

Response to Comment Letter I135

Jeffrey Osborne

- I135-1** This comment is a transmittal email from the commenter. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-2** The commenter states he is one of three partners that are the new owners of the Jacumba Hot Spring Resort and 150 acres of surrounding property, including most of the commercial property in Jacumba Hot Springs. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-3** The commenter states he and his partners are proponents of green energy and solar power, and that the commenter hopes for a balance of energy assumption with its environmental impacts. The commenter also states that the Project chose the wrong place to be. The commenter further states this is an industrial energy project that is larger than the town itself that will surround a scenic tourist destination. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-4** The commenter states he and his partners purchased the Jacumba Hot Springs Resort and surrounding property in 2020 with the vision to bring back Jacumba Hot Springs to its former glory as a renowned destination resort town. The commenter further states it “is a truly beautiful valley, with an impossible to replace history.” The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-5** The commenter states since taking over the resort two months ago, the payroll of the Jacumba Hot Springs Resort has increased by 30%, that 20 residents of the region are employed, and that the commenter plans on tripling the Resort’s employees within the next three years. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-6** The commenter states that with art, live music and special events, the valley will thrive. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-7** The commenter states that he and his partners see a future with many new families and visitors enjoying the scenery and natural hot springs. The comment does not raise

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- concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-8** The commenter states that the Proposed Project is clearly proposed by a company that “does not know much about, live in or care about this area.” The commenter also states the company is not from San Diego, California, or even the United States. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-9** This comment states that the primary financially interested party in the Project “only knows Jacumba from a satellite map on their computer or an executive helicopter flyby, and is only focused on its financial value to themselves or their company.” The commenter further states the financially interested party has no interest in the East County, beauty of high desert, and the historic significance of Jacumba and the region. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-10** The commenter asks how this Project is addressing its impacts on its clear conflicts with the Mountain Empire Subregional Plan. In response, Section 3.1.4, Land Use and Planning, analyzes the Proposed Project’s consistency with the Mountain Empire Subregional Plan and finds the Proposed Project is consistent with applicable goals and policies in the Plan. (See Section 3.1.4, Land Use and Planning, Table 3.1.4-5.)
- I135-11** This comment includes the following quote from the Mountain Empire Subregional Plan: “Minimize the visual impacts of hillside developments with buildings, retaining walls, and other improvements deferring to the natural landforms and kept to as low a profile as possible.” In response, the quoted text is item 6 under Policies and Recommendations for the following Residential Goal: “Provide a land use pattern that will accommodate the forecast population increase, while retaining the rural charm of the present living environment.” Policy and Recommendation 6 is applicable to residential development rather than renewable energy projects. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-12** This comment includes the following quote from the Mountain Empire Subregional Plan: “Preserve open space areas, such as steep slopes and canyons, floodplains, agricultural lands, meadows, and unique scenic views and vistas by clustering residential development away from such areas.” In response, the quoted text is item 9 under Policies and Recommendations for the Residential Goal, as described in Response to Comment I135-11. Policy and Recommendation 9 is applicable to residential development rather than renewable energy projects. The comment does

