

## **Attachment H – Planning Commission Hearing Report**



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	July 9, 2021	<b>Case/File No.:</b>	JVR Energy Park Major Use Permit; PDS2018-MUP-18-022; PDS2018-ER-18-22-001
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Major Use Permit for a solar and battery facility that will generate and store solar energy.
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	Carrizo Gorge Road, south of Interstate 8
<b>Agenda Item:</b>	#3	<b>General Plan:</b>	Specific Plan; Public Agency Lands; Village Residential (VR-2); Rural Lands (RL-40)
<b>Appeal Status:</b>	Not applicable; Approval by the Board of Supervisors	<b>Zoning:</b>	Open Space (S80); Specific Plan (S88); General Rural (S92); Rural Residential (RR)
<b>Applicant/Owner:</b>	JVR Energy Park LLC	<b>Community:</b>	Mountain Empire Subregional Plan Area (Jacumba)
<b>Environmental:</b>	Environmental Impact Report	<b>APNs:</b>	614-100-20; 614-100-21; 614-110-04; 660-020-05; 660-020-06; 660-150-04; 660-150-07; 660-150-08; 660-150-10; 660-150-14; 660-150-17; 660-150-18; 660-170-09; 661-010-02; 661-010-15; 661-010-26; 661-010-27; 661-010-30; 661-060-12; 661-060-22; 660-140-06; 660-140-08; 660-150-21; 660-150-16

## A. OVERVIEW

The purpose of this report is to provide the Planning Commission with the information necessary to provide a recommendation to the Board of Supervisors regarding the proposed JVR Energy Park Major Use Permit (PDS2018-MUP-18-022).

The JVR Energy Park Major Use Permit (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 623-acre solar facility will be developed within the 1,356-acre Project site, which includes a proposed biological open space easement. The applicant included increased setbacks from Old Highway 80 and Jacumba Community Park as a result of comments received from the community during public review of the Draft Environmental Impact Report (EIR). The Project is located

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 applicant entered into a 20-year term Power Purchase Agreement (PPA) approved May 27, 2021 with San Diego Community Power (SDCP), a Community Choice Aggregation program (CCA) to provide renewable electricity to customers (including residences, businesses, and civic uses) in the cities of Chula Vista, Encinitas, Imperial Beach, La Mesa, and San Diego. SDCP will purchase the power produced by the Project and feed it into the electricity grid, while SDG&E will maintain the grid and deliver the power to all SDCP customers.

During processing of the Project, the County received comments from stakeholders, the Jacumba Community Sponsor Group, and the Boulevard Community Planning Group related to visual resources, biological resources, groundwater, Jacumba Airport, fire hazards, and socioeconomic impacts. PDS analyzed the Project for consistency with the General Plan, Zoning Ordinance, and other applicable regulations, policies, and ordinances. The County prepared an EIR, which reviewed the Project's potential impacts on the environment in accordance with the California Environmental Quality Act (CEQA). PDS found the Project to be consistent with all relevant regulations with inclusion of conditions in the Form of Decision (Attachment D).

Staff recommends that the Planning Commission make a recommendation to the Board to adopt the Community Buffer Alternative as described in the Final EIR and below in the Project Background section. The Community Buffer Alternative includes a 300-foot buffer from residential properties north of Old Highway 80; the Proposed Project in the EIR has a 30-foot setback. With the use of improved photovoltaic (PV) module technology, the Community Buffer Alternative would maintain a 90 MW power capacity despite the increased setbacks.

The Planning Commission is asked to make a recommendation to the Board of Supervisors (Board) to either approve the Project as submitted, approve the Project with modifications, or deny the Project.

The sections contained in this report include the development proposal, analysis and discussion, community sponsor group and public input, and the Planning & Development Services (PDS) recommendation.

## **B. STAFF RECOMMENDATIONS**

Staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:

- a. 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) (Attachment E).
- b. Adopt the Community Buffer Alternative for the Project as described in Chapter 4, Project Alternatives, of the Final EIR.
- c. Approve MUP PDS2018-MUP-18-022, make the findings, and include the requirements and conditions set forth in the Form of Decision (Attachment C).

- d. Approve the Fire Protection and Mitigation Agreement between the County and JVR Energy Park LLC and authorize the County Fire Warden or their representative to sign the agreement for the County (Attachment F).

### **C. PROJECT BACKGROUND**

The Project originally included a General Plan Amendment, Rezone, and Major Use Permit (MUP) for an up to 90MW energy solar energy generation and storage facility as described in the Notice of Preparation (NOP) for the EIR. Subsequent to the NOP public review period, the General Plan Amendment and Rezone applications were determined not be needed, and therefore subsequently withdrawn. Pursuant to Section 2888(a) of the County Zoning Ordinance, a MUP may be granted on this site for any use pursuant to a bonded agreement, such as a decommissioning plan, that ensures the removal of all structures and associated electrical components within a specified amount of time, which is described in more detail in Section E of this report. For purposes of the environmental review under CEQA, the Project is considered an interim use rather than a permanent use in the EIR because the solar facility will be required to provide a bonded agreement to ensure decommissioning and will be conditioned to remove all of its components after its operational use. Thus, the Project site could be used for other land uses in the future. Since the Project is considered an interim use, it is allowed in the Specific Planning Area Land Use Designation upon approval of an MUP and a General Plan Amendment and Rezone are not required. Therefore, the Project in the Draft EIR only included an MUP.

During public review of the Draft EIR from October 8, 2020 to December 7, 2020, the County received comments from individuals in the community of Jacumba Hot Springs regarding the proximity of the Project to the community, including adjacent residential properties, the Jacumba Community Park, and scenic Old Highway 80. In response to community concerns, the Project applicant revised the Project in the Final EIR to include increased setbacks along both the north and south sides of Old Highway 80 and adjacent to Jacumba Community Park. The Community Buffer Alternative in the Final EIR was also revised to include increased setbacks along Old Highway 80 and adjacent to Jacumba Community Park, which is described in more detail in Section F of this report.

Although the Project applicant revised the Project in the Final EIR to include increased setbacks along the highway and adjacent to the Jacumba Community Park, PDS staff further recommends the Project include an increased setback from residential properties north of Old Highway 80. The Project in the Final EIR includes a 30-foot setback from residential property lines within the Jacumba Hot Springs community north of Old Highway 80 to the Project fence line. The Community Buffer Alternative in the Final EIR includes a 300-foot setback, rather than 30 feet, from the residential properties. Therefore, PDS recommends the Community Buffer Alternative as the Project (henceforth referred to as the "Community Buffer Project") rather than the Proposed Project in the Final EIR to allow a greater buffer from the Jacumba Hot Springs community. Setbacks along Old Highway 80, from the Jacumba Community Park, and from residential properties north of Old Highway 80 are included in the Community Buffer Alternative in the Final EIR and discussed in Section F of this report. Within the 1,356-acre Project site, the increased setbacks will result in a decreased solar facility footprint and MUP area from 623 acres to 604 acres. This will result in an approximately 3% decrease in the number of photovoltaic (PV) modules (reduced to 291,000 from 300,000 PV modules). The Community Buffer Project will still produce 90MW of renewable energy by changing the PV module type from single-sided to double-sided (bifacial), which

generates electricity on both sides of the module and increases electrical production. The Community Buffer Project would be able to achieve 90MW power capacity.

The Community Buffer Alternative will produce enough electricity for 30,900 customers, representing over 4.4% of the energy SDCP will provide to the electricity grid each year, which equates to enough energy to power approximately 57,000 homes. The PPA requires an annual guaranteed energy production amount, which the Community Buffer Project is able to achieve with the solar facility producing a minimum 90MW capacity. If the Community Buffer Project were revised to provide even greater setbacks it may reduce the power capacity of the solar facility to less than 90MW.

The Community Buffer Project includes the construction, operation, maintenance, and ultimately the decommissioning of an approximately 90MW renewable solar energy generation and storage facility. All the Community Buffer Project components will be decommissioned, with the exception of the switchyard facilities which will be transferred to SDG&E after construction. The energy produced by the proposed solar facility will be delivered to an existing SDG&E 138kV transmission line, which transects the site that connects to the Boulevard substation. These facilities consist of several infrastructure components that are described in detail in Section E of this report. The proposed solar facility will be unstaffed, with maintenance staff working onsite as needed for quarterly cleaning and emergency maintenance.

#### **D. REGIONAL SETTING AND PROJECT LOCATION**

The proposed solar facility will be located on a privately owned 1,356-acre site in southeastern San Diego County (Figure 1). The site lies within the Jacumba Subregional Group Area within the Mountain Empire Subregional Plan, within unincorporated San Diego County. The site is located south of Interstate 8 (I-8), east of the community of Jacumba Hot Springs, and immediately north of the U.S./Mexico border.

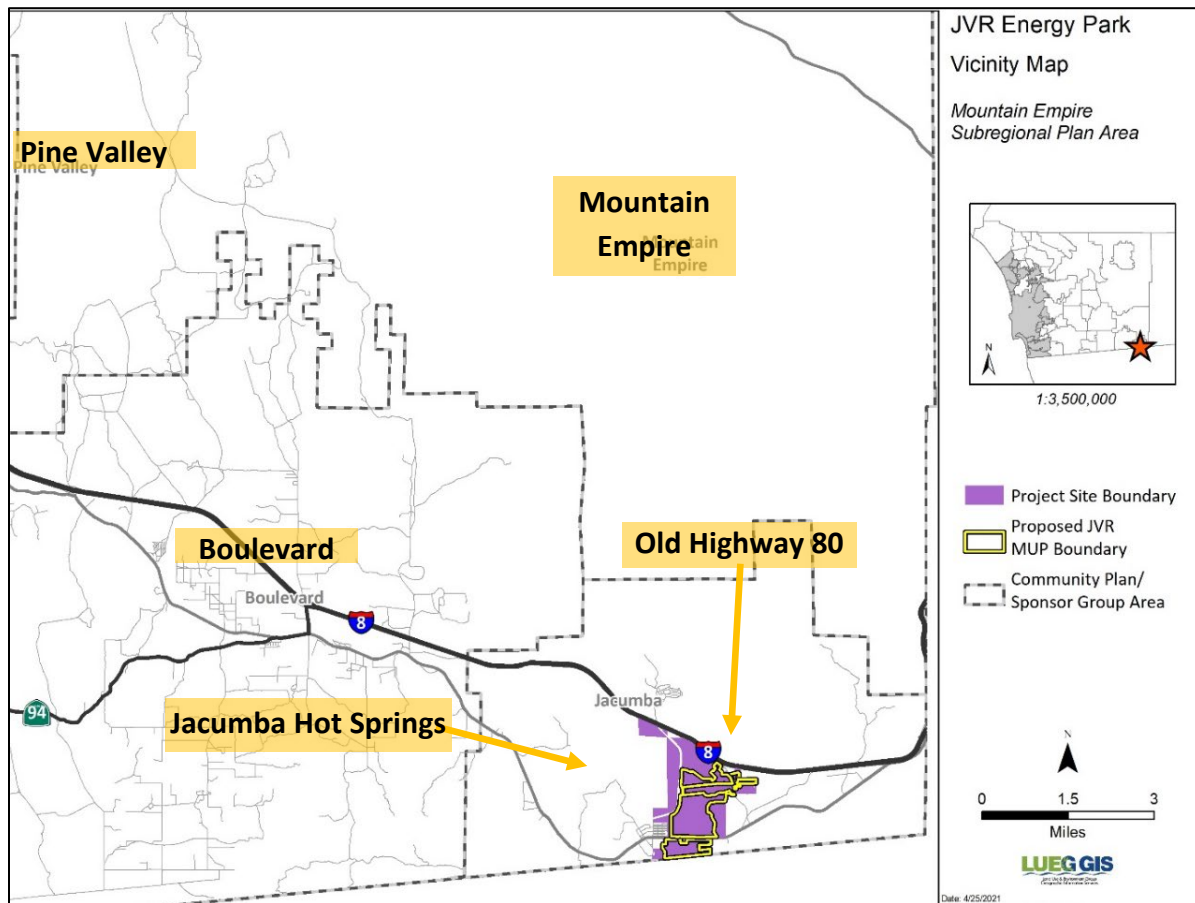


Figure 1: Vicinity Map

In 1919, rail service connected Jacumba Hot Springs to the City of San Diego. By 1925, the town had a premier hotel, the Hotel Jacumba. By the 1930s, Jacumba had developed into a resort destination and had a population of more than 5,000, compared to the population of over 500 today. Jacumba Hot Springs' position as a resort destination continued through World War II. However, the dwindling number of tourists visiting the Salton Sea and increased competition from more northern hot springs, including those in Murrieta and Palm Springs, resulted in decreased tourism to the area. After the new Interstate 8 bypassed Jacumba Hot Springs by two miles, removing passersby on Old Highway 80, most of the roadside service businesses folded. In 1985, the Hotel Jacumba closed and was later destroyed in an arson fire. By the 1980s, the Jacumba Hot Springs Resort, as it is named today, was the only hotel facility left in Jacumba Hot Springs, and it continues to attract visitors. In 1986, the County adopted a Specific Planning Area over a portion of the 1,356-acre site, which envisioned future development of up to 1,110 units and a variety of uses to revitalize the town (described further in Section E of this report).

