

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS - LAND USE  
WEDNESDAY, AUGUST 18, 2021**

**MINUTE ORDER NO. 1**

**SUBJECT: NOTICED PUBLIC HEARING:  
JVR ENERGY PARK MAJOR USE PERMIT, FIRE PROTECTION AND  
MITIGATION AGREEMENT, AND ENVIRONMENTAL DOCUMENT  
(DISTRICT: 2)**

**OVERVIEW**

Today's requested action is for the Board of Supervisors (Board) to consider a Major Use Permit (MUP), a Fire Protection and Mitigation Agreement to contribute ongoing funding toward fire services, and the Environmental Impact Report (EIR) for the JVR Energy Park (Project). The Project is a solar energy generation and storage facility which will produce 90 megawatts (MW) of renewable electric power and deliver it to an existing San Diego Gas & Electric (SDG&E) 138 kilovolt (kV) transmission line transecting the Project site that connects to the Boulevard Substation. The 604-acre solar facility will be developed within the 1,356-acre Project site, which includes a proposed 435-acre biological open space easement. No development is proposed within the remaining acreage of the Project site.

The site is located within the Jacumba Subregional Group Area, which is part of the Mountain Empire Subregional Plan Area, to the south of Interstate 8 (I-8), immediately east of the community of Jacumba Hot Springs, and immediately north of the U.S./Mexico international border. The Project will include photovoltaic units (solar) mounted on support structures, a battery energy storage system, a substation, a switchyard, overhead transmission lines, and supporting electrical components.

Based on comments received from the community during processing of the Project, the applicant, JVR Energy Park LLC, increased the setbacks from Old Highway 80 and Jacumba Community Park. In addition, staff recommended the inclusion of a 300-foot buffer from residential properties north of Old Highway 80 to increase the distance from these properties. Although the addition of buffers reduced the solar facility from 643 acres to 604 acres, the project revision to utilize improved photovoltaic (PV) solar panel technology still allows for a 90 MW power capacity. This technology includes the use of panels with increased wattage capacity and the use of dual-sided solar panels, which produce energy from both sides of the panels. The 604-acre solar facility, including the increased buffers, is called the Community Buffer Project to distinguish it from the original Project. On June 22, 2021, the Jacumba Community Sponsor Group submitted an alternative solar facility layout that they named the Equity for Jacumba Alternative. This alternative reduces the solar facility to 300 acres and focuses the development north of the town of Jacumba Hot Springs and does not allow for a 90 MW power capacity. Staff recommends that the Board adopt the Community Buffer Project, which is described below in the Background section and in greater detail as the Community Buffer Alternative in the Final EIR. Today, the Board is being requested to consider the MUP and the Fire Protection and Mitigation Agreement, and to certify the Final EIR. The Board can approve the Community Buffer Project, approve with modifications, or deny the Project.

Should the Board select an alternative that was not analyzed in the EIR, additional findings and analysis will likely need to be prepared for the Board's consideration.

## **RECOMMENDATION(S)**

### **PLANNING COMMISSION**

On July 9, 2021, the Planning Commission considered the JVR Energy Park Major Use Permit (Project) and made the following recommendations to the Board of Supervisors (Board):

1. Adopt the Environmental Findings, which include the certification and findings regarding significant effects of the project, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2018-ER-18-22-001 for the reasons stated therein and discussed in this report (Attachment A, on file with the Clerk of the Board).
2. Adopt the Community Buffer Alternative as described in Chapter 4, Project Alternatives of the Final EIR.
3. Approve Major Use Permit (MUP) PDS2018-MUP-18-022, and include the requirements and conditions set forth in the Form of Decision (Attachment B, on file with the Clerk of the Board).
4. Approve the Fire Protection and Mitigation Agreement between the County and JVR Energy Park LLC (Applicant) and authorize the County Fire Warden or their representative to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).
5. Recommend that the Applicant work with the community to see what benefits they could bring to the community prior to the Board hearing this project.

### **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes one additional recommendation to the Board of Supervisors (Board): Require JVR Energy Park LLC (Applicant) to enter into a standard Defense and Indemnification Agreement, as modified, with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require the Applicant to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment D, on file with the Clerk of the Board).

### **EQUITY IMPACT STATEMENT**

The JVR Energy Park Major Use Permit (Project) will provide renewable energy to San Diego Community Power, a Community Choice Aggregation (CCA) program. CCAs create a powerful, nimble, and responsive opportunity to address community needs through clean energy access, local jobs and economic benefits, and healthier environments. Unlike investor-owned utilities, CCAs are governed by local public officials who are close to the communities they serve, allowing the CCA to guide their respective agency's formation, policies, procurement, and rate design with community priorities; prioritize equity and inclusion in a wide range of planning and policy decisions; and put policy into practice through programs to reduce energy- and transportation-related greenhouse gas emissions in the built environment and bring underrepresented community members into the energy workforce.

### **FISCAL IMPACT**

N/A

### **BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took the following actions including the staff recommended clarifications noted in the presentation:

1. Adopted the Environmental Findings, which include the certification and findings regarding significant effects of the project, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2018-ER-18-22-001 for the reasons stated therein and discussed in this report.
2. Adopted the Community Buffer Alternative as described in Chapter 4, Project Alternatives of the Final EIR.
3. Approved Major Use Permit (MUP) PDS2018-MUP-18-022, and include the requirements and conditions set forth in the Form of Decision.
4. Approved the Fire Protection and Mitigation Agreement between the County and JVR Energy Park LLC (Applicant) and authorize the County Fire Warden or their representative to sign the agreement for the County.
5. Required JVR Energy Park LLC (Applicant) to enter into a standard Defense and Indemnification Agreement, as modified, with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require the Applicant to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed.
6. Directed the applicants to provide \$4,000,000 toward community benefits in Jacumba prior to approval of a grading permit and the applicant shall report to Planning & Development Services what funds have been spent and for what types of projects. The applicant shall use all reasonable diligence to spend all the funds to the satisfaction of Planning & Development Services.
7. Change the project set back from 300 to 400 feet, with acknowledgement that the applicant will strive for a 1,000 foot set back.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
**by** Andrew Potter