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- not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-13** This comment includes the following quote from the Mountain Empire Subregional Plan: “Buffer residential areas from incompatible activities that create heavy traffic, noise, lighting, odors, dust, and unsightly views.” In response, the quoted text is item 10 under Policies and Recommendations for the Residential Goal, as described in Response to Comment I135-11. Policy and Recommendation 10 is applicable to residential development rather than renewable energy projects. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required
- I135-14** The commenter states, “I want to emphasize the working around the natural landscape, minimizing unsightly views and preserving open space such as agricultural lands and unique scenic views and vistas.” In response and assuming this comment refers to the prior Mountain Empire Subregional Plan quotes, please refer to Responses to Comments I135-11 through I135-13. For impacts to aesthetics, please refer to Section 2.3 Biological Resources of the EIR. For impacts to agricultural resources, please refer to Section 3.1.1.
- I135-15** The commenter asks why the Project is allowed to “be so against the land use policies in the County General Plan and Mountain Empire Subregional Plan and not address that in this DEIR.” In response, Comments I135-11 through I135-14 reference policies and recommendations listed under the Residential Goal in the Mountain Empire Subregional Plan. These policies and recommendations are applicable to residential development and thus were not analyzed in Table 3.1.4-5 Mountain Empire Subregional Plan Consistency Analysis in Section 3.1.4 of the Draft EIR. General Plan and Subregional Plan goals, policies and recommendations applicable to the Proposed Project, which is a renewable energy development, are adequately analyzed in Tables 3.1.4-4 and 3.1.4-5 respectively of the Draft EIR.
- I135-16** The commenter states that a utility scale solar farm project like this can be built in many other places in the East County or Imperial County. The commenter questions why the Proposed Project has to be built where it will surround a town on three sides and take away its rural character. The commenter also asks why does the Draft EIR not address this point and then states that without this information the Draft EIR is inadequate. In response, alternative locations were considered and rejected are discussed in Section 4.2.4 in Chapter 4, Project Alternatives, of the Draft EIR. As stated in on page 4-12 of the Draft EIR, “There are no other known readily available parcels of undeveloped land of similar size in the eastern portion of the County that could accommodate development of the Proposed Project that have not already been

considered and rejected for development of a similar solar project, provide adequate site accessibility, and/or could be acquired by the Applicant within a reasonable period of time.” Please also refer to Global Response GR-6 Alternatives in the Final EIR.

I135-17 The commenter asks how this development has withdrawn its application for a General Plan Amendment and Rezone. The commenter then states the land this project is proposed to be built on has a regional category of Village and is zoned for Specific Plan. The commenter also asks why an industrial energy project isn’t the definition of something that needs a general plan amendment as well as a rezone approval. In response, Section 1.5.1 of Chapter 1 of the Draft EIR states that the Project applicant withdrew the General Plan Amendment and Rezone applications during the course of the preparation of the Draft EIR. A General Plan Amendment and Rezone are not required in order to develop a renewable energy project on the Project site. The Draft EIR describes the necessary County approvals required for the development of the Project in Chapter 1 and Section 3.1.4 Land Use and Planning of the Draft EIR. As stated in Section 3.1.4.2 under the County Zoning Ordinance, “until a Specific Plan applicable to this area is adopted, permitted uses include residential, agricultural and civic uses. Minor and major impact utilities may be allowed with approval of a use permit in all zones.” Section 3.1.4.2 further explains that, other than the SDG&E Facilities, the Proposed Project is considered a Major Impact Services and Utilities use type, which may be conditionally permitted in any zone if it is determined that 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 (County Zoning Ordinance Section 1350). Section 2888a of the Zoning Code states that a Major Use Permit 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 the Zoning Ordinance and is enforceable by the County. Accordingly, because the Proposed Project is an interim use, the Proposed Project may be permitted with a Major Use Permit.

The SDG&E Facilities, which include the switchyard and the transmission lines connecting the switchyard to the existing SDG&E transmission infrastructure, are considered a Minor Impact Utility. (County Zoning Ordinance Section 1350.) Pursuant to County Zoning Ordinance Section 2884, 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 with of a Minor Use Permit. While the Major Use Permit will govern both the interim uses subject to County Zoning Ordinance Section 2888 and the Switchyard Facilities, the Switchyard Facilities will

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not be required to be decommissioned because it is only subject to County Zoning Ordinance Section 2884. Additionally, after the Switchyard Facilities are constructed, it will be transferred to SDG&E and therefore only subject to California Public Utilities Commission jurisdiction

I135-18 The commenter states that the Proposed Project is being discussed using an undefined and unofficial term of “interim” so that it does not require a rezone or general plan amendment. The commenter also states the Proposed Project cannot be considered “interim” because the switchyard will be transferred to San Diego Gas & Electric and will not be decommissioned. In response, please refer to Response to Comment I135-17.

I135-19 The commenter states that the Project is “using the major use permit to get around zoning.” Please refer to Responses to Comments I135-17 and I135-18.