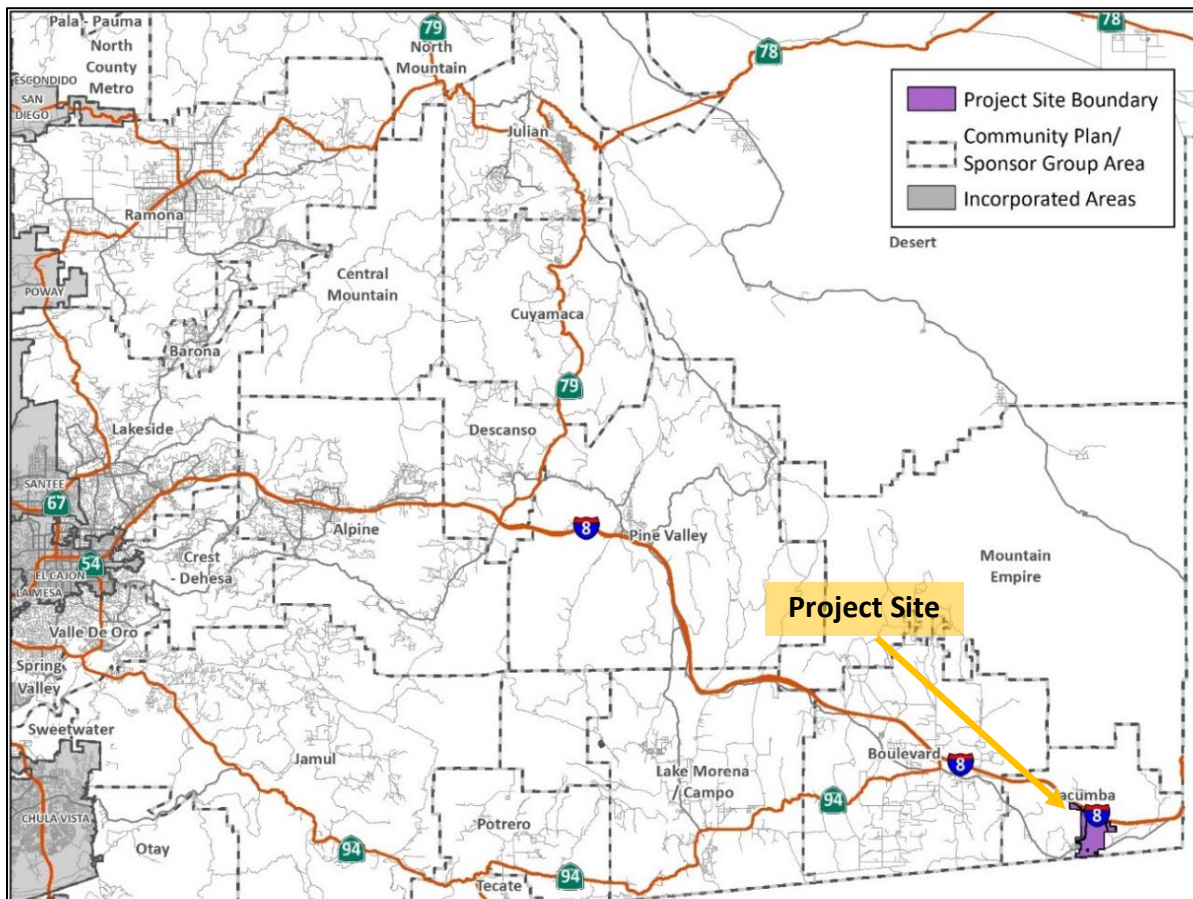


Figure 2: Regional Vicinity Map

Much of the site consists of undeveloped land. A portion of the site has historically been used for dairy and agricultural operations. All remaining dairy and ranch structures on site will be removed as part of this Community Buffer Project.

An existing SDG&E transmission corridor transects the northern area of the site; this corridor is located immediately north of the proposed substation and switchyard facilities from east to west. Existing transmission infrastructure within the corridor includes the 155-foot-tall Southwest and Sunrise Powerlink 500 kV transmission towers and the 150-foot-tall Boulevard 138 kV transmission line.

Access to the site is provided by Old Highway 80 and Carrizo Gorge Road. The site consists of 24 parcels and includes existing right-of-way easements for Old Highway 80, SDG&E easements, and an easement for the San Diego and Arizona Eastern Railway.



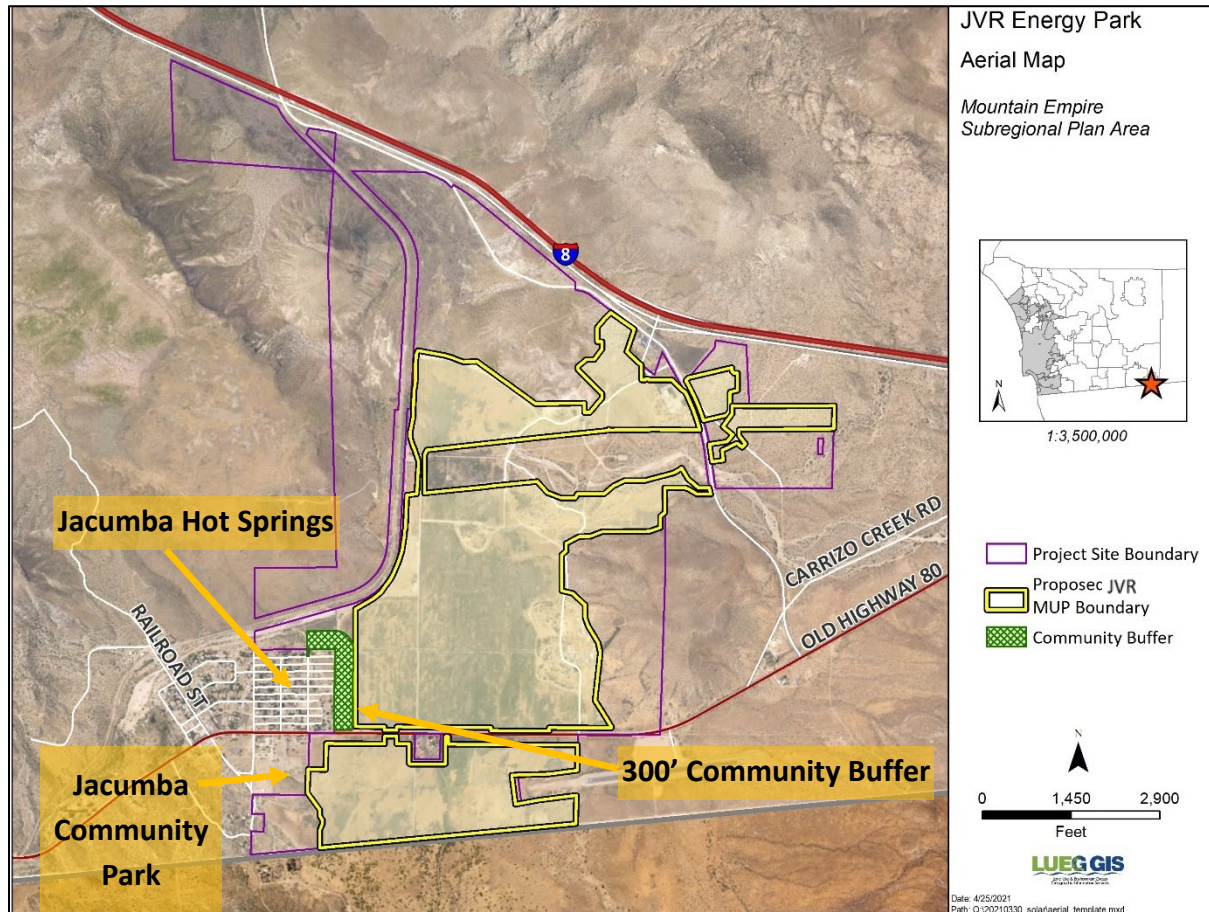


Figure 3: Development Area with Community Buffer

The General Plan Regional Category for 1,307 acres of the 1,356-acre site is Village. There is also an approximately 38-acre parcel in the easternmost portion of the site that is in the Rural Lands Regional Category. The Community Buffer Project development footprint will be located primarily on land with the Specific Plan Area General Plan Land Use Designation, which is described further in Section E of this report.

Please refer to Attachment A – Planning Documentation for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses for JVR Energy Park

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-80), Rural Commercial, N/A – BLM Land	Open Space (S80), General Rural (S92), Freeway Commercial (C44)	Carrizo Gorge Road, Interstate 8	Private Resort, Gas Stations, Vacant Land



Location	General Plan	Zoning	Adjacent Streets	Description
East	Rural Lands (RL-40), Public/Semi-Public Facilities, N/A – BLM Land	Open Space (S80), General Rural (S92)	Private Roads	Single-Family Residential, Jacumba Airport, Vacant Land, Sunrise Powerlink
South	N/A – U.S./ Mexico Border	N/A	N/A	International Border, Single- Family Residential (Mexico)
West	Rural Lands (RL-80), N/A – State Park Land, Specific Plan Area, Village Residential (VR- 2), Semi-Rural Residential (SR-1)	General Rural (S92), Specific Plan (S88), Open Space (S80)	Carrizo Gorge Road	Single-Family Residential, Commercial, Open Space. Sunrise Powerlink

## **E. DEVELOPMENT PROPOSAL**

### **1. Site History**

In 1986, the County Board of Supervisors (Board) approved a General Plan Amendment, which designated most of the 1,356-acre project site as a Specific Plan Area, with the goal of generating renewed interest in the Jacumba Hot Springs area by providing regionally attractive recreational opportunities, as well as housing, facilities and services, for both residents and visitors. The Specific Plan Area designation is applied to areas that require the preparation and adoption of a comprehensive Specific Plan. A Specific Plan envisions a multi-use land use concept that may contain residential, commercial, industrial, public institutional, and open space uses.

The site is located within a Specific Planning Area (PDS2001-3800-86-03). Based on the current General Plan, the allowable density with the Specific Planning Area is 1,110 dwelling units, and it could allow a variety of uses including a water reclamation facility, hotel, visitor-oriented commercial, a recreational vehicle park, a theme park, industrial park, and sand and gravel extraction.

Two Specific Plans have been submitted within the Ketchum Valley Ranch Specific Plan Area:

- The Jacumba Valley Ranch Specific Plan (PDS1991-3810-91-03) was submitted in 1991 but was denied on January 22, 2003 due to failure to satisfy requirements related to the Board's motion to continue processing of the project on November 13, 2002.
- The Ketchum Ranch Specific Plan (PDS2006-3810-06-003) was submitted in 2006; however, it was subsequently withdrawn on May 3, 2011.

Since the 1986 Board approval of the Specific Planning Area, no Specific Plan has been adopted. The County Zoning Ordinance allows a Specific Planning Area to grant a Major Use Permit prior to the adoption of a Specific Plan for any use pursuant to a bonded agreement that ensures the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions. The proposed solar facility will be required to prepare a decommissioning plan which requires a bond that will ensure the removal of all structures subject to the County Zoning Ordinance.

## **2. Community Buffer Project Description**

The Community Buffer Project is a solar energy generation and storage facility, which will produce 90MW of electricity. The power produced by the proposed solar facility will be delivered to an existing SDG&E 138 kV transmission line that runs from the East County (ECO) Substation and connects to the Boulevard substation, both owned and operated by SDG&E. The Community Buffer Project will include the following primary components: photovoltaic (PV) modules mounted on support structures (single-axis solar trackers); a direct current (DC) underground collection system linking the modules to the inverters; 25 inverter/transformer platforms located throughout the solar facility; an on-site substation; an overhead transmission line to connect the on-site substation to the switchyard; switchyard facilities which include the switchyard and overhead transmission lines (tie-in) to connect the switchyard into the existing 138 kV transmission line; and a battery energy storage system of up to 90MW comprised of battery storage containers located adjacent to the inverter/transformer platforms (up to three containers at each location for a total of 75 containers on site).

The Community Buffer Project will also include internal access roads, driveways, perimeter fencing, shielded lighting for security purposes, fuel modification zones, six water tanks for fire protection, and electrical components to support the solar energy generation and storage facility. An existing water main, which is owned by the Jacumba Valley Ranch Water Company, will also be realigned from within the MUP boundary, to outside the MUP boundary to allow for maintenance of the water line (approximately three acres of disturbance).

The MUP boundary encompasses 604 acres spanning from I-8 in the north, the U.S./Mexico border in the south, the community of Jacumba Hot Springs to the west, and is transected by Old Highway 80. The solar facility will be setback 300 feet from the Jacumba Community Park and residential properties in the community of Jacumba Hot Springs. The proposed solar facility will also be setback from both sides of Old Highway 80, 175 to 180 feet to the south, and 110 feet to the north.

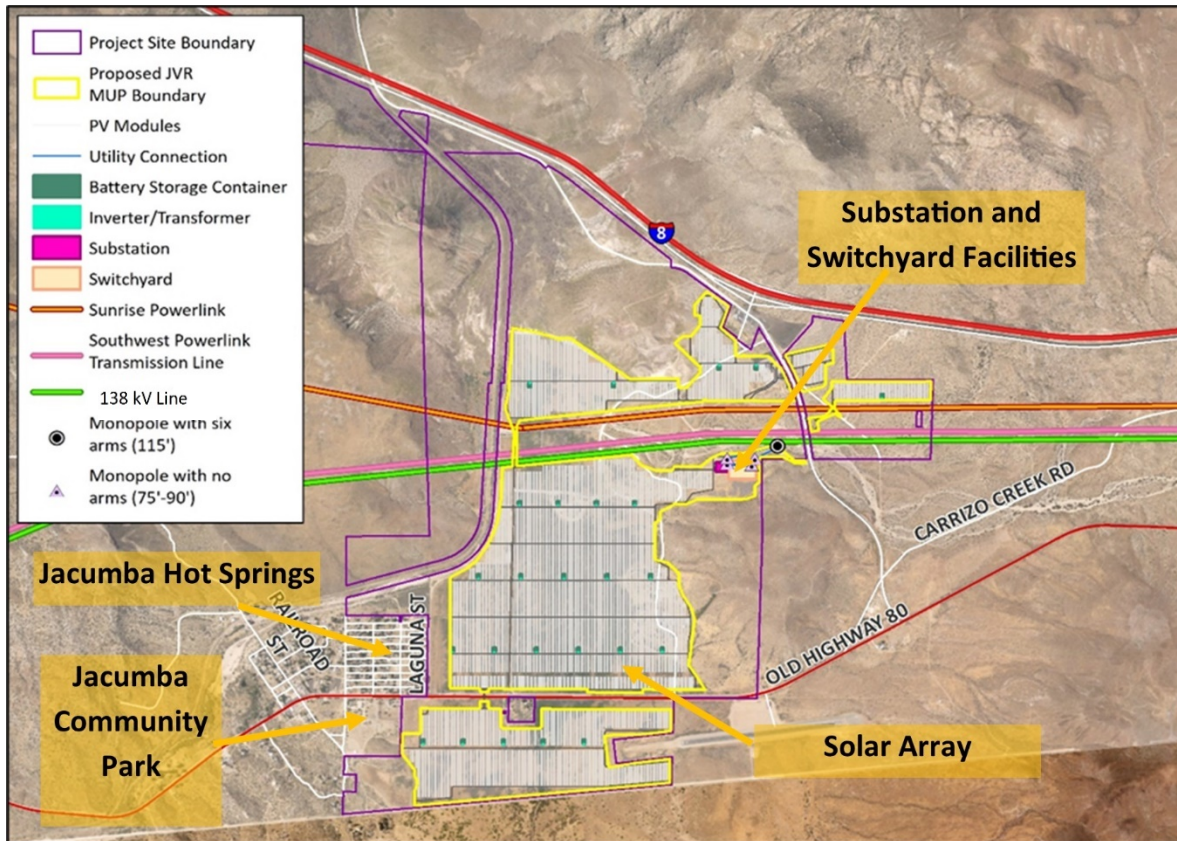
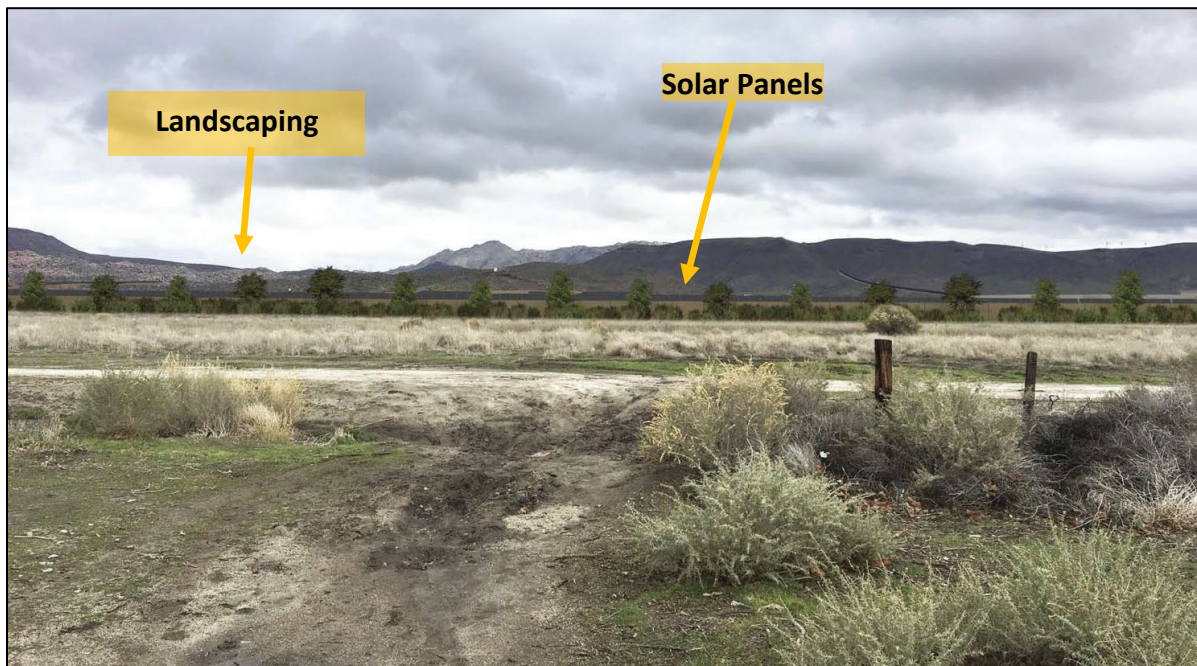


