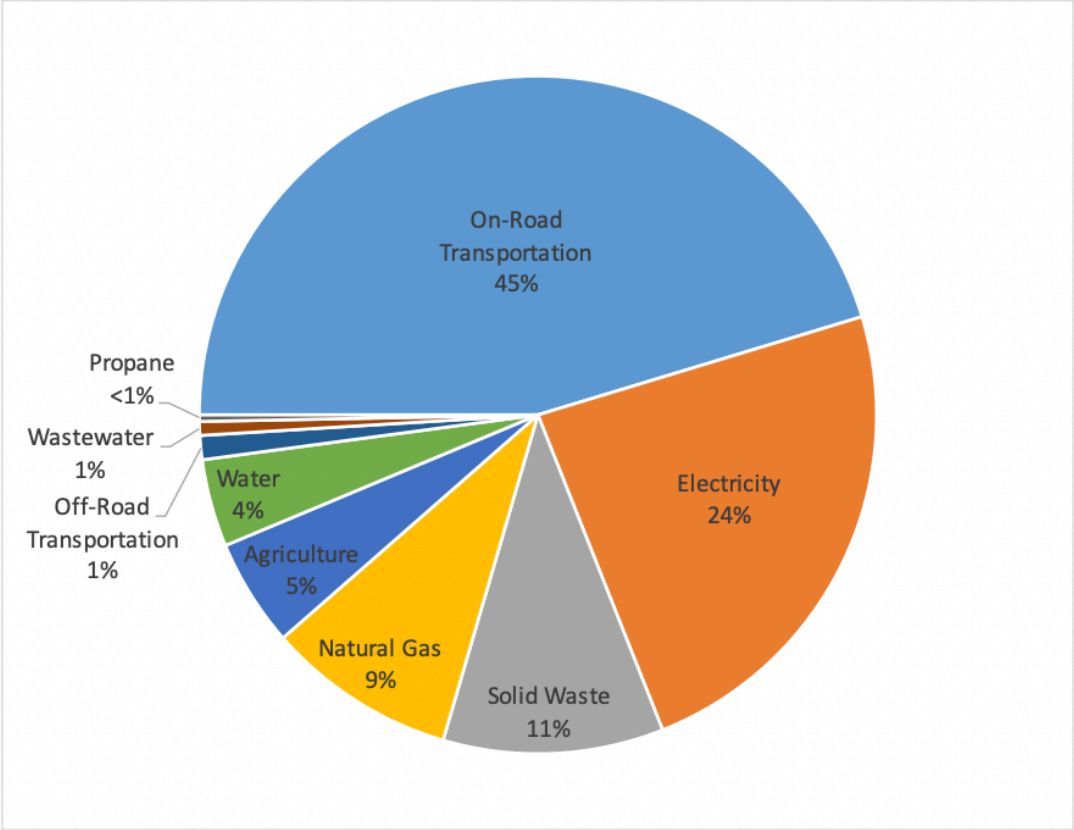

Figure 1: Breakdown of GHG Emissions (2014)

[6]

Sincerely,
Duncan McFetridge
Director, CNFF

Duncan McFetridge

President, SOFAR

[5] https://www.nytimes.com/2021/08/13/podcasts/the-daily/climate-change-IPCC.html

[6] https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/cap/publicreviewdocuments/CAPfilespublicreview/Appendix%20A%20Greenhouse%20Gas%20Emissions%20Inventory%20and%20Projections.pdf

DONNA JONES LAW

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donna@donnajoneslaw.com

August 17, 2021

VIA EMAIL: PublicComment@sdcounty.ca.gov

Honorable Chair Nathan Fletcher and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101

Re: Board Agenda Item #1, Meeting Date August 18, 2021
JVR Energy Park (Log No. PDS2018-MUP-18-022) SCH No. 2019039044

Dear Honorable Chair Fletcher and Members of the Board of Supervisors:

We represent We Are Human Kind, LLC, which owns the Jacumba Hot Springs Hotel and Spa, and Jeffrey Osborne, a local resident and business owner. We respectfully request that the Board direct staff to revise and correct the environmental impact report ("EIR") for the JVR project so that the EIR can be recirculated. Neither the project as originally proposed nor the staff-preferred "buffer" alternative have been adequately analyzed, and neither is consistent with the law. Solar energy is not the issue; even solar energy can raise environmental and community issues. Nor is employment the issue; the employment provided by the project will be short-term with only minimal maintenance work thereafter, while it causes long-term harm.

This letter will necessarily focus on legal issues, but what drives the legal issues is the project's disregard for the community and residents of Jacumba Hot Springs. Jacumba Hot Springs is a historic community built around the healing hot spring water found in the area. It is now a rural, low-income community. This is not a typical project disliked by some local citizens: this project is six times the size of the town. In the words of Planning Commissioner Barnhart, the project's configuration puts "its hands around the community's neck." The site was once an agricultural operation that was forced to close because it inflicted a Biblical-level plague of gnats on the town. Revival of the town requires human activity, not a forest of anonymous, metal-and-glass panels.

The Vision Statement for Jacumba in the General Plan calls for:

> ... new development that is compatible with, and preserves the natural and historical environment, including water resources, and protects existing neighborhoods, manages growth to reinforce the rural small town character of the area, which includes agriculture, open space, and trails as important elements of the community.

All of which this project is not. The Mountain Empire Community Plan recognizes residential, commercial, and industrial development; the project is an industrial energy production plant. Industrial Policy #5 states:

> New industrial development should consider all views into the property from public streets, adjacent properties, and residences on nearby hills.

All views from public streets, adjacent properties, and residences on nearby hills. Industrial Policy #6 calls for keeping large projects like this *away* from other uses:

> Concentrate future industrial development in those Rural Village areas already designated or planned for industrial uses.

The County has some ability to balance the various policies in its General Plan. However, the Vision Statement and these policies are what the General Plan is all about in Jacumba Hot Springs. Disregarding them is not a fair balance; it is no balance at all. The project conflicts with the General Plan's core, fundamental Vision for Jacumba. Nor does the supposedly "interim" nature of the project justify evading these goals and policies. Even aside from the unsupported nature of the "interim" label (as shown below), this "interim" use would exist for at least thirty-five years: thirty-five years is almost two human generations, almost as long as the economic value of most permanent structures, and well past a normal financing (e.g., mortgage) period.

The project's proposed reliance on Section 2888.a of the County Zoning Ordinance indirectly confirms this fundamental inconsistency. The County must require a bonded agreement ensuring removal of the project; if the project were consistent with the County's plans, it would not need assurance that it would be removed. The project is incompatible with the underlying zoning, the General Plan, and the goals set forth for the community which this project would dwarf.

Previous correspondence has pointed out the project's numerous inconsistencies with the County's General Plan. All of these plan inconsistencies, whether identified previously or in this letter, present both CEQA flaws and land use flaws. The EIR's analysis is inadequate, and the necessary findings cannot be made for any entitlements.

1. Major Use Permits

The land use analyses of the EIR and of the staff reports proceed from a false premise: that the proposed major use permit ("MUP") exempts the project from the development regulations of the Zoning Ordinance such as those governing setbacks. The EIR cites Zoning Ordinance §4813 to support this conclusion. However, Section 6954 of the Zoning Ordinance expressly says that *this type of project* must obey the setback regulations, be non-reflective, and so on. By law, Section 6954 governs: it is more specific, it is more recent (adopted by ordinance no. O-10072 in 2010, vs. O-5508 in 1979 for §4813), and as enclosure #6 shows, the County expressly intended that it apply. Section 51.306 of the County's Code of Regulatory Ordinances specifies road setbacks which were also not considered.

The entire land use analysis of the EIR is based on an inaccurate factual premise and must therefore be redone. The MUP is based on a misreading of the Zoning Ordinance and cannot be approved as drafted.

2. Section 2888.a of the County Zoning Ordinance

We will not repeat our prior arguments as to why the project's reliance on Section 2888.a of the County Zoning Ordinance is improper. However, we add that Section 2888.a states that MUPs "may be granted ... pursuant to a bonded agreement" to ensure the removal of the solar facility and its infrastructure. However, conditions 78 and 93 of the proposed MUP allow the required agreement and bond to be provided as much as a year after building or occupancy is approved. This is not what the Zoning Ordinance requires; Section 2888.a requires *removal* at a later time, but the agreement and bond are conditions of approval of the MUP; to be reliable and effective, they must be provided *before* construction and occupancy.

The MUP does not even propose to track the issue properly. Both conditions 78 and 93 would "monitor" compliance by reviewing the agreement and bond. However, neither condition contains a trigger to assure that this would actually occur. Nothing will remind the County to check for this issue when the agreement and bond are due.

3. Feasible alternatives and mitigation

The goal of both alternatives and mitigation is to avoid significant impacts whenever feasible. The community's main concerns relate to aesthetics, which arise from the bulk, size, scale, coverage, and location of the project; the project documents have rejected further mitigation as "potentially" infeasible. However, we are concurrently submitting a memorandum showing that fewer panels can do the job without impacts: the project's objective for energy production can easily be met with a smaller project, such as the Equity for Jacumba proposal, which can be located on a portion of the site farther away from Jacumba. This would feasibly and fully mitigate the project's impacts on aesthetics. This is not a matter of opinion; the more efficient panels *are available*.

The memorandum from ZGlobal identifies some math problems. According to Appendix V of the FEIR, prepared by an employee of the developer, the applicant has raised each panel's output to 540 watts (W) from 360 W. However, both the DEIR and FEIR state that the project will use 300,000 panels; the number of panels did not drop after their output per panel rose. According to Appendix V, the direct current (DC) capacity remains around 110-115 megawatts (MW) notwithstanding the use of more powerful (540 W v. 360 W) panels. According to ZGlobal, the continued use of the higher number of panels will result in a DC output that is not only much larger in itself, but also unreasonably larger in proportion to the alternating current (AC) to be delivered to the grid. According to ZGlobal, even with a 20% safety factor, the 90 MW project should only need 396-475 acres.

Our understanding is that ground-mounted photovoltaic solar projects with battery storage and interconnection, like JVR, usually need about 4 acres to produce 1 megawatt (4 ac/MW). For example, the Viking Energy project in the Imperial Valley uses 604 acres to produce 150 MW: https://ceqanet.opr.ca.gov/2021050036. The Aramis Solar project in Livermore Valley needs 410 acres to produce 100 MW: https://ceqanet.opr.ca.gov/2020059008/5. By this standard, the JVR project would need only about 360 acres to produce 90 MW. However, even the smaller "Community Buffer Alternative" being proposed for this project supposedly requires 604 acres to produce 90 MW, i.e., 6.7 ac/MW.

At a minimum, this merits further study and recirculation. At a maximum, it will invalidate the EIR. It will also prevent approval with overriding findings because the County cannot make the crucial finding that there was no feasible mitigation or alternative available to avoid the project's impacts. E.g., *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1356.

4. Staff's recommended alternative

An EIR does not need to study alternatives in the same depth as it evaluates a proposed project. However, whatever the County approves must have been studied in adequate depth to allow the public and the Board to understand its potential impacts. The depth of the EIR's analysis of the (misleadingly named by the County) Community Buffer Alternative would be adequate if that alternative's only value were hypothetical. However, if the Board is going to approve that alternative, the EIR's analysis of it is inadequate. The EIR did not provide sufficient or sufficiently detailed information on aesthetics or land use to address this different proposal. Moreover, the so-called "Community" Buffer Alternative – which is not the alternative supported by the actual Jacumba Hot Springs community – does not fully mitigate the project's significant and unmitigated impacts. A feasible alternative that would do so exists and must be studied.

5. The supposed "interim" use

The notion that the project is "interim" is absurd. When courts evaluate land use approvals, they normally review the entire record. The only support that the project has for being an "interim" use is the initial term of the MUP, but all the other facts bely the argument that this is an interim use:

- MUPs are routinely extended; section 7376 of the Zoning Ordinance expressly allows extensions.
- The proposed MUP itself states (on its second page) that the project can be decommissioned *or modified*.
- The switchyard is permanent construction.
- The switchyard will not be owned by the permittee so the permittee will not be able to remove it.
- The State's demand for solar power will not go away in 35 years; the permanence of that demand is even embodied in state law.
- The solar panels will require maintenance and replacement, which will extend the lifespan of the energy production operations.
- The project would not rely on the first sentence of Zoning Ordinance §2888.a, which is for projects that do not involve a "significant investment in buildings, structures, or other improvements."
- Once the land is set aside for this solar farm, with its permanent switchyard and other equipment, it is unreasonable to believe it would ever be removed and replaced by another use, especially given the severe, unmitigated, and long-lasting impacts this project would have on the surrounding community.
- Even the supposedly "interim" term of 35 years is effectively permanent; it is well beyond the term of most financing, close to the economic life of permanent structures, and almost two human generations.

The project's reliance on its supposedly "interim" nature is factually unsupported.

6. Native Americans

We join in the correspondence we anticipate will be submitted on behalf of the Kumayaay. The EIR did not properly evaluate the project's impact on Native American resources.

7. Growth inducement

The EIR's discussion of growth inducement is inadequate because it misses the entire supposed point of the project, i.e., supplying power that would supposedly otherwise not be available. Lack of power is, like a lack of water, a classic bottleneck to growth.

8. Historic value

We join in the letter submitted by SOHO. The EIR did not properly evaluate the historic value and resources of the structures on the site.

9. Irreversible changes

The EIR's analysis of irreversible changes is inadequate because it fails to address the resources used to build the panels and the other equipment that constitute the project. Solar panels require rare earths and other resources that are in short supply, are frequently under the control of China, and even when readily available require mining that is destructive of the planet. E.g., Critical Mineral Commodities in Renewable Energy (usgs.gov). The EIR simply skipped this problem, which is the essence of the "irreversible changes" section of an EIR.

10. Fires

The EIR purports to address the risk of fires starting or spreading through the site, but it overlooked ambient thermal risks for batteries, e.g., Just how concerned should the solar industry be about battery fires? (solarpowerworldonline.com) and Arizona fire highlights challenges for energy storage (apnews.com); avian risks from creating short circuits, e.g., How a bird started a fire at a California solar farm - Los Angeles Times (latimes.com); and failed mirror tracking, e.g., A Huge Solar Plant Caught on Fire, and That's the Least of Its Problems | WIRED. As the EIR itself acknowledges, the area is very vulnerable to fires, as it consists largely of fuel in a desert that is subject to high desert winds.

11. Aesthetics and glare (personal and as an aviation risk)

The EIR contains limited photo simulations, but as has already been pointed out, those simulations are very narrowly focused on discrete views and do not reflect the full range of locations that would be affected, particularly in light of the Community Plan's concern for *all* locations, public and private. We join in the additional information and photographs Mr. Osborne will soon submit that highlight the omitted information.

12. ECO Substation

There is an option for the JVR project to connect to the ECO Substation that was erroneously omitted from the EIR. This mitigation/alternative would avoid the need for the permanent switchyard as well as providing an important benefit to the community that would be most harmed by the project. The project proponent told the Planning Commissioners that there would be impacts associated with connecting to the ECO substation, but those impacts would be much less substantial and smaller in footprint than those caused by building a permanent on-site substation. Using the County's own conclusions, the switchyard is permanent while connections to the ECO Substation would supposedly be interim.

13. Major Use Permit findings (support and conflict with other proposed findings)

The MUP findings cannot be made. Approving MUPs requires finding that the project is in harmony in the area in its scale, bulk, coverage, and density. A massive solar farm on more than 600 acres surrounding a small, rural community on three sides is in no way compatible or in harmony with the community it would dwarf. The community of Jacumba Hot Springs is not contiguous to the project site, but rather would almost be completely surrounded by the project; this small, rural community would be overwhelmed by the proposed project.

The MUP findings rely on the existence of three transmission lines on the site, but that is hardly the same as filling the currently open, rural landscape with glass-and-metal solar panels and all of the equipment that goes with them, including a permanent switchyard. The ECO Substation and Jacumba Solar Substation upon which this conclusion relies are not visible from the Jacumba Hot Springs community, which is in large part why the Jacumba Hot Springs Community did not oppose those projects. While three transmission lines exist, they are in no way similar to the impact to the community that would result from this 600+ acre solar farm.

The MUP finding that the project as proposed would not have a harmful effect upon the desirable neighborhood character is also unsupportable. In fact, the MUP can only purport to support this finding by relying on the conclusion that the project would be decommissioned at the undefined end of the project's life, when the components would be removed from the site. But the MUP's reasoning conflicts with the premises of other findings: even assuming removal occurs, removal is required to avoid harm because the harm exists while the project exists.

The proposed MUP findings are inconsistent with other findings the Board will be making. The EIR found that impacts related to aesthetics were significant and unmitigable; the impacts in question essentially reword the findings (scale, bulk, coverage, density, and neighborhood character) required of the MUP. The Board would end up finding both that the project is *not* consistent with these concerns (in the EIR) and that it *is* (to approve the MUP). These conflicts are in addition to those that the EIR overlooked. The proposed MUP findings *contradict* those other findings.

14. Conclusion

The County may be thinking that adopting overriding findings allows it to approve anything. However, before it can adopt overriding findings, the County must first have a complete understanding of the nature and impacts of the project, and it must obey its own rules as well as state law. Solar power is good, but that is not the answer to every question. This particular project should not and cannot be approved in either its current form or in the "buffer" alternative staff now supports.

Best regards,

Donna Jones
Donna Jones Law Corporation

Richard A. Schulman
Richard A. Schulman, A Professional Corporation

cc (w/encls.): Nicholas.Koutoufidis@sdcounty.ca.gov
Susan.Harris@sdcounty.ca.gov
Client
William Powers (Protect Our Community)

Enclosures:

1. USGS, "Critical Mineral Commodities in Renewable Energy"
2. Solarpowerworldonline.com, "Just How Concerned Should The Solar Industry Be About Battery Fires?"
3. APnews.com, "Arizona Fire Highlights Challenges for Energy Storage"
4. LAtimes.com, "How a Bird Started a Fire at a California Solar Farm"
5. Wired, "A Huge Solar Plant Caught on Fire, and That's The Least of Its Problems"
6. September 15, 2010, Board letter re O-10072, with exhibits
7. August 16, 2021, e-mail from Donna Jones to Lonnie Eldridge
8. August 16, 2021, e-mail and letter from Richard Schulman to Lonnie Eldridge

Critical Mineral Commodities in Renewable Energy

USGS
cience for a changing world

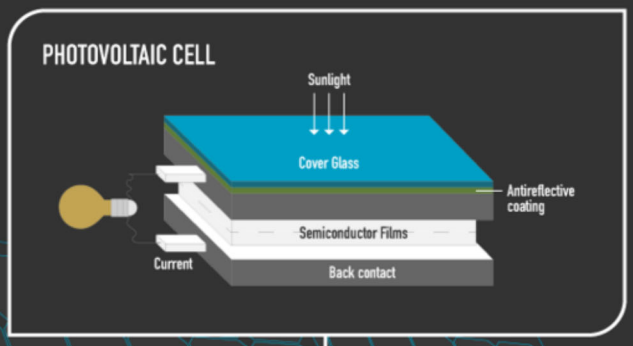
CRITICAL MINERAL COMMODITIES in RENEWABLE ENERGY

To make America's economy and defense more secure, the Administration has released "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals." Among other roles, these mineral commodities are vital to renewable energy infrastructure like solar panels, wind turbines, and batteries.

Solar Panels | Wind Turbines | Batteries

Solar Panels

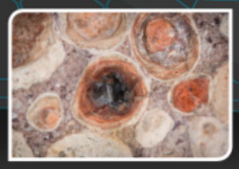
Several of the 35 mineral commodities listed as critical by the Department of the Interior play an important role in solar panels, where the Sun's energy is transformed to electricity.



ARSENIC

High-purity arsenic is used to produce gallium-arsenide semiconductors for solar cells. In 2018, the United States was 100% reliant on foreign sources for arsenic.

Image Source: Géry PARENT



GALLIUM

Used in gallium-arsenide and copper-indium-gallium-diselenide thin-film solar cells. In 2018, the United States was 100% reliant on foreign sources for gallium.

GERMANIUM

Germanium-based solar cells are commonly used in satellites. In 2018, the United States was more than 50% reliant on foreign sources for germanium.

Image Source: Rob Lavinsky

INDIUM

Used in copper-indium-gallium-diselenide thin-film solar cells. In 2018, the United States was 100% reliant on foreign sources for indium.

Image Source: Nerdtalker

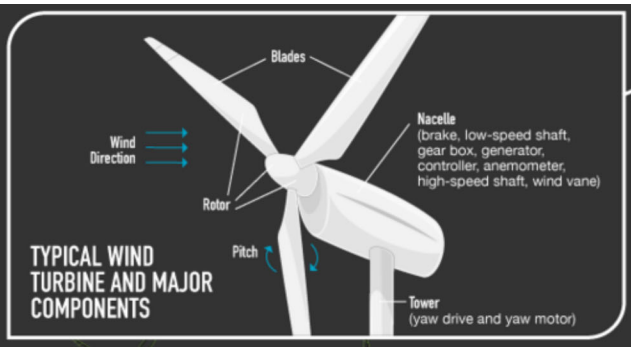
TELLURIUM

Used in cadmium-tellurium thin-film solar cells. In 2018, the United States relied on foreign sources for more than 75% of its tellurium.

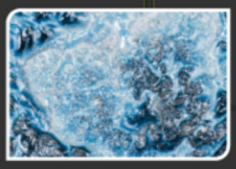
Image Source: Rob Lavinsky

Wind Turbines

Wind turbines increasingly dot the American landscape, rising hundreds of feet in the air to capture electricity from the movement of the wind. Just like solar cells, wind turbines also rely on a few mineral commodities that have been designated as critical: aluminum and rare-earth elements.



TYPICAL WIND TURBINE AND MAJOR COMPONENTS



ALUMINUM

Aluminum plays a role in most parts of a wind turbine, particularly in the nacelle, where the transfer of wind power to electricity occurs. The United States was 50% reliant on foreign sources for aluminum in 2018.

RARE-EARTH ELEMENTS

Responsible for some of the most powerful and efficient magnets on the planet, rare-earth elements enable wind turbines to have smaller, lighter generators. Although the United States mined and exported rare-earth minerals in 2018, it relied on imports to meet its domestic demands for rare-earth compounds, metals, and manufactured products.

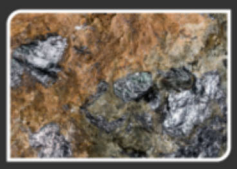
Batteries

Batteries play an important supporting role for renewable energy sources like wind and solar, allowing excess power to be stored for usage when direct solar or wind power are unavailable. Just like the energy sources they complement, modern batteries rely on critical mineral commodities, particularly cobalt, graphite, lithium, and manganese.

COBALT

On a global basis, the leading use of cobalt is in rechargeable battery electrodes. In 2018, the United States relied on foreign sources for 61% of the cobalt it consumed.

Image Source: James St. John

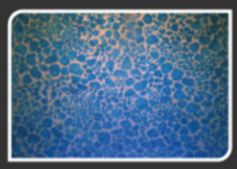


GRAPHITE

Graphite serves as an electrode in many lithium batteries. In 2018, the United States was 100% reliant on foreign sources for graphite.

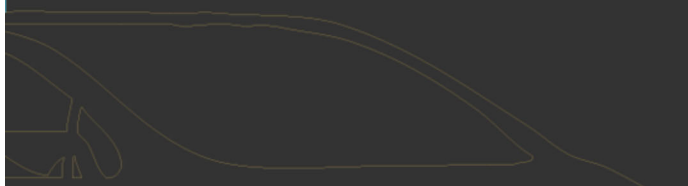
LITHIUM

Lithium has a long history in batteries and is a common material used in batteries today. In 2018, the United States was more than 50% reliant on foreign sources for lithium.



MANGANESE

Manganese serves as an electrode in many lithium batteries. The United States was 100% reliant on foreign sources for manganese in 2018.