I135-20 The commenter states that Old Highway 80 is a County designated scenic highway. The commenter also states the Draft EIR barely mentions that the Proposed Project will literally envelope, on both sides, Old Highway 80, a scenic highway. In response, Section 2.1 Aesthetics of the Draft EIR discloses that Old Highway 80 is included in the County Scenic Highway system. Section 2.1.3.3 describes in detail visual impacts to Old Highway 80. Figures in Section 2.1 show existing conditions and visual simulations of the Proposed Project from westbound and eastbound Highway 80 respectively. The Draft EIR identifies mitigation measures to reduce visual impacts, including landscaping and slatted fencing; however, the visual impacts to Old Highway 80 would remain significant and unavoidable even with implementation of mitigation measures. Subsequent to public review of the Draft EIR, the Proposed Project was revised to include increased setbacks along the north and south sides of Old Highway 80, as described in Chapter 1 of the Final EIR. Figures in Section 2.1 Aesthetics have been revised to also include simulations of views from Old Highway 80 with the increased setbacks. Although the increased setbacks would lessen visual impacts along Old Highway 80, the impacts would remain significant and unavoidable.

I135-21 The commenter states how little the designers of the Proposed Project have been here or know the area because they are proposing 6-foot high chain link fencing and “a strip of little baby trees” and solar panels will be up to 12 feet tall. The commenter also requests the Project applicant drive Old Highway 80 and see the impact the Project will have on the back country character. In response, please refer to Response to Comment I135-22.

I135-22 The commenter questions whether the Project’s chain link fence and sapling plants that will take 10+ years to mature will properly address the aesthetic character of the

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- area. In response, Mitigation Measure **M-AE-5**, as described in Section 2.1, Aesthetics, requires the installation of landscaping to provide visual screening of the Proposed Project components. As described in **M-AE-5**, landscaping will be approximately 15 feet wide and will include drought tolerant trees (approximately 18 feet tall 10 years after planting) with native and/or drought tolerant shrubs and ground cover. Mitigation measure **M-AE-6** in the Final EIR requires tan-colored slats or screening material be installed on the fencing in areas where landscaping is installed. Together, these mitigation measures would reduce the visual impacts; however, the impacts would remain significant and unavoidable. There are no feasible mitigation measures that would reduce the impacts to less than significant. Please also refer to Response to Comment O7-26.
- I135-23** The commenter states that outside of comments on this Project revolving around community character and aesthetic designations it is violating, this Draft EIR has wholly missed addressing many very basic considerations. In response, this comment provides as an introductory comment for the remaining comments in the letter. The comment does not identify any specific issue with the adequacy of the Draft EIR; therefore, no further response is required.
- I135-24** The commenter asks whether the Project can guarantee they will not use pesticides to “keep certain plants/weeds down.” The commenter also states they mention the use of pesticides but are not specific. The commenter asks what kind of pesticides they will be using to prevent vegetation and will they be allowing vegetation to hold the soil. In response, the Proposed Project will not utilize pesticides or rodenticides (see mitigation measure **M-BI-8**). This mitigation measure has been updated in the Final EIR to confirm the Proposed Project will not use pesticides. Herbicides will be used during operation of the Proposed Project for weed management. Mitigation measure **M-BI-8** applies to the application of any herbicides, and limits herbicide application to just those products that are permitted by the County agricultural commissioner. In addition, herbicide application must be conducted by a licensed Pest Control Adviser with at least two years’ experience. With implementation of **M-BI-8**, the application of herbicides, which is anticipated to occur at least once per year, will be governed by defined standards and applied professionally
- I135-25** The commenter states that the Project would leave over 700 acres, just east of town, as bare, pesticide-saturated soil beneath the solar array. The commenter also states that wind gusts in Jacumba often reach 50 mph+ and that wind gusts from the east will blow “toxic dust,” as a result of the Project’s pesticide use, into the Jacumba community. The commenter further states if we have ground cover and plants, they can hold the soil, but solar arrays cannot. The commenter asks that this issue be properly addressed. In response, pesticides would not be used during Project