Figure 4: Community Buffer Project Components



Figure 5: Simulation of Proposed Project in Draft EIR from Residences in Town of Jacumba Hot Springs





*Figure 6: Simulation of Community Buffer Project from Residences in Town of Jacumba Hot Springs*

The proposed solar facility is considered a Major Impact Service and Utility use type under the County Zoning Ordinance and requires a Major Use Permit (MUP). The site is zoned Specific Planning Area (S88) that has not adopted a Specific Plan. Pursuant to Section 2888(a) of the County Zoning Ordinance, a Major Use Permit may be granted for any use pursuant to a bonded agreement, such as a decommissioning plan, in an amount sufficient to ensure the removal of all structures and associated electrical components within a specified amount of time.

The Community Buffer Project includes the switchyard facilities, which include the switchyard, which controls the output of energy to the grid, and the overhead connection to the existing SDG&E transmission infrastructure. The switchyard facilities are considered a Minor Impact Utility and will not be required to be decommissioned because it is only subject to County Zoning Ordinance Section 2884 which allows for Minor Impact Utility uses within the S88 zone with the approval of a Minor Use Permit. All other proposed components of the Community Buffer Project are considered interim and will be subject to the decommissioning plan. Additionally, after the switchyard facilities are constructed, the facilities will be transferred to SDG&E and, therefore, are subject to California Public Utilities Commission jurisdiction.

#### Photovoltaic (PV) Modules and Support Structures

The Community Buffer Project will include approximately 291,000 PV modules (double-sided), also known as solar panels. The modules will be mounted on single-axis trackers that allow the arrays to track the path of the sun throughout the day oriented in the north-south direction. The PV modules will be mounted on support structures and will be up to 12 feet in height from the graded ground surface at their highest point. The Community Buffer Project will be required to revegetate (compatible hydroseed mix) underneath the solar panels. This vegetation will be maintained throughout the solar facility's operation to provide erosion and dust control.

### Inverter/Transformer Platforms

Inverters and transformers will be installed at 25 locations throughout the solar facility. An inverter converts power from the solar panels into electricity that is compatible with the electrical grid. A transformer then takes the converted power and increases the electricity to a higher voltage. Two inverters and one transformer that will be 10 feet tall will be installed on a metal platform that is 8 feet wide by 20 feet long. The platforms will be mounted above the 100-year flood elevations, ranging from 18 inches to 4.5 feet depending on the flood levels, on a set of piles driven into the ground and covered by an earth or gravel mount. Electrical underground direct current (DC) and alternating current (AC) collection systems will be installed to connect the PV modules to the inverter/transformer platforms, and to carry the power generated by the PV modules to the on-site substation.

### On-site Substation

The Community Buffer Project includes a 27,360 square foot substation that will be located adjacent to the SDG&E easement corridor that transects the northern portion of the site. The purpose of this substation is to collect all solar power and transfer it into the grid after increasing voltage to a compatible distribution level. The substation components will be a maximum of 40 feet in height. A transmission line tower with a maximum height of 65 feet will be connected to the switchyard facilities through an overhead transmission line.

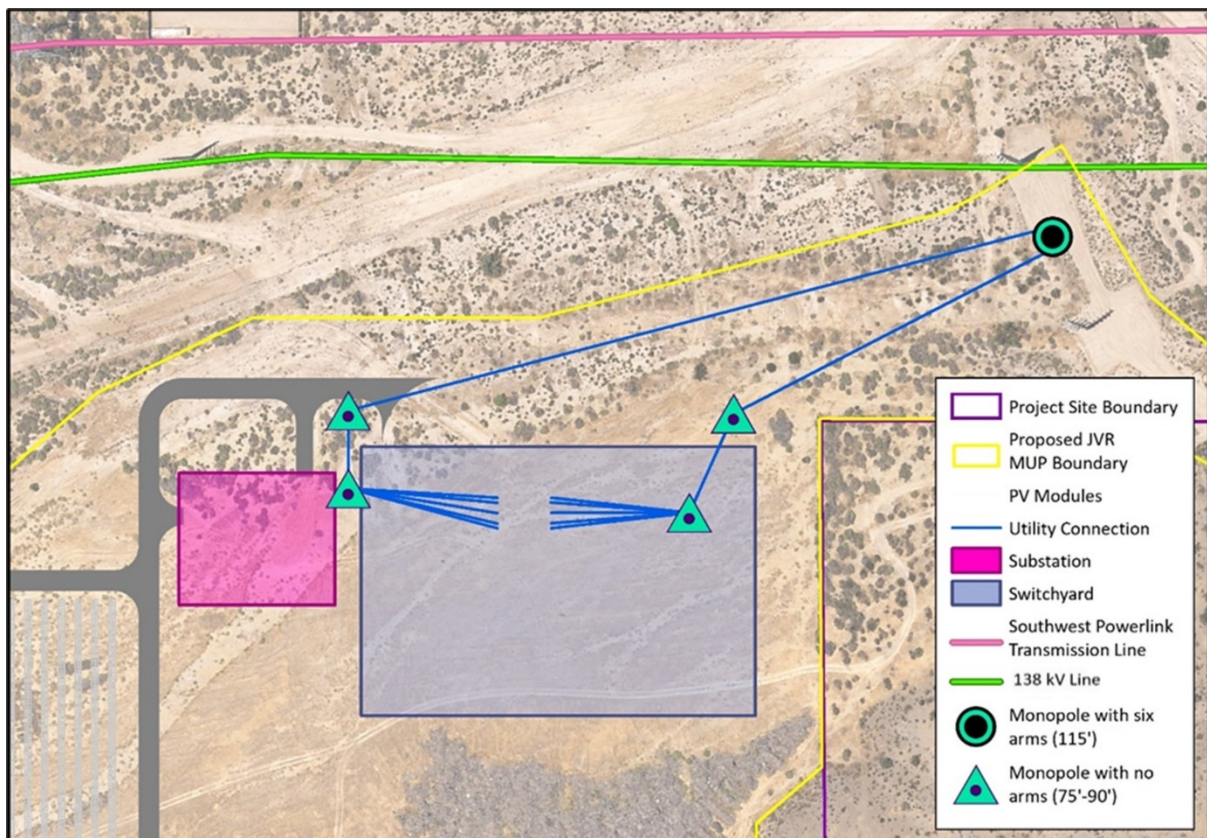


Figure 7: Substation and Switchyard Facilities

## Switchyard Facilities

The switchyard facilities will be located adjacent to the on-site substation and will include a switchyard and overhead transmission tie-in lines to the existing SDG&E Boulevard 138kV transmission line. The switchyard, which controls the output of energy to the grid, will transfer the energy from the substation to the existing Boulevard 138kV transmission line, which transmits energy to the Boulevard Substation. The switchyard area will include a security fence, electrical equipment, and support structures. Access to the switchyard facilities will be provided through improvements to an existing SDG&E access road within an existing SDG&E easement.

The switchyard facilities are considered a Minor Impact Utility. The switchyard facilities will not be required to be decommissioned because they are subject to County Zoning Ordinance Section 2884, which allows for Minor Impact Utility uses within the S88 zone with the approval of a Minor Use Permit. All other uses on the site are considered interim and will be subject to the decommissioning plan.

After completion of construction and transfer of the approximately 8.1-acre switchyard facilities to SDG&E, the County will no longer have land use permitting jurisdiction over the switchyard's operation and maintenance as carried out by SDG&E and regulated under the California Public Utilities Commission. As such, operational and maintenance-related conditions in this MUP that apply to the remainder of the facilities authorized by this MUP will not apply to SDG&E.

## Battery Energy Storage System

The Community Buffer Project will include a battery energy storage system with a maximum capacity of 90 megawatts (MW), comprised of 75 battery storage containers located throughout the solar facility. Battery-based energy storage provides flexibility to the electrical grid by storing energy produced during periods of oversupply and discharging to the electrical grid during periods of high demand. The battery energy storage system will be charged from the energy generated by the PV modules. The lithium-ion batteries will be located in steel containers measuring approximately 55-feet-long, 19-feet-wide, and 10-feet-high. Each container will be separated from adjacent containers by approximately 10 feet. The battery containers will be constructed above flood elevations and are placed away from off-site areas as a buffer against potential wildfire risks and will have internal fire detecting and suppression systems in each battery.

## Site Access

Access to the proposed solar facility will be provided by four driveways off Carrizo Gorge Road and two driveways off Old Highway 80. Each site entrance will include a locked manual swing gate, and metal sign with lighted directory map and contact information. All entrance gates will include a Knox Box to allow access for emergency service providers. All site entrance access driveways will be 24-feet-wide and paved, and the access road to the switchyard facilities off Carrizo Gorge Road will be improved to be 30-feet-wide and paved.

Fire response and service access roads for maintenance purposes will be constructed to a minimum improved width of 24 feet within the fenced solar facility. Internal access will be designed allow for access of fire apparatus to access all inverter/transformer pads and battery storage containers.



### Security Fencing and Signage

Fencing has been included on the perimeter of the proposed solar facility for security. Fencing will be seven feet in height, which includes one foot of barbed wire on the top of the fencing. Fencing types will include various types of fencing determined by the location of flood flows. Tan colored slats or vinyl screening will be installed to visually screen views of the proposed solar facility components. Signage will be placed along the perimeter fencing in Spanish (due to proximity to international border) and English for public safety purposes.

### Landscaping

Landscaping will be installed primarily adjacent to the community of Jacumba Hot Springs and along both sides of Old Highway 80 to provide visual screening of the solar facility. The proposed landscaping adjacent to the perimeter fence will be approximately 15-feet wide and will include drought tolerant trees (18 feet tall 10 years after planting) with native and/or drought tolerant shrubs and ground covers incorporated between the fence line and the existing road and utility easements. Landscaping will be installed along the north and south sides of Old Highway 80, along the east side of Carrizo Gorge Road, and along the southwestern portion of the solar facility adjacent to the community of Jacumba Hot Springs.

### Lighting

Shielded lighting will be installed at all site access driveway entrances, the switchyard, and the substation. Shielded lighting will be installed in lieu of motion sensor lighting at the request of the California Department of Fish and Wildlife (CDFW) as to not deter or impede wildlife movement throughout the area, as motion sensor lighting can disrupt the behavior of wildlife species. No additional lighting is required.

### Fire Protection

Six 10,000-gallon water tanks with fire department connections. Pursuant to County Fire Code, a minimum 30-foot-wide fuel modification zone (FMZ) will be provided along the perimeter of the solar facility between the PV modules and off-site wildland fuels. An FMZ is a specific area where vegetation has been removed, planted, or modified that increases the likelihood that a project will survive a wildfire, improves the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Pursuant to County Fire Code, a minimum 100-foot wide FMZ will surround the proposed substation and switchyard.

### Labor

The applicant is currently pursuing a Project Labor Agreement (PLA), which guarantees a project will use union labor for the duration of project construction. A PLA generally specifies wages and benefits to be paid on a project, and it usually includes binding procedures to resolve labor disputes. A PLA can provide a sustainable workforce, diversity, uniform wages, and worker hiring from the local geographical labor pool when available.