The USGS delivers unbiased science and information to increase understanding of ore formation, undiscovered mineral resource potential, production, consumption, and how minerals interact with the environment. The USGS supports data collection and

(Public domain.)

Detailed Description

To make America's economy and defense more secure, the Administration has released "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals." Among other roles, these mineral commodities are vital to renewable energy infrastructure like solar panels, wind turbines, and batteries.

Solar Panels | Wind Turbines | Batteries

Explore More Science

critical minerals

Solar Panels

Several of the 35 mineral commodities listed as critical by the Department of the Interior play an important role in solar panels, where the Sun's energy is transformed to electricity. (Photovoltaic Cell Diagram)

ARSENIC
High-purity arsenic is used to produce gallium-arsenide semiconductors for solar cells. In 2018, the United States was 100% reliant on foreign sources for arsenic.
Image Source: Géry PARENT

GALLIUM
Used in gallium-arsenide and copper-indium-gallium-diselenide thin-film solar cells. In 2018, the United States was 100% reliant on foreign sources for gallium.

GERMANIUM
Germanium-based solar cells are commonly used in satellites. In 2018, the United States was more than 50% reliant on foreign sources for germanium.
Image Source: Rob Lavinsky

INDIUM
Used in copper-indium-gallium-diselenide thin-film solar cells. In 2018, the United States was 100% reliant on foreign sources for indium.
Image Source: Nerdtalker

TELLURIUM
Used in cadmium-tellurium thin-film solar cells. In 2018, the United States relied on foreign sources for more than 75% of its tellurium.
Image Source: Rob Lavinsky

Wind Turbines

Wind turbines increasingly dot the American landscape, rising hundreds of feet in the air to capture electricity from the movement of the wind. Just like solar cells, wind turbines also rely on a few mineral commodities that have been designated as critical: aluminum and rare-earth elements. (Typical Wind Turbine and Major Components)

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Aluminum plays a role in most parts of a wind turbine, particularly in the nacelle, where the transfer of wind power to electricity occurs. The United States was 50% reliant on foreign sources for aluminum in 2018.

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The USGS delivers unbiased science and information to increase understanding of ore formation, undiscovered mineral resource potential, production, consumption, and how minerals interact with the environment. The USGS supports data collection and research on a wide variety of non-fuel mineral resources that are important to the Nation's economic and national security. The agency's mission is to provide reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; and enhance and protect our quality of life. For more information, please visit www.usgs.gov.

SOURCES

1. Byproduct Mineral Commodities Used for the Production of Photovoltaic Cells, USGS, Circular 1365
2. Wind Energy in the United States and Materials Required for the Land-Based Wind Turbine Industry From 2010 Through 2030, USGS, Scientific Investigations Report 2011–5036
3. Mineral Commodity Summaries 2019, USGS, Mineral Commodity Summaries

Details

Image Dimensions: 1200 x 3965

Date Taken: TUESDAY, JUNE 4, 2019

Location Taken: US

Source:
Trump Administration Announces Strategy to Strengthen America's Economy, Defense
Interior to Support Critical Minerals Strategy through Faster Permitting, Better Information, Nationwide Examination of Minerals Potential

Just how concerned should the solar industry be about battery fires?

By Kelly Pickerel | February 17, 2020

Plane crashes rarely happen, but the fear of an accident is real for many people. Still, thousands of Americans fly every day. The NBC television drama “This is Us” showed that Crock-Pots can cause house fires, but we’re still cooking chilis and roasts while we’re away at work.

The threat of energy storage systems causing or contributing to building fires is also real yet incredibly rare, but as adoption grows, life and property wellbeing will become larger concerns.

Right now, solar + storage fire worries usually arise around lithium-ion technologies, with a divided war between nickel manganese cobalt (NMC) providers (Tesla Powerwall, LG Chem) and those developing lithium-iron phosphate (LFP) batteries (sonnen, SimpliPhi). On paper, NMC batteries have an increased risk of thermal runaway, the phenomenon that causes battery fires, simply because of the addition of cobalt. But put even an LFP battery in a less-than-ideal situation, and the end result of an accidental fire is the same — potential damage to the system, nearby surroundings and human life.

“Just because the likelihood is different doesn’t mean the impact is different,” said Victoria Carey, senior consultant of energy storage for quality assurance company DNV GL. “When doing installation design, you have to design for minimizing the likelihood [of a fire]. It’s always good to look at the chemistry capabilities and balance how to mitigate the impact with whether that battery’s energy density is exactly what’s needed for a particular application.”

installed outdoors in the desert. Off-grid winter cabins might benefit from using lead-acid batteries over the latest lithium product. Just because a solar installer is a certified dealer of a specific battery chemistry doesn't mean it's the best product for every job. Carey said she is comforted that the solar industry is taking battery installation more seriously now than even two years ago.

"Folks have been treating batteries as a black box add-on to their equipment they're installing. There's now a realization that although there are no literal moving parts, there's a lot of different small components that need to be managed and are delicate," she said. "There's a sort of awakening in the last year. We've called energy storage the 'Wild West,' and it is certainly still in early development stages, but there's a sheriff in town now."

Although battery fires aren't likely to happen, it's still important to design and plan for the worst.

What causes battery fires?

If a battery is going to catch fire, the likely cause is thermal runaway. This is when a battery experiences an increase in temperature that eventually leads to cell short-circuiting or disintegration that can spark a fire.

There are three main abuse factors that can send a battery into thermal runaway — mechanical, thermal or electrical. Mechanical would be physically damaging the unit, which can generate gases or increase the heat of a battery cell. Thermal is heat-related — air conditioning or airflow not reaching the cells, allowing heat to build up. Electrical abuse happens during overcharging, undercharging or shorts from the inverter. Often, damage can be reversed if caught quickly.

"There is an opportunity once that abuse factor has been put onto the cells, if it's removed then the thermal runaway condition may not occur, but there is a point of no return," Carey

at its core is a release of potentially flammable gases. If there's an ignition source, that can then become a fire. If there's not an ignition source, these seminal gases can gather in large enough volumes that could result in explosive conditions."

This large-scale lithium battery installation in California shows the ventilation systems used to keep batteries at a consistent temperature to prevent thermal runaway. (Photo by Dennis Schroeder / NREL)

DNV GL is trying to understand the risks with battery fires before they happen. It released its first Battery Performance Scorecard in 2018, which ranks and evaluates different types of batteries based on performance and safety testing. By putting the batteries through the wringer, DNV GL finds the performance limits of the systems or can produce thermal runaway, depending on the test.

"The whole goal of destructive testing is to determine if something goes into thermal runaway, what happens?" Carey said. "Yes, there may be some batteries that are more resistant to thermal runaway, but we have found across the board that they release the same chemicals with the same level of toxicity and potential flammability."

A safe battery is determined by its initial manufacturing. DNV GL hopes its battery scorecard brings more transparency to the market.

"There's a resistance for companies to share even their name that they've participated in this type of testing. There's concern about how it will be perceived by customers," Carey said. "Creating greater transparency in the market is one of the things that we see is really important to improving quality of the systems."

How should batteries be installed to prevent fires?

If battery installers follow the manufacturer's manual and adhere to the locality's fire codes and standards, the chance of a fire starting is near zero. LFP battery manufacturer Blue Planet Energy claims to make the safest lithium battery on the market for energy storage applications because of additional built-in safety links,

"Any technology, if installed incorrectly, is a potential electrical hazard," he said. "The biggest support in the market place is for installers to closely follow the installation manual on top of selecting safer battery chemistries. The top questions we receive in customer service are around installation best practices."

Following best practices and using a little common sense goes a long way, said Brian O'Connor, fire protection engineer with the National Fire Protection Association (NFPA), which released its standard for the installation of non-residential stationary energy storage systems (NFPA 855) in September 2019.

NFPA 855 provides battery installation requirements that best prevent loss of life and property — the goal of all NFPA codes. O'Connor said some best large-scale storage installation practices include providing enough space between units for adequate airflow and fire breaks and having an appropriate fire suppression system on-site.

This LFP battery with inverter charge controllers, power electronics and system management was installed in a NEMA 3R outdoor-rated box, away from livable spaces, just in the off-chance of an accident.

"We suggest to space batteries out in the building. If there are fire breaks between each, then the fire cannot escape one rack. If you can contain the fire to a smaller spot, it's going to burn for a shorter duration, and you can limit the damage," he said. "Another suggestion is installing a sprinkler system. Lithium-ion batteries do not react to water, so you can put a lot of water on them to cool them. It won't extinguish the fire, but it will stop the fire from spreading and jumping to other exposures."

O'Connor said many of NFPA's large-scale battery installation requirements can be translated over to the residential market with an extra dose of practicality.

"We use more common sense and basic rules for residential batteries because it's difficult to enforce all these details. No one is going door to door to see," he said. "If you're going to install a storage system in the garage, make sure you have space for vehicle protection — if you're backing into the garage, you don't want to hit the battery. Make sure batteries are not in the place you sleep, because it would limit the time you egress your house. Don't install a battery outside under a window, because during a fire, windows are used to exit the house."

installers should still plan for accidents. Installing batteries in rooms with fire-rated walls without a lot of clutter that could impede airflow is a basic first step. Keeping batteries away from livable spaces (bedrooms, living rooms) allow for better survival rates in case a fire does happen. So, all those battery company promotion pictures showing systems in the living room as aesthetic focal points — no way. Keep the battery in a garage or unoccupied utility space, just to be on the safe side.

There may be adequate airflow to this energy storage system, but a safer alternate installation site is outside or in an unoccupied utility space.

What are some best operating practices to prevent battery fires?

A little common sense follows to the operational side of an energy storage system. A high-functioning battery management system (BMS), which typically comes standard with lithium-ion battery systems, will help to balance charging and discharging rates, monitor battery voltage and measure temperature to ensure the system doesn't run into problems. But just because a BMS is monitoring the battery's health doesn't mean the operator should push it to its limits.

"The critical part is making sure that whatever the battery was designed to do and whatever the BMS is designed to protect is what that battery is being used for," Carey said.

O'Connor's best advice is to prepare and plan for the worst — know what to do in case of a fire and coordinate with first responders. NFPA 855 requires safety labels explaining what type of battery is installed and if there is a suppression system in place. These precautions are very important to first responders so they aren't surprised when they arrive at an emergency.

"A big concern is stranded energy. You can't discharge these batteries quickly when they're on fire," O'Connor said. "Even when a first responder is doing cleanup, there is a shock potential. If they put [an axe] into a battery that is energized, there is potential for injury. So labeling is important."

"Operationally, as long as these systems follow good quality practices, you have a very low likelihood of failure," Carey said. "But if you don't admit there could be a failure, you're not going to prepare the people who are trying to save lives and property appropriately. It's a touchy subject to say your product can fail, but I think it's incumbent upon people to act responsibly and admit that something could happen."

ABOUT THE AUTHOR

Kelly Pickerel

Kelly Pickerel has over a decade of experience reporting on the U.S. solar industry and is currently editor in chief of Solar Power World.

Comments

Ian

June 9, 2021 at 3:38 pm

Hello, I have read a lot recently about Vanadium Redox Flow Batteries. Apparently they do not catch fire (primarily because they consist mainly of water), they do not degrade like lithium batteries so potentially last forever, and they are 100% recyclable because all the vanadium in solution can be recovered and used again.

Reply

Anthony Davis

Under certain confirmations like fire, L-Ion solar batteries can discharge a gas, Hydrogen fluoride which is poisonous to humans.

Is this true and is it unlikely ever to occur and how would such a problem be tackled by the fire brigade, should they have specialised training before such an event occurs ? Thank you.

Reply

DJH

March 5, 2021 at 5:49 am

I had a battery fire recently with my solar system. It was on a west wall in L.A. Anyone have expertise SoCal who can set up a new, safer inverter and storage system?

Reply

Nigel S

September 17, 2020 at 11:30 am

Firstly well done for tackling a real issue in the market.
However you say the risk of Fire is incredibly rare, on what basis is that statement made ?
There are a number of reported major fires in BESS systems, South Korea in particular has had multiple losses. Plus the fact that thermal runaway means that any small fire quickly escalates to a major loss and there isnt a clear system of controlling fires of this nature. It feels very much like the technology for storage is powering ahead but the control of the risk presented is not being addressed at the same time.

Reply

David Garrett

June 2, 2020 at 8:59 pm

What happens in a house fire situation?
What are the best fire fire fighting methods for Lithium Ion battery storage systems?
Deluge system on powerwall?
Lots of water or Dry chem?
How do you put the fire out if system is still energised with electrical energy?
Safety data sheet fire fighting information varies according to supplier and the message is not consistent across suppliers.
Fire Service was not helpful.

Link copied!

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Arizona fire highlights challenges for energy storage

By JONATHAN J. COOPER June 23, 2019

PHOENIX (AP) — Arizona's largest electric company installed massive batteries near neighborhoods with a large number of solar panels, hoping to capture some of the energy from the

massive battery west of Phoenix that sent eight firefighters and a police officer to the hospital highlighted the challenges and risks that can arise as utilities prepare for the exponential growth of the technology.

With an investigation ongoing and no public word on the fire's cause, the incident is being closely watched by energy storage researchers and advocates.

"This is getting attention, and I think everyone realizes that too many safety incidents ... will be detrimental going forward," said George Crabtree, director of the Joint Center for Energy Storage Research, a partnership of national laboratories, universities and companies funded by the U.S. Energy Department. "So I think it's being taken very seriously."

APS has assembled a team of engineers, safety experts and first responders to work with the utility, battery-maker Fluence and others to carefully remove and inspect the 378 modules that comprise the McMicken battery system and figure out what happened.

APS installed the 2 megawatt battery systems at a substation in Surprise, outside Phoenix, in 2017 and another

near the Festival Ranch development in nearby Buckeye. They help the utility manage fluctuations from clouds or the setting sun in areas with a large number of rooftop solar panels.

come from renewables like wind and solar, which are subject to the whims of Mother Nature.

On the current electric grid, energy is used as it's generated; the supply and demand must match, or customers will face blackouts or power surges.

At times, California produces so much solar energy that its utilities pay APS to take it off the grid. New solar farms are planned in Arizona and elsewhere in the West. Storing energy allows utilities to better manage peaks and valleys.

"Absent battery storage, the whole value proposition of intermittent renewable energy makes no sense at all," said Donald Sadoway, a battery researcher at Massachusetts Institute of Technology and co-founder of battery storage company Ambri. "People just don't understand that the battery will do for electricity what refrigeration did to our food supply."

Utilities can capture solar energy in the afternoon when power is cheap, and sell it in the evening when demand and prices rise. They also can replace the need for natural gas "peaker plants" that fire up to meet peak energy demand, or delay building expensive new transmission lines.

California and Hawaii have set goals of eliminating fossil fuels from their energy grids in the coming decades, and many states are expanding mandates for a portion of energy to come from

known as thermal runaway, in which the fire feeds on itself and is nearly impossible to stop until it consumes all the available fuel.

Problems with lithium ion batteries have periodically triggered fears following outbreaks of spontaneous fires in Samsung phones, hoverboards and Boeing's 787 aircraft.

"Anytime you store a lot of energy in a small space you've got to be very cognizant of the controls that you have to put in place so that energy doesn't get out when you don't want it to," said Jay Apt, co-director of Carnegie Mellon University's Electricity Industry Center.

Researchers are working to educate firefighters on how to deal with battery fires. It was a topic of discussion at a conference this week of the National Fire Protection Association, which has developed an online training program for first responders, said Christian Dubay, the group's vice president and chief engineer.

"When you face a unique hazard, you need to have awareness and training for that," Dubay said.

The APS fire was the third involving a utility-scale battery. One was at an APS-owned battery in Flagstaff in 2012, and the other was in Hawaii.

APS has shut down its two similar batteries while awaiting the investigation's results, but the utility is not slowing down its plans to deploy new massive batteries, said Alan Bunnell, a company spokesman. "We believe energy storage is vital to a clean energy future here in Arizona," Bunnell said.

BUSINESS

How a bird started a fire at a California solar farm

A commercial solar project in San Bernardino County's Lucerne Valley. (Allen J. Schaben / Los Angeles Times)

BY BLOOMBERG

JUNE 24, 2019 5:15 PM PT

A June 5 fire at a California solar farm that scorched 1,127 acres started when a bird flew into a pair of wires, creating an electric circuit and a shower of sparks, a California Department of Forestry and Fire Protection official said. It didn't end well for the power plant — or the bird.

"One wing touches each of the conductors, and they turn into a light bulb," said Zach Nichols, a Cal Fire battalion chief. "Happens all the time."

The company that owns the California Valley Solar Ranch solar farm, Clearway Energy Inc., had blamed the fire on an "avian incident" without saying what exactly happened at the remote facility in the arid grasslands between Los Angeles and San Francisco.

The blaze damaged power poles and wires at the 250-megawatt plant and knocked out 84% of its generating capacity, causing an estimated $8 million to $9 million in losses, the company said.

SARAH ZHANG SCIENCE 05.23.2016 07:00 AM

A Huge Solar Plant Caught on Fire, and That's the Least of Its Problems

Ivanpah, the world's largest solar plant, is a glittering sea of mirrors that concentrate sunlight into three blindingly bright towers. Too bad it's so expensive.

SAN BERNARDINO COUNTY FIRE DEPARTMENT

***UPDATE: ON WEDNESDAY,** May 25, Ivanpah's operator, NRG energy, confirmed the fire was indeed caused by mirrors that did not track the sun properly, which focused sunlight onto the wrong part of the tower. NRG spokesperson David Knox estimates the plant would be back online within three weeks. *

Ivanpah, the world's largest solar plant, is a glittering sea of mirrors, concentrating sunlight into three glowing towers. It is a futuristic vision rising out of the Mojave desert. But from the day the plant opened for business in 2014, critics have said the technology at Ivanpah is outdated and too finicky to maintain.

The latest problem? A fire at one of the plant's three towers on Thursday, which left metal pipes scorched and melted. As the plant dealt with engineering hiccups, Ivanpah initially struggled to fulfill its electricity contract, and it would have had to shut down if the California Public Utilities Commission didn't throw it a bone this past March. "Ivanpah has been such a mess," says Adam Schultz, program manager at the UC Davis Energy Institute and former analyst for the CPUC. "If [the fire] knocks them offline, it's going to further dig them in." On top of the technical challenges, the plant has had to deal with PR headaches like reports of scorched birds and blinded pilots from its mirrors.

Ivanpah's biggest problem, though, is hard economics. When the plant was just a proposal in 2007, the cost of electricity made using Ivanpah's concentrated solar power was roughly the same as that from photovoltaic solar panels. Since then, the cost of electricity from photovoltaic solar panels has plummeted to 6 cents per kilowatt-hour (compared to 15 to 20 cents for concentrated solar power) as materials have gotten cheaper. "You're not going to see the same thing with concentrated solar power plants because it's mostly just a big steel and glass project," says Schultz. It can only get so much cheaper.

Photovoltaic solar systems also have the advantage of scaling up or down easily. You can have one panel on your roof or the airport can have 100, and electricity can be made where it's used. But for concentrated solar power plants, you need a huge tract of empty land. Ivanpah has 173,500 garage door-sized sets of mirrors spread over 3,500 acres. Each mirror has a motor controlled by a computer, which angles the reflective surface to track the location of the sun.

All those moving parts make Ivanpah more challenging to maintain than static solar panels. There's the 173,500 sets of moving mirrors, and then there's also the towers, where the concentrated sunlight superheats steam to generate electricity—each with their complicated plumbing systems. "The sheer size of these plants make it easy to overlook one little flaw," says Tyler Ogden, an analyst at Lux Research. The fire department suggested the fire on Thursday was the result of misaligned mirrors that concentrated their death ray on the wrong part of the tower. David Knox, a spokesperson for Ivanpah's operator, NRG Energy, said it was still too early to tell the cause of the fire. "We are assessing the damage and developing a repair plan," says Knox.

SAN BERNARDINO COUNTY FIRE DEPARTMENT/AP

Theoretically, concentrated solar power's advantage is its ability to smooth out energy production. Solar panels produce energy when the sun is shining, and they're basically roof decorations when they're not. At Ivanpah, the water in the towers take time to get to electricity-producing temperatures in the morning, but the towers can continue to produce electricity into the early evening---when electricity consumption is coming off its peak. Plants elsewhere, like Crescent

Dunes Solar Energy Project in Nevada, have mirrors that concentrate energy into tanks of molten salt instead of water, which can store the energy much longer.

In the US, for now, photovoltaic power is winning out. No one is looking to build more concentrated solar power plants here. But a huge concentrated solar power plant is going up in Morocco, and smaller scale installations in the US have used a curved mirror configuration to generate heat but not electricity. Knox says there may yet be uses for concentrated solar power, and the lessons learned at Ivanpah will chart the path forward. That's unless those lessons end up being cautionary ones.

TOPICS CLEAN ENERGY SOLAR

COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

DATE: September 15, 2010

04

TO: Board of Supervisors

SUBJECT: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY; POD 09-006 (DISTRICT: ALL)

SUMMARY:

Overview
In an effort to promote the Board of Supervisor's 2010 Legislative Policy Guidelines of supporting legislation that would encourage exploration of renewable energy sources and provide clean and diversified energy initiatives to augment traditional resources, the Department of Planning and Land Use is proposing amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed Zoning Ordinance amendments would simplify the review process for allowing Solar Energy Systems and would provide permit streamlining where appropriate. The proposed ordinance would add new definitions and sections for onsite and offsite use solar energy systems and the proposed regulations would codify existing practices and allow for a simpler review process for such facilities.

Recommendation(s)
CHIEF ADMINISTRATIVE OFFICER

1. Find on the basis of the whole record that there is no substantial evidence that the proposed project will have a significant effect on the environment. Consider the Negative Declaration on file with the Department of Planning and Land Use as Environmental Review Number 09-00-003 together with the comments received during public review and adopt it, finding that it reflects the independent judgment and analysis of the Board of Supervisors.

2. Adopt the attached Form of Ordinance (Attachment A):

   AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY, REF: POD 09-006

PLANNING COMMISSION
On July 23, 2010, the Planning Commission, by a vote of 4 in favor, 0 opposed, 3 absent, recommended the adoption of the Zoning Ordinance amendments related to solar energy. The Planning Commission also recommended increasing the permitted height for solar energy systems located in front yard and exterior side yard setbacks to

an unspecified height. Staff assured the Planning Commission that the intent of the height limits is to ensure that solar energy systems are unobtrusive and do not result in visual impacts.

Fiscal Impact
N/A

Business Impact Statement
The number of permit requests for offsite use of photovoltaic solar energy systems would most likely increase with the proposed ordinance amendments, which would also promote the growth of the solar energy industry throughout the unincorporated area of San Diego County.

Advisory Board Statement
N/A

BACKGROUND:
In an effort to promote the Board of Supervisor's 2010 Legislative Policy Guidelines of encouraging the exploration of renewable energy resources and providing clean and diversified energy initiatives to augment traditional resources, the Department of Planning and Land Use proposes amendments to the San Diego County Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with current County practices for permitting solar energy systems and would add new definitions and sections for offsite use and onsite use solar energy systems.

A summary of the more significant changes proposed are provided below:

- Current practice is to allow photovoltaic solar energy systems for onsite use by-right in all agricultural, residential, commercial and industrial zones as accessory uses upon approval of a building permit. The proposed ordinance codifies this practice.

- The addition of new sections and definitions for Photovoltaic Solar Energy Systems, Onsite Use Solar Energy Systems, and Offsite Use Solar Energy Systems, which are needed to eliminate confusion.

- The addition of a new onsite use photovoltaic solar energy system subsection that would codify current practices for permitting onsite use photovoltaic solar energy systems. Onsite use photovoltaic solar energy systems are currently and would continue to be allowed by-right in all Agricultural, Civic, Commercial, Industrial, and Residential zones as an accessory use upon approval of a building permit.