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- construction or operation as discussed above in Response to Comment I135-24. The area underneath the PV panels would be hydroseeded and the vegetation cover would be maintained during the life of Project (see **PDF-HYD-3** in the Final EIR). Please refer to Response to Comment I135-24. With respect to dust blowing into the Jacumba community, please refer to Response to Comment O7-28.
- I135-26** The commenter states that Jacumba was built in the 1920s and many celebrities frequented the town. The commenter also states that travelers come to soak in the Jacumba Hot Springs Resort’s hot springs. The commenter questions what will happen to this business, the only business keeping this town alive, when the town is permanently designated as an industrial zone, as this project will do. The commenter further asks what about the responsibility to address this economic impact. In response, please refer to Global Response GR-1 Socioeconomic and Environmental Justice in the Final EIR, which discusses the relationship between CEQA and socio-economic considerations.
- I135-27** The commenter states the Project is like putting a giant windmill in Yosemite Valley. The commenter also states that the Project will reduce visitor traffic, property values, and the amount of jobs available in Jacumba. The commenter asks how they are addressing the impact. In response, please refer to Global Response GR-1 Socioeconomic and Environmental Justice in the Final EIR.
- I135-28** The commenter states that the Draft EIR does not explain why a 90 MW Project is needed in this location. The commenter then states there are five other renewable energy project proposes within 10 miles of this project. The commenter also asks “do we really need to destroy a town to build one more.” In response, the Project objectives are identified in Chapter 1 of the Draft EIR. Objective 4 of the Project is to develop “a utility-scale solar energy project that improves electrical reliability for the San Diego region by providing a source of local generation as near as possible to existing San Diego Gas and Electric (SDG&E) transmission infrastructure.” Objective 6 is to site “a solar energy project in an area within San Diego County that has excellent solar attributes, including but not limited to high direct normal irradiance, in order to maximize productivity.” The Proposed Project meets these objectives as the Project site is transected by SDG&E transmission infrastructure and the Jacumba area climate zone is high in elevation and provides hot summers and mild winters with minimal coastal marine influence.
- I135-29** The commenter asks the County to justify the need for the Project and to consider the impact the Project will have on the Jacumba community that has already had to take the burden of the Sunrise Valley Powerlink. In response, the comment does not raise

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- concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-30** The commenter states the EIR does not address concerns for the future and that they seem to think it will only operate for 30 years or so. The commenter also states once this Project is approved, this land and surrounding land will forever be designated as “utility scale/industrial land.” The commenter further states this is exactly what happened with Sunrise Powerlink and each project brings more projects and acts as a precedent for further development. In response, for clarification, the Proposed Project does not include a General Plan Amendment to change the land use designation for the Project site or a rezone. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-31** The commenter states the Project sets the precedent that the backcountry does not matter, even if there is a town right there. The commenter also states that the Project is “stereotypical greenwashing over the real impacts of destroying a local community.” The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-32** The commenter states that if you can put an industrial-scale utility project here, “you can literally put one anywhere after this.” The commenter also states that this is one of the biggest issues with this project and its regional impact beyond the Mountain Empire Region. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-33** The commenter asks how the Project can conform with the long list of General Plan policies as stated in the Draft EIR “that focus on mitigating any impacts on rural communities or their character.” In response, the Proposed Project’s consistency with applicable General Plan policies is presented in Table 3.1.4-4 of the Draft EIR. The analysis in the Draft EIR determined that the Proposed Project is consistent with applicable General Plan policies.
- I135-34** The commenter requests the County ensure “developers are doing what is right for the community of San Diego and the greater Southern California region.” This commenter also states we need renewable energy but “let’s put it somewhere that makes sense for everyone, not just where some foreign corporation finds the best deal.” In response, the County acknowledges the commenter’s opposition to the Project. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.

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- I135-35** The commenter states, “Please let us keep what we have left of this beautiful and peaceful town” and let the town remain a “historical landmark, a destination, a place for the whole region.” In response, the County acknowledges the commenter’s opposition to the Project. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I135-36** The commenter states please have the Draft EIR address the real environmental impacts outlined above. The commenter also states “as currently written, the DEIR overlooks and avoids what will really happen to Jacumba.” In response, the comments provide concluding remarks regarding the comments above. Please refer to Responses to Comments I135-1 through I135-35.

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