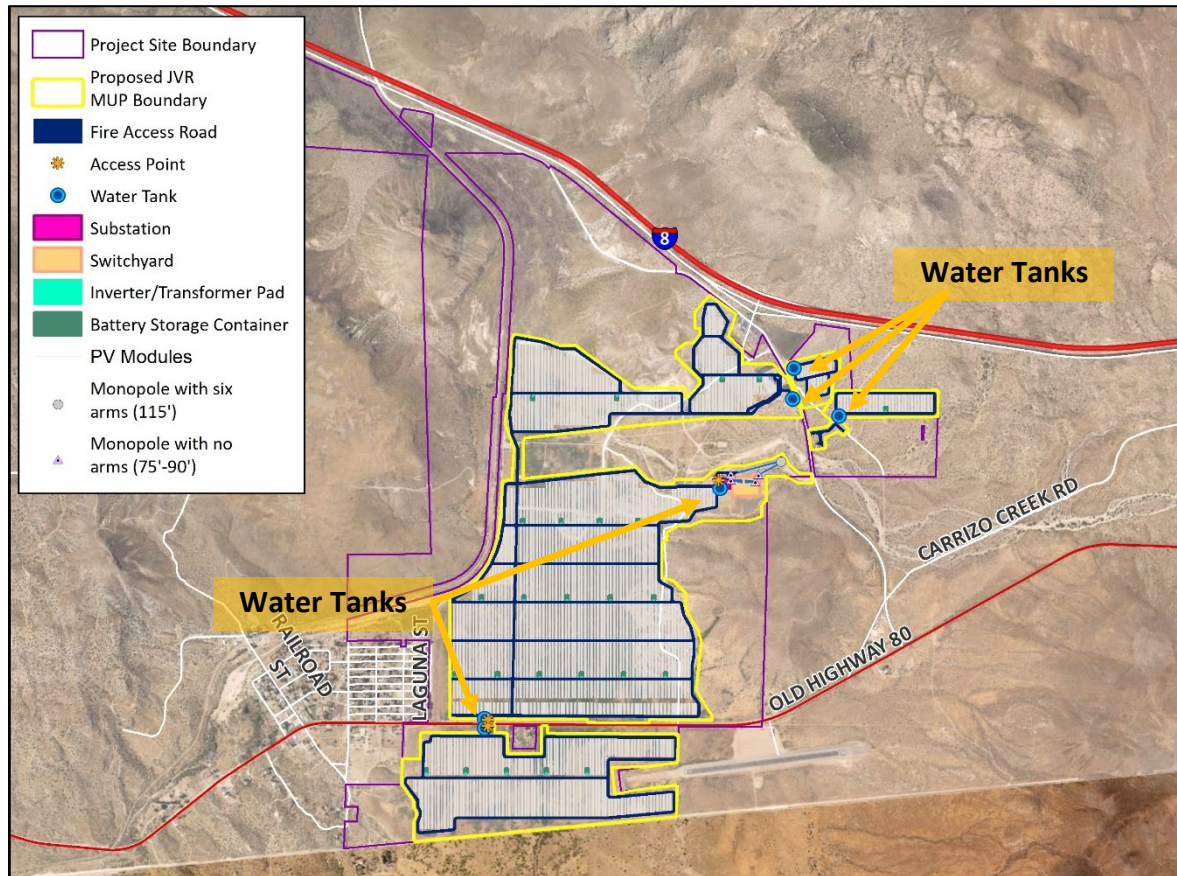


Figure 8: Fire Protection

#### Decommissioning

Decommissioning of all components of the proposed solar facility will be required, except the switchyard facilities, which will be owned and operated by SDG&E after construction. Prior to the expiration of the MUP for the solar facility, the applicant will be required to apply for and receive approval of a MUP Modification to authorize further use of the site as a solar facility or return to a use consistent with the Zoning Ordinance. If a new use is not proposed, the decommissioning will include removal of all components and preparing the site with a compatible hydroseed mix during decommissioning.

The aboveground equipment and structures will be disassembled and removed from the site. Equipment to be removed includes all PV modules and support structures, battery storage units, inverters, transformers, and associated controllers. Removal of the fencing, substation, and aboveground conductors on the transmission facilities will also occur. Underground collector and transmission components will also be removed. Most of these materials can be recycled or reclaimed. Remaining materials that cannot be recycled or reclaimed will be contained and disposed of offsite, consistent with the County of San Diego Construction Demolition and Debris Management Plan.

## **F. ANALYSIS AND DISCUSSION**

The Community Buffer Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and CEQA Guidelines. During public review of the Draft EIR, comments were received regarding impacts to visual resources, biological resources, cultural resources, groundwater, Jacumba Airport, fire hazards, and socioeconomic impacts to the Jacumba Hot Springs community and businesses. A discussion of the Community Buffer Alternative's consistency with applicable codes, policies, and ordinances is described on the following pages.

### **1. Key Requirements for Requested Actions**

- a. Is the Community Buffer Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Community Buffer Project comply with the policies set forth under the Mountain Empire Subregional Plan?
- c. Is the Community Buffer Project consistent with the County's Zoning Ordinance?
- d. Is the Community Buffer Project consistent with other applicable County regulations?
- e. Does the Community Buffer Project comply with CEQA?

### **2. Analysis**

#### Aesthetics and Visual Resources

Comments were received regarding potential impacts to aesthetics and visual resources, including change in visual character, effects on views from scenic roads, visual compatibility with surrounding uses, and light and glare generated by the proposed solar facility. The introduction of a solar facility adjacent to the existing community of Jacumba Hot Springs will result in a noticeable change in the visual character of the community. Although existing high voltage transmission lines and wind development in Mexico are currently visible, the proposed solar facility will contrast with the existing landscape and predominant development (i.e., residential and commercial) in the Jacumba Hot Springs area. In addition, development of the solar facility will result in a prominent change in the visual theme and style of the community. Mitigation measures to reduce impacts to visual resources are discussed further in this section.

As a result of public comments during public review of the Draft EIR, the original solar facility project and the Community Buffer Alternative as described in the Draft EIR were revised to include increased setbacks to provide a larger buffer between the proposed solar facility and the north and south sides of Old Highway 80, and between the solar facility and Jacumba Community Park. The fence line along the north side of Old Highway 80 will be 110 feet from the edge of the pavement on Old Highway 80, providing a buffer to the north that is 52 feet more than originally proposed. The fence line along the south side of Old Highway 80 will be 175 to 180 feet from the edge of the pavement on Old Highway 80, providing a buffer to the south that is 122 feet more than originally proposed. The increased setbacks along Old Highway 80 will lessen the "tunnel" effect (the effect that occurs when the environment surrounding a driver begins to blur together due to a monotonous landscape) resulting from the development of the solar facility in proximity to the highway. The increased setback



from 30 feet to 300 feet from Jacumba Community Park will reduce the visual prominence of solar facility components as experienced from the park.

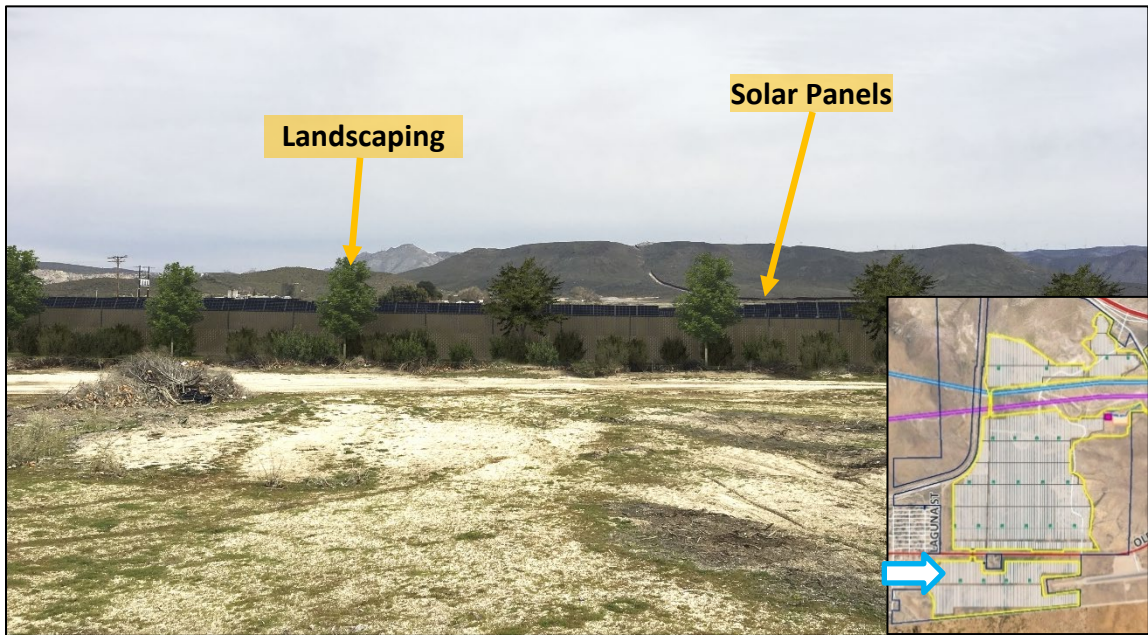


Figure 9: Simulation of Original Project from Jacumba Community Park

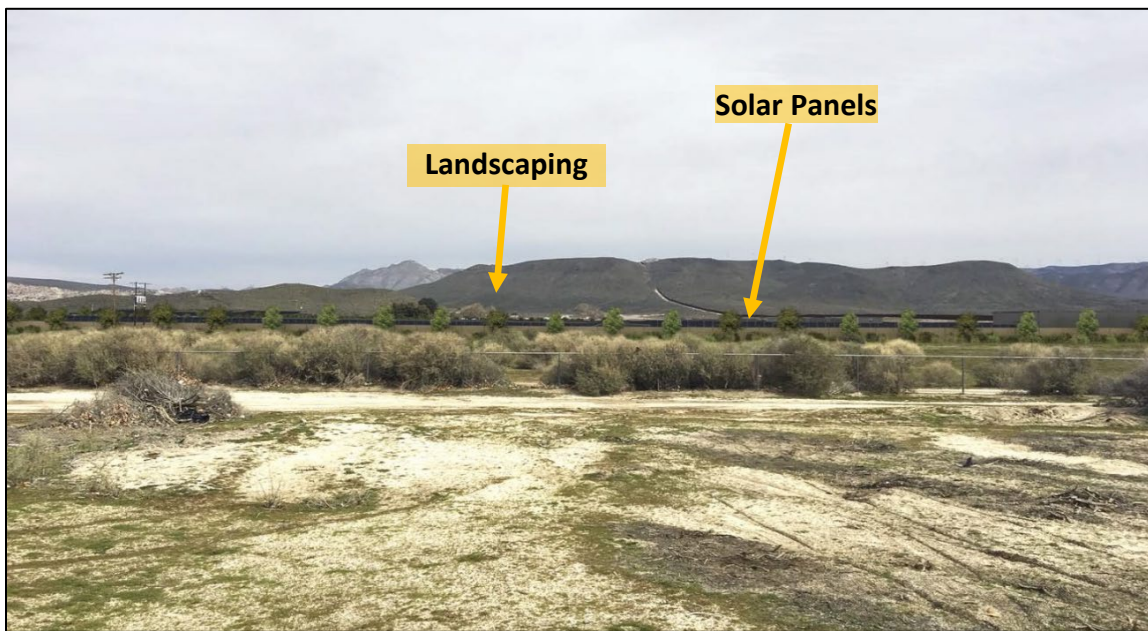


Figure 10: Simulation of Community Buffer Project looking east from Jacumba Community Park



Figure 11: Existing View from State Park Lands (Anza Borrego Desert State Park)



Figure 12: Simulation of Community Buffer Project from State Park Lands

Landscaping and tan colored slatted fencing will be included along the western site boundary that parallels Jacumba Community Park and residential properties in the town of Jacumba Hot Springs. Where slatted fencing is infeasible due to flood design parameters, neutral-colored vinyl screening or other suitable material will be installed. Additionally, the inverters, energy storage containers, and transmission line components will be non-reflective colors to reduce visibility and visual contrast. Mitigation measures will be implemented to reduce impacts to visual resources; however, the visual impacts of the solar facility would remain significant and unavoidable.



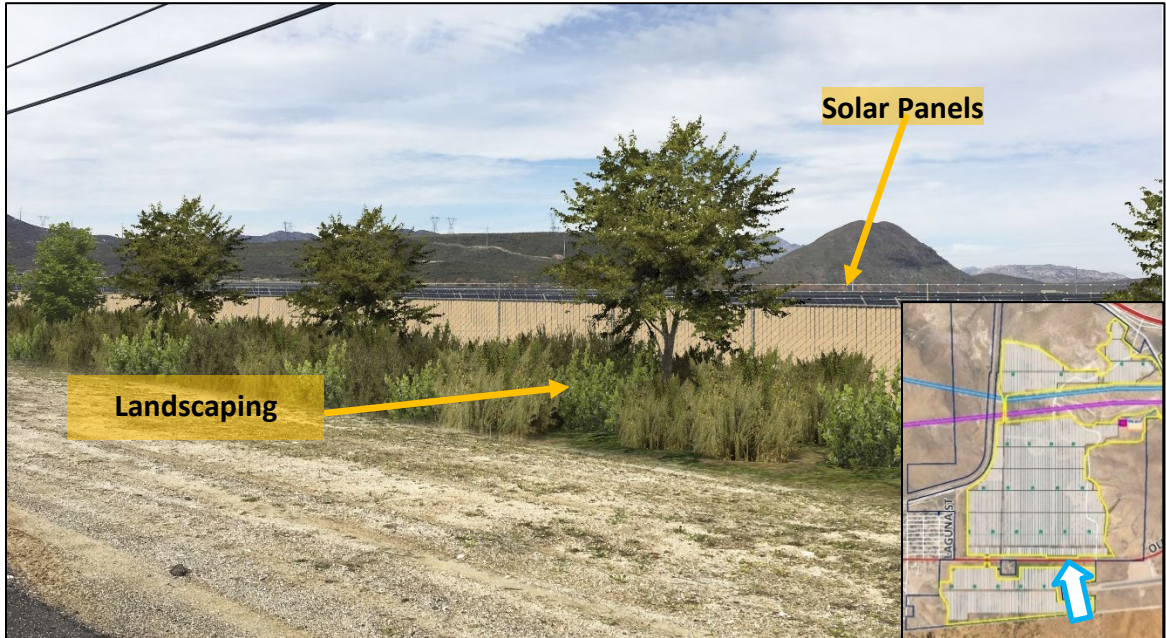


Figure 13: Simulation of Original Project in Draft EIR looking Northwest from Old Highway 80

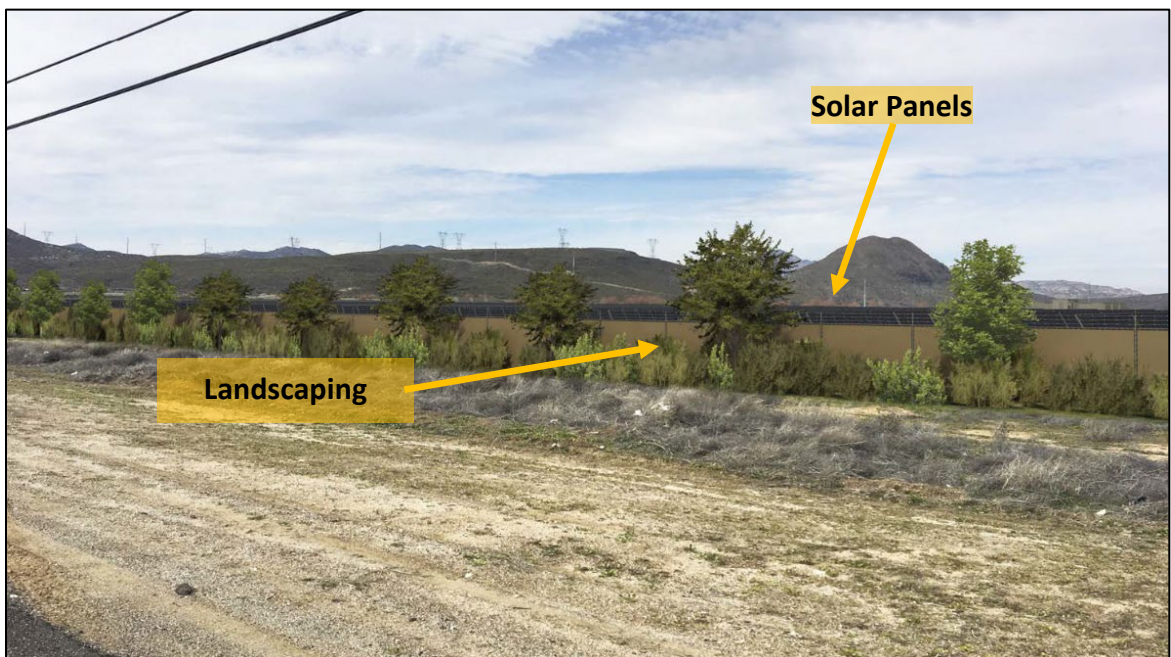


Figure 14: Simulation of Community Buffer Project looking Northwest on Old Highway 80

#### Biological Resources

Comments were received regarding potential impacts to biological resources, including tricolored blackbird, bats, and wildlife movement and corridors.