- The addition of a new onsite use solar energy system subsection to codify the permitting of onsite use solar energy systems. Offsite use photovoltaic solar energy systems with a project area less than 10 acres in size would be streamlined and would require only an Administrative Permit. Whereas, offsite use photovoltaic solar energy systems with a project

area of 10 acres or more would require approval of a Major Use Permit. Solar power plants, which are classified as Major Impact Services and Utilities, are currently and would continue to require approval of a Major Use Permit. All other types of offsite use solar energy systems other than photovoltaic systems, which include parabolic troughs, concentrating linear fresnel reflectors, stirling solar dishes, or solar power towers, would require approval of a Major Use Permit.

- The proposed amendments would not change current setback or height regulations applicable to solar energy systems in the County's Zoning Ordinance.

The attached draft ordinance (Attachment A) incorporates the aforementioned framework.

Because this ordinance codifies existing practices and allows for a more lenient process for approving smaller solar energy systems for offsite use, its adoption may result in an increase in permits for small photovoltaic solar energy projects for offsite use. Onsite photovoltaic systems currently and would continue to constitute the majority of permits covered by the County of San Diego's Homeowner Relief program. Other permits that may experience an increase would be covered by cost recovery permit fees. Staffing demands are also expected to be accommodated by the existing staff in the Department of Planning and Land Use. Therefore, the proposed ordinance amendments are not anticipated to result in a significant fiscal impact to the County and no modifications to the County's Operational Plan are required.

Environmental Statement
A Negative Declaration (ND) dated May 20, 2010, has been prepared for this project and is on file in the Department of Planning and Land Use as Environmental Review Number 09-00-003. The ND prepared for the project was distributed for public review from May 20, 2010 to June 18, 2010. See Attachment C for environmental documentation.

Linkage to the County of San Diego Strategic Plan
Today's proposed action to adopt an ordinance amending the Zoning Ordinance related to solar energy supports the Environment Strategic Initiatives in the County of San Diego's 2010-2015 Strategic Plan by promoting the growth of solar energy, an alternative passive and renewable resource. The proposed action also supports the Essential Infrastructure Required Discipline by promoting the use of solar energy in the design of new construction to reduce environmental impacts and improve energy efficiency.

Respectfully submitted,

Chandra Wallar

CHANDRA L. WALLAR
Deputy Chief Administrative Officer

SUBJECT: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY; POD 09-006 (DISTRICT: ALL)

ATTACHMENT(S)

Attachment A – Form of Ordinance
Attachment B – Form of Ordinance – Strikeout/Underline Version
Attachment C – Environmental Documentation
Attachment D – Planning Commission Minutes
Attachment E – Public Comments

SUBJECT: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY; POD 09-006 (DISTRICT: ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: [] Yes [X] No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
[] Yes [X] No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
Oracle Award Number: 1013057

ORIGINATING DEPARTMENT: Department of Planning and Land Use

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Devon Muto	Marcus Lubich
Name	Name
858-694-3016	858-694-8847
Phone	Phone
858-467-9314	858-467-9314
Fax	Fax
O650	O650
Mail Station	Mail Station
Devon.Muto@sdcounty.ca.gov	Marcus.Lubich@sdcounty.ca.gov
E-mail	E-mail

Attachment A
Form of Ordinance

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that solar power is an important renewable source of energy and the Zoning Ordinance should be amended to allow for the placement of solar energy systems. The ordinance is consistent with existing State laws that encourage the construction of Solar Energy Systems to conserve energy. The amendments made by this ordinance are intended to set forth reasonable standards and procedures for the installation and operation of Solar Energy Systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan, specifically the Energy Element.

Section 2. Section 1110, DEFINITIONS (P), of the Zoning Ordinance is amended to add the definition of Photovoltaic Solar Energy System to read as follows:

Photovoltaic Solar Energy System: A type of solar energy system that converts solar energy into a usable form of electricity using Photovoltaic Solar Cells.

Section 3. Section 1110, DEFINITIONS (S), of the Zoning Ordinance is amended to add the definitions of Solar Energy System, onsite use and Solar Energy System, offsite use to read as follows:

Solar Energy System, Onsite Use: A solar energy conversion system consistent with the requirements of section 6952 for onsite energy use. The energy generated is predominately used onsite.

Solar Energy System, Offsite Use: A solar energy conversion system consistent with the requirements of section 6952 for offsite energy use. The energy generated is predominately used offsite.

Section 4. Section 4620 of the Zoning Ordinance is amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.
The following structures shall be exempt from the maximum height provisions of an applicable height designator:

a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.

b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.

c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.

f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.

g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.

h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.

i. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of the roof.

j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.

k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 5. Section 4622 of the Zoning Ordinance is amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.

b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.

c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

e. Grain elevators, silos, water tanks, barns, and all other structures greater than 50 feet in height functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; grain elevators silos, and water tanks not located in agricultural zones or S92 Use Regulations.

f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.

g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.

h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.

i. A Photovoltaic Solar Energy System.

j. Wireless Telecommunications Facilities.

Section 6. Section 4835 of the Zoning Ordinance is amended to read as follows:

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	----------Not permitted----------				
e. Stands	Permitted where stands are allowed by Section 6156.	----------Not permitted----------			
f. A Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 7. Section 6952 of the Zoning Ordinance is added to read as follows:

6952 SOLAR ENERGY SYSTEM

a. Solar Energy System, Onsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:

i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.

ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section 4620.i.

iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.

iv. Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

b. Solar Energy System, Offsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

(a.) That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

(b.) That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

(c.) That the requirements of the California Environmental Quality Act have been complied with; and

(d.) That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.

2. A photovoltaic solar energy system for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection a. and subsection 3. of this Section.

3. All other types of a solar energy systems or solar power plants including concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:

(a.) Setback. A system or plant shall meet all of the setback requirements of the zone.

(b.) Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.

(c.) Visual. The following measures shall be followed in order to minimize the visual impact of the project:

i. Removal of existing vegetation shall be minimized.

ii. Internal roads shall be graded for minimal size and disruption.

iii. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.

iv. A structure shall be non-reflective in all areas possible to blend with the surroundings.

(d.) Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the Solar Energy System. The security shall be provided to DPLU prior to building permit issuance. Once the Solar Energy System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the Solar Energy System.

4. Special Area Regulations: Photovoltaic solar energy systems for offsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

Section 8. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____ a newspaper of general circulation published in the County of San Diego.

Attachment B
Form of Ordinance –
Strikeout/Underline Version

(Underline indicates addition)
(~~Strikeout~~ indicates deletion)

DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that solar power is an important renewable source of energy and the Zoning Ordinance should be amended to allow for the placement of solar energy systems. The ordinance is consistent with existing State laws that encourage the construction of Solar Energy Systems to conserve energy. The amendments made by this ordinance are intended to set forth reasonable standards and procedures for the installation and operation of Solar Energy Systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan, specifically the Energy Element.

Section 2. Section 1110, DEFINITIONS (P), of the Zoning Ordinance is amended to add the definition of Photovoltaic Solar Energy System to read as follows:

Photovoltaic Solar Energy System: A type of solar energy system that converts solar energy into a usable form of electricity using Photovoltaic Solar Cells.

Section 3. Section 1110, DEFINITIONS (S), of the Zoning Ordinance is amended to add the definitions of Solar Energy System, onsite use and Solar Energy System, offsite use to read as follows:

Solar Energy System, Onsite Use: A solar energy conversion system consistent with the requirements of section 6952 for onsite energy use. The energy generated is predominately used onsite.

Solar Energy System, Offsite Use: A solar energy conversion system consistent with the requirements of section 6952 for offsite energy use. The energy generated is predominately used offsite.

Section 4. Section 4620 of the Zoning Ordinance is amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.
The following structures shall be exempt from the maximum height provisions of an applicable height designator:

a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.

b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.

c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.

f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.

g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.

h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.

i. A Photovoltaic Solar Energy ~~collection equipment~~ System extending not more than 5 feet above the highest point of the roof.

j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.

k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 5. Section 4622 of the Zoning Ordinance is amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.
Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

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g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.

h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.

i. A Photovoltaic Solar Energy System ~~collection equipment~~.

j. Wireless Telecommunications Facilities.

Section 6. Section 4835 of the Zoning Ordinance is amended to read as follows:

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	----------Not permitted----------				
e. Stands	Permitted where stands are allowed by Section 6156.	----------Not permitted----------			
f. A Photovoltaic Solar Energy System ~~collection devices~~	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 7. Section 6952 of the Zoning Ordinance is added to read as follows:

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i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.

ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section 4620.i.

iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.

iv. Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

b. Solar Energy System, Offsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

(a.) That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

(b.) That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

(c.) That the requirements of the California Environmental Quality Act have been complied with; and

(d.) That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.

2. A photovoltaic solar energy system for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection a. and subsection 3. of this Section.

3. All other types of a solar energy systems or solar power plants including concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:

(a.) Setback. A system or plant shall meet all of the setback requirements of the zone.

(b.) Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.

(c.) Visual. The following measures shall be followed in order to minimize the visual impact of the project:

i. Removal of existing vegetation shall be minimized.

ii. Internal roads shall be graded for minimal size and disruption.

iii. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.

iv. A structure shall be non-reflective in all areas possible to blend with the surroundings.

(d.) Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the Solar Energy System. The security shall be provided to DPLU prior to building permit issuance. Once the Solar Energy System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the Solar Energy System.

4. Special Area Regulations: Photovoltaic solar energy systems for offsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

Section 8. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the XXXXXXX a newspaper of general circulation published in the County of San Diego.

Attachment C
Environmental Documentation

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

NEGATIVE DECLARATION

May 20, 2010

Project Name: Solar Energy Ordinance

Project Number(s): POD 09-006, Environmental Review No. 09-00-003

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

a. Initial Study Form
b. Zoning Ordinance Amendments

1. California Environmental Quality Act Negative Declaration Findings:

   Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

2. Required Mitigation Measures:

   Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

   None

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

San Diego County Board of Supervisors

on _____

Joseph Farace, Planning Manager
Advance Planning Division

CS:SC:JF

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

May 20, 2010

CEQA Initial Study - Environmental Checklist Form
(Based on the State CEQA Guidelines, Appendix G Rev. March, 2010)

1. Title; Project Number(s); Environmental Log Number:

   Solar Energy Ordinance; POD 09-006; ER Log No. 09-00-003

2. Lead agency name and address:
   County of San Diego, Department of Planning and Land Use
   5201 Ruffin Road, Suite B,
   San Diego, CA 92123-1666

3. a. Contact: Marcus Lubich, Project Manager
   b. Phone number: (858) 694-8847
   c. E-mail: Marcus.Lubich@sdcounty.ca.gov.

4. Project location:

   The proposed amendment would apply to the unincorporated portions of the County of San Diego over which the County has land use jurisdiction.

5. Project Applicant name and address:

   County of San Diego, Department of Planning and Land Use
   5201 Ruffin Road, Suite B, San Diego, California 92123

6. General Plan Designation

Community Plan:	All Community and Subregional Plan Areas
Land Use Designation:	Variable
Density:	Variable

7. Zoning

Use Regulation:	Variable
Minimum Lot Size:	Variable
Special Area Regulation:	Variable

8. Description of project

This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance. The proposed ordinance amendments are intended to set forth reasonable standards and procedures for the installation and operation of Solar Energy Systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan.

The proposed Zoning Ordinance amendments consist of the following:

- The addition of definitions for a Photovoltaic Solar Energy System, Solar Energy System Onsite Use, and Solar Energy System Offsite Use.

- The addition of a new Solar Energy System section to codify the permitting of Solar Energy Systems, which is already in practice. Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County of San Diego as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres.

- The addition of a new Solar Energy System sub section for Solar Energy Systems Onsite Use. This subsection would codify the permitting of Onsite Solar Energy Systems.

- The addition of a new Solar Energy System sub section for Solar Energy Systems Offsite Use. This subsection would codify the permitting of Offsite Solar Energy Systems.

The specific sections of the Zoning Ordinance affected are as follows:

- Section 1110: add definitions for Photovoltaic Solar Energy System, Solar Energy System onsite use and Solar Energy System offsite use.

- Section 4620: change "Solar Energy Collection Equipment" to "A Photovoltaic Solar Energy System" in subsection 4620(j). There would be no changes to the height provisions in this section of the Zoning Ordinance.

- Section 4622: change "Solar Energy Collection Equipment" to "A Photovoltaic Solar Energy System" in subsection 4622(j). There would be no changes to the height provisions in this section of the Zoning Ordinance.

- Section 4835: change "Solar Collection Devices" to "A Photovoltaic Solar Energy System" in subsection 4835(f). There would be no changes to the setback requirements in this section of the Zoning Ordinance.

- Section 6952: add a new Solar Energy Systems section with new subsections for Solar Energy Systems Onsite Use and Solar Energy Systems Offsite Use.

See the attached Amendments to the Zoning Ordinance for additional information.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

San Diego County is bordered on the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The County terrain varies from west to east, sloping up from the ocean, transitioning to rolling hills and then steep mountains that finally give way to flat to gently sloping deserts.

The County is a generally semi-arid environment and supports a wide range of habitats and biological communities. These habitats and communities range from grasslands to shrublands to coniferous forests. Additionally, these habitats and communities vary greatly depending on the ecoregion, soils and substrate, elevation and topography.

The urban areas of the County are predominantly in the west, either surrounding the City of San Diego, or interspersed between the City of San Diego and the cities in Orange and Riverside Counties. Further east, the land is less developed, with the largest developed area in the eastern portion of the County being the community of Borrego Springs. The eastern portion of the County is unincorporated and mostly undeveloped. The areas that have been developed in the eastern portion of the County have been predominantly developed in a rural

fashion, with large lot sizes, agricultural or related uses, and have limited infrastructure and service availability.

The County is serviced by the Interstates 5, 15, and 805 that all run north and south throughout the western portion of the County and Interstate 8 that runs east and west throughout the southern portion of the County. Additionally, the County is serviced by State Highways 76, 78 and 94 that all run east and west across the County and State Highways 67, 79 and 163 that all run north and south across the County.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

Permit Type/Action	Agency
None	County of San Diego

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology & Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Haz. Materials	☐ Hydrology & Water Quality
☐ Land Use & Planning	☐ Mineral Resources	☐ Noise
☐ Population & Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities & Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☑ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

	May 20, 2010
Signature	Date
Marcus Lubich	Land Use/Environmental Planner II
Printed Name	Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Will the project:

a) Have a substantial adverse effect on a scenic vista?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups. The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for onsite energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy Systems are currently and would continue to be allowed to locate near or within the viewshed of a scenic vista upon approval of either a ministerial or discretionary permit. Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses, which would create minimal visual impacts to scenic vistas because these systems are accessory uses located on properties developed with primary uses and structures. The proposed ordinance amendments would clarify that existing setback and height regulations apply to Onsite Solar Energy Systems, which would minimize impacts on visual resources, including scenic vistas.

The proposed ordinance amendments would also clarify that existing setback and height regulations apply to Offsite Solar Energy Systems and would require additional

measures such as landscaping, minimization of the removal of existing vegetation, and painting structure to be non-reflective and to blend with surroundings, to minimize impacts on visual resources, including scenic vistas. Furthermore, pursuant to the proposed ordinance amendments, all future Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to visual resources, including scenic vistas. Both the Administrative and Major Use Permit processes would address and mitigate for impacts to visual resources, including scenic vistas, as part of the permit process.

Furthermore, if a future proposed solar energy project involves substantial landform modification/grading that may have an adverse visual impact on a scenic vista, a discretionary grading permit and further environmental review would be required. Additionally, future projects involving grading would have to comply with § 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING) of Division 7, EXCAVATION AND GRADING, of the San Diego County Zoning and Land Use Regulations. The erosion prevention and planting required by these sections of the San Diego County Zoning and Land Use Regulations would avoid stark, bare graded slopes that could have an adverse visual impact on a scenic vista. Therefore, the proposed ordinance amendments would not have a substantial adverse effect on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an

Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed Zoning Ordinance amendments would continue to allow Solar Energy Systems to be located near or within the composite viewshed of a State scenic highway upon approval of either a ministerial or discretionary permit. Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses, which would create minimal visual impacts to state scenic highways because these systems are accessory uses located on properties developed with primary uses and structures. The proposed ordinance amendments would clarify that existing setback and height regulations apply to Onsite Solar Energy Systems, which would minimize impacts on visual resources, including state scenic highways.

The proposed ordinance amendments would also clarify that existing setback and height regulations apply to Offsite Solar Energy Systems and would require additional measures such as landscaping, minimization of the removal of existing vegetation, and painting structure to be non-reflective and to blend with surroundings, to minimize impacts on visual resources, including scenic vistas. Furthermore, pursuant to the proposed ordinance amendments, all future Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to visual resources, including scenic vistas. Both the Administrative and Major Use Permit processes would address and mitigate for impacts to visual resources, including state scenic highway, as part of the permit process.

Furthermore, if a future proposed solar energy project involves substantial landform modification/grading that may have an adverse visual impact on a scenic vista, a discretionary grading permit and further environmental review would be required. Additionally, future projects involving grading would have to comply with § 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING) of Division 7, EXCAVATION AND GRADING, of the San Diego County Zoning and Land Use Regulations. The erosion prevention and planting required by these sections of the San Diego County Zoning and Land Use Regulations would avoid stark, bare graded slopes that could have an adverse visual impact on a State Scenic Highway. Therefore, the proposed ordinance amendments would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers.

On-site Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses, which would create minimal visual impacts to state scenic highways because these systems are accessory uses located on properties developed with primary uses and structures. The proposed ordinance amendments would clarify that existing setback and height regulations apply to Onsite Solar Energy Systems, which would minimize impacts on the visual character or quality of a project site and its surroundings.

The proposed ordinance amendments would also clarify that existing setback and height regulations apply to Offsite Solar Energy Systems and would require additional measures such as landscaping, minimization of the removal of existing vegetation, and painting structure to be non-reflective and to blend with surroundings, to minimize impacts on visual resources, including scenic vistas. Furthermore, pursuant to the proposed ordinance amendments, all future Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to visual resources, including scenic vistas. Both the Administrative and Major Use Permit processes would address and mitigate for impacts to visual resources,

including the visual character or quality of a project site and its surroundings, as part of the permit process.

Furthermore, if a future proposed solar energy project involves substantial landform modification/grading that may have an adverse visual impact on a scenic vista, a discretionary grading permit and further environmental review would be required. Additionally, future projects involving grading would have to comply with § 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING) of Division 7, EXCAVATION AND GRADING, of the San Diego County Zoning and Land Use Regulations. The erosion prevention and planting required by these sections of the San Diego County Zoning and Land Use Regulations would avoid stark, bare graded slopes that could have an adverse impact on visual character or quality. Therefore, the proposed ordinance amendments would not substantially degrade the existing visual character or quality of a project site and its surroundings.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Currently, solar energy collection equipment projects are permitted to have outdoor lighting provided that the project meets the requirements of the County of San Diego Zoning Ordinance (Section 6322-6326) and the Light Pollution Code (Section 59.101-59.115). All future Solar Energy System projects would not contribute to significant cumulative impacts on day or nighttime views because the projects would conform to the Light Pollution Code. The Code was developed by the San Diego County Department of Planning and Land Use and Department of Public Works in cooperation with lighting engineers, astronomers, land use planners from San Diego Gas and Electric, Palomar and Mount Laguna observatories, and local community planning and

sponsor groups to effectively address and minimize the impact of new sources light pollution on nighttime views. The standards in the Code are the result of this collaborative effort and establish an acceptable level for new lighting. Compliance with the Light Pollution Code is required prior to issuance of any building permit for any project and all Solar Energy Systems are required to obtain building permits. Mandatory compliance for all new building permits ensures that this project in combination with all past, present and future projects would not make a cumulatively considerable contribution to a significant cumulative impact. Therefore, compliance with the Code ensures that the project would not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area, on a project or cumulative level.

In addition, in the case of an Offsite Solar Energy System, outdoor lighting is controlled through the Administrative Permit and Major Use Permit process, which further limits outdoor lighting through strict controls. Therefore, compliance with the Code, in combination with the outdoor lighting and glare controls listed above ensures that the project will not create a significant new source of substantial light or glare.

II. AGRICULTURE AND FORESTRY RESOURCES -- Will the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed amendments would continue to allow Onsite Solar Energy Systems to be located on land designated as Prime Farmland, Unique Farmland, Farmland of

Statewide or Local Importance according to the State Farmland Mapping and Monitoring Program (FMMP) because Onsite Solar Energy Systems are accessory to a primary agricultural use and therefore are not expected to result in a significant conversion of Important Farmland. Many existing Onsite Solar Energy Systems currently in operation in the County of San Diego are accessory to active agricultural uses and are necessary for agricultural production. Onsite Solar Energy Systems are utilized for water pumps for crop irrigation, livestock, or domestic uses; to provide power to agricultural buildings and machinery; and providing heat for greenhouses and other agricultural buildings. Onsite Solar Energy Systems also provide electricity in remote areas of a farm or ranch for electric fences, water pumps, or agricultural buildings.

Additionally, Offsite Solar Energy Systems would be reviewed to determine any impacts to agricultural resources as part of each Administrative or Major Use Permit review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to agricultural resources as part of the permit process. Therefore, the proposed ordinance amendments would not result in a significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or of other agricultural resources, to non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed amendments would continue to allow Solar Energy Systems to be located on sites with zoning for an agricultural use and/or sites under a Williamson Act contract. The proposed Zoning Ordinance Amendments would not conflict with current zoning because Solar Energy Systems are currently permitted uses that do not conflict

with agricultural zoning. Onsite Solar Energy Systems are utilized for water pumps for crop irrigation, livestock, or domestic uses; to provide power to agricultural buildings and machinery; and providing heat for greenhouses and other agricultural buildings. Onsite Solar Energy Systems also provide electricity in remote areas of a farm or ranch for electric fences, water pumps, or agricultural buildings.

Additionally, Solar Energy Systems are, in many cases, accessory to agricultural uses or residential uses allowed under Williamson Act contracts. Also, a Williamson Act contract may allow for an Offsite Solar Energy System to be located on the same property as an agriculture use provided that the Contract permits Solar Energy Systems as a compatible use. Conversely, the Williamson Act contract may not allow for a Solar Energy System to be located on a property subject to a contract. All Solar Energy System projects proposing to locate on lands under a Williamson Act Contract would be reviewed for compliance with the Williamson Act Contract. If a Williamson Act Contract does not allow for Solar Energy System projects as a compatible use then the Solar Energy System project would not be permitted by the County of San Diego. Additionally, Offsite Solar Energy Systems would be reviewed to determine any impacts to agricultural resources as part of each Administrative or Major Use Permit review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to agricultural resources as part of the permit process. Therefore, the proposed ordinance amendments would not be conflict with existing zoning for agricultural use, or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Forest lands are carbon sinks, or a "reservoir "that accumulates and stores carbon-containing chemical compounds for an indefinite period. Clearing forests causes carbon in vegetation biomass to be converted to CO_2 and emitted to the atmosphere. Maintaining and enhancing forest lands is one way to avoid carbon emissions and sequester carbon containing compounds which can play a role in managing climate change (see VII. Greenhouse Gases for a more comprehensive discussion of greenhouse gases and climate change).

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential

zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed amendments would continue to allow all Solar Energy Systems to be located on sites in all zones and, therefore, would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. Furthermore, the County of San Diego does not have any existing Timberland Production Zones.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses in all zones. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting in no impacts to any forest land, timberland, or timberland zoned Timberland Production. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any forest land, timberland, or timberland zoned Timberland Production.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to forestry resources. At that time, a site evaluation could be conducted to measure any impact the project may have on forestry resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any forestry resources as part of the permit process.