#### *Tricolored Blackbird*

Comments were received regarding the proposed solar facility's potential impacts to the tricolored blackbird, a special status species and state candidate for listing as endangered under the California



Endangered Species Act. Tricolored blackbirds were observed in the southern portion of the site perched in trees and foraging. No suitable nesting habitat for the tricolored blackbird was identified on the site; however, a pond located approximately 0.5 miles west of the site has been identified as tricolored blackbird nesting habitat.

Tricolored blackbirds typically forage within three miles of a nesting colony. Development of the proposed solar facility will impact potential foraging habitat for the tricolored blackbird. Habitat preservation through a 435-acre on-site biological open space easement will preserve foraging habitat for tricolored blackbirds within three miles of the pond.

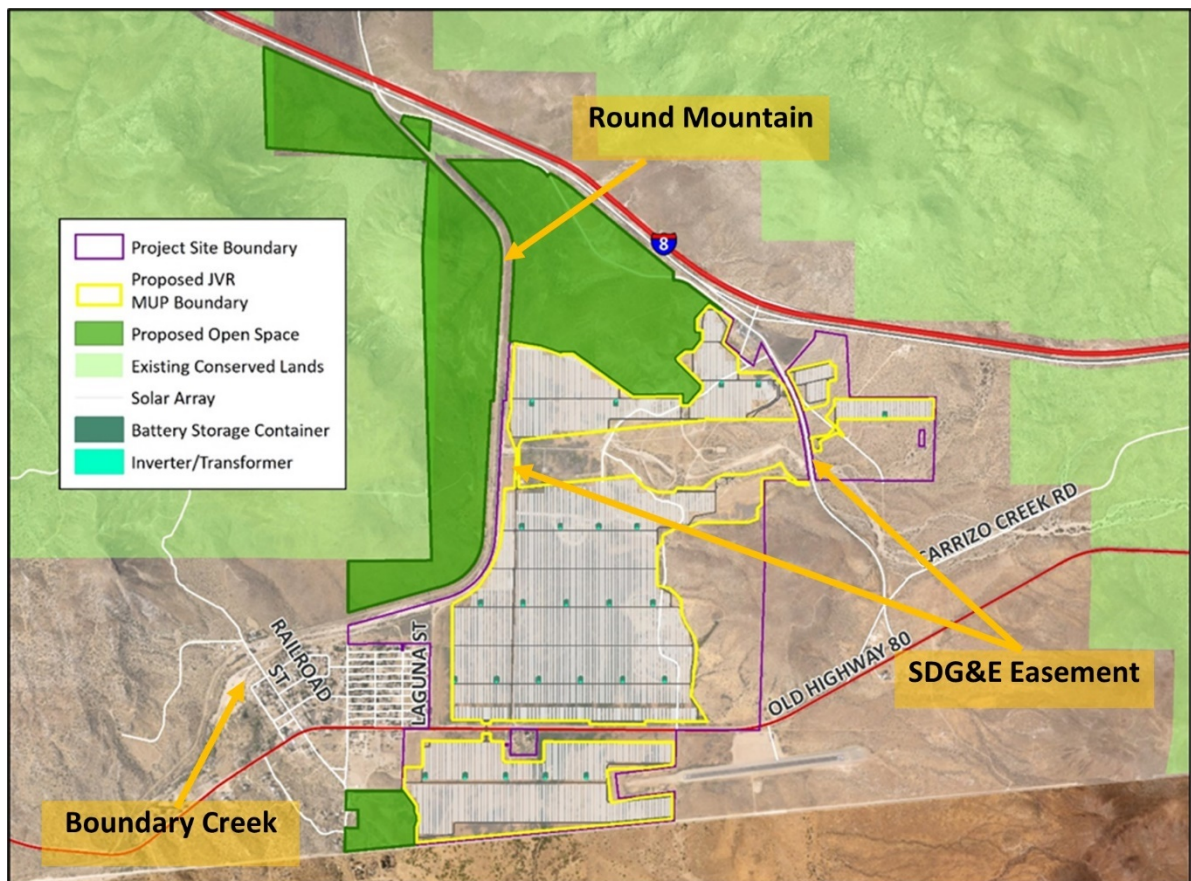


Figure 15: Biological Open Space Easement

#### Bat Species

Comments were received regarding the potential impacts to bat species. The site provides bat foraging habitat. The abandoned dairy buildings which will be demolished provide potential for bat roosting. Round Mountain also provides potential bat roosting habitat, however the portion of Round Mountain within the site will be preserved as a biological open space easement. Three special status bat species (pallid bat, western small-footed myotis, and Yuma myotis) have the potential to forage and/or roost on the site. No individuals of these bat species were detected, and no bat roosts or signs of roosting bats were found, during on-site surveys. The Project will mitigate for potential impacts to bat species through the following: additional bat clearance survey prior to demolition of

the buildings; roost avoidance or exclusion; and the installation of bat houses approved by a bat biologist suitable for bat species on site (if roosts are found on site).

#### *Wildlife Movement and Corridors*

Comments were received regarding wildlife movement through the site. The 1,356-acre site is located within a core wildlife area (a large block of habitat that supports multiple wildlife species) and serves as a linkage between two blocks of habitat located to the east and west of the site. The Community Buffer Project will include a 435-acre biological open space easement which will preserve Boundary Creek along the western portion of site, which functions as a north-south wildlife corridor. This open space easement is contiguous to State Park and Bureau of Land Management lands to the west. In addition, the SDG&E easement which transects the site provides an east-west wildfire corridor between Boundary Creek and undeveloped land to the east, which will allow uninterrupted movement for larger species. An opening in the solar facility's perimeter fence will also be provided to allow wildlife to travel between the open space easement north of the facility to the SDG&E easement. The proposed perimeter fencing will allow small reptiles, amphibians, and small mammals to pass beneath the fence.

Mitigation measures to reduce impacts to biological resources, including biological monitoring, preservation of habitat within an on-site open space easement, preparation and implementation of a resource management plan, and species avoidance are required as conditions of approval for the Community Buffer Project.

#### Cultural Resources

Native Americans have long inhabited the Jacumba region with recorded sites dating back to 7500 BC. A total of 51 cultural sites are located within the 1,356-acre site, approximately 24 of which are within the Community Buffer Project area of direct impact. Impacts to significant cultural sites have been avoided. No Tribal Cultural Resources have been identified within the site. The County consulted with four Tribes (Campo, Jamul, Manzanita, and Viejas) regarding the proposed solar facility. Comments were received from the Campo Band and the Manzanita Band regarding the Draft EIR and the Tribes' comments were addressed in the Final EIR.

#### Groundwater

Comments were received stating concerns regarding groundwater overdraft, adverse effects of pumping on off-site wells, and the cumulative effects of groundwater extraction from other projects in the basin. Construction of the proposed solar facility will require approximately 142 acre-feet (AF) of water, which will come from the Jacumba Valley aquifer. During operations, the solar facility will require a maximum of 11 AF of water per year. Decommissioning of the solar facility will require 50 AF for dust control, equipment washing, and compaction.

During operation of the solar facility, water demand will not exceed the County's thresholds, nor will the groundwater-dependent ecosystems be significantly impacted. A Groundwater Monitoring and Mitigation Plan (GMMP) is included as a condition of approval for the Community Buffer Project, which ensures that pumping does not significantly impact existing well users and groundwater dependent habitat. Groundwater production and water level data shall be reported to the County on a monthly basis during project construction. After construction, groundwater production and water level data shall be reported to the County on an annual basis for five years. After five years, the

County shall determine if continued monitoring and annual reporting is required based on the effects of groundwater extraction from the previous five years. The solar facility is required to cease groundwater use if a significant reduction below the baseline groundwater level is exceeded pursuant to County groundwater guidelines. If this occurs, the well may only be utilized after groundwater recovers to prescribed levels and written permission from the County is obtained.

#### Flood Hazards

The site is situated within a large watershed, most of which is located within Mexico and drains northward into the United States. The site is located within an unmapped floodplain. The flood hazard analysis found that the site would experience flooding during a 100-year flood event, which is a flood event that has a 1% probability of occurring in any given year. Solar panels, inverters/transformer platforms, battery storage containers, and other electrical equipment will be required to be elevated above the floodplain to avoid any flood hazard. In addition, breakaway or flow through fencing will be required where needed.

#### Jacumba Airport

Comments were received stating that the proposed solar facility will impact operations at the Jacumba Airport, that it conflicts with the Jacumba Airport Land Use Compatibility Plan's (ALUCP) lot coverage and open space requirements, and that it will result in safety and glare impacts to aircraft. Comments were also received stating that glare from the solar panels will impact gliders (a light aircraft with no engine) operations at the Jacumba Airport.

The Jacumba Airport is located adjacent to the solar facility to the southeast. The Jacumba Airport is unattended and is mainly used as a glider (non-powered aircraft) facility. The County adopted the Jacumba ALUCP in 2006 and amended the plan in 2011. ALUCPs are plans that guide property owners and local jurisdictions in determining what types of proposed new land uses are appropriate around airports. They also protect airports from encroachment by new incompatible land uses that could restrict an airport's operations. Airport safety zones are established as part of the ALUCP, and land use restrictions and requirements are established to protect people and property on the ground and in the air.

An ALUCP covers a certain geographic area around the airport, also known as the Airport Influence Area (AIA), which is established by a variety of factors including airport size and operations, as well as the safety, airspace protection, and noise. Most of the solar facility is located within the Jacumba AIA.

Within the Jacumba Airport's AIA, there are five safety zone areas that are established for the purpose of evaluating safety compatibility of development. Safety Zones generally have greatest restrictions closest to the airport (Safety Zone 1) and least restrictions furthest from the airport (Safety Zone 6). Within Safety Zones 2, 4 and 5, there are restrictions on lot coverage, which is how much land can be covered in a certain safety zone. Solar arrays within Safety Zone 2 can have up to 50% lot coverage and Safety Zones 4 and 5 can have solar arrays up to 70% lot coverage. The Community Buffer Project will have a maximum lot coverage of 33% in Safety Zone 2, 32% in Safety Zone 4, and 34% in Safety Zone 5, compliant with the ALUCP's lot coverage requirements.



In most circumstances in which an accident involving a small aircraft involving a small aircraft occurs near an airport, the aircraft is under control as it descends. When forced to make an emergency landing, pilots will usually attempt to do so in the most open areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, ALUCPs often contain criteria requiring a certain amount of open land near airports. The Community Buffer Project will provide 23.94 acres of open land (12.11 acres located on Old Highway 80) within Safety Zones 2, 4, and 5. Open land is intended to allow light aircraft to have controlled emergency landings. Each open land area provided exceeds the minimum required dimensions of 75 feet by 30 feet and are oriented parallel to the runway, providing a safety landing area for gliders and aircraft in event of an emergency.

A glare study was prepared for the proposed solar facility that determined there will be no significant impact to pilot operations of both powered aircraft and gliders. The solar facility will generate limited glare throughout the year and will be within the range acceptable pursuant to Federal Aviation Administration (FAA) requirements. In response to comments received related to glare, the applicant modified the angle of the PV panels and eliminated backtracking during the afternoon hours (panels will remain west-facing until after sundown) for arrays north of Old Highway 80 and south of the SDG&E Transmission Corridor to redirect glare up and out of the view of glider pilots. Additionally, the applicant will be required to notify the FAA 45 days prior to construction and receive a Determination of No Hazard to engine powered aircraft.

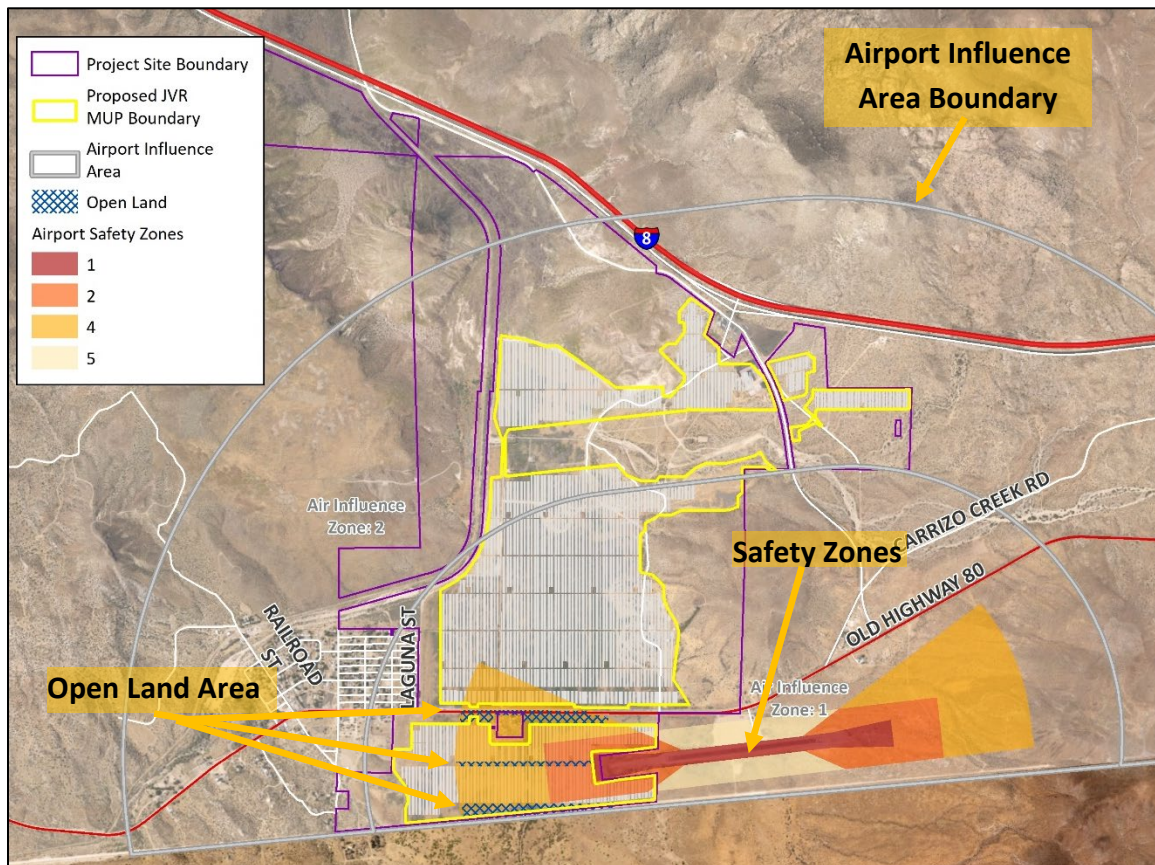


Figure 16: Airport Safety Zones

### Socioeconomic Impacts

Comments were received stating the proposed solar facility will result in socioeconomic impacts, such as reduced home and property values in the area, reduced tourism potential, and quality of life. Commenters also expressed concerns about environmental justice impacts to the community of Jacumba Hot Springs.

Although CEQA does not require analysis of social and economic impacts, environmental justice concerns are addressed through other laws and policies. In 2017, the Legislature amended Government Code section 65302 to require the addition of an environmental justice element in a local General Plan when the agency updates at least two other elements of the General Plan. The County is in the process of developing an Environmental Justice (EJ) Element of the General Plan that will identify objectives and policies to reduce unique or compounded health risks in identified disadvantaged communities, promote civil engagement in public decision making, and prioritize improvements and programs to address the needs of disadvantaged communities. The community of Jacumba Hot Springs has not been identified as an Environmental Justice community in the draft EJ Element that will be presented to the Board this summer.

### Wildfire

Comments were received regarding the potential for wildfire risk related to the proposed solar facility, including the battery energy storage system. Construction and decommissioning of the solar facility will result in an increase in demand for fire protection and emergency services due to increased activity leading to a greater number of ignition sources on the site, including equipment and human activities. In addition, during operations and maintenance, the proposed solar facility will introduce potential ignition sources that do not currently exist on the site.

The solar facility will provide defensible space by setting back all PV modules a minimum of 30 feet from the perimeter fence. Compliant with the County Defensible Space Ordinance, defensible space of 100 feet (no vegetation) will be provided surrounding the substation and switchyard pad areas. The entire solar facility will include modified fuels with internal fire access roadways compartmentalizing the low growing vegetation (less than six inches) beneath all PV modules. Six water tanks are proposed throughout the solar facility site to provide water specifically for firefighting purposes. The Construction Fire Protection Plan will be implemented during the construction phase to reduce the risk of ignitions, including procedures for management of combustible materials, handling of electrical components, and use of construction vehicles. The Fire Protection Plan also includes measures to be implemented during operation of the solar facility. Additionally, the applicant will enter into a Fire Protection and Mitigation Agreement with the San Diego County Fire Protection District prior to approval of building permits in accordance with the MUP to make a fair share contribution toward local emergency response capabilities. A one-time payment will be made to the County at the time of building permit issuance, with annual payments for the life of the project.

### Major Use Permit Findings

As further detailed in the Form of Decision included in Attachment D, each of the required MUP findings can be made by PDS. The discussion below covers scale, bulk, and coverage of the facilities, availability of services, effects upon neighborhood character, generation of traffic and the capacity and physical character of surrounding streets, the suitability of the site for the type of proposed use, and any other relevant impact of the use. Additionally, this discussion covers the

Community Buffer Project compliance with Zoning Ordinance Section 6954(b)(3), which outlines the requirements for solar energy projects. PDS staff has analyzed the Community Buffer Project in relation to each of these topics.

The Community Buffer Project site is located within the Specific Planning Area; however, no Specific Plan has been established for the area to date. Based on the current General Plan, the allowable density with the Specific Planning Area is 1,110 units. A current Specific Plan proposal could potentially allow for a maximum of 1,110 units, a water reclamation facility, a hotel, visitor-oriented commercial, a recreational vehicle park, a theme park, industrial park, and sand and gravel extraction. The Community Buffer Project is considered an interim use and is allowed in the Specific Planning Area Land Use Designation upon approval of an MUP. In accordance with Section 2888(a) of the County Zoning Ordinance, a Major Use Permit may be granted for any use pursuant to a bonded agreement to ensure the removal of all structures and electrical components within a specified amount of time. Because the Community Buffer Project does not require a change to the General Plan land use designation of the site, the underlying 1,110 units of density will be retained.

The proposed location, size, design, and operating characteristics of the Community Buffer Project will be compatible with existing uses in the area and consistent with the bulk and scale anticipated for the site by the adoption of the Specific Planning Area. The surrounding area can be characterized as primarily rural and/or undeveloped private lands and local, state, and federal public lands. The unincorporated community of Jacumba Hot Springs is located adjacent to the proposed solar facility, to the southwest of the Community Buffer Project site. The community includes residential and commercial uses, including a hot springs resort. The Jacumba Airport is located along the southeastern portion of the Community Buffer Project site. Additionally, the U.S./ Mexico international border fence parallels the southern boundary of the Community Buffer Project site, and is composed of straight, 15-foot-tall steel structures that traverse the desert landscape from east to west.

The Community Buffer Project will be setback from the Jacumba Community Park (300 feet from property line to the Project fence line), residential properties in the community of Jacumba Hot Springs (300 feet from nearest residential property line to the perimeter fence line) and from Old Highway 80 (175 to 180 feet from the edge of pavement to the perimeter fence line to the south, 110 feet from the edge of pavement to the perimeter fence line to the north). The Community Buffer Project has been designed to minimize impacts on the natural and developed environment on the site and within the vicinity. Solar panel arrangement on the Community Buffer Project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and special status species, and to minimize impacts to steep slopes and reduce the need for grading. Biological impacts will be mitigated by an on-site open space easement area which will preserve 435 acres of existing vegetation in perpetuity.

Recent renewable energy projects and associated SDG&E infrastructure have resulted in a change to the physical setting of the Community Buffer Project site and surrounding neighborhood character. An existing transmission corridor transects the northern area of the Community Buffer Project site; this corridor is located immediately north of the proposed substation and switchyard facilities from east to west. Existing transmission infrastructure installed within the corridor includes the 155-foot-tall Southwest and Sunrise Powerlink 500 kV transmission towers and the 150-foot-tall Boulevard 138 kV transmission line. The existing Jacumba Solar Facility (approved May 2016, online July 2017)



and the SDG&E-owned East County (ECO) Substation (approved June 2012, online January 2015) are within two miles of the Community Buffer Project's eastern boundary. The Jacumba Solar development covers 300 acres and includes over 80,000 PV modules and a collector substation. The tallest components of the Community Buffer Project include the approximately 65-foot-tall transmission tower and support poles for transmission line, and up to five 70- to 115-foot-high steel poles for the connection to the existing Boulevard 138kV transmission line. Existing transmission line infrastructure in the area, as discussed above, is comparable in vertical size, scale, and mass as the taller Community Buffer Project components.

The solar facility's substation and switchyard pad are 27,360 and 140,000 square feet, respectively, which is consistent in size and scale to similar uses in the surrounding area such as the existing ECO Substation, which covers approximately 58 acres of land area, Jacumba Solar Substation on an approximately 23,650 square foot pad, and the Sunrise Powerlink and the Southwest Powerlink, which both transect the northern portion of the site. The proposed Community Buffer Project will not have a harmful effect on desirable neighborhood character due to consistency with existing renewable energy projects in the vicinity.

The PV modules and support structures will be up to 12 feet in height from the graded surface. Battery storage containers will be installed next to the inverter/transformer platforms at 25 locations within the solar facility and will be elevated due to flood constraints to a maximum height not to exceed 15 feet in height.

The solar facility will be surrounded by perimeter fencing. Landscaping and screened fencing will be installed in areas specified by mitigation measures. Panels will be treated with an anti-reflective coating to minimize glare and visibility, and solar panels north of Old Highway 80 and south of the SDG&E transmission corridor will eliminate backtracking during the afternoon hours to redirect glare for airport safety purposes. Outdoor nighttime lighting will be kept to the minimum required for security and safety.

A number of factors contribute to the suitability of the Project site for a solar facility development. The Community Buffer Project would locate solar power plant facilities as near as possible to existing or planned electrical transmission facilities, including co-locating with existing transmission facilities when feasible. For a large-scale renewable energy development, the distance to a viable point of interconnection with the power grid and the ability of the grid to accommodate new renewable generation without triggering major upgrade costs are among the most important factors in project feasibility. The Community Buffer Project includes an onsite collector substation to convert generated power from 34.5 kV to 138 kV, a switchyard to transfer power from the substation to the existing SDG&E transmission lines, and a 138 kV transmission line to connect the switchyard with the existing SDG&E Boulevard – East County transmission line. The intensity of the use proposed is appropriate for the site because a solar energy system is a low intensity type of non-residential development that is compatible with existing land uses adjacent to the site, as discussed above. Therefore, the Community Buffer Project and the site are suited for the type and intensity of development proposed.

The Community Buffer Project will generate 1,158 daily trips during construction, which will be short term and temporary. Additionally, the solar facility will be unstaffed and generate a yearly average, during operations. Per the County's Transportation Study Guide (TSG) Screening Threshold for

Small Projects, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant VMT impact for transportation. As mentioned previously, the operation of the Community Buffer Project is conservatively estimated to generate 20 daily trips, dependent on maintenance requirements. Therefore, utilizing the guidance provided by the TSG, the operation of the solar facility, including the switchyard, would not generate a significant number of trips and thereby would not cause substantial amount of VMT.

The proposed use is consistent with the General Plan and Zoning designations, the Mountain Empire Subregional Plan, the Jacumba Subregional Group Area Plan, and all necessary public facilities and services are available to the site based on technical studies and service availability forms provided by the applicable utility providers and districts. Therefore, the Community Buffer Project will be compatible with the surrounding community.



Figure 17: Simulation of the Community Buffer Project Looking South from Carrizo Gorge Road

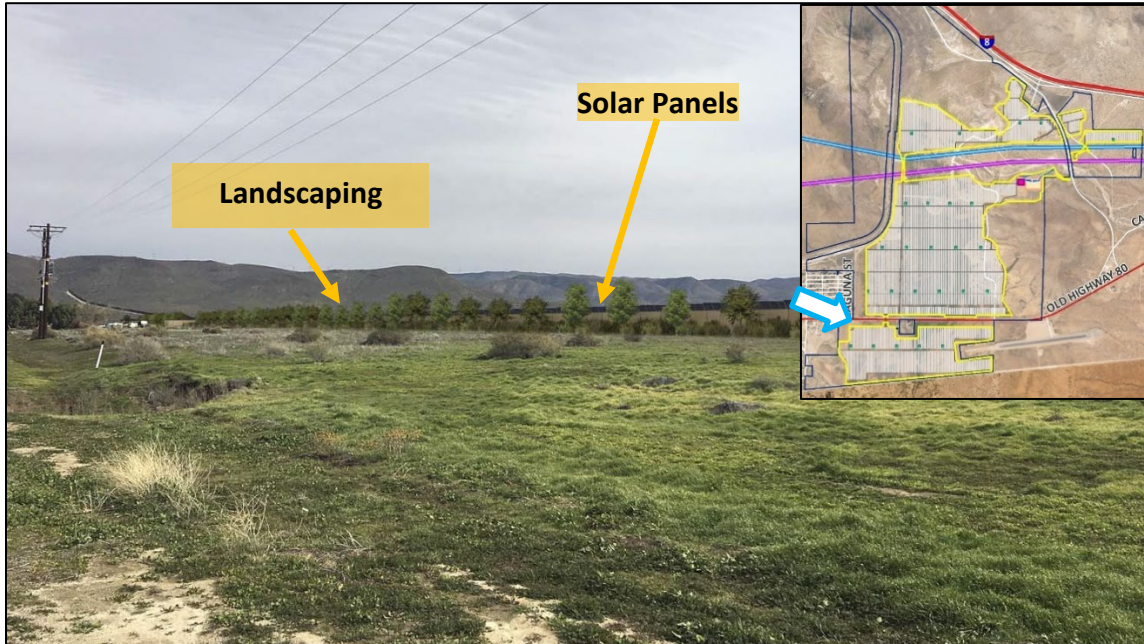


Figure 18: Simulation of the Community Buffer Project Site Looking Southeast from Old Highway 80



Figure 19: Simulation of the Community Buffer Project Site Looking East from Jacumba Community Park



### 3. General Plan Consistency

The Community Buffer Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table F-1.