If any Solar Energy System involves a rezone to a future facility, a discretionary permit and further environmental review for impacts to forest land, timberland, or timberland zoned Timberland Production would be required. The discretionary permit process would address and mitigate for any impacts to any forest land, timberland, or timberland zoned Timberland Production as part of the permit process. Conversely, most Solar Energy System projects would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and therefore, any potentially significant forestry resources would be preserved in place and would not result in a significant impact. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

d) Result in the loss of forest land , conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Forest lands are carbon sinks, or a "reservoir "that accumulates and stores carbon-containing chemical compounds for an indefinite period. Clearing forests causes carbon in vegetation biomass to be converted to CO_2 and emitted to the atmosphere. Maintaining and enhancing forest lands is one way to avoid carbon emissions and sequester carbon containing compounds which can play a role in managing climate change (see VII. Greenhouse Gases for a more comprehensive discussion of greenhouse gases and climate change).

Less Than Significant Impact*:* This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses in all zones. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting in no loss of forest land and no conversion of forest land to a non-forest use. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any forest land and would not result in the loss of forest land or the conversion of forest land to a non-forest use.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to forestry resources. At that time, a site evaluation could be conducted to measure any impact the project may have on any forestland. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any forest land as part of the permit process.

If any Solar Energy System involves a rezone to a future facility, a discretionary permit and further environmental review for impacts to forest land, timberland, or timberland zoned Timberland Production would be required. The discretionary permit process would address and mitigate for any impacts to any forest land, timberland, or timberland zoned Timberland Production as part of the permit process. Conversely, most Solar Energy System projects would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and therefore, any potentially significant forestry resources would be preserved in place and would not result in a significant impact. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed amendments would continue to allow Solar Energy Systems to be located on sites with zoning for an agricultural use and/or sites with active agricultural operations. The proposed Zoning Ordinance Amendments would not conflict with current zoning or agricultural operations because Solar Energy Systems are currently permitted uses that are compatible with agriculture. In fact, many existing Solar Energy Systems, currently in operation in the County, are accessory to active agricultural uses and are necessary for agricultural production. Onsite Solar Energy Systems are accessory to a primary agricultural use and would mostly likely not result in the

conversion of large amounts of agricultural land. Onsite Solar Energy Systems are utilized for water pumps for crop irrigation, livestock, or domestic uses; to provide power to agricultural buildings and machinery; and providing heat for greenhouses and other agricultural buildings. Onsite Solar Energy Systems also provide electricity in remote areas of a farm or ranch for electric fences, water pumps, or agricultural buildings.

Additionally, Offsite Solar Energy Systems would be reviewed to determine any impacts to agricultural resources as part of each Administrative or Major Use Permit review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to agricultural resources as part of the permit process. Therefore, no potentially significant project or cumulative level conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance to a non-agricultural use would occur as a result of this project.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Will the project:

a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System is a renewable energy system, which was anticipated in SANDAG growth projections used in development of the RAQS and SIP. The operation of a Solar Energy System projects generally do not result in increases of criteria pollutant emissions or emit toxic air contaminants as identified by the California Air Resources Board. As such, the proposed amendments do not conflict with either the RAQS or the SIP. The operational emissions from a project are below the screening

levels, and subsequently would not violate ambient air quality standards. Additionally, Solar Energy Systems would contribute to lowering polluting emissions from large power plants supplying power to the County of San Diego. Therefore, the proposed ordinance amendments would not conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP).

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate the Air Pollution Control District's (SDAPCD) established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Grading operations associated with the construction of a project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal, temporary

and localized, resulting in pollutant emissions below the screening-level criteria established by the LUEG guidelines for determining significance. In addition, the vehicle trips generated from a project would result in less than 1 Average Daily Trips (ADTs) for a typical project. According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the guidelines for criteria pollutants. Additionally, Solar Energy Systems would contribute to lowering polluting emissions from large power plants supplying power to the County of San Diego. As such, the proposed ordinance amendments would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, the proposed ordinance amendments would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐ Potentially Significant Impact ☑ Less than Significant Impact

☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O_3). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM_{10}) under the CAAQS. O_3 is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM_{10} in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar

Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Air quality emissions associated with a project could include emissions of PM_{10}, NO_x and VOCs from construction/grading activities, as well as VOCs as the result of traffic from operations at the facility. However, grading operations associated with the construction of a project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal and localized, resulting in PM_{10} and VOC emissions below the screening-level criteria established by the LUEG guidelines for determining significance. The vehicle trips generated from the project would result in less than 1 Average Daily Trip (ADTs) for a typical project. According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the LUEG guidelines for determining significance for VOCs and PM_{10}. Additionally, Solar Energy Systems would contribute to lowering polluting emissions from large power plants supplying power to the County of San Diego. Therefore, the proposed ordinance amendments would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

d) Expose sensitive receptors to substantial pollutant concentrations?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an

Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A proposed Solar Energy System project would not generate significant levels of air pollutants. Sensitive receptors could be identified within a quarter-mile (the radius determined by the SCAQMD in which the dilution of pollutants is typically significant) of a proposed project: such as schools, hospitals, resident care facilities, day-care centers or other facilities. However, a project would not propose uses or activities that would result in exposure of these identified sensitive receptors to significant pollutant concentrations and would not place sensitive receptors near carbon monoxide hotspots. In addition, a project would not make a cumulatively considerable contribution to a significant cumulative impact to sensitive receptors because a proposed project would have air pollutant emissions below the screening-level criteria established by the LUEG guidelines for determining significance. Additionally, Solar Energy Systems would contribute to lowering polluting emissions compared to large power plants supplying power to the County of San Diego. As such, the project would not expose sensitive populations to excessive levels of air pollutants. Therefore, proposed ordinance amendments would have a less than significant impact on sensitive receptors and would not expose sensitive receptors to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A project could produce objectionable odors, which would result from volatile organic compounds, ammonia, carbon dioxide, hydrogen sulfide, methane, alcohols, aldehydes, amines, carbonyls, esters, disulfides dust and endotoxins from the construction and

operational phases. However, these substances, if present at all, would only be in trace amounts (less that 1 $\mu g/m^3$). Subsequently, no significant air quality – odor impacts are expected to affect surrounding receptors. Moreover, the affects of objectionable odors are localized to the immediate surrounding area and would not contribute to a cumulatively considerable odor. Therefore, proposed ordinance amendments would have a less than significant impact on the creation of objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES -- Will the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting in no impacts to biological resources. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any biological resources.

Pursuant to the proposed ordinance amendments, all future Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to biological resources. Both the Administrative and Major Use Permit processes would address and mitigate for any direct or indirect impacts to biological resources as part of the permit process.

Some Solar Energy Systems may be built on land that contains native habitat and possibly even candidate, sensitive, or special status species as defined by the County of San Diego Multiple Species Conservation Program (MSCP), County of San Diego Resource Protection Ordinance (RPO), Natural Community Conservation Plan (NCCP), Fish and Game Code, Endangered Species Act, Clean Water Act, or other local or regional plans, policies or regulations. However, all Solar Energy Systems would be required to comply with all existing Local, State and Federal regulations that ensure the protection of candidate, sensitive, or special status species including the RPO, MSCP, Biological Mitigation Ordinance (BMO), the Federal Endangered Species Act and the California Endangered Species Act. Furthermore, if a Solar Energy System involves substantial landform modification/grading that may have an adverse impact on candidate, sensitive, or special status species, a discretionary grading permit would be required, which would require further environmental review. In addition, if clearing of land in preparation for construction of Solar Energy Systems is not specifically exempted, it is subject to Section 87.501 et seq. of the County Code, a discretionary clearing permit would be required and would require further environmental review. Therefore, proposed ordinance amendments would have a less than significant impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are accessory to

residential uses and are roof-mounted to existing structures, resulting in no impacts to any riparian habitat or other sensitive natural community. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any biological resources.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to biological resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any riparian habitat or other sensitive natural community as part of the permit process.

Some Solar Energy Systems may be built on land that contains riparian habitat or other sensitive natural communities as defined by the County of San Diego Multiple Species Conservation Program (MSCP), County of San Diego Resource Protection Ordinance (RPO), Natural Community Conservation Plan (NCCP), Fish and Game Code, Endangered Species Act, Clean Water Act, or other local or regional plans, policies or regulations. However, Solar Energy Systems built pursuant to this ordinance amendment would be required to comply with all existing Local, State and Federal regulations that ensure the protection of riparian and sensitive habitat communities including the RPO, MSCP, Biological Mitigation Ordinance (BMO), Federal Endangered Species Act, the California Endangered Species Act, the Federal Clean Water Act and the need for a California Streambed Alteration Agreement. In addition, through the provisions of the Biological Mitigation Ordinance, it has been determined that agriculturally related clearing within the boundaries of the MSCP Subarea is exempt from the provisions of the Biological Mitigation Ordinance provided certain requirements are met. Other solar energy projects that do not meet the requirements are exempt from the Biological Mitigation Ordinance because they either require no permits or require ministerial permits that are exempt from the California Environmental Quality Act and therefore exempt from the Biological Mitigation Ordinance. Compliance with the Natural Community Conservation Plan would be required for any project outside of the MSCP that requires a grading or clearing permit and would not impact more than 1 acre of Coastal sage scrub habitat. The projects exempt from the Biological Mitigation Ordinance and the NCCP have been determined in the adoption of these regulations to have a minimal impact on sensitive habitat communities because they do not contribute to long-term conservation goals.

Furthermore, if a future Solar Energy System involves substantial landform modification/grading that may have an adverse impact on riparian habitat or other sensitive natural community, a discretionary grading permit would be required and would require further environmental review. In addition, if clearing of land in preparation for construction of a Solar Energy System is not specifically exempted, it is subject to Section 87.501 et seq. of the County Code, a discretionary clearing permit would be required and would require further environmental review. Therefore, proposed ordinance amendments would have a less than significant impact to any riparian habitat or sensitive natural community identified in the County of San Diego Multiple Species Conservation Program, County of San Diego Resource Protection Ordinance, Natural

Community Conservation Plan, Fish and Game Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:
Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting in no impacts to protected wetlands. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any protected wetlands.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to biological resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any protected wetlands as part of the permit process.

Furthermore, any Solar Energy System built pursuant to this Zoning Ordinance Amendment would be required to comply with all Federal regulations that ensure the protection of wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) No discharging into, directly removing, or hydrologically interrupting any federally protected wetlands would occur. Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review that would ensure compliance

with all Local, State, and Federal regulations that ensure the protection of wetlands. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to protected wetlands as part of the permit process and must comply with the Resource Protection Ordinance. Therefore, proposed ordinance amendments would have a less than significant impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting in no impact on the movement of any native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors, or native wildlife nursery sites. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not affect wildlife movement or native wildlife nursery sites. Some Solar Energy Systems may be built on land that contains native habitat and possibly even on land that provides corridors or native wildlife nursery sites. However, Solar Energy Systems built pursuant to this Zoning Ordinance Amendment are currently, and would continue to be, required to comply with all existing State and Federal regulations that ensure the protection of native resident or migratory fish or wildlife or with corridors and nursery sites including the Federal Endangered Species Act and the California Endangered Species Act.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require an Administrative or a Major Use Permit and further environmental review for potentially significant impacts to the movement of any native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors, or on the use of native wildlife nursery sites. Both the Administrative and Major Use Permit processes would address and mitigate for any of these types of significant impacts.

Furthermore, some Solar Energy Systems would be located on developed lots and would not have an impact on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Some Solar Energy Systems may be built on land that contains native habitat and possibly even on land that provides corridors or native wildlife nursery sites. However, Solar Energy Systems built pursuant to this Zoning Ordinance Amendment would be required to comply with all existing Local, State and Federal regulations that ensure the protection of native resident or migratory fish or wildlife or with corridors and nursery sites including the RPO, MSCP, the Biological Mitigation Ordinance (BMO), Federal Endangered Species Act and the California Endangered Species Act.

In addition, if a solar energy system involves substantial landform modification/grading that may have an adverse impact on corridors or native wildlife nursery sites, a discretionary grading permit would be required and would require further environmental review. In addition, if clearing of land in preparation for construction of a Solar Energy System is not specifically exempted, it is subject to Section 87.501 et seq. of the County Code, a discretionary clearing permit would be required and would require further environmental review. Also, in some instances a Solar Energy System would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to biological resources as part of the permit process. Therefore, proposed ordinance amendments would have a less than significant impact on, the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed Zoning Ordinance amendment is not subject to the regulations of the Biological Mitigation Ordinance per Section 86.503(a)(3), or the Resource Protection Ordinance (per Article III.1) or the Habitat Loss Permit ordinance because a Zoning Ordinance amendment is not considered a land development permit. Refer to the attached Ordinance Compliance Checklist dated May 20, 2010 for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, or with any other local policies or ordinances that protect biological resources including the Multiple Species Conservation Program (MSCP), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), Habitat Loss Permit (HLP).

V. CULTURAL RESOURCES -- Will the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the

proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are roof-mounted to existing structures and would not require any alteration to structures that would cause a substantial adverse change in the significance of a historical resource. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any historical resources.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to historical resources. At that time, a site evaluation could be conducted to measure any impact the project may have on historical resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any historical resources as part of the permit process.

If any Solar Energy System involves significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to historical resources would be required. The discretionary permit process would address and mitigate for any impacts to any historical resources as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any potentially significant historic resources would be preserved in place and would not result in a significant impact. Therefore, the proposed ordinance amendments would not contribute to a potentially significant cumulative impact on historical resources as defined in 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite

Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are roof-mounted to existing structures and would not require any alteration that would cause a substantial adverse change in the significance of archaeological resources. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any archaeological resources.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to archaeological resources. At that time, a site evaluation could be conducted to measure any impact the project may have on archaeological resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any archaeological resources as part of the permit process.

If any future Solar Energy System involved significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to archaeological resources would be required. The discretionary permit process would address and mitigate for any impacts to any archaeological resources as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any potentially significant archaeological resources would be preserved in place and would not result in a significant impact. Therefore, the proposed ordinance amendments would not contribute to a potentially significant cumulative impact on archaeological resources as defined in 15064.5.

c) Directly or indirectly destroy a unique geologic feature?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would

now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations for Solar Energy Systems in the Zoning Ordinance.

San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County. Some Solar Energy Systems would be located on developed lots and would not require any alteration to structures that would destroy a unique geologic feature.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are roof-mounted to existing structures and would not require any alteration that would destroy a unique geologic feature. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not destroy a unique geologic feature.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to unique geologic features. At that time, a site evaluation could be conducted to measure any impact the project may have on unique geologic features. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any unique geologic features as part of the permit process.
If any future Solar Energy System involved significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to unique geologic features would be required. The discretionary permit process would address and mitigate for any impacts to any geologic resources as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any potentially significant geologic resources would be preserved in place and would not result in a significant impact on a unique geologic feature.

d) Directly or indirectly destroy a unique paleontological resource or site?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: T This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and

Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Some Solar Energy Systems would be located on developed lots and would not require any alteration that would destroy a unique paleontological resource or site. Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite Solar Energy Systems are roof-mounted to existing structures and would not require any alteration to structures that would cause a substantial adverse change in the significance of a unique paleontological resource or site. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not have an adverse impact on any unique paleontological resources or sites.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to unique paleontological resources. At that time, a site evaluation could be conducted to measure any impact the project may have on unique paleontological resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any unique paleontological resources as part of the permit process.

IF ANY FUTURE SOLAR ENERGY SYSTEM INVOLVED SIGNIFICANT LANDFORM MODIFICATION TO CREATE A FOUNDATION FOR A FUTURE FACILITY, A DISCRETIONARY GRADING PERMIT AND FURTHER ENVIRONMENTAL REVIEW WOULD BE REQUIRED. A PROJECT WOULD REVIEW THE COUNTY'S PALEONTOLOGICAL RESOURCES MAPS AND DATA ON SAN DIEGO COUNTY'S GEOLOGIC FORMATIONS TO SEE IF THE PROJECT IS LOCATED ON GEOLOGICAL FORMATIONS THAT POTENTIALLY CONTAIN UNIQUE PALEONTOLOGICAL RESOURCES. EXCAVATING INTO UNDISTURBED GROUND BENEATH THE SOIL HORIZONS MAY CAUSE A SIGNIFICANT IMPACT IF UNIQUE PALEONTOLOGICAL RESOURCES ARE ENCOUNTERED. SINCE AN IMPACT TO PALEONTOLOGICAL RESOURCES DOES NOT TYPICALLY OCCUR UNTIL THE RESOURCE IS DISTURBED, MONITORING DURING EXCAVATION IS THE ESSENTIAL MEASURE TO MITIGATE POTENTIALLY SIGNIFICANT IMPACTS TO UNIQUE PALEONTOLOGICAL RESOURCES TO A LEVEL BELOW SIGNIFICANCE. TO MITIGATE FOR THE POTENTIAL PROJECT IMPACTS TO PALEONTOLOGICAL RESOURCES, A PROJECT MAY BE CONDITIONED TO REQUIRE IMPLEMENTATION OF A mitigation program by a Qualified Paleontologist. In addition, If any future Solar Energy System involved significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to unique paleontological resources or sites would be required. The

discretionary permit process would address and mitigate for any impacts to any unique paleontological resources or sites as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any potentially significant paleontological resources would be preserved in place and would not result in a significant impact on a unique paleontological resources or sites.

Therefore, with the implementation of the above project requirements during a project's grading operations, potential impacts to paleontological resources would be less than significant. Furthermore, a project would not result in a cumulative impact to paleontological resources because other projects that require grading in sensitive paleontological resource areas would be required to have the appropriate level of paleontological monitoring and resource recovery. In addition, other projects that propose any amount of significant grading would be subject to the requirements for paleontological monitoring as required pursuant to the County's Grading Ordinance. Therefore, the project would not result in a significant direct, indirect, or cumulatively significant loss of unique paleontological resources.

e) Disturb any human remains, including those interred outside of formal cemeteries?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Interred human remains may or may not exist on a project site. Some Solar Energy Systems would be located on developed lots and would not require any alteration that would disturb human remains. In some cases, a project would not disturb any human remains since prior grading of the project site has eliminated any potential for the presence of interred human remains. Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Many Onsite

Solar Energy Systems are roof-mounted to existing structures and would not require any alteration that would cause a disturbance of human remains. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not disturb human remains.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to human remains. At that time, a site evaluation could be conducted to measure any impact the project may have on human remains. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to human remains as part of the permit process.

if any future Solar Energy System involved significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to human remains would be required. The discretionary permit process would address and mitigate for any impacts to any human remains as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any human remains would be preserved in place and would not result in a significant impact. As outlined in CEQA Guidelines Section 15064.5, in the event that human remains are discovered during grading or construction of a project, the County would work with the appropriate Native Americans as identified by the Native American Heritage Commission (NAHC) as provided in Public Resources Code Section 5097.98 to ensure that all human remains would be appropriately treated or disposed of, with appropriate dignity. Therefore, the proposed ordinance amendments would not result in the disturbance of any human remains, including those interred outside of formal cemeteries

VI. GEOLOGY AND SOILS -- Will the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential

zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System built pursuant to this Zoning Ordinance amendment may be located within a fault-rupture hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42 (SP 42), Revised 1997, Fault-Rupture Hazards Zones in California or within an area with substantial evidence of a known fault. However, all Solar Energy Systems, pursuant this Zoning Ordinance amendment, would be required to comply with the County Building Code requirements, which address seismic events through engineering requirements prior to the issuance of a building permit. Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to geology and soils as part of the permit process. Therefore, due to these requirements the proposed ordinance would not have the potential to expose people or structures to potential substantial adverse effects, and there would be no potentially significant impact from the exposure of people or structures to a known fault-rupture hazard zone as a result of this project.

ii. Strong seismic ground shaking?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System built pursuant to this ordinance amendment may be located near a known active-fault zone as defined within the Uniform Building Code's Maps of Known Active Fault Near-Source Zones in California. To ensure the structural integrity of all buildings and structures, a project must conform to the Seismic Requirements - Chapter 16 Section 162- Earthquake Design as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures the project would not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System built pursuant to this Zoning Ordinance amendment may be located on soils subject to liquefaction such as a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. To ensure the structural integrity of all buildings and structures, any future structures located in these areas must conform to the Seismic Requirements - Chapter 16 Section 162- Earthquake Design as outlined within the California Building Code. Section 162 requires a soils compaction report with proposed foundation recommendations to be approved by a County Structural Engineer before the issuance of a building or grading permit. Therefore, there would be no potentially significant impact from the exposure of people or structures to potential adverse effects from seismic-related ground failure as a result of this project.

iv. Landslides?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System may be located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. Landslide Susceptibility Areas were developed based on landslide risk profiles included in the *Multi-Jurisdictional Hazard Mitigation Plan, San Diego, CA* (URS, 2004). Landslide risk areas from this plan were based on data including steep slopes (greater than 25%); soil series data (SANDAG based on USGS 1970s series); soil-slip susceptibility from USGS; and Landslide Hazard Zone Maps (limited to western portion of the County) developed by the California Department of Conservation, Division of Mines and Geology (DMG). Also included within Landslide Susceptibility Areas are gabbroic soils on slopes steeper than 15% in grade because these soils are slide prone. If a future Solar Energy System involved substantial landform modification/grading that may expose people or structures to potential substantial adverse effects from landslides, a discretionary grading permit would be required and would require further environmental review. Additionally, future projects involving grading would have to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Section 87.209 and provide a soils investigation to insure that recommendations to correct weak or unstable soil conditions have been incorporated in the grading plan and specifications. A Geotechnical Report could be required to show the area does not show evidence of either pre-existing or potential conditions that could become unstable and result in landslides. Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to geology and soils as part of the permit process. Therefore, there would be no potentially significant impact from the exposure of people or structures to potential adverse effects from landslides as a result of this project.

b) Result in substantial soil erosion or the loss of topsoil?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

According to the Soil Survey of San Diego County, soils throughout San Diego County are identified as having a soil erodibility rating of "slight" "moderate" and/or "severe" as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However, the development of a future Solar Energy System would not result in substantial soil erosion or the loss of topsoil because any project that involves grading is required to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water erosion. Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to geology and soils as part of the permit process. Due to these factors, it has been found that the project would not result in substantial soil erosion or the loss of topsoil on a project level.

In addition, the project would not contribute to a cumulatively considerable impact because all the of past, present and future projects that involve grading or land disturbance are required to follow the requirements of the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING); Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); and County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426).

Therefore, the proposed ordinance amendments would not result in substantial soil erosion or the loss of topsoil.

c) Will the project produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: For further information refer to VI Geology and Soils, Question a., i-iv listed above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Future Solar Energy Systems may be located on expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994). However a project would not have any significant impacts because all new construction is required to comply with the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Also, all Offsite Solar Energy System would require issuance of

an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to geology and soils as part of the permit process. Therefore, the proposed ordinance amendment would not create substantial risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Most Solar Energy Systems would not propose any septic tanks or alternative wastewater disposal systems since no wastewater would be generated. If septic systems are proposed, discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH would review and approve the OSWS lay-out for future projects pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria." Therefore, the project would have to demonstrate the presence of soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems as determined by the authorized, local public agency. In addition, the project would comply with the San Diego County Code of Regulatory Ordinances, Title 6, Div. 8, Chap. 3, Septic Tanks and Seepage Pits.

VII. GREENHOUSE GAS EMISSIONS – Would the project

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, halocarbons (HFCs), and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. A regional GHG inventory prepared for the San Diego Region[1] identified on-road transportation (cars and trucks) as the largest contributor of GHG emissions in the region, accounting for 46% of the total regional emissions. Electricity and natural gas combustion were the second (25%) and third (9%) largest regional contributors, respectively, to regional GHG emissions.

Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

According to the San Diego County Greenhouse Gas Inventory (2008), the region must reduce its GHG emissions by 33 percent from "business-as-usual" emissions to achieve

[1] San Diego County Greenhouse Gas Inventory: An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets. University of San Diego and the Energy Policy Initiatives Center (EPIC), September 2008.