*Table F-1: General Plan Conformance*

General Plan Policy	Explanation of JVR Energy Park Conformance
<p><b>Policy LU-2.8: Mitigation of Development Impacts:</b> Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or detrimental to human health and safety.</p>	<p>Implementation of mitigation measures will reduce impacts to the extent feasible. The EIR identifies mitigation to reduce the impacts to aesthetics related to views from public roads, scenic vistas, and visual character.</p> <p>Additionally, the Community Buffer Project will reduce impacts associated with fugitive dust from construction, odor, or emissions detrimental to human health by implementing measures consistent with San Diego Air Pollution Control District Rule 55, which regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions. Implementation of Community Buffer Project mitigation measures will reduce the potential effects of construction and operational noise to a less than significant level.</p>
<p><b>Policy LU-4.6: Planning for Adequate Energy Facilities.</b> Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.</p>	<p>The Community Buffer Project will develop a solar energy project that improves local electrical reliability for San Diego County and other counties by providing a source of local generation as near as possible to existing SDG&amp;E transmission infrastructure. The Community Buffer Project will produce 90MW of renewable electricity per year and will have a maximum battery storage capacity of up to 90MW.</p>
<p><b>Policy LU-4.7: Airport Land Use Compatibility Plans (ALUCP).</b> Coordinate with the Airport Land Use Commission (ALUC) and support review of Airport Land Use Compatibility Plans (ALUCP) for development within Airport Influence Areas.</p>	<p>The Community Buffer Project is located within the Airport Influence Area of the Jacumba Airport and has been designed to comply with the regulations of the ALUCP for the Jacumba Airport. The Community Buffer Project will be required to provide a notice to the Federal Aviation Administration (FAA) to determine that the project will not present a hazard to airspace or navigation prior to building permit issuance.</p>

General Plan Policy	Explanation of JVR Energy Park Conformance
<p><b>Policy LU-5.3: Rural Land Preservation.</b> Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural land use designations.</p>	<p>The site contains rural lands and jurisdictional resources. All impacts to wetlands and jurisdictional resources will be mitigated to below a level of significance. The Community Buffer Project will avoid sensitive environmental resources to the extent feasible and will not significantly impact agricultural lands. The Community Buffer Project proposes an interim use of the site and the solar facility (except for switchyard) will be decommissioned after 35 years. As a result, the Community Buffer Project will not result in the permanent conversion of agricultural resources. Project design features ensure groundwater wells will be monitored throughout the implementation of the Community Buffer Project. Therefore, impacts to groundwater as a result of the proposed Community Buffer Project will be less than significant, and no mitigation measures will be required.</p>
<p><b>Policy LU-6.5 – Sustainable Stormwater Management.</b> Ensure that development minimizes the use of impervious surfaces and incorporates other Low Impact Development techniques, as well as a combination of site design, source control, and stormwater best management practices where applicable and consistent with the County's Low Impact Development Handbook.</p>	<p>The Community Buffer Project has incorporated required stormwater management features in accordance with the County's Low Impact Development Handbook. A Stormwater Management Plan has been prepared for the Community Buffer Project and recommendations and best management practices will be implemented to prevent significant impacts to water quality. Site drainage will be designed in accordance with County standards to ensure that a substantial alteration of existing drainage patterns will not occur. The use of impermeable surfaces will be minimized to the extent practicable, as the project will maintain unpaved and revegetated areas under the solar panels</p>
<p><b>Policy COS-14.7: Alternative Energy Sources for Development Projects.</b> Encourage development projects that use energy recovery, photovoltaic, and wind energy.</p>	<p>The Community Buffer Project will result in the production, storage, and transmission of 90MW of renewable solar energy that can offset the need for additional energy production from fossil fuels, assist the state in meeting its air quality goals, and reduce greenhouse gas emissions in conformance with Assembly Bill 32 and Senate Bill 32.</p>

#### 4. Subregional Plan Consistency

The proposed Community Buffer Project is located in the Jacumba Subregional Group Area Planning area, which is within the Mountain Empire Subregional Planning area. It is consistent with the following relevant Mountain Empire Subregional Plan goals, policies, and actions as described in Table F-2.

Table F-2: Mountain Empire Subregional Plan Conformance

Subregional Plan Policy	Explanation of JVR Energy Park Conformance
<p><b>Land Use Element General Goal:</b> Provide a land use pattern consistent with the Subregional population forecast.</p>	<p>The Community Buffer Project will not induce substantial population growth in the Mountain Empire Subregion and sufficient land area within the Specific Plan Area will remain to accommodate the projected growth estimated by the Mountain Empire Subregional Plan. The Community Buffer Project is an interim use and will be decommissioned (excepting the switchyard facilities) at the expiration of the Major Use Permit, allowing the land to be used after decommissioning for potential future growth.</p>
<p><b>Land Use (Policy and Recommendation 2)</b> Create a buffer area of one hundred and fifty (150) feet in width along the international boundary line inclusive of the existing sixty-foot (60') Public Reserve owned by the Federal Government.</p>	<p>The Community Buffer Project's parcels that are adjacent to the International Border all have a D-Designator (Special Area Regulation) that requires coordination with the Department of Homeland Security for development along the International Border. The Department of Homeland Security (DHS) was notified that a portion of the Community Buffer Project will be within the Public Reserve Area, which buffers development from the international border. DHS confirmed that it will not be a significant impact to Border Patrol operations or access to the area.</p>
<p><b>Energy Conservation Goal:</b> Ensure that the conservation of non-renewal energy resources is pursued in a way that is not detrimental to the rural lifestyle.</p>	<p>The solar facility will contribute to the conservation of non-renewable energy sources through the production of renewable energy. The Community Buffer Project will provide a renewable source of energy that does not emit greenhouse gases in production and assists in meeting state goals for greenhouse gas reduction.</p>
<p><b>Public Facilities and Services (Policy and Recommendation 4):</b> Uses proposed for the property adjacent to substations or transmission line rights-of-ways should be reviewed for possible impacts to the power facilities and vice versa.</p>	<p>The solar facility has been sited to provide a source of local energy generation as near as possible to the SDG&amp;E transmission infrastructure. The Community Buffer Project will be compatible with existing substations and transmission lines in the nearby area due to its similarity in size and consistency in land use type as renewable energy facilities in the vicinity.</p>



## 5. Zoning Ordinance Consistency

The proposed Community Buffer Project complies with all applicable requirements of the Zoning Ordinance with the addition of conditions of approval.

*Table F-3: Zoning Ordinance Development Regulations*

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	S88/ S92/ S80/ RR	Yes, upon approval of a Major Use Permit.
Animal Regulation:	A/W	N/A
Density:	-/1.7	N/A
Lot Size:	-/20AC/8AC	N/A
Building Type:	C/L	N/A
Height:	G	Yes, upon approval of a Major Use Permit
Lot Coverage:	-	N/A
Setback:	C/D	Yes
Open Space:	-	N/A
Special Area Regulations:	C/D	Yes, upon approval of a Major Use Permit

*Table F-4: Zoning Ordinance Development Regulations Compliance Analysis*

Development Standard	Proposed/Provided	Complies?
Section 1350 of the Zoning Ordinance allows Major Impact Services and Utilities to be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest.	Upon issuance of a Major Use Permit, major impact services and utilities (utilities and public services, such as solar facilities) are permitted uses within any zone.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Upon approval of a MUP
Section 2884 of the Zoning Ordinance states that until a Specific Plan applicable to the property is adopted, Minor Impact Utilities are a permitted use in the area zoned as Specific Planning Area upon issuance of a Minor Use Permit.	The switchyard facilities will not be required to be decommissioned because it is only subject to County Zoning Ordinance Section 2884 which allows for Minor Impact Utility uses within the S88 zone with the approval of a Minor Use Permit. All other uses on the Community Buffer Project site are considered interim and will be subject to the decommissioning plan. After the Switchyard Facilities are constructed, the facilities will be transferred to SDG&E and therefore	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Upon approval of a MUP

Development Standard	Proposed/Provided	Complies?
	only subject to California Public Utilities Commission jurisdiction.	
Section 2888(a) of the Zoning Ordinance states that an MUP may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified amount of time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.	Prior to approval of the Community Buffer Project, a bond must be provided in an amount that is sufficient to ensure that all of the solar panels, battery storage containers, and other related materials could be removed at the end of the 35-year term of the Major Use Permit.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Upon approval of a MUP

#### 6. California Environmental Quality Act (CEQA) Compliance

The Community Buffer Project has been reviewed in compliance with CEQA. An EIR was prepared for the Community Buffer Project and was available for public review from October 8, 2020 through December 7, 2020 (61 days). The EIR determined that impacts to aesthetics and visual resources and impacts to mineral resources will be significant and unavoidable. Ten issue areas had potentially significant impacts that will be mitigated to less than significant (air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, geology, noise, paleontological resources, tribal cultural resources, and wildfire).

The Community Buffer Project will implement mitigation measures to reduce impacts to aesthetics and visual resources to the extent feasible. Mitigation measures will include the following: use of non-reflective inverters, energy storage containers, and transmission line; setbacks from residential properties; landscaping; and slatted or screened fencing. Feasible mitigation measures have not been identified that will further reduce the anticipated change to visual character resulting from the Community Buffer Project. The impacts remain significant and unavoidable and a Statement of Overriding Considerations, as directed by CEQA Guidelines Section 15093, has been prepared for this impact.

No feasible mitigation was found to reduce impacts to mineral resources to a less than significant level, as implementation of the Community Buffer Project will result in the permanent loss of availability of a known mineral resource due to loss of area available for mining as a result of the proposed on-site open space easement to mitigate impacts to biological resources. The impacts remain significant and unavoidable and a Statement of Overriding Considerations, as directed by CEQA Guidelines Section 15093, has been prepared for this impact.

A Statement of Overriding Considerations is a document that a decision-making agency must adopt for environmental impacts that cannot be mitigated to a level below significance for a project. A decision-making agency may decide to adopt a Statement of Overriding Considerations for a project

because the agency views that the economic, social, technological, and other benefits resulting from the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. All remaining potential impacts have been reduced to less than significant with implementation of mitigation measures, and findings have been prepared according to CEQA Guidelines Section 15091. The CEQA findings can be found in Attachment D and the EIR is on file with PDS as Environmental Review No. PDS2018-ER-18-22-001.

## 7. Applicable County Regulations

*Table F-5: Applicable Regulations*

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The construction, operation, and decommissioning of the Community Buffer Project will comply with the County Resource Protection Ordinance. It will follow County requirements regarding monitoring for potential impacts to historic and prehistoric resources and will also mitigate for impacts to biological resources. The Community Buffer Project will follow County requirements regarding monitoring to mitigate for potential impacts to historic and prehistoric resources, consistent with the RPO. Therefore, the Community Buffer Project is consistent with the RPO.
b. County Consolidated Fire Code	The Community Buffer Project's FPP has been reviewed and approved by the County of San Diego Fire Protection District. The project will comply with the County Consolidated Fire Code and will enter into a Fire Protection and Mitigation Agreement to provide fair-share funding for fire protection purposes for the Community Buffer Project.
c. Noise Ordinance	The Community Buffer Project's Noise Report determined it complies with the Noise Ordinance with the incorporation of Community Buffer Project conditions of approval. The Community Buffer Project will produce noise within the acceptable range allowed by the S88 zone during construction and will be unstaffed during operation.
d. Light Pollution Code	The Community Buffer Project will implement outdoor lighting and glare controls which will ensure compliance with the Light Pollution Code. Lighting installed for the Community Buffer Project will be shielded, directed downward, and have bulbs that do not exceed 100 watts. Non-reflective inverters, energy storage containers, and transmission line will be installed to minimize glare and ensure compliance with the Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	The Community Buffer Project's Storm Water Quality Management Plan and Drainage Study have been reviewed and were found to be complete and in compliance with the WPO. The Community Buffer Project will add less than 2 acres of impervious surface area and the overall drainage pattern on site will not be altered.

## G. COMMUNITY SPONSOR GROUP (CSG)

On March 16, 2021, the Jacumba Community Sponsor Group (JCSG) recommended denial of the 643-acre project as described in the Draft EIR and made a motion to support an alternative project as detailed in the JCSG Meeting Minutes and described in this section by a vote of 4-0-0-1 (4-Yes, 0-No, 0-Abstain,

1-Vacant/Absent). The group's vote also included a recommendation that the chair provide recommendations for a reduced solar facility development.

On May 18, 2021, JCSG recommended denial of the 623-acre project as (revised project in the Final EIR) by a vote of 5-0-0-0 (5-Yes, 0-No, 0-Abstain, 0-Vacant/Absent). The JCSG identified concerns regarding the proximity of the proposed solar facility to residential properties, the conversion of agricultural land, photovoltaic heat island effect, impacts to visual resources, biological resources, groundwater, glider use of the Jacumba Airport, fire hazards, and socioeconomic impacts. JCSG stated that they would be in support of a solar facility project if it was reduced to 300 acres in size and moved north of Old Highway 80, away from the town of Jacumba Hot Springs and the Jacumba airport. While the JCSG has expressed strong opposition to the project as described in the Draft and Final EIR, they provided recommendations for changes to the proposed solar facility development. However, they indicated that even with the revisions below, they would not be in support due to the scale and proximity to the town.

The following is a list of recommendations for revisions from JCSG:

1. Prohibit the bulk sale and removal of soil from the site during grading.
2. Require the solar facility to utilize environmentally safer and non-flammable (iron flow) batteries regardless of the final size of the solar facility.
3. Require the solar facility to utilize the most efficient solar modules currently available.
4. Require the solar facility to use a dry brush dusting system for solar module cleaning instead of using groundwater for the quarterly panel cleaning.
5. Revise the plot plan to add some clarifying language for future changes, signage, and where biological mitigation is taking place.
6. Prohibit the solar facility's high voltage electrical equipment from being placed in a floodplain.
7. Require the wildlife crossing (fence opening north of SDG&E easement) to be a minimum of 100 feet and to ensure sufficient native plants are maintained for cover.
8. Substantially reduce the solar facility size and move it away from the town. Require at least a 300-foot-wide minimum setback next to residences in Jacumba Hot Springs.
9. Relocate the batteries, inverters, and transformers next to residences 300 feet north because of sound concerns.
10. Relocate a row of batteries, inverters, and transformers south of the runway closer to the border wall.

The following are responses to JCSG's recommendations for revisions:

1. The grading will not result any removal of soil as it will be balanced onsite.
2. The Applicant is currently proposing Lithium-Ion batteries. The Applicant is researching the feasibility for iron flow batteries but cannot agree to this at this time.
3. The Applicant has stated they will be utilizing the most efficient solar modules currently available, including the use of double-sided panels (bifacial).