1990 emissions levels by the year 2020. "Business-as-usual" refers to the 2020 emissions that would have occurred in the absence of the mandated reductions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

In addressing the potential for a project to generate GHG emissions that would have a potentially significant cumulative effect on the environment, a 900 metric ton threshold was selected to identify those projects that would be required to calculate emissions and implement mitigation measures to reduce a potentially significant impact. The 900 metric ton screening threshold is based on a threshold included in the CAPCOA white paper[2] that covers methods for addressing greenhouse gas emissions under CEQA. The CAPCOA white paper references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. The 900 metric ton threshold was based on a review of data from four diverse cities (Los Angeles in southern California and Pleasanton, Dublin, and Livermore in northern California) to identify the threshold that would capture at least 90% of the residential units or office space on the pending applications list. This threshold will require a substantial portion of future development to minimize GHG emissions to ensure implementation of AB 32 targets is not impeded. By ensuring that projects that generate more than 900 metric tons of GHG implement mitigation measures to reduce emissions, it is expected that a majority of future development will contribute to emission reduction goals that will assist the region in meeting its GHG reduction targets.

It should be noted that an individual project's GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an EIR shall analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy

[2] See CAPCOA White Paper : "CEQA &Climate Change: *Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* " January 2008 (http://www.capcoa.org/rokdownloads/CEQA/CAPCOA%20White%20Paper.pdf).

Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System projects reduce GHG emissions and all future Solar Energy System projects are expected to generate less than 900 metric tons of GHG emissions based on estimates of GHG emissions for various project types included in the CAPCOA white paper[3]. Solar Energy Systems are unmanned facilities that do not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. Emissions from future Solar Energy System projects would potentially be generated from the construction of facilities and periodic maintenance trips. GHG emissions from Solar Energy System projects would have a less than cumulatively considerable contribution to GHG emissions because these projects would generate less than 900 metric tons of GHGs.

Furthermore, projects that generate less than 900 metric tons of GHG, would also participate in emission reductions because air emissions including GHGs are under the purview of CARB (or other regulatory agencies) and would be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions[4], large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources[5]. As a result, even the emissions that result from Solar Energy System projects that produce less than 900 metric tons of GHG would be subject to emission reductions. Likewise, Solar Energy System projects would also participate in the mandated emissions reductions through

[3] 900 metric tons of GHG emissions are estimated to be generated by 50 Single Family Residential units, 70 apartments/condos, 35,000 sf of general commercial/office, 11,000 sf of retail, or 6,300 sf of supermarket/grocery space.

[4] On September 15, 2009, the United States Environmental Protection Agency (EPA) and the Department of Transportation's National Highway Safety Administration (NHTSA) proposed a national program to reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States. The proposed standards would cut CO_2 emissions by an estimated 950 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program.

[5] California's Renewable Portfolio Standard (RPS) requires electric corporations to increase procurement from eligible renewable energy resources by at least 1% of their retail sales annually, until they reach 20% by 2010. In 2008, the governor signed Executive Order S-14-08 (EO) to streamline California's renewable energy project approval process and increase the state's Renewable Energy Standard to 33% renewable power by 2020. The Air Resources Board is in the process of developing regulations to implement the 33% standard known as the California Renewable Electricity Standard (RES).

energy and resource use that is subject to emission reduction mandates beyond "business-as-usual." Therefore, it is determined that the proposed Ordinance Amendments would result in less than cumulatively considerable impacts associated with GHG emissions and no mitigation is required.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego is currently in the process of updating its General Plan and incorporating associated climate change policies. These policies will provide direction for individual development projects to reduce GHG emissions and help the County meet its GHG emission reduction targets.

Until local plans are developed to address greenhouse gas emissions, such as a local Sustainable Communities Strategy and updated General Plan Policies, the project is evaluated to determine whether it would impede the implementation of AB 32 GHG reduction targets. For the reasons discussed in the response to question VII.a), the

project would not impede the implementation of AB 32 reduction targets. Therefore, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Will the project:

a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System project could involve the routine use and storage of hazardous materials. In addition, a project site could include a facility listed in the EPA's Resource Conservation and Recovery Information System (RCRIS) as a Hazardous Materials Handler or could include a permitted facility in the San Diego County Hazardous Materials Establishment database. However, a project would not result in a significant hazard to the public or environment because all storage, handling, transport, emission and disposal of hazardous substances would be required to be in full compliance with local, State, and Federal regulations. California Government Code § 65850.2 requires that no final certificate of occupancy or its substantial equivalent be issued unless there is verification that the owner or authorized agent has met, or is meeting, the applicable requirements of the Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25500-25520.

A project could propose to demolish or renovate structures on site that were constructed prior to 1980 and that may contain Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs). Lead is a highly toxic metal that was used up until 1978 in paint used

on walls, woodwork, siding, windows and doors. Lead containing materials shall be managed by applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 CCR Division 4.5, the worker health and safety requirements (Title 8 CCR Section 1532.1) and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8). Asbestos was used extensively from the 1940's until the late 1970's in the construction industry for fireproofing, thermal and acoustic insulation, condensation control, and decoration. The USEPA has determined that there is no "safe" exposure level to asbestos. It is therefore highly regulated by the USEPA, CalEPA, and the CalOSHA. Demolition or renovation operations that involve asbestos-containing materials must conform to San Diego Air Pollution Control District (SDAPCD) Rules 361.140-361.156. In accordance with existing regulations, the project would be required to complete asbestos and lead surveys to determine the presence or absence of ACMs or LBP prior to issuance of a building permit that includes demolition of onsite structures and prior to commencement of demolition or renovation activities.

The San Diego County Department of Environmental Health Hazardous Materials Division (DEH HMD) is the Certified Unified Program Agency (CUPA) for San Diego County responsible for enforcing Chapter 6.95 of the Health and Safety Code. As the CUPA, the DEH HMD is required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity and health risks of hazardous materials stored, used, or disposed of onsite. The plan also contains an emergency response plan which describes the procedures for mitigating a hazardous release, procedures and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the HMD, the Office of Emergency Services, and other emergency response personnel such as the local Fire Agency having jurisdiction. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, the DEH HMD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances.

Therefore, due to the strict requirements that regulate hazardous substances outlined above and the fact that the initial planning, ongoing monitoring, and inspections would occur in compliance with local, State, and Federal regulation; a project would not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances or related to the accidental explosion or release of hazardous substances.

b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System project could be located within one-quarter mile of an existing or proposed school and could propose the storage and handling of hazardous substances. A project site could include a facility listed in the EPA's Resource Conservation and Recovery Information System (RCRIS) as a Hazardous Materials Handler or include a permitted facility in the San Diego County Hazardous Materials Establishment database. However, a project would not result in a significant hazard to the public or environment because all storage, handling, transport, emission and disposal of hazardous substances would be in full compliance with local, State, and Federal regulations. California Government Code § 65850.2 requires that no final certificate of occupancy or its substantial equivalent be issued unless there is verification that the owner or authorized agent has met, or is meeting, the applicable requirements of the Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25500-25520.

The San Diego County Department of Environmental Health Hazardous Materials Division (DEH HMD) is the Certified Unified Program Agency (CUPA) for San Diego County responsible for enforcing Chapter 6.95 of the Health and Safety Code. As the CUPA, the DEH HMD is required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity and health risks of hazardous materials stored, used, or disposed of onsite. The plan also contains an emergency response plan which describes the procedures for mitigating a hazardous release, procedures and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the HMD, the Office of

Emergency Services, and other emergency response personnel such as the local Fire Agency having jurisdiction. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, the DEH HMD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances.

Therefore, due to the strict requirements that regulate hazardous substances outlined above and the fact that the initial planning, ongoing monitoring, and inspections would occur in compliance with local, State, and Federal regulation; a project would not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances within one-quarter mile of an existing or proposed school.

c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A future Solar Energy System may be located on a site listed in the State of California Hazardous Waste and Substances sites list compiled pursuant to Government Code Section 65962.5. However, a project would not create significant hazard to the public or the environment because if a property is on the list, the County would not issue an electrical or building permit until any significant hazard has been referred to and remediated to the satisfaction of the Department of Environmental Health. Future Solar Energy Systems are required to obtain electrical and/or building permits because, at a

minimum, all electrical work for Solar Energy Systems require an electrical permit. Therefore, because remediation of the site would occur prior to issuance of an electrical or building permit, a project would not create a significant hazard to the public or the environment and would not contribute to a cumulatively considerable impact. Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts from Hazards or Hazardous Materials as part of the permit process. Therefore, although a project site could be listed, the project would not create a significant hazard to the public or the environment because all site remediation and clean up would have occurred and would not contribute to a cumulatively considerable impact.

d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A proposed Solar Energy System project could be located within an Airport Land Use Compatibility Plan (ALUCP), an Airport Influence Area, or a Federal Aviation Administration Height Notification Surface. However, a proposed project would not result in hazards to airport safety or surrounding land uses for the following reasons:

- A project would be required to comply with the California Land Use Planning Handbook's Safety Compatibility Criteria for Safety Compatibility Zones.
- The project would have to be determined to be compatible with the applicable Airport Land Use Compatibility Plan and Compatibility Policies for the Airport by the San Diego County Regional Airport Authority.

- All Offsite Solar Energy Systems would be required to minimize glare and to utilize non-reflective building materials wherever possible in order to prevent any distracting visual hazards.
- The project would not propose any distracting visual hazards including but not limited to distracting lights, sources of smoke or other obstacles or an electronic hazard that would interfere with aircraft instruments or radio communications.
- If the proposed project is located within the FAA Height Notification Surface due to its proximity to an airport, notice would be filed with the FAA. The applicant would complete the FAA Form 7460-1 Notice of Proposed Construction or Alteration and submit the form to the FAA for review. The FAA would review the project and identify if the project is an airspace obstruction or hazard. If not, the project would comply with the Federal Aviation Administration Regulations, Part 77 – Objects Affecting Navigable Airspace.
- Solar Energy Systems do not include any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, wetlands, landscaping with water features or wildlife refuges.

Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts from safety hazards as part of the permit process. Therefore, the proposed ordinance amendments would not constitute a safety hazard for people residing or working in the project area.

e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

☐ Potentially Significant Impact ☑ Less than Significant Impact

☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System project could be within one mile of a private airstrip. It would not have a significant impact on the operation of a facility because:

- The project would not propose any distracting visual hazards including but not limited to distracting lights, sources of smoke or other obstacles or an electronic hazard that would interfere with aircraft instruments or radio communications.
- All Offsite Solar Energy Systems would be required to minimize glare and to utilize non-reflective building materials wherever possible in order to prevent any distracting visual hazards.
- If the proposed project is located within the FAA Height Notification Surface due to its proximity to an airport, notice would be filed with the FAA. The applicant would complete the FAA Form 7460-1 Notice of Proposed Construction or Alteration and submit the form to the FAA for review. The FAA would review the project and identify if the project is an airspace obstruction or hazard. If not, the project would comply with the Federal Aviation Administration Regulations, Part 77 – Objects Affecting Navigable Airspace.
- Solar Energy System s do not include any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, wetlands, landscaping with water features or wildlife refuges.

Also, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts from safety hazards as part of the permit process. Therefore, the project would not constitute a safety hazard for people residing or working in the project area.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

Less Than Significant Impact: The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster

situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project would not interfere with this plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan would not be interfered with by a project due to the location of a project, the plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

No Impact: The Oil Spill Contingency Element would not be interfered with because a project would not be located along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan would not be interfered with because a project would not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

No Impact: A Dam Evacuation Plan would not be interfered with because a project would not be an occupied structure located within a dam inundation zone.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System may be located in areas that are completely surrounded by urbanized areas, and/or irrigated lands where there are no adjacent wildland areas. Therefore, it is not anticipated that the project would expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

Some Solar Energy Systems may be located within and served by independent fire protection districts and may also be located adjacent to wildlands that have the potential to support wildland fires. However, a project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires because a project would be required to comply with the regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code for those unincorporated areas that are not within a Fire Protection District or the Consolidated Fire Code for the 17 Fire Protection Districts in San Diego County, as adopted and amended by the local fire protection district. Implementation of these fire safety standards would occur during the building permit process. Therefore, through compliance with the Consolidated Fire Code and through compliance with the applicable fire protection district's conditions, it is not anticipated that a project would expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, a project would not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the Consolidated Fire Code.

Some Solar Energy Systems may be located within and served by a County service area fire protection district and may also be located adjacent to wildlands that have the potential to support wildland fires. However, a project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires because a project would be required to comply with the regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code for those unincorporated areas that are not located within a Fire Protection District or are not subject to the County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3. Implementation of these fire safety standards would occur during the building permit process. Therefore, through compliance with the County Fire Code for those unincorporated areas that are not within a Fire Protection District or are not subject to

the County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3 and through compliance with the applicable County Service Area Fire Protection District's conditions, it is not anticipated that a project would expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, a project would not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the County Code of Regulatory Ordinances and the Uniform Fire Code.

Some Solar Energy Systems may be located within State Responsibility Areas and served by CALFIRE (California Department of Forestry) and may also be located adjacent to wildlands that have the potential to support wildland fires. However, a project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires because a project would be required to comply with the regulations relating to emergency access, water supply, and defensible space specified in Public Resources Code Sections 4290 and 4291. Implementation of these fire safety standards would occur during the building permit process. Therefore, through compliance with the Public Resources Code Sections 4290 and 4291; and through compliance with the California Department of Forestry's conditions, it is not anticipated that a project would expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, a project would not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with Public Resources Code Sections 4290 and 4291 and the Uniform Fire Code.

Therefore, the proposed ordinance amendments would not result in exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit.

The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System s do not involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds) nor do they involve or support uses that would produce or collect animal waste, such as equestrian facilities, animal raising operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Therefore, the proposed ordinance amendments would not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies or create a cumulatively considerable impact.

IX. HYDROLOGY AND WATER QUALITY -- Will the project:

a) Violate any waste discharge requirements?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System would be required to implement site design measures and/or source control BMPs and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff. All Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects on Hydrology and Water Quality from such projects would be addressed as part of the permit process. Administrative and Major Use Permits, grading plans, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits are subject to regional surface water and storm water permitting regulation for County of San Diego, including the

following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426).

These site design measures and/or source control BMPs and/or treatment control BMPs would require future Solar Energy System projects to meet waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. 2001-01), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

Finally, conformance of all future Solar Energy System projects allowed pursuant to this Zoning Ordinance amendment to the waste discharge requirements ensures the project would not create cumulatively considerable water quality impacts related to waste discharge because the project would conform to Countywide watershed standards in the JURMP and SUSMP, derived from State regulation to address human health and water quality concerns. Therefore, the proposed ordinance amendments would not violate any waste discharge requirements.

b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System projects may be located in various hydrologic subareas, within the various hydrologic units throughout the unincorporated areas of the County of San Diego. According to the Clean Water Act Section 303(d) list, July 2003, the Santa Margarita, San Luis Rey, Carlsbad, San Dieguito, Penasquitos, San Diego, Pueblo San Diego, Sweetwater, Otay, and Tijuana watersheds are impaired for numerous pollutants. However, future Solar Energy Systems would be required to employ site design measures and/or source control BMPs and/or treatment control BMPs such that potential pollutants would be reduced in any runoff to the maximum extent practicable so as not to increase the level of these pollutants in receiving waters. All Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects on Hydrology and Water Quality from such projects would be addressed as part of the permit process. Administrative or Major Use Permits, grading plans, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits are subject to regional surface water and storm water permitting regulation for County of San Diego, including the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426).

Any proposed BMPs must be consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project would not contribute to a direct or cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego, Incorporated Cities of San Diego County, and San Diego Unified Port District includes the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that would reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. Ordinance No. 9424 (WPO) has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Ordinance No. 9426 is Appendix A of Ordinance No. 9424 (WPO) and sets out in more detail, by project category, what Dischargers must do to comply with the Ordinance and to receive permits for projects and activities that are subject to the Ordinance. Collectively, these regulations establish standards for projects to follow which intend to improve water quality from headwaters to the deltas of each watershed in the County. Each project subject to WPO is required to prepare a Storm Water Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts

that may occur in the watershed. Therefore, the proposed ordinance amendments would not result in an increase in any pollutant for which the water body is already impaired.

c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Future Solar Energy Systems would lay in various hydrologic subareas, within various hydrologic units that have numerous existing and potential beneficial uses for inland surface waters, coastal waters, reservoirs and lakes, and ground water. However, it is expected that site design measures and/or source control BMPs and/or treatment control BMPs would be employed to reduce potential pollutants to the maximum extent practicable, such that the proposed project would not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. All Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects on Hydrology and Water Quality from such projects would be addressed as part of the permit. Administrative or Major Use Permits, grading plans, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits are subject to regional surface water and storm water permitting regulation for County of San Diego, including the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426).

Proposed BMPs must be consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project would not contribute to a direct or cumulatively considerable exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section VIII., Hydrology and Water Quality, Question b, for more information on regional surface water and storm water planning and permitting process.

d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System projects would not involve operations that would interfere substantially with groundwater recharge because they would not involve regional diversion of water to another groundwater basin, or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge.

Most Solar Energy Systems would not use any groundwater for any purpose, including irrigation, domestic or commercial demands. Some Solar Energy Systems would be located on developed lots which receive imported water from a water district and would not require the use of any groundwater. Some projects may use small amounts of groundwater for cleaning of the equipment associated with a Solar Energy System, such as solar panels.

The few Onsite Solar Energy Systems relying on groundwater would use small amounts of water. Furthermore, Onsite Solar Energy Systems are currently allowed by right and require approval of a building permit. During the building permit process, projects are required to demonstrate that the project site has an adequate water supply

Offsite Solar Energy System would require issuance of an Administrative or Major Use Permit, which would require further environmental review that would ensure that there is adequate groundwater to serve the project. Furthermore, a Groundwater Study could be conducted to measure the potential significant impact the project may have on groundwater resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to groundwater resources as part of the permit process. Therefore, the proposed ordinance amendments would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System projects would prepare Storm water Management Plans (SWMP) that would implement site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures would control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the

San Diego Municipal Permit (SDRWQCB Order No. 2001-01), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP). The SWMP specifies and describes the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales. The Department of Public Works would ensure that the SWMP is implemented as proposed. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to drainage patterns as part of the permit process.

In addition, if a solar energy system involves substantial landform modification/grading that may have an adverse impact on existing drainage patterns, a discretionary grading permit would be required. All discretionary grading permits would require preparation of a SWMP that implement site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures would control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. 2001-01), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

Therefore, due to aforementioned factors, it has been found that the project would not result in significantly increased erosion or sedimentation potential. Furthermore, because erosion and sedimentation would be controlled within the boundaries of a Solar Energy System project, the project would not contribute to a cumulatively considerable impact. For further information on soil erosion refer to VI., Geology and Soils, Question b.

f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential

zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System would not significantly alter established drainage patterns or significantly increase the amount of runoff because of the regulations established in Title 8, Division 7 (Grading, Clearing and Watercourses), Chapter 6 (Watercourses) that prohibit, in part, the alteration of the surface of land so as to reduce the capacity of a watercourse, and that prohibit any action that impairs the flow of water in a watercourse. Therefore, a project would not substantially alter the existing drainage pattern of a site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Additionally, if a Solar Energy System involves any additional grading or clearing in an existing drainage feature a discretionary grading or clearing permit would be required and would be subject to further environmental review. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects on Hydrology and Water Quality from such projects would be addressed and mitigated for as part of the permit process. Moreover, the project would not contribute to a cumulatively considerable alteration or a drainage pattern or increase in the rate or amount of runoff, because all property in the County and all projects are subject to the same regulations that prohibit substantially increasing water surface elevation or runoff exiting the site, as detailed above. Therefore, the proposed ordinance amendments would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site.

g) Create or contribute runoff water which will exceed the capacity of existing or planned storm water drainage systems?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized

for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The project does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. Solar Energy Systems occupy significantly less impervious surface than commercial, industrial or residential uses in the same locations. The foundation footprint of these systems would not result in any significant increase in water runoff considering the amount of impervious surface that would be constructed in the areas they may be located. This amount of conversion to impervious surfaces would not contribute runoff water that would exceed the capacity of existing storm water drainage systems. Furthermore, all Solar Energy System would be required to implement site design measures, source control, and/or treatment control BMPs to reduce runoff to the maximum extent practicable. Therefore, the proposed ordinance amendments would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems.

h) Provide substantial additional sources of polluted runoff?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy Systems must include site design measures and/or source control BMPs and/or treatment control BMPs that would be employed such that potential pollutants would be reduced in runoff to the maximum extent practicable. Refer to VIII Hydrology and Water Quality Questions a, b, c, for further information.

i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ Less than Significant Impact
☑ No Impact

Discussion/Explanation:

No Impact: The project proposes amendments to the County of San Diego Zoning Ordinance for Solar Energy Systems. The project does not involve the addition of housing and therefore would have no impact.

j) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy Systems may be located on property that contains drainage swales, which are identified as being 100-year flood hazard areas. However, these projects would not place structures, access roads or other improvements which would impede or redirect flood flows in these areas. All future structures that require building permits and are located near a flood-prone feature are required to comply with the following existing regulations and through compliance with these existing regulations no significant impact would result from the construction of a future facility pursuant to this project.

- Army Corps of Engineers, Clean Water Act - 404 Permit
- California Department of Fish and Game, Streambed Alteration Agreement - 1600 Permit
- County of San Diego, Flood Damage Prevention Ordinance
- County of San Diego, Watercourse Ordinance

Additionally, if a future Solar Energy System involves additional any grading or clearing in an existing drainage feature, a discretionary grading or clearing permit would be required and would be subject to further environmental review. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to Hydrology and Water Quality as part of the permit process. Therefore, future Solar Energy Systems would not be placed within a 100-year flood hazard area which would impede or redirect flood flows.

k) Expose people or structures to a significant risk of loss, injury or death involving flooding?

☐ Potentially Significant Impact
☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System may be located within a mapped flood area within San Diego County. If a Solar Energy System lies within a special flood hazard area as identified on the Flood Insurance Rate Map (FIRM), County Flood Plain Map or Alluvial Fan Map, future structures would be required to be located at an elevation that would prevent exposure of people or property to flooding. Pursuant to County of San Diego Board of Supervisors' Policy FH-1, requires all building permit applications for structures located within designated special flood hazard area be reviewed to ensure that the structures are reasonably "flood-free" and do not pose a threat to the health and safety of the

general public. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to Hydrology and Water Quality as part of the permit process. Therefore, future Solar Energy Systems would not expose people or structures to a significant risk of loss, injury or death involving flooding.

l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

A Solar Energy System may be located within a mapped dam inundation area for a major dam/reservoir within San Diego County, as identified on an inundation map prepared by the dam owner. However, the San Diego County of Disaster Preparedness has an established emergency evacuation plan for each area and the project would not interfere with this plan. If a future Solar Energy System lies within a special flood hazard area as identified on the Flood Insurance Rate Map (FIRM), County Flood Plain Map or Alluvial Fan Map, future structures would be required to be located at an elevation that would prevent exposure of people or property to flooding. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to Hydrology and Water Quality as part of the permit process. Therefore, the proposed ordinance amendments would not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.

m) Inundation by seiche, tsunami, or mudflow?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

i. SEICHE

Less Than Significant Impact: Some future Solar Energy System projects could not be located along the shoreline of a lake or reservoir; therefore, could not be inundated by a seiche. Conversely, future Solar Energy System projects could also be located along the shore of a lake or reservoir. However, in San Diego's semi arid climate, naturally occurring enclosed bodies of water are not common. Instead most enclosed water bodies are reservoirs build by local municipalities and water districts to provide water service to local residents and businesses. Typically, all land around reservoirs' shorelines are in public holdings, such as the City of San Diego or a Municipal Water District, which restrict private land developments and minimize risk of inundation from seiches. Furthermore, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts from seiches as part of the permit process. Therefore, there would be no potentially significant impact from the exposure of people or structures inundation by seiche.

ii. TSUNAMI

Less Than Significant Impact: In San Diego, wave heights and run-up elevations from tsunamis have historically fallen within the normal range of tides (Joy 1968, as cited in OES and UDC 2004). At most risk is coastal areas, all of which has been incorporated in the San Diego region. The historic record and the location of unincorporated lands away from the coastline indicate that projects within the unincorporated portions of the County of San Diego would not have any potentially significant impact from the exposure of people or structures inundation by tsunami.

iii. MUDFLOW

Less Than Significant Impact: Mudflow is type of landslide. If a future Solar Energy System involved substantial landform modification/grading that may expose people or structures to potential substantial adverse effects from mudflows, a discretionary grading permit would be required and would require further environmental review. Additionally, future projects involving grading would have to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Section 87.209 and provide a soils investigation to insure that recommendations to correct weak or unstable soil conditions have been incorporated in the grading plan and specifications. Also, Offsite Solar Energy Systems would require issuance of an

Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts from mudflows as part of the permit process. Therefore, there would be no potentially significant impact from the exposure of people or structures inundation by mudflow.