4. The Applicant will research this request to determine the feasibility of a dry brushing system. .
5. The plot plan meets the County's guidelines and the additional measures have been conditioned in the Form of Decision (Attachment C). The signage will be required to include Spanish.
6. In order to provide protection from flood damage for the structures, all on-site structures located within the floodplain will be elevated above the floodplain and verified by the County of San Diego.
7. The wildlife crossing indicated by the JCSG is referring to an opening in the fence in the northern section of the solar facility development. The consulting biologist determined that the width of the fence opening was sufficient. The fence opening is not intended to serve as the primary wildlife corridor.
8. The County is recommending approval of the Community Buffer Alternative and is therefore providing a 300-foot buffer setback adjacent to the residences in Jacumba Hot Springs.
9. The County is recommending approval of the Community Buffer Alternative and is therefore providing a 300-foot buffer setback north of the residences in Jacumba Hot Springs.
10. The Applicant is researching this request. If feasible, the Applicant will be amenable to this project change.

The JCSG meeting minutes can be found in Attachment G – Public Documentation.

#### **H. PUBLIC INPUT**

A total of 153 comment letters were received during the public review period of the Draft EIR from October 8, 2020 to December 7, 2020 (61 days). Comments were received from tribes, state, local, and federal agencies, organizations, and individuals. At the time of application submittal and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 300 feet of the overall project site until at least 20 different property owners were notified.

On March 21, 2019, a public meeting was held at the Highland Community Center in Jacumba Hot Springs by County staff during the Notice of Preparation public review period for the preparation of the Draft EIR to solicit comments. The Notice of Preparation signifies the beginning of the EIR review and public participation process. At the same time, the County contemplates further agency and public input as the project proceeds through the County's environmental review process. During the community meeting, the community relayed concerns with the size of the solar facility, impacts to property values, community character, biological impacts, and groundwater.

The public comment review period for the Draft EIR started on October 8, 2020. On October 28, 2020, a public meeting was held virtually by County staff. The purpose of the meeting was to provide an overview of the Draft EIR and to provide an opportunity for the public to make comments and ask questions. During the community meeting, the community relayed concerns with the size of the solar facility, community character impacts, property values, impacts to wildlife and habitat, and safety of glider operations at the Jacumba airport.

The primary comments received during the public review period of the Draft EIR concerned impacts to visual resources, biological resources, groundwater, the use of the Jacumba Airport, fire hazards, and

socioeconomic factors. Comments received and responses to these comments can be found in the Draft Final EIR.

As result of comments from community members in Jacumba Hot Springs, the proposed Project in the Draft Final EIR has been revised to increase the setbacks from Old Highway 80 and Jacumba Community Park. Along both the north and south side of Old Highway 80, the Project fence line has been setback further to provide a larger buffer between the highway and the solar facility, as described in Chapter 1 of the Draft Final EIR. In addition, the Community Buffer Alternative has been revised to include these increased setbacks from the highway and the park. None of these project revisions require recirculation pursuant to Section 15088.5 of the CEQA Guidelines because the revisions either reduce project impacts or provide clarifying information.

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**Report Prepared By:**

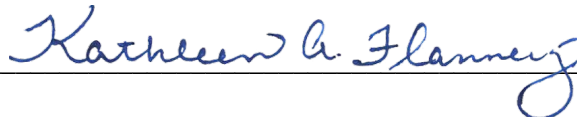
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**Report Approved By:**

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**AUTHORIZED REPRESENTATIVE:**



KATHLEEN A. FLANNERY, ACTING DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation  
Attachment B – Environmental Impact Report  
Attachment C – Form of Decision Major Use Permit PDS2018-MUP-18-022  
Attachment D – Environmental Documentation  
Attachment E – Environmental Findings  
Attachment F – Fire Protection and Mitigation Agreement  
Attachment G- Public Documentation  
Attachment H – Service Availability Forms  
Attachment I – Ownership Disclosure

# **ERRATA**

**FOR ITEM**

**#3**

**Friday July 9, 2021**

**PLANNING COMMISSION HEARING**

Distributed 7/07/21

**SUBJECT:** JVR ENERGY PARK MAJOR USE PERMIT; PDS2018-MUP-18-022; PDS2018-ER-18-22-001

This errata is submitted to the Planning Commission to make the following revision to attachment G, which includes public documentation from the Jacumba Community Sponsor Group:

On June 3, 2021, the County received a letter dated May 31, 2021 from the Jacumba Community Sponsor Group detailing comments and revisions to the project that are similar in nature to the May 18, 2021 Jacumba Community Sponsor Group minutes, but also include additional recommendations that were not in the Attachment G. As a result, the letter has been added in the following attachment revisions.



Jacumba Community Sponsor Group

May 31, 2021

County of San Diego Planning and Development Services  
5510 Overland Ave, Ste.310  
San Diego, CA 92123  
ATTN: Nick Koutoufidis

Subject: Jacumba Community Sponsor Group Comments on the revised JVR Energy Park (PDS2018-MUP-18-022)

To whom it may concern:

On May 18, 2021, the Jacumba Community Sponsor Group (JCSG) voted unanimously to deny the revised JVR project as described on the plot plans dated 04/08/21 for a variety of reasons. (See draft meeting minutes of May 18, 2021 which contain general comments/questions and requests for specific clarifications on the project plot maps.)

Jacumba Hot Springs is a diverse community with a population of ~570. Many of our residents are economically disadvantaged families or seniors who live on small fixed incomes or disability benefits. (Currently, there are also four sexually violent predators living under supervision in our community.) Our residents moved to Jacumba for its scenic views, quiet rural landscapes, safe streets, and affordable homes and they have the most to lose if this “interim (35-38 year) industrial-scale solar facility, six times the physical size of our village is approved.

The proposed JVR solar facility will stretch from the Interstate 8 corridor (near Exit 73) south to the international border, and along both sides historic Highway 80. These scenic roadways serve as the gateways through which visitors approach Jacumba. Project fencing and landscaping will not adequately screen the visual blight and mechanical noise generated by hundreds of acres of solar modules, batteries, inverters, transformers, a large collector substation, and an even larger electrical switchyard. **So, how will the County mitigate for lost tourism revenue at the Jacumba businesses that are currently struggling to survive and even prosper?**

**This massive green energy project will consume the best available agricultural or residential land within Jacumba’s rural village boundary.** It clearly does not conform with the Mountain Empire Sub-Regional Plan’s land-use goals.

--“Encourage the development of land in a manner that reinforces the unique identity of the Mountain Empire Sub-region and its communities.”

--“Avoid the creation of a landscape foreign to that of surrounding sites.”

--“Provide a land use pattern that will accommodate the forecast population increase while retaining the rural charm of the present living environment.”

--“The community supports new development that preserves the natural and historical environment, including water resources, and protects existing neighborhoods, manages growth to reinforce the rural character of the area, which includes agriculture, open space, and trails...”

--“Industrial development is not compatible with the goal of maintaining the rural character of the sub-region...”

Jacumba residents know that a facility of this magnitude would never be sited adjacent to a “richer community” like La Mesa, Encinitas, Chula Vista, or Del Mar. The sponsor group believes that County’s

approval of the 623-acre revised JVR project will set a dangerous land-use precedent—one that will ultimately lead to the further industrialization of our backcountry landscapes.

The glider community of San Diego has stated that solar panel glare and the placement of high-voltage solar facility equipment south of scenic Highway 80, and around three sides of the Jacumba airport runway, may have lethal consequences for inexperienced glider pilots. Elevating solar modules in the flood plain area near the runway will not be viewed by the primary users of the airport (glider pilots) as operationally safe and this may limit their future usage of the airport. This will negatively impact the flow of visitors to Jacumba and financial support to local businesses.

Of course, once solar panels are installed south of Old Highway 80, there will be no further discussion of a future international border crossing as was identified in DEIR comments. This is yet another example of how this utility project will potentially eliminate new commercial activity that would bring jobs to local residents and ensure Jacumba's future vitality.

Climate change is real, and it is already impacting Jacumba in terms of higher local temperatures and lower annual rainfall. **The JVR project fails to address the photovoltaic (PV) heat island effect, a potential 10-degree F rise in ambient temperature which could have a negative impact on elderly residents as well as the vegetation on the east side of town.** The introduction of yet another high voltage ignition source in our fire-prone landscape makes absolutely no sense—The current firefighter staffing of two personnel is woefully insufficient to meet the daily needs of Jacumba residents and travelers on the I-8 corridor, plus an additional daily construction crew of up to 500 workers.

**The sponsor group believes the revised JVR project fails to incorporate best management practices (BMPs) which could substantially alleviate some of the negative impacts to our community and the natural environment.** The County should require that the developer incorporate the following BMPs into any industrial solar facility, regardless of its final size, that is sited in a rural, high fire danger area, like Jacumba:

---Based on the DEIR's description of the JVR facility, it will use potentially flammable lithium-ion batteries. **The County should require the developer use the environmentally safer ESS iron flow batteries (or similar) as a condition of project approval.** These second-generation ESS iron-flow batteries which present no fire, chemical, or explosive risk, are currently being installed by SDG&E at a smaller solar facility located in Campo.

--According to the DEIR, the JVR solar project will waste 11-acre feet of water from local aquifers each time solar panels are cleaned, on a quarterly basis. In other arid regions of the world (like India), solar facilities employ a dry, motorized brushing system which saves up 90 percent of the water usage. County planners appear to think that groundwater monitoring of private wells is sufficient to track any potential impact of water usage on the local water table. All utility-scale solar facilities like the proposed JVR project, must respect the finite nature of shared local aquifers in groundwater dependent communities. **The County should require that the JVR project use a more environmentally-sustainable water saving system for solar module cleaning.**

--The JVR developer must be required to use the most efficient solar modules available even if they cost more to buy and install. **Also, if the JVR solar module warranty does not meet the lifespan of the project (35-38 years), the final EIR should address any potential impacts to the community (noise, traffic) if current solar modules become obsolete and/or their warranty necessitates whole-scale module swap out.**

--Given the rapid advancements in solar technology, the sponsor group questions whether a 543-acre solar facility footprint is really necessary to produce 90MW of energy. For example, the BayWa representative told our group that the larger community buffer alternative could be implemented and the project would still be able to accomplish its stated goal of producing up to 90MW of power. If so, then why

didn't the developer incorporate the 300-foot setback (the community buffer alternative) into their revised project plans thereby showing their willingness to make a meaningful compromise in an effort to mitigate the project's impact on the community? **The sponsor group requests as a minimum, that 300-foot setbacks next to all private residences be a part of any approved JVR solar project plan.** How is it that the 108-acre Jacumba Solar project built by BayWa in 2017 which uses fixed (non-tracking), south-facing solar modules is able to produce 28MW of power? Based on production values from that less sophisticated solar technology, the new JVR solar facility using bifacial modules should be able to produce up to 90MW of power on a significantly smaller footprint, somewhere in the range of 250 to 300 acres. (Bifacial solar modules while more expensive than monofacial modules, offer as much as a 30 percent improvement in efficiency.) At this point in the CEQA review process, our sponsor group should have been provided with solar facility specifics and we should have had some real answers to our questions about module efficiency, distance between solar arrays, and type of battery that will to be used. After all, on May 24, 2021, BayWa knew enough about JVR project specifics to enter into a 90MW 20-year power purchase agreement with the San Diego Community Power (SDCP) group.

At our May 18, 2021 sponsor group meeting, we learned that BayWa had initiated benefit agreements with two non-profit entities (Jacumba Community Services and the Imperial Valley Desert Museum) who do not speak for the community of Jacumba with regards to land use decisions and their identified impacts to our town. Although we requested that BayWa provide us with a copy of the proposed benefits packages, to date, we have not received that requested information. **In the interests of transparency, the sponsor group asks for the County's help in getting that information from BayWa representatives as soon as possible.**

**The community also requests that BayWa investigate the feasibility of providing a backup power source to Jacumba when the town's normal power source is unavailable due to Santa Ana winds.** The JVR facility will continue to store and provide power to the electrical grid even during Santa Ana events. **A backup power transmission loop to Jacumba could be a meaningful benefit to residents.** (A similar electrical loop will provide backup power to selected businesses and public schools from SDG&E's 1MW solar project in Campo.)

A large number of the trees and shrubs on the preliminary JVR landscaping list found on Sheet 500 of the revised plot maps are inappropriate for Jacumba's micro-climate, as many them are not drought tolerant and they are slow-growing. The preliminary landscaping plan should be amended as follows:

**--TREES:** Using the two-letter codes listed on the JVR preliminary plant legend, remove the following trees: DS, PC, QC, and QE. Consider adding the following trees: *Pinus cembroides* (Mexican Pinyon), *Prosopis glandulosa* (Honey Mesquite), *Chilopsis linearis* (Desert Willow), and *Juniperus California* (California Juniper).

**--SHRUBS:** Remove the following shrubs: AB and GS. Consider adding the following shrubs: *Sambucus Mexicana* (Mexican Elderberry), *Simmondsia chinensis* (Jojoba), and *Caesalpinia pulcherrima* (Mexican Bird of Paradise).

During our last sponsor group meeting on May 18<sup>th</sup>, PDS staff and the BayWa representative were unprepared to respond to our questions and concerns about this complex project. As a matter of procedure and as an issue of honesty and forthrightness, the project developer should make a greater effort to provide personnel with a thorough understanding of project parameters at community meetings. The steady stream of non-answers, or partial answers such as --"that issue will be addressed globally in the final EIR" or "we haven't decided on the solar equipment we will be using" which we received prior to our vote on this project does a real disservice to the CEQA review effort. It does not serve the county decision-makers well and nor does it foster Jacumba's confidence in what appears to be a flawed and skewed planning process, one that benefits urban communities at the expense of their rural neighbors.

The community of Jacumba is not averse to green energy projects in our area--we previously supported BayWa's 2017 Jacumba solar project. As we have stated before, we are willing to compromise on a smaller project footprint of 250 to 300 acres, one moved well north of scenic Highway 80, and away from residences and the Jacumba airport. Our group is currently developing a shared vision for some of the JVR MUP acreage that would not be used for solar panels. Our plan includes a more expansive and thoughtful wildlife corridor adjacent to state park lands, a future airport safety and expansion area, and a central valley area which would support a mixture of agricultural, residential (affordable housing), and recreational uses.

**In an era of environmental and economic justice, our low income, ethnically diverse community should not bear the brunt of industrial-scale green energy projects like the JVR Energy Park, which sends all of their generated power to urban centers at the expense of our rural quality of life.** If we are truly to reverse the impacts of climate change, County leaders should be actively incentivizing rooftop solar installations for businesses and residences. They should also seek ways to site smaller utility projects and/or battery storage units nearer to the locations where the power will actually be used...Those simple tenets should be the pillars of the County's plan for future green energy generation.

Submitted by:

Cherry Diefenbach, JCSG Chair

CC:

KUSI, East County Magazine, KPBS, KOGO, SDUT, and Districts 1-5 BOS