X. LAND USE AND PLANNING -- Will the project:

a) Physically divide an established community?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Future Solar Energy Systems would introduce new utilities to areas of the County of San Diego. However, a future Solar Energy System project would not significantly disrupt or divide an established community for the following reasons: Solar Energy Systems are a part of communities and are often located in concert with existing residential, commercial, industrial and agricultural uses. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address community compatibility as part of the permit process. Therefore, the proposed ordinance amendments would not significantly disrupt or divide the established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed Ordinance Amendments are consistent with the General Plan because Solar Energy Systems are considered either as an accessory use to residential, commercial, industrial and agricultural uses or as a primary major impact service and utility and are anticipated by all General Plan Land Use Designations and the Energy Element of the County of San Diego General Plan. Therefore, a future project would comply with the applicable land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

XI. MINERAL RESOURCES -- Will the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy

consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy System projects pursuant to these Amendments may be located on land that has any of the following classifications as identified by the State Department of Conservation, Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997): Mineral Land Classification MRZ-1, which are lands located within an area where geologic information indicates no significant mineral deposits are present; MRZ-2 which is an area of "Identified Mineral Resource Significance"; or MRZ-3 which is an area of undetermined mineral resources. Also, the project site may be located within a region where geologic information indicates significant mineral deposits are present as identified on the County of San Diego's Mineral Resources Map prepared by the County of San Diego.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses in all Zones. Many Onsite Solar Energy Systems are roof-mounted to existing structures and would not require any alteration to structures that would not result in the loss of availability of a known mineral resource. Furthermore, Onsite Solar Energy Systems are commonly located on developed lots or in already cleared or graded areas and would not result in the loss of availability of a known mineral resource. Furthermore, Onsite Solar Energy System projects are typically surrounded by densely developed land uses including residential, agricultural, commercial, and industrial land uses which are incompatible to future extraction of mineral resources on a project site. A future mining operation at an Onsite Solar Energy System project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of a Onsite Solar Energy System project would not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

Pursuant to the proposed ordinance amendments, all Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to mineral resources. At that time, a Mineral Resource Investigation Report could be conducted to determine that the project would not result in the future inaccessibility for recovery (extraction) of on-site or off-site mineral resources above the California Geologic Survey State Geologist threshold values for mineral resources. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to any mineral resources as part of the permit process.

If any Solar Energy System involves significant landform modification to create a foundation for a future facility, a discretionary permit and further environmental review for impacts to mineral resources would be required. The discretionary permit process would address and mitigate for any impacts to any mineral resources as part of the permit process. Conversely, some Solar Energy System project would not involve significant landform modification, and therefore, any potentially significant mineral resources would be preserved in place and would not result in a significant impact.

Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project. Moreover, if the resources are not considered significant mineral deposits, loss of these resources cannot contribute to a potentially significant cumulative impact.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Based on the scale and/or the economic value of the projects that would be allowed with these new uses, the proposed amendments would not result in the future inaccessibility for recovery of the on-site mineral resources. Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of this project.

XII. NOISE -- Will the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- ☐ Potentially Significant Impact
- ☑ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

General Plan – Noise Element

All Solar Energy System projects would be required to comply with the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Onsite Solar Energy Systems are unmanned facilities that generally do not support any noise-generating equipment. Therefore, the Onsite Solar Energy System projects would not expose people to or generate any noise levels that exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Furthermore, the County of San Diego General Plan, Noise Element, Policy 4b addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive areas to noise in excess of a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). All future Offsite Solar Energy System projects would require either an Administrative or a Major Use Permit and findings that demonstrate compliance with the County of San Diego Noise Element of the General Plan, the County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations processes. If Offsite Solar Energy System projects are excepted to produce noise in excess of CNEL 60 dB(A), an acoustical study would be prepared and mitigation measures would be proposed that reduce project noise levels to below CNEL 60 dB(A). Possible mitigation measures would include increased setbacks or noise barriers. Furthermore, all projects are required to comply with the County of San Diego Noise Ordinance. Therefore, the proposed Ordinance

Amendments would not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Noise Element.

Ramona Community Plan
The County of San Diego General Plan, Ramona Community Plan, has a standard of CNEL 55 dB(A) for all projected noise contours near main circulation roadways, airports and other noise sources and requires mitigation if this level is exceeded. There are no noise sensitive land uses proposed by the proposed Zoning Ordinance Amendments. Onsite Solar Energy Systems are unmanned facilities that do not support any noise-generating equipment. Therefore, the Onsite Solar Energy System projects would not expose people to or generate any noise levels that exceed the allowable limits of the County of San Diego General Plan, Ramona Community Plan. All future Offsite Solar Energy System projects located within the Ramona Community Plan Area would require either an Administrative or a Major Use Permit and findings that demonstrate compliance with the County of San Diego General Plan, Ramona Community Plan. If Offsite Solar Energy System projects are excepted to produce noise in excess of CNEL 55 dB(A), an acoustical study would be prepared and mitigation measures would be proposed that reduce project noise levels to below CNEL 55 dB(A). Possible mitigation measures would include increased setbacks or noise barriers. Therefore, the proposed Ordinance Amendments would not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Ramona Community Plan.

Noise Ordinance – Section 36-404
All Solar Energy System projects would be required to comply with the County of San Diego Noise Ordinance. Onsite Solar Energy Systems are unmanned facilities that generally do not support any noise-generating equipment. Therefore, the Onsite Solar Energy System projects would not expose people to or generate any noise levels that exceed the applicable County Noise Ordinance limitations. All future Offsite Solar Energy System projects would require either an Administrative or a Major Use Permit and findings that demonstrate compliance with the County of San Diego Noise Ordinance. If Offsite Solar Energy System projects are excepted to produce noise in exceedance of applicable County Noise Ordinance limitations, an acoustical study would be prepared and mitigation measures would be proposed that reduce project noise levels to below County Noise Ordinance standards. Possible mitigation measures would include increased setbacks or noise barriers. Non-transportation noise generated by future Solar Energy System projects are not expected to exceed the standards of the County of San Diego Noise Ordinance (Section 36-404) at or beyond the project's property line. Therefore, the proposed Ordinance Amendments would not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego Noise Ordinance (Section 36-404).

Noise Ordinance – Section 36-410
The installation of large solar systems may generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36-410). However these projects would be required to obtain either a discretionary or a ministerial permit and construction noise impacts would be analyzed based on each

unique circumstance. The Noise Ordinance requires that construction operations would occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that the project would operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM.

Finally, the project's conformance to the County of San Diego General Plan (Noise Element, Policy 4b or Ramona Community Plan) and County of San Diego Noise Ordinance (Section 36-404 and 36.410) ensures the project would not create cumulatively considerable noise impacts, because the project would not exceed the local noise standards for noise sensitive areas; and the project would not exceed the applicable noise level limits at the property line or construction noise limits. Therefore, the proposed ordinance amendments would not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Solar Energy Systems typically do not consist of noise producing elements that may expose persons to or generate excessive groundborne vibration or groundborne noise levels. All Solar Energy Systems must conform with the Noise Ordinance and conformance with the County of San Diego General Plan (Noise Element, Policy 4b or Ramona Community Plan) and County of San Diego Noise Ordinance (Section 36-404 and 36.410) ensures the project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. Many Onsite Solar Energy Systems are accessory to residential uses and are roof-mounted to existing structures, resulting

in no impacts from groundborne vibration or groundborne noise levels. Furthermore, Offsite Solar Energy Systems require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any noise impacts as part of the permit process. In addition, greater setbacks would be required during the permitting process to ensure that Solar Energy Systems do not have any chance of being impacted by groundborne vibration or groundborne noise levels or would expose people to excessive groundborne vibration or groundborne noise levels

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area. Therefore, the proposed ordinance amendments would not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

As indicated in the response listed under Section XI Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Onsite Solar Energy Systems are unmanned facilities that generally do not support any noise-generating equipment. Therefore, the Onsite Solar Energy System projects would not expose people to or generate any noise levels that exceed the allowable limits of the County of

San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Furthermore, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any noise impacts as part of the permit process. An Offsite Solar Energy System project would not result in cumulative noise impacts because a list of past, present and future projects within in the vicinity would be evaluated as part of each permit process. Furthermore, there are not sensitive noise sources proposed as part of the proposed Ordinance Amendments. Therefore, the proposed Ordinance Amendments would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control because compliance with these requirements would be analyzed by the individual discretionary permit which would look at each specific project's unique circumstances.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

As indicated in the response listed under Section XI Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial temporary or periodic increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control. Onsite Solar Energy Systems are unmanned facilities that generally do not support any noise-generating equipment. Therefore, the Onsite Solar Energy System projects would not expose

people to or generate any noise levels that exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Furthermore, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Both the Administrative and Major Use Permit processes would address and mitigate for any noise impacts as part of the permit process. A project would not result in cumulative noise impacts because a list of past, present and future projects within in the vicinity would be evaluated as part of each permit process. Therefore, the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial temporary or periodic increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control because compliance with these requirements would be analyzed by the individual discretionary permit which would look at each specific project's unique circumstances.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed project could be located within an Airport Land Use Compatibility Plan (ALUCP) for an Airport. However, the project implementation is not expected to expose people working within a Solar Energy System site to excessive noise levels in excess of the CNEL 60 dB(A) since the facilities are typically unmanned and are only serviced for temporary periods.

f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed project could be located within an Airport Land Use Compatibility Plan (ALUCP) for an Airport. However, the project implementation is not expected to expose people working within a Solar Energy System site to excessive noise levels in excess of the CNEL 60 dB(A) since the facilities are typically unmanned and are only serviced for temporary periods.

XIII. POPULATION AND HOUSING -- Will the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy

use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed project would not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or LAFCO annexation actions. As large scale solar energy power plants already require a Major Use Permit and would continue to do so, any potential land use impacts would be analyzed during this discretionary review. Additionally, these amendments do not increase density or intensity of land use that is inconsistent with the General Plan.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The proposed ordinance amendments would continue to allow for Solar Energy Systems in various zones subject to specified standards and limitations. Onsite Solar Energy Systems are accessory to primary residential uses. s is common in San Diego

County, many residents live on properties with Solar Energy Systems, which are unlikely to eliminate housing as these systems are necessary to supplement the use of housing and can be accessory residential uses. Also, in some instances a Solar Energy System would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects to population and housing as a result of such projects would be addressed as part of the permit. Therefore, the project would not displace a substantial number of housing units.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The amendments would allow Solar Energy Systems in various zones subject to specified standards and limitations. Although the uses supported by the Solar Energy Systems may expand, residential uses would continue to be allowed by right in conjunction with accessory Solar Energy Systems. As is common with these systems in San Diego County, many residents live on these properties with Solar Energy Systems and are unlikely to eliminate housing as these systems are necessary to supplement the use of the people on the site. Also, in some instances a Solar Energy System would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any impacts to population and housing as a result of such projects would be addressed as part of the permit process. Therefore, the project would not displace a substantial number of people.

XIV. PUBLIC SERVICES

a) Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?
ii. Police protection?
iii. Schools?
iv. Parks?
v. Other public facilities?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Because the project proposes to codify the use of Onsite Solar Energy Systems as accessory uses in Residential, Commercial, Agricultural, Industrial and Civic zones, the proposed amendment would not result in the need for significantly altered services or facilities. Onsite Solar Energy Systems are small unmanned facilities that would not result in a significant demand for public services since these projects would be accessory to primary uses on developed parcels that have existing public services and utilities. In addition, the project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the ordinance would not have an adverse physical effect on the environment because future Onsite Solar Energy System projects will not require new or significantly altered services or facilities to be constructed. Any effects to public services as a result

of an Offsite Solar Energy System project would be addressed as part of the discretionary permit required for the project.

XV. RECREATION

a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?

- ☐ Potentially Significant Impact
- ☐ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. The project does not propose any residential use, included but not limited to a residential subdivision, mobilehome park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- ☐ Potentially Significant Impact
- ☐ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. The project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities cannot have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC -- Will the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation: The County of San Diego Guidelines for Determining Significance for Traffic and Transportation (Guidelines) establish measures of effectiveness for the performance of the circulation system. These Guidelines incorporate standards from the County of San Diego Public Road Standards and Public Facilities Element (PFE), the County of San Diego Transportation Impact Fee Program and the Congestion Management Program.

Less Than Significant Impact: All Onsite Solar Energy Systems would be unmanned except for routine maintenance trips, would be accessory to existing uses and would not alter the surrounding circulation system in any way. The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. However, the proposed Ordinance Amendments would not have a significant impact related to a conflict with any performance measures establishing measures of effectiveness of the circulation system because the project trips typically do not exceed any of the County's Guidelines for Determining Significance for impacts related to Traffic and Transportation. As identified in the County's Guidelines for Determining Significance for Traffic and Transportation, the project trips would not result in a substantial increase in the number of vehicle trips, volume of capacity ratio on roads, or congestion at intersections in relation to existing conditions. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities. Therefore, the Ordinance Amendments would not have a direct impact related to a conflict with policies establishing measures of the effectiveness for the performance of the circulation system.

The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. These trips would be distributed on circulation element roadways in the County some of which currently or are projected to operate at inadequate levels of service. The County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. The TIF program creates a mechanism to proportionally fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. These new projects were based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing circulation element roadway

network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TransNet, State, and Federal funding to improve freeways to projected level of service objectives in the RTP.

The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. Some of these trips would be distributed on circulation element roadways in the unincorporated County that were analyzed by the TIF program, which currently, or are projected to, operate at inadequate levels of service without improvements to add needed capacity. The potential growth represented by Solar Energy System projects was included in the growth projections used for the TIF program; therefore, the payment of the TIF at issuance of building permits would avoid the cumulative impact. Therefore, payment of the TIF, which will be required at issuance of building permits, in combination with other components of the program described above, would avoid potential conflict with any policies establishing measures of the effectiveness for the performance of the circulation system and no mitigation is required.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation: The designated congestion management agency for the San Diego region is SANDAG. SANDAG is responsible for preparing the Regional Transportation Plan (RTP) of which the Congestion Management Program (CMP) is an element to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated costs, and identify appropriate mitigation. Early project coordination with affected public agencies, the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) is required to ensure that the impacts of new development on CMP transit performance measures are identified.

Less Than Significant Impact: All Onsite Solar Energy Systems would be unmanned except for routine maintenance trips, would be accessory to existing uses. Additionally, the Onsite Solar Energy Systems do not involve new primary uses. The addition of an accessory use would not generate ADTs on a daily basis for Onsite Solar Energy System projects. The project does not propose any additional ADTs other than routine maintenance for the Offsite Solar Energy Systems when necessary. The additional ADTs from the future Solar Energy System projects are not expected to exceed the 2400 trips (or 200 peak hour trips) required for study under the region's Congestion Management Program. Furthermore, all Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and further environmental review. At that time, a traffic impact study could be conducted to measure the potential significant impact the project may have on traffic and to identify any conflicts with any applicable congestion management programs. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to traffic as part of the permit process. Therefore, the proposed project would not conflict with level of service standards, travel demand measures or other standards established by the county congestion management agency for designated roads or highways.

c) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

☐	Potentially Significant Impact	☑	Less than Significant Impact
☐	Less Than Significant With Mitigation Incorporated	☐	No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

All Onsite Solar Energy Systems would be unmanned except for routine maintenance trips, would be accessory to existing uses, and therefore would not result in any additional daily trips (ADTs). Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further

environmental review. At that time, a traffic impact study could be conducted to measure the potential significant impact the project may have on traffic. Both the Administrative and Major Use Permit processes would address and mitigate for any impacts to traffic as part of the permit process. Therefore, the project would not have a significant direct project impact on traffic volume, which is considered substantial in relation to existing traffic load and capacity of the street system. Also refer to the answer for XV. b. below.

d) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency and/or as identified by the County of San Diego Transportation Impact Fee Program for designated roads or highways?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☑ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program commits the County to construct additional capacity on Circulation Element roadways and includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in the County of San Diego Transportation Impact Fee Report dated January 2005, and amended February 2008. This document is considered an adopted planning document which meets the definition referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing circulation element roadway network throughout

the unincorporated area of the County. Based on the results of the traffic modeling, public and private funding necessary to construct transportation facilities including capacity enhancing improvements that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded by public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TransNet, state, and federal funding to improve freeways to projected level of service objectives in the RTP.

The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary; therefore, the project would not have a significant direct project impact on traffic volume. Therefore, the project would not have a significant direct project-level impact on the LOS standards established by the County Congestion Management Agency for designated roads or highways.

The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. Some of these trips would be distributed on circulation element roadways in the unincorporated County that were analyzed by the TIF program, which currently, or are projected to, operate at inadequate levels of service without improvements to add needed capacity. The potential growth represented by Solar Energy System projects was included in the growth projections used for the TIF program; therefore, the payment of the TIF at issuance of building permits would avoid the cumulative impact. Therefore, payment of the TIF, which will be required at issuance of building permits, in combination with other components of the program described above, would avoid potential cumulative traffic impacts to less than significant.

Therefore, the proposed ordinance amendments would not exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency and/or as identified by the County of San Diego Transportation Impact Fee Program for designated roads or highways

e) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. The main compatibility concerns for the protection of airport airspace are related to airspace obstructions (building height, antennas, etc.) and hazards to flight (wildlife attractants,

distracting lighting or glare, etc.). A Solar Energy System project may be located within an Airport Influence Area, within 2 miles of a public airport, or within the safety zone for an Airport. All projects would be required to comply with all local airport plans as part of the discretionary and ministerial permit process. Therefore, the proposed project would not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

f) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The project would not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create or place curves, slopes or walls which impede adequate site distance on a road. If necessary, all road improvements would be constructed according to the County of San Diego Public and Private Road Standards. Roads used to access a project site would be up to County standards. A project would not place incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the proposed project would not significantly increase hazards due to design features or incompatible uses.

g) Result in inadequate emergency access?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The project would not result in inadequate emergency access. The Fire Authority Having Jurisdiction and the San Diego County Fire Authority, would review proposed discretionary and ministerial projects and determine whether there is adequate emergency fire access proposed.

h) Result in inadequate parking capacity?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☑ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. No on-site or off-site parking is required or proposed. Thus, parking would not result in an insufficient capacity on-site or off-site.

i) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an

accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The project does not propose any hazards or barriers for pedestrians or bicyclists. Any required improvements would be constructed to maintain existing conditions as it relates to pedestrians and bicyclists. Therefore, the proposed ordinance amendments would not conflict with adopted policies, plans, or programs supporting alternative transportation.

j) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities ?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

The project does not propose any additional ADTs other than routine maintenance for the Solar Energy Systems when necessary. Project implementation would not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities. Therefore, the project would not conflict with policies,

plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS -- Will the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Most Solar Energy Systems would not propose any septic tanks or alternative wastewater disposal systems since no wastewater would be generated. If septic systems are proposed, discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH would review and approve the OSWS lay-out for future projects pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria." Therefore, the project would have to demonstrate the presence of soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems as determined by the authorized, local public agency. In addition, the project would comply with the San Diego County Code of Regulatory Ordinances, Title 6, Div. 8, Chap. 3, Septic Tanks and Seepage Pits. Therefore, the project would not exceed any wastewater treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☑ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Most Solar Energy Systems would not include new or expanded water or wastewater treatment facilities. In addition, the project does not require the construction or expansion of water or wastewater treatment facilities because these are unmanned facilities that do not produce wastewater. Therefore, the proposed Ordinance Amendments would not require any construction of new or expanded facilities, which could cause significant environmental effects.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon

approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Operation of a Solar Energy System would not increase the amount of impermeable surface and runoff on the project site and therefore would not require new or expanded storm water drainage facilities. If a project involves the construction of new buildings and/or landform modification or grading, adequacy of storm water drainage facilities would be evaluated during review of the building or grading permit and required by the County if determined to be necessary. Also, Offsite Solar Energy Systems would require issuance of an Administrative or Major Use Permit and would require further environmental review. Any effects to utilities and service systems as a result of such projects would be addressed as part of the permit process. Therefore, the project would not require any construction of new or expanded facilities, which could cause significant environmental effects.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: This project consists of amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems utilized for on-site energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all Agricultural, Civic, Commercial, Industrial, and Residential zones upon approval of a building permit. Furthermore, Solar Energy Systems utilized for offsite energy use (power plant) are currently required to obtain a Major Use Permit. The proposed ordinance amendments would continue to require a Major Use Permit for Offsite Solar Energy System for project areas 10 acres or larger and would now require an Administrative Permit for project areas less than 10 acres. As a result, all Offsite Solar Energy Systems would continue to require discretionary review. Furthermore, the proposed amendments would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance.

Onsite Solar Energy Systems are currently and would continue to be allowed by-right in the County as accessory uses. Onsite Solar Energy Systems are accessory uses and are commonly located on developed lots with existing water infrastructure connections.

Furthermore, Onsite Solar Energy Systems utilize minimal amounts of water for operation and maintenance, which generally do not exceed the amount of water used to irrigate landscaping.

Pursuant to the proposed ordinance amendments, all future Offsite Solar Energy Systems would require either an Administrative or a Major Use Permit and further environmental review for impacts to water supplies. Both the Administrative and Major Use Permit processes would address and mitigate for any direct or indirect impacts to water supplies as part of the permit process. Furthermore, before a future Solar Energy System can connect to a district water system, water district approval must be obtained and the district can assure that there are adequate water resources and entitlements are available to serve the requested water resources before any approval is granted. Therefore, the project would have sufficient water supplies available to serve the project.

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ Potentially Significant Impact	☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems are not anticipated to produce any wastewater; therefore, the project would not interfere with any wastewater treatment provider's service capacity. If a future Solar Energy System project requires wastewater service from a Water, Wastewater, or Irrigation District, a Service Availability Letter from that District will be required, indicating adequate wastewater service capacity is available to serve the requested demand. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☑ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems are not anticipated to generate any solid waste nor place any burden on the existing permitted capacity of any landfill or transfer station within San Diego County.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

☐ Potentially Significant Impact ☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☑ No Impact

Discussion/Explanation:

No Impact: This project consists of amendments to the San Diego County Zoning Ordinance that would codify the Zoning Ordinance to ensure consistency with current County practices for the permitting of Solar Energy Systems. Solar Energy Systems are not anticipated to generate any solid waste nor place any burden on the existing permitted capacity of any landfill or transfer station within San Diego County. Therefore, compliance with any Federal, State, or local statutes or regulation related to solid waste is not applicable to this project.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ Potentially Significant Impact ☑ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less than Significant:
Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There

is no substantial evidence that there are biological or cultural resources that are affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less than Significant:
Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVI of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☑ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less than Significant:
In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VII. Hazards and Hazardous Materials, VIII Hydrology and Water Quality XI. Noise, XII. Population and Housing, and XV. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

XVIII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to http://www4.law.cornell.edu/uscode/. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

An Overview of Existing Wind Energy Ordinances, National Renewable Energy Laboratory (http://www.nrel.gov/wind/pubs_issues.html)

Wind Energy Guide for County Commissioners, U.S. Department of Energy (http://www.nrel.gov/wind/pubs_issues.html)

Land-Use Requirements of Modern Wind Power Plants in the United States, National Renewable Energy Laboratory (http://www.nrel.gov/wind/pubs_issues.html)

Avian Collisions with Wind Turbines: A Summary of Existing Studies and Comparisons to Other Sources of Avian Collision Mortality in the United States, National Wind Coordinating Committee Resource Document (http://www.nrel.gov/wind/pubs_issues.html)

Guidelines for Selecting Wind Turbine Sites, Kamperman Associates and E-Coustic Solutions

AWEA/CanWEA reference report

Yolo County Planning & Public Works Department, Initial Study/Negative Declaration Zone File # 2007-080 (http://www.yolocounty.org/)

County of Santa Barbara Planning and Development, Energy Division, Lompoc Final EIR. (http://www.countyofsb.org/energy/projects/LompWindEnergy.asp)

BLM Wind Energy Development Program Policies and Best Management Practices (BMPs) (http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2009/IM_2009-043.html)

Maine State Planning Office Model Wind Energy Facility Ordinance (http://www.maine.gov/doc/mfs/windpower/briefing_material.shtml)

Draft Guidebook for the Maine Model Wind Energy Facility Ordinance (http://www.maine.gov/doc/mfs/windpower/briefing_material.shtml)

Public Health Impacts of Wind Turbines, Minnesota Department of Health, Environmental Health Division (http://energyfacilities.puc.state.mn.us/)

AESTHETICS

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REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Solar Energy Ordinance, POD 09-006, ER Log No. 09-00-003

April 28, 2010

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the Habitat Loss Permit Ordinance. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the Habitat Loss Permit Ordinance.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the Biological Mitigation Ordinance or the Multiple Species Conservation Program. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the Biological Mitigation Ordinance or the Multiple Species Conservation Program.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the San Diego County Groundwater Ordinance. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the San Diego County Groundwater Ordinance.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

	YES	NO	NOT APPLICABLE/EXEMPT
The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	☐	☐	☒
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	☐	☐	☒
The Steep Slope section (Section 86.604(e))?	☐	☐	☒
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	☐	☐	☒
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the San Diego County Resource Protection Ordinance. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the San Diego County Resource Protection Ordinance.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the San Diego County Watershed Protection, Stormwater Management and Discharge Control Ordinance. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the San Diego County Watershed Protection, Stormwater Management and Discharge Control Ordinance Ordinance.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES	NO	NOT APPLICABLE
☐	☐	☒

Discussion:

The project consists of amendments to the County of San Diego Zoning Ordinance related to solar energy. The proposed ordinance amendments would codify the Zoning Ordinance to ensure consistency with the County's current practices for the permitting of solar energy systems and would add new definitions and sections for onsite use and offsite use solar energy systems. All future solar energy system projects would require conformance with the San Diego County Noise Ordinance. Furthermore, the proposed project consists of Zoning Ordinance Amendments, which are not subject to the San Diego County Noise Ordinance.

Attachment D
Planning Commission Minutes

POD 09-006, Agenda Item 1:

1. Solar Energy Ordinance, POD 09-006, Countywide

Proposed amendments to the San Diego County Zoning Ordinance to ensure consistency with current County practices for permitting solar energy systems. Solar energy systems utilized for onsite energy consumption are currently and would continue to be allowed by-right in the County as an accessory use in all agricultural, civic, commercial, industrial, and residential zones upon approval of a Building Permit; energy systems utilized for offsite energy are currently required to obtain a Major Use Permit. The proposed Ordinance amendments would continue to require a Major Use Permit for offsite solar energy systems for project areas 10 acres or larger, and would now require an Administrative Permit for project areas less than 10 acres. As a result, all offsite solar energy systems would continue to require discretionary review. The proposed amendments would not change the current setback or height regulations applicable to solar energy systems in the Zoning Ordinance; they are intended to set reasonable standards and procedures for the installation and operation of solar energy systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan.

Staff Presentation: Lubich

Proponents: 2; **Opponents**: 0

Discussion:

Staff's proposed Zoning Ordinance amendments would codify the County's current practices for permitting solar energy systems, and clarify, update and improve the County's solar energy regulations. The goal is to encourage energy conservation, promote the growth of solar energy systems, and reduce energy costs through utilization of alternative, passive and renewable energy resources.

Staff explains that photovoltaic solar energy systems intended for onsite use are currently allowed by right in all zones as an accessory use upon issuance of a Building Permit; whereas solar energy systems for offsite use are currently require a Major Use Permit. The proposed Ordinance would contain a two-tiered framework for photovoltaic systems. The first tier would address onsite use solar energy systems, which would continue to be allowed by right, and the energy produced from these systems must be used predominantly onsite.

POD 09-006, Agenda Item 1:

The second tier consists of offsite use solar energy systems wherein the project area is less than 10 acres. Systems within this tier would be permitted upon issuance of an Administrative Permit. Offsite uses in project areas greater than 10 acres would require a Major Use Permit. Solar power plants and all other forms of energy other than photovoltaic solar energy would require a Major Use Permit. Both types of Permits would require discretionary and environmental review, and compliance with County requirements including but not limited to the BMO, RPO, stormwater management, etc. All projects would be reviewed and mitigated on a case-by-case basis.

Staff further explains that industry professionals expressed concerns regarding the acreage limits for Administrative Permits versus Major Use Permits for offsite use photovoltaic solar systems. The 10-acre threshold was established to allow for roughly a one-megawatt solar energy system; larger systems would likely result in increased infrastructure requirements. In addition, the 10-acre limit is consistent with zoning proposed in the General Plan Update.

Staff is commended by audience members and the Planning Commissioner for the efforts undertaken to develop the proposed amendments. Audience members urge the Planning Commission to support development and implementation of a mechanism that would retain the property tax revenues in the areas most impacted by industrial solar energy system generators, such as Boulevard, Borrego, Jacumba, Potrero and Campo.

Audience members believe the 10-acre limit would restrict the amount of energy generated locally under the feed and tariff contract. They suggest revising the proposed Ordinance by encouraging use of various alternative photovoltaic technologies currently available.

During the Planning Commission's discussion following public testimony, Chairman Beck notes that the Findings for Biological Resources within Staff's Impact Analysis only refer to Federal and State regulations, and make no mention of the County of San Diego's Resource Protection Ordinance, Biological Mitigation Ordinance, and the Multiple Species Conservation Program. Following reassurances from Staff that proposals must comply with County of San Diego requirements and regulations, Chairman Beck requests that future Impact Analyses specify as much. Chairman Beck and his fellow Commissioners are also assured that all the necessary procedures are in place to prevent abuse of the Administrative Permit process.

POD 09-006, Agenda Item 1:

Action: Riess - Norby

Recommend that the Board of Supervisors adopt Staff's recommendations, including Chairman Beck's recommendation that the language in Staff's Impact Analyses include references to County of San Diego regulations and Ordinances.

Discussion of the Action:

Commissioner Norby suggests that the recommended 30-inch side-yard height limit for the solar energy stems be increased, but Staff explains that the intent is to ensure that the systems are unobtrusive and do not result in visual impacts.

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

Attachment E
Public Comments

BOULEVARD PLANNING GROUP

June 16, 2010

Marcus Lubich, DPLU Planner

County of San Diego

5201 Ruffin Road, Ste. B

San Diego, CA 91905

SOLAR ENERGY ZONING ORDINANCE AMENDMENT (POD 09-006)

Dear Mr. Lubich,

At our regular meeting held on June 3, our group voted unanimously 6-0-0 (one member absent) to submit this comment letter, expressing our concerns, prior to the comment deadline of June 18 /21 as noticed in the May 20 notice for public comment.

We want to reiterate our preference for the installation of solar energy projects on already disturbed lands and existing structures with existing ties to the grid.

Setback, height restrictions, and Noise:

#8 on page 2 states that the proposed amendment "*would not change the current setback or height regulations applicable to Solar Energy Systems in the Zoning Ordinance*".

Section 7. 6952 3 states that all types of solar power plant, other than PV, require a MUP. Would a MUP be required for distributed single On-site units that are other than PV? Two examples are the 15.4 ft diameter Infina Power Dish with a Stirling engine, and the 18 foot by 24 foot SolFocus concentrating panels that SDG&E has installed at their El Cajon maintenance yard to study solar systems that generate more energy than photovoltaic units. See the UT article: http://www.signonsandiego.com/news/2010/jun/02/sdge-ramping-solar-energy-projects/.

Some of these units may not cause any problems if used for on-site generation in relation to height, setback, noise, and visual impacts. However, at the CEC/BLM evidentiary hearings for Imperial Valley Solar (formerly SES Solar Two), testimony from the applicant documented that those stirling dish units, which can be used as isolated on-site units, are 38 foot by 40 foot have a noise impact of 75 db within 100 feet. They need hydrogen fuel storage and there is also a glint / glare impact from slightly elevated locations as from low flying airplanes and hillsides. If used for on-site energy in the urban /suburban setting, there could be glint and glare impacts to aircraft

and adjacent buildings that have upper stories. Large dish type units could also produce some form of noise from wind and vibrations moving through the structure as well as from the engines.

Adjustments for setback, height, noise, and visual impacts should be included to prepare for the potential use of large, noisy, mirrored dish units, or larger than normal concentrating solar units to produce On-site energy.

Air Quality:

Negative Declaration page 18: This section states that the operation of a Solar Energy System generally does not result in increased air pollution / contamination. However, backup gas-fired generation is needed for intermittent wind and solar energy See SDG&E's comments in news article dated 5-23-10: ***"People need to understand the intermittency challenge we have," said SDG&E's Niggli. "The wind comes and goes, and on the hottest days of the year, there's no wind, and you still need to provide power to your customers ... These resources are not under our control, but under the control of nature." Gas plants can take up the slack."*** http://www.signonsandiego.com/news/2010/may/23/renewables-need-helping-hand-from-gas:

Utilities:

One of the reasons we support on-site generation is the potential to use the existing ties to the grid. While off-site projects will be required to undergo a Major Use Permit, the proliferation of off-site solar generation projects, especially larger projects proposed in rural areas, may exceed the capacity on the existing infrastructure and may require new and /or upgraded powerlines and substations. We point to the Imperial Valley Solar (SES Solar Two) project proposed for 6,500 acres in western Imperial County. It is our understanding that a large solar project is being proposed for the 2,200 acre Rough Acres Ranch property on McCain Valley Road in the Boulevard Planning Area. The ranch is also involved in the Tule Wind Project and is hosting a 96 acre construction yard for the Sunrise Powerlink, as well as sections of the Powerlink. There will be cumulative impacts from multiple projects.

We do encourage the generation of solar energy if it is done in a non-invasive and non-destructive manner that does not require major new energy infrastructure or eminent domain.

Sincerely,

Donna Tisdale, Chair

cc: interested parties.

VALLE DE ORO COMMUNITY PLANNING GROUP
P. O. BOX 936
LA MESA, CA 91944-0936

March 22, 2010

Mr. Carl Stiehl
County of San Diego
Dept. of Planning & Land Use
5201 Ruffin Rd., Suite B
San Diego, CA 92123-1666

SUBJECT: POD09-006, Zoning Ordinance Amendment Regarding Solar and Wind Energy

This Planning Group reviewed subject POD on March 16, 2010 and voted 10-0-1 to oppose the amendment as proposed and to recommend the following:

Section 6951a, Small Wind Turbine System – This section allows "**BY RIGHT**" the construction of up to three 100' towers 10' from existing structures and ≈110' from property lines. This is a formula for severe visual, noise, wildlife, and safety impacts in a neighborhood without providing any opportunity for public review.

Such projects could be on parcels as small as one acre, could interfere with neighboring hillside views and could broadcast noise pollution over large areas of otherwise quiet neighborhoods. Further, the inherent physical and fire safety of these systems has been brought to question with reports of large debris fields when they fail. Also, bird kill has been reported in some sensitive locations.

Under no circumstance should projects of this nature be allowed "by right". In a residential setting a Major Use Permit should be required. In all other cases a Minor Use Permit should be required.

Section 6951b, Large Wind Turbine System – This section is not acceptable because it eliminates specification of the maximum height for these facilities, fails to clearly require noise limits, and provides minimal setback requirements from public roads that will allow significant visual impacts (especially for scenic corridors) and public safety problems if a wind turbine adjacent to a public road experiences a catastrophic failure.

Section 6952a, Solar Energy System, Onsite Use – This section should address the possible loss of sensitive habitat especially in installations for large onsite systems to be placed in onsite open space areas. This aspect should not be "by right".

Section 6952b, Solar Energy System, Offsite Use – To insure adequate review for possible impacts to wildlife or other sensitive natural resource, Section 6952b.1 should require a Minor Use Permit rather than an Administrative Permit.

Sincerely,

Jack L. Phillips
Chairman, VDOCPG
619-670-0986

From: Len Coultas [lencoultas@gmail.com]
Sent: Friday, May 28, 2010 11:20 AM
To: Lubich, Marcus
Subject: Solar Energy Zoning Ordinance Amendment
Hi Marcus,

Just thought you would want to know that the Hidden Meadows Community Sponsor Group reviewed the Solar Energy Zoning Ordinance Amendment at our meeting last night.

We thought it was a well-crafted document and voted to support the amendment. Meeting minutes available on request.

Well done!

Len Coultas, Chair

Thomas A. Beltran
PO Box 501671
San Diego, CA 92150

County of San Diego DPLU
5201 Ruffin Rd.
Suite B
San Diego, CA 92123-1666

Attn.: Marcus Lubich

June 18, 2010

Ref.: Solar Wind Energy Ordinance; POD 09-006

Thank you for the opportunity to comment on the proposed ordinance listed above.

I am opposed to the ordinance as drafted for the following reasons:

1. Solar photovoltaic systems (PV Systems) require periodic washing. The adverse environmental effects in areas such as the Borrego Springs, where aquifers are already in overdraft conditions, are likely to be significant. The draft ordinance would allow up to 10 acres of solar panels and the number of such projects is not known. Other proposed solar projects in the vicinity require monthly washes in order to maintain efficiency. PV projects are no different. The additional water use required by such projects would add to already dire overdraft situation;
2. The installation and periodic washing activities will damage the delicate cryptobiotic crusts that exist in desert soils, such as in the Borrego Springs area. These crusts provide critical nutrients for plant communities, they increase water infiltration, and they prevent erosion of the soil primarily due to winds. These crusts are very slow to recover and regenerate, if they do at all. The draft ordinance is likely to result in significant soil erosion and air pollution (see attached photos). PV10 particles are well known pollutants. They cause short term health problems in humans and are known to damage plant communities. Significant adverse impacts would result to plant communities, including rare (listed) plant species, due to damage of the cryptobiotic crusts since the crusts would not provide the nutrients needed for healthy plants;
3. The Borrego Springs area is site of the only known population of *Cryptantha ganderi*, a listed rare plant species. Many of the existing plant populations exist in areas where PV solar projects are currently proposed. Most of the Borrego Springs area will not be within the proposed MSCP

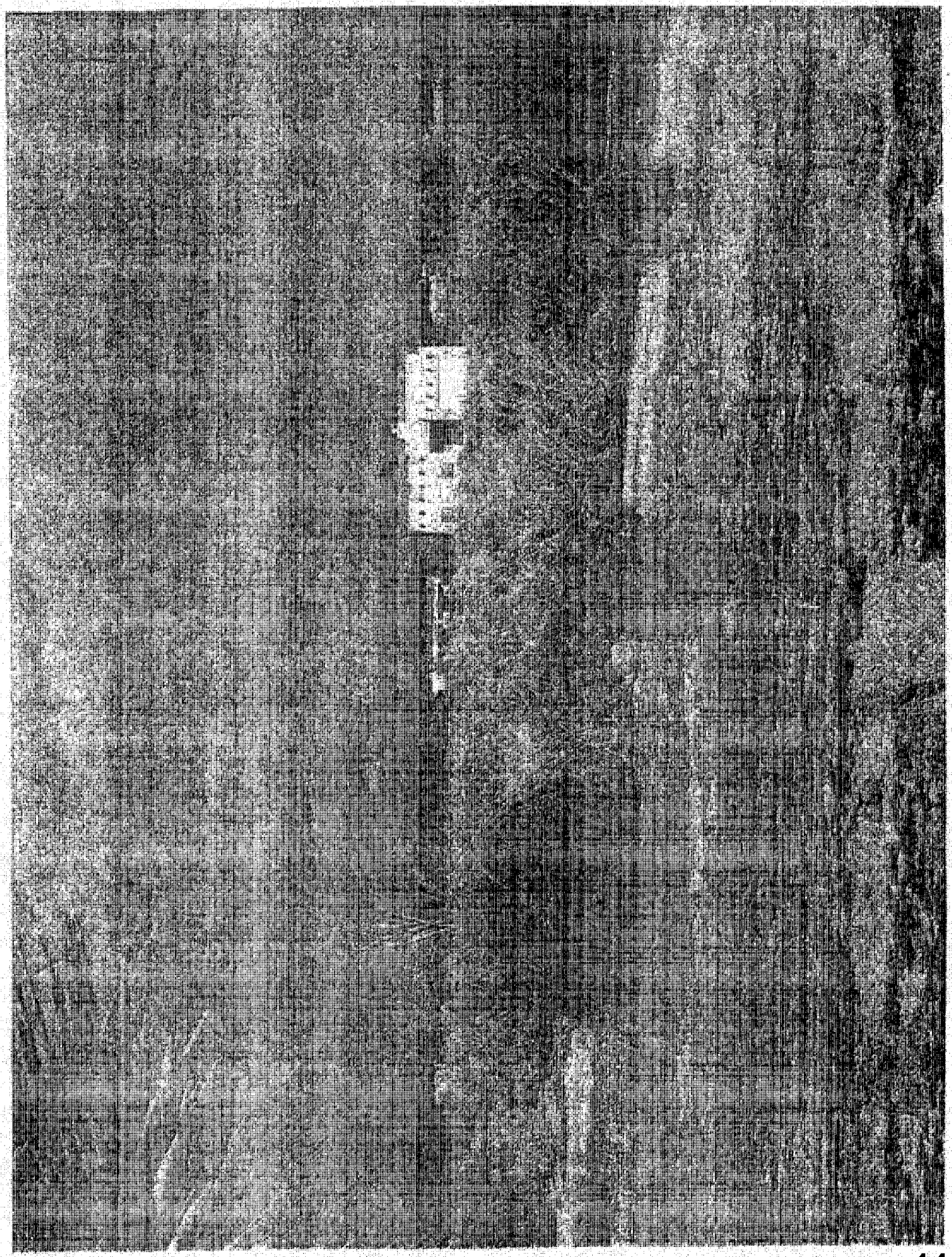
East. Therefore, the County of San Diego will not have the required "take" permits to construct these PV projects. In addition, this ordinance will not require biological surveys that would be required by major use permit. Without biological surveys, significant negative impacts to species such as *Cryptantha ganderi* and the Flat Tailed Horned Lizard, and others, will occur and those negative impacts will not be mitigated.

4. PV systems require that the PV panels are angled in order to maximize solar exposure. Sun rays are reflected from panel surfaces, resulting in glint and glare to surrounding locations. In some cases, heat is radiated as well, increasing the temperature of adjacent structures. In the Borrego Valley, the humidity is low and visibility is often very good. PV panels would predominantly face south, reflecting sun rays across the entire southern part of the valley. The Borrego Springs airport had to reduce the power of it's rotating beacon because the light carried so far that residents almost 5 miles away complained of the light. Similar impacts are almost certain from reflected sun rays off of PV projects.
5. Power grid – the current power grid is not designed to accommodate the addition these PV systems. Niel Barteck, SDG&E representative, stated at the May 6, 2010 Borrego Springs Community Sponsor Group, that from the solar projects for Borrego Springs that he has heard about, the generating capacity "will greatly exceed" the capacity of the current transmission grid. Borrego Springs currently has 30 mega watt transmission capacity out of the community. The additional transmission capacity required by PV projects would require upgrades to the transmission grid that were shown to have significant impacts on the environment by the Sunrise Powerlink Environmental Impact Report.
6. Power Use – the draft ordinance is not clear about what "predominantly used on site" means. If the ordinance means that the "net" use is zero, this would permit excess power to be transmitted off site during peak productions, such as during the summer, but would be drawing more power during off peak periods, such as winter months. This would result in unknown demands of the existing transmission grid. Without the studies required by a major use permit (MUP), the impacts cannot be known. The ordinance should be more clear about what "predominantly used on site" means.

Fair arguments can be made that this ordinance will have significant negative impacts and that those impacts will not be mitigated. I respectfully request that the draft ordinance, as proposed, not be approved.

Sincerely,

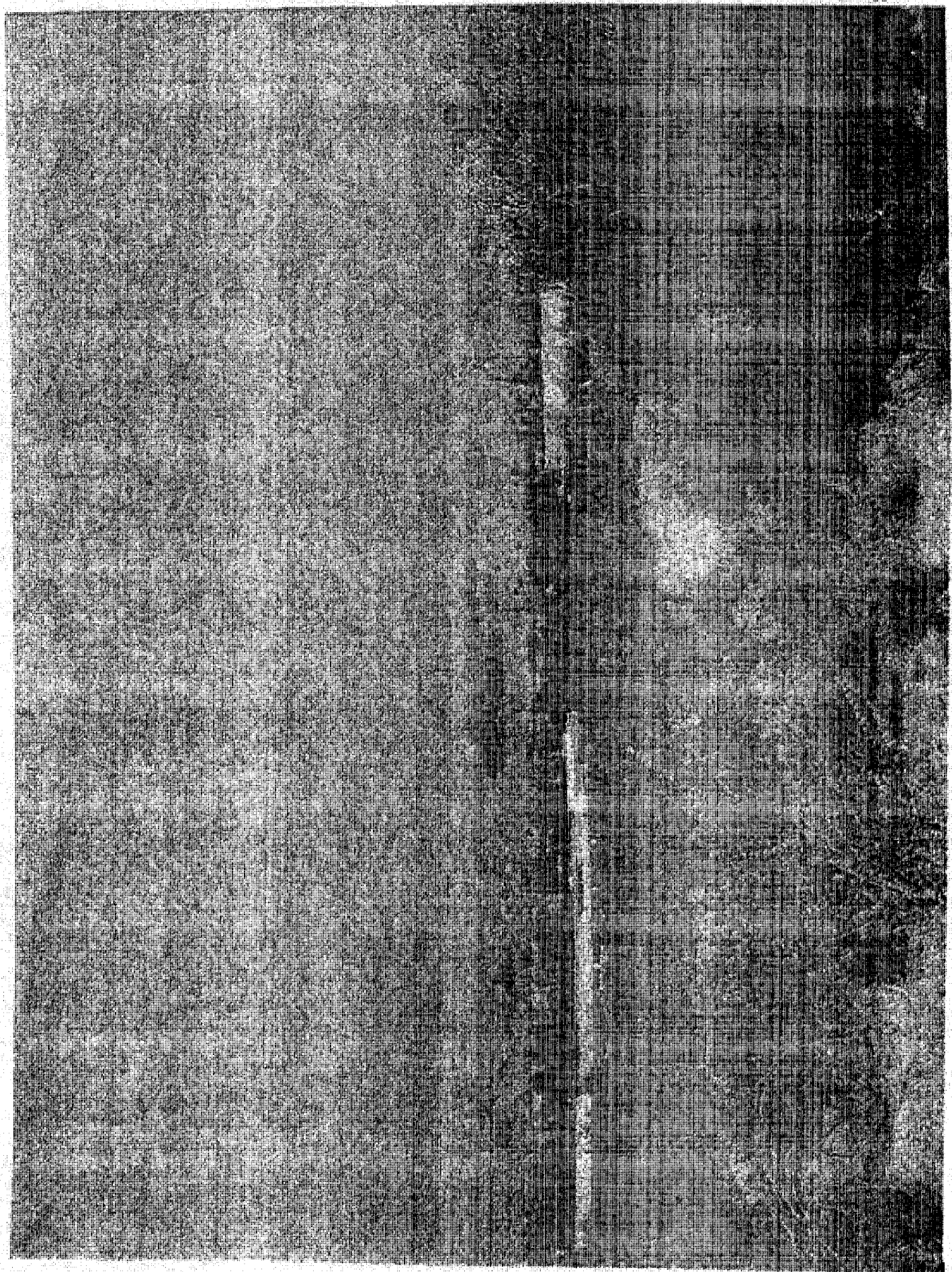
Thomas A. BeKran



Dust Storm – Borrego Springs, CA
May 9, 2010 – 12:55PM

These photos are of a dust storm containing dust particles that exceed 40 microns in diameter. Distance from photographer to dust cloud is approximately 2.25 miles. The source of the dust are vacant home sites that were constructed between 2002 and 2005.

PHOTOS - COPYRIGHT ROSEMARY BELTRAN



Dust Storm – Borrego Springs, CA
May 9, 2010 – 12:55PM

These photos are of a dust storm containing dust particles that exceed 40 microns in diameter. Distance from photographer to dust cloud is approximately 2.25 miles. The source of the dust are vacant home sites that were constructed between 2002 and 2005.

Sol Orchard
Farming the Sun

Sol Orchard, LLC
P. O. Box 222416
Carmel, CA 93923
(831) 659-8200

June 18, 2010

Mr. Eric Gibson, Director
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
c/o Marcus Lubich (email: Marcus.Lubich@sdcounty.ca.gov)

Subject: Solar Energy Zoning Ordinance Amendment, (POD 09-006)

Dear Director Gibson:

As developers of photovoltaic solar power projects in the County of San Diego, Sol Orchard, LLC acknowledges and supports the County's efforts to streamline and expedite the permitting time and costs associated with Distributed Generation scale PV solar projects inside the County. Sol Orchard believes that Distributed Generation solar projects best deliver on solar's promise to be a clean, green, renewable energy source for the world, and that regulatory and governmental support for Distributed Generation solar is vital to its deployment.

Distributed Generation (DG) solar projects in most cases can be built and serve the grid without the need for new transmission lines and major substation upgrades. This is a significant benefit to making DG solar projects quicker to deploy and less impactful on lands between the project and where the energy is use. With DG solar, energy is produced and used locally.

The County's Draft Solar Ordinance creates two PV solar project categories that will be eligible for entitlement by Administrative Permit in lieu of Major Use Permit: on-site solar projects and off-site solar projects under 10 acres in developed area. Sol Orchard is pursuing development of both types of projects and supports the Administrative Permit process change in the Draft Ordinance. However, we also believe that 10 acres is perhaps too restrictive on the size of solar projects that will be entitled by Administrative Permit. 10 acres of land area allows for at most 1 to 2 MW in energy production. To be in line with California State energy regulations that support and distinguish Distributed Generation projects within the investor-owned utility service areas (SDG&E is one) as being those solar projects that produce up to 3 MW, we believe

that the land area cap for PV solar projects entitled through Administrative Permit should be 20 acres rather than 10 acres. A 20 acre land area cap would thus make the County's Zoning Ordinance for quick deployment of Distributed Generation solar align with the regulations of the California Public Utilities Commission (CPUC). Sol Orchard supports this alignment.

Thank you for the opportunity to support and comment on the County's Draft Solar Ordinance. We look forward to the Planning Commission's hearing of the Ordinance, and to the adoption of a final Solar Energy Zoning Ordinance Amendment by the Board of Supervisors this August.

Very truly yours,

Sol Orchard, LLC – Farming the Sun

s/ Jeff Brothers, President

s/ Don Wilcoxon, Chief Operating Officer

s/ Will Pritchard, Development Director

Comments on:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR POWER

The word solar needs to be defined and it can just be Photovoltaic (PV) generated electricity. Solar can also be used to refer to any renewable electric power system. If solar is defined to just mean PV than this ordinance needs to be extended to cover all the other ways of generating renewable electricity. Surely, all forms of renewable energy are consistent with existing State laws that encourage the construction of all forms of Renewable Energy Systems to conserve energy.

Renewable Power includes more than Photovoltaics (PV). Other examples of solar power for generating electricity are concentrating PV (CPV), dish-Stirling, parabolic trough, central receiver, and compact linear Fresnel reflector (CLFR) technologies. These come in a wide range of sizes. For example, the dish-Stirling and can come in modules that are around 25KW and 38 feet in diameter, 4 KW and about 15 feet in diameter, or even smaller. CPV also comes in modules that are about 24 KW and rectangular in shape and can be sized to a much smaller power level. Parabolic trough power plants can be up to 100 MW but also can be as small as 1 MW. There is a similar range of sizes for the CLFR and the central receiver. Larger sized power plants are created by modularizing these technologies and ganging them to large power levels. Small hydro technologies can also generate electricity on or off-site.

All of these technologies can be use for commercial and industrial applications on-site for electricity and/or heat. Some can be used for residential on-site electric applications such as CPV and dish-Stirling. Some of these technologies can be roof mounted or placed on the ground for on-site use.

Solar hot water systems whether flat plate or vacuum tubes also need to be considered in some ordinance if not this one.

The basic issue with the current draft of the ordinance is that it seems to only recognize PV electric renewable technologies and this needs to be addressed. As it stands now, this ordinance seems to pick a winner by only allowing PV systems. A more appropriate approach for a municipal ordinance it to place reasonable limits on possible energy systems in different situations, and not take an approach that is exclusive and generates unnecessary barriers to all future possibilities.
A few examples of ways to extend this draft ordinance to cover some of these other possibilities are shown below.

Add to:

Section 2. Section 1110, DEFINITIONS (P), of the Zoning Ordinance is amended to add the definition of Photovoltaic Solar Energy System to read as follows:

Adjust Section 4 section j.
Wind turbines, windmills, wind-driven water pumps, ***solar concentrating system (both Photovoltaic, thermal and thermal-electric)*** and appurtenant structures required for the function thereof.

Adjust Section 5. Section 4622 of the Zoning Ordinance is amended as follows:
k. solar concentrating system (both Photovoltaic, thermal and thermal-electric)

Adjust Section 6. Section 4835 of the Zoning Ordinance is amended as follows:
g. solar concentrating system (both Photovoltaic, thermal and thermal-electric)

Front Yard	***not permitted***
Interior Side Yard	***Permitted in all zones but may not exceed 15 feet in height.***
Exterior Side Yard	***not permitted***
Rear Yard of Interior Lot	***Permitted in all zones but may not exceed 15 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.***
Rear Yard of Corner Lot	***Permitted in all zones but may not exceed 15 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.***

***Adjust* Section 7.** Section 6952 of the Zoning Ordinance is added to read as follows:
6952 SOLAR ENERGY SYSTEM

a. Solar Energy System, Onsite Use shall be permitted as follows:
1. A solar concentrating system(both Photovoltaic, thermal and thermal-electric) for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:
i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.
ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 15 feet above the highest point of the roof, in accordance with Section 4620.i.
iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.

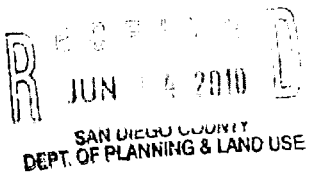
These few examples show an approach that could be used to make the ordinance more inclusive and less restrictive.

Submitted by:

Richard Caputo
San Diego Renewable Energy Society
www.sdres.org
760-765-3157
richardcaputo@sbcglobal.net

Lubich, Marcus

From: Charles & Laurie Baker [two.bakers.r.us@gmail.com]
Sent: Monday, June 14, 2010 1:17 PM
To: Lubich, Marcus
Subject: Draft Solar Energy Zoning Ordinance Amendment



Dear Mr. Lubich:

I read on-line the Draft Solar Energy Zoning Ordinance Amendment for San Diego County. I understand it is out for public comment until June 18, 2010. Is that correct? I also have some other questions maybe you could answer for me and a couple of comments.

I have previously commented on a Draft Ordinance for Wind/Solar Energy. To my knowledge, that Draft was never publicly reviewed. Is that correct? After seeing this new Draft for Solar Energy, I assume these two types of renewable energies are being drafted separately. Is that correct? Why were they separated? Will there be a separate Draft Wind Ordinance out for public review in the future, and do you know when will that be?

My only comments on this Draft Solar Energy Zoning Ordinance Amendment are that, in general, I support on-site urban, rooftop, low-profile solar energy systems and do not support large-scale solar energy systems in our backcountry because of visual blight and possible negative environmental issues.

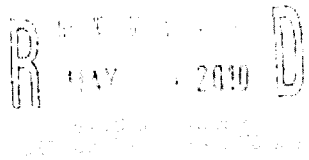
Obviously, I am not a professional, but am interested in renewable energy projects and their effects on San Diego County. I know this Draft is important and will be reviewed soon, and as I have never been involved in this process before, I am interested in seeing how it works and what the final result will be.

Thank you for your time and effort,

Laurie Baker

Lubich, Marcus

From: Gordon Shackelford [ae6qw@cox.net]
Sent: Tuesday, May 25, 2010 12:42 PM
To: Lubich, Marcus
Subject: POD 09-006



Mr. Lubich,
I have reviewed the draft Solar Energy Ordinance and find it to be excellent. The revised draft resolves my previous concerns.
Thank you
Gordon Shackelford

---------- Forwarded message ---------
From: **Donna Jones**<donna@donnajoneslaw.com>
Date: Mon, Aug 16, 2021 at 11:18 AM
Subject: JVR Solar Farms
To: <lonnie.eldridge@sdcounty.ca.gov>
Cc: David Smith <david.smith@sdcounty.ca.gov>

Dear Lonnie,

First, it's good to have you back in San Diego, and as County Counsel – congratulations! Second, I assume you're meeting with staff today on an item for Thursday's Board agenda, and wanted to be sure you were aware of a few of the legal issues at play. I wrote a lengthy comment letter to the EIR, and a second letter prior to the Planning Commission and a third letter will be submitted today in conjunction with the litigator my client has retained for this matter.

Given that your time is short, I highlight just a few of the legal issues:

- The MUP Findings conflict with the conclusions of the EIR. The County requires the decision-maker to find that the location, size, design and operating characteristics of the proposed use are compatible with adjacent uses, residents, buildings or structures, with consideration given to harmony in scale, as well as the harmful effect on desirable neighborhood character, among other items. The EIR found that the project has not one but 10 significant and unmitigated impacts to the community and the surrounding area's character, with significant and unavoidable impacts to:
    - the valued visual character or image of the community
    - a valued focal and/or panoramic vista (Scenic highway I-8)
    - a valued focal and/or panoramic vista from (scenic) Old Highway 80
    - a valued focal and/or panoramic vista from Jacumba Community Park
    - a valued focal and/or panoramic vista from Anza-Borrego Desert State Lands
    - a valued focal and/or panoramic vista from Bureau of Land Management lands on Round Mountain
    - a valued focal and/or panoramic vista from BLM lands on Airport Mesa
    - a valued focal and/or panoramic vista from BLM lands on Table Mountain; and from
    - an increasingly modified landscape, diminished day and night views, and reduced visual quality in the community; and caused by

- altering the existing character and quality of the visible landscape and interruption of panoramic views from I-8 and elevated vantage points.

This project would completely engulf a rural community on three sides, and is visible from virtually every viewpoint in Jacumba Hot Springs, hence the EIR's findings. The MUP Findings ignore these EIR conclusions, and rely on the presence of other solar projects a few miles away to justify the required finding. Those other solar projects, however, do not surround or impact the community, which is why they were not opposed by the community. Those projects cannot serve as justification for the required findings, especially in the face of the EIR's conclusions.

- The County's code is being improperly twisted in an attempt to put a square peg in a round hole and approve a project with: (i) an unquestionably permanent structure that is not going to be subject to the County's control, and (ii) more than 600 acres of uses that are incompatible with the underlying zoning for a minimum of 35 years. County Code 2888.a allows incompatible uses on Specific Plan zoned areas but only if such uses are i) temporary, ii) their removal is secured by a bonded agreement before issuance of a building permit, and iii) they are subject to the county's control so that these requirements can be enforced. This project does not meet any of those criteria.
    - The switchyard -- unquestionably part of the project analyzed in the EIR -- would be permanent. It therefore cannot fit within 2888.a. The project attempts to get around this inconvenience by noting that once approved by the Board and turned over to SDG&E, the County will no longer have the power to do anything about it. The justification for approving a permanent structure under a code section that expressly states structures cannot be permanent is that (i) once approved, it is outside of the County's control and would be under SDGE's ownership and (ii) if it had sought a separate Minor Use Permit the switchyard could have been permitted under another section. But the switchyard did not and does not seek a Minor Use Permit, so whether or not it could have been granted one is irrelevant. And to allow violation of the County Code because after the improper project is approved the County can no longer enforce its code against the non-complying structure is a novel and precedent-setting position I would not think the County would want to endorse.
    - The remainder of the solar farm purports to be "temporary." It is hard to conclude that 35 years is the type of "temporary" that language envisioned, as it would last at least a generation and smother and kill this town during that time. Even worse, there is much to suggest that the MUP

will be extended as the life of the solar panels is extended and as individual panels are replaced over the years to allow more life. What other use would ever replace solar farms once the permanent switchyard is installed? It is not the type of "temporary" use Section 2888.a of the County Code requires.

- Section 2888.a requires that a bonded agreement securing the removal of the structures be in place *before* any building permit is issued. Yet the MUP conditions do not require the proposed project to complete its decommissioning plan (an essential component to knowing the amount to be bonded) or to provide security until *one year after issuance of the first building or occupancy permit*. This is in violation of the code requirements. No small bond put up now to address this issue would suffice, as it is impossible to accurately bond until the decommissioning plan is completed. The decommissioning plan must be required to be completed, and the bond in place, before issuance of any building or occupancy permit or this project does not conform to the requirements of Section 2888.a.

- The Community Sponsor Group provided an Equity for Jacumba Alternative prior to the Planning Commission hearing that would mitigate the significant and unmitigated impacts to aesthetics discussed above. That alternative, which fully mitigates almost all of the otherwise significant and unmitigated impacts while also achieving most if not all of the project objectives, must be analyzed and the EIR recirculated to address. An expert has reviewed the solar numbers and concluded that the Equity for Jacumba Alternative would be able to generate close to if not the same amount of solar power as the proposed project, while also mitigating the currently unmitigated significant impacts.

I refer to my earlier letters and the letter that will be sent in later today or tomorrow for more information, but also remain available to discuss any of these issues with you at your convenience.

I am copying David on this email because I know I have David's correct email address and I'm not sure I have yours, and I wanted to ensure your office receives these points so they can be addressed by staff today.
I am out of the country but should be reachable until early afternoon Pacific Time at my cell phone (619-933-3008).
Thank you so much for taking these points into consideration.
Best regards,
Donna

Donna D. Jones
Donna Jones Law
4458 Tivoli St
San Diego CA 92107

619-933-3008 (cell)
donnajoneslaw.com

JVR Energy Park

Richard Schulman <richard@schulmanatlaw.com>

Mon 8/16/2021 7:45 AM

To: lonnie.eldridge@sdcounty.ca.gov <lonnie.eldridge@sdcounty.ca.gov>
Cc: david.smith@sdcounty.ca.gov <david.smith@sdcounty.ca.gov>; Jeffrey Osborne <jeff@jacumbahotsprings.com>; Donna Jones <donna@donnajoneslaw.com>

1 attachments (127 KB)

Eldridge 210816.pdf;

Please see attached letter.

RICHARD A. SCHULMAN, A PROFESSIONAL CORPORATION
9834 Apple Tree Drive, Unit C
San Diego, California 92124
858-221-3976
Richard@SchulmanAtLaw.com

August 16, 2021

By E-mail (Lonnie.Eldridge@sdcounty.ca.gov)

Lonnie J. Eldridge
County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: JVR Energy Park

Dear Mr. Eldridge:

I represent We Are Human Kind, LLC and Jeffrey Osborne. As several of your deputies know, I am a litigator. I understand you will be meeting with Board staff to discuss this item soon. Donna Jones and I will be submitting a longer letter for the Board, but for now I want to make a few limited points.

First, the project has a serious problem with plan consistency. This is not a question of balancing a variety of policies. The core, fundamental "Vision" for Jacumba seeks only:

> ... new development that is compatible with, and preserves the natural and historical environment, including water resources, and protects existing neighborhoods, manages growth to reinforce the rural small town character of the area, which includes agriculture, open space, and trails as important elements of the community.

Second, the notion that this is an "interim" use lacks substantial support. The proposed major use permit will have a set term, but there is nothing preventing it from being extended. The switchyard will be permanent and, because it will not be owned by the applicant, the applicant will not be able to control its termination. And the state's demand for solar power is not going to end in thirty-five years.

Finally, there are some math problems regarding which my clients will submit a memorandum from a solar power engineer, ZGlobal. According to Appendix V of the FEIR, prepared by an employee of the developer, the applicant has raised each panel's output to 540 watts (W) from 360 W. However, both the DEIR and FEIR state that the project will use 300,000 panels; the number of panels did not drop after their output per panel rose. According to Appendix V, the direct current (DC) capacity remains around 110-115 megawatts (MW) notwithstanding the use of more powerful (540 W v. 360 W) panels. According to ZGlobal, the continued use of the higher number of panels results in a DC output that is not only much larger in itself, but also unreasonably larger in proportion to the alternating current (AC) to be delivered to the system. According to ZGlobal, even with a 20% safety factor, the 90 MW project should only need 396-475 acres.

My understanding is that ground-mounted photovoltaic solar projects with battery storage and interconnection, like JVR, usually need about 4 acres to produce 1 megawatt (4 ac/MW). For example, the Viking Energy project in the Imperial Valley uses 604 acres to produce 150 MW: https://ceqanet.opr.ca.gov/2021050036. The Aramis Solar project in Livermore Valley needs 410 acres to produce 100 MW: https://ceqanet.opr.ca.gov/2020059008/5. By this standard, the JVR project would need only about 360 acres to produce 90 MW. However, even the smaller "Community Buffer Alternative" being proposed for this project supposedly requires 604 acres to produce 90 MW, i.e., 6.7 ac/MW.

This information is crucial because it shows that the project's significant, unmitigable impacts can be mitigated, either by imposing conditions or by approving (after study) an appropriate alternative. According to ZGlobal, this reduced project would still meet its objectives.

We see a number of other problems. Just as examples: Staff is recommending approval of one of the alternatives; the alternative was studied in sufficient detail for a hypothetical scenario, but not in enough detail to be approved. To avoid zoning regulations, the EIR and staff analysis are relying on a Zoning Ordinance provision (§4813) that has been overridden by another one (§6954). We anticipate the Kumeyaay tribe will identify serious flaws in the project's analysis.

I am sure you have seen similar situations in which distrust has grown. We believe the Board should not approve the project until these and the other questions raised in Ms. Jones' and my letter have been addressed.

Very truly yours,

Richard A. Schulman, A Professional Corporation
By: Richard A. Schulman, President

cc: David Smith (be e-mail: david.smith@sdcounty.ca.gov)
Client
Donna Jones

Local Union 569
San Diego and Imperial Counties

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

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August 16, 2021

San Diego Board of Supervisors
c/o San Diego County
Room 305
1600 Pacific Highway
San Diego, Ca 92101

RE: Item #1 Support for JVR Energy Park

Dear Chair Fletcher and Supervisors,

On behalf of the International Brotherhood of Electrical Workers (IBEW) Local 569 and our 3,600 union electricians and working families throughout San Diego and Imperial Counties, we urge your support for the Jacumba Valley Ranch Energy Park project.

We support reliable clean power that creates economic benefits and good jobs for San Diegans. The JVR Energy Park will accomplish these goals.

When complete, JVR Energy Park generate sufficient emission-free energy to power 52,000 households in San Diego County. During construction, it will create 350 good, middle-class clean energy jobs for local workers, which will advance apprenticeship training opportunities and add new renewable energy to the grid.

BayWa r.e. has made every effort to accommodate the community, adding substantial buffers and adding screening to address visual impacts. In addition, the company is offering substantial community benefits that will improve the lives of Jacumba's residents.

Please vote to support this important project and fulfill our region's clean energy goals and provide quality jobs for county residents.

Sincerely,

Jeremy Abrams
Business Manager/Financial Secretary
International Brotherhood of Electrical Workers, Local 569

Chris Drayer ASLA
3104 Redwood St.
San Diego, CA 92104

August 9, 2021

Supervisors Joel Anderson, District 2,
Nora Vargas, District 1,
Terra Lawson-Remer, District 3,
Nathan Fletcher, District 4,
Jim Desmond, District 5

Re: JVR Energy Park Project (PDS2018-MUP-18-022), and the coming public hearing on August 18th.

Dear SupervisorsAnderson, Vargas, Lawson-Remer, Fletcher and Desmond;

This letter is to express my views about the JVR Energy Park project proposed for Jacumba California.

Background
I have been a licensed Landscape Architect in the State of California, practicing in San Diego County since 1988. I also have a BS degree in Natural Resources Planning from Humboldt State University. I do not live in Jacumba, nor do I have any financial stake or property in the area, although I know many people and spend time there. I am also a strong supporter of the concept of renewable energy generation. My only motivation to write this letter is my love for the back country of San Diego County and a respect for the people who live there.
In addition to my familiarity with the Jacumba area, I spent over 16 years designing and overseeing construction of 40 acres of landscaped grounds for the Rancho La Puerta fitness resort, as well as a Soccer Field/ Public Park in Tecate, Mexico, about 30 miles away. I have also served on the Community Forest Advisory Board (CFAB) for the City of San Diego for the last 5 years.

I would like to make two major points about the JVR Solar Energy Park project;

1) The siting of a large industrial facility, which is what this is, in a rural area with high scenic landscape value would be a tragic, irreversible land use decision. You should be aware of the proposed revival of the historic Jacumba Hot Springs, immediately to the West of the project, which could likely trigger an economic resurgence in this economically disadvantaged area. It's scenic value has already been degraded by 2 recent and somewhat unwelcome infrastructure projects; the border wall and the Sunrise Power Link. What makes this project particularly egregious is that there is no inherent, compelling reason for having a solar farm here as opposed to other, less scenic and visible locations. As far as I'm aware, the sun shines equally here as it does in the vast flat and disturbed landscapes further East towards El Centro. The only impetus that I can see for this location is that some land speculators stand to make a large profit at the expense of the quality of life for local residents.
2) Given that the momentum seems to be on the side of approval, for whatever reasons, I would like to comment on the proposed landscape mitigation, which is my area of expertise. According to the Final EIR, a whole 15' has been allotted for landscape

screening in addition to a fence around the project. From a design point of view, the reason the facility needs to be screened is to disguise a huge, clearly man-made rectilinear feature in a landscape of undulating hills and a mosaic of vegetation types, geologic features and small scale built structures. A 15' wide 'landscape buffer' would do nothing to reduce the visual impact of this facility. Instead, there would only be space for completely linear plantings of trees and shrubs. Furthermore, because this narrow strip would be relatively close to the panels, no large trees could be used. The end result would be that the planting would reinforce**,** not soften, the visual impact of the facility by adding additional layers of linearity. To be serious about visual mitigation, the landscaped buffer zone should at minimum be expanded to 75-100' wide, so that larger trees like native oaks and sycamores can be planted in irregular, naturalistic groupings, with in-between spaces planted with evergreen chaparral shrubs such as Toyon, Holly-leaf cherry and Sugar Bush (Rhus ovata). In addition, the greatest reduction in visual impact would be achieved if the panels were shifted as far as possible from Old Highway 80 and towards the N.E. corner of the site.

Thank you for this opportunity to express my concerns.

Respectfully submitted

Chris Drayer