



Soitec Solar Inc.
16650 Via Esprillo
San Diego, CA 92127 (USA)
T. + 1(0)858-746-9012 Xt.9012
T. + 1(0)619-733-2649
Patrick.Brown@soitec.com
www.soitec.com

November 2, 2012

County of San Diego
Department of Planning and Development Services
c/o Joseph Farace, Advanced Planning Division
5510 Overland Ave, 3rd Floor, Room 310,
San Diego, CA 92123

SOITEC IC REQUEST FOR GENERAL PLAN AMMENDMENT

Mr. Farace:

Please find the attached initial consultation preapplication request for a General Plan Amendment (GPA) in accordance with Board of Supervisors Policy I-63 for Major Use Permits 12-002 (LanEast and LanWest Solar Farm), 12-007 (Rugged Solar Farm), and 12-010 (Tierra del Sol Solar Farm). Soitec requests is to modify the following Boulevard Community Plan policies that have been identified as inconsistent in the scoping and iteration letters for the above referenced projects. Soitec is aware of a proposed GPA that is part of the Wind Ordinance Amendment that would resolve the potential inconsistencies. Unfortunately, the timing and specific outcome of the amendment remains uncertain. Therefore, Soitec requests a preapplication meeting to discuss the need for a project specific GPA that would be analyzed in the projects' Environmental Impact Report.

Best Regards,

Patrick Brown
Permitting Manager

Attachments:

- General Plan Policy Summary
- Required Forms ZC033-IC-GPA, DPLU 346, 320, & 126
- CD with Land Use Analysis for Tierra del Sol and Rugged Solar.

cc: David Sibbet, Planning Manager, PDS
Larry Hofreiter, Project Manager, PDS
Ashley Gungle, Project Manager, PDS

SDC PDS RCVD 11-05-12
MPA12-009

Attachment A
Boulevard Community Plan Goal and Policy Summary

Boulevard Community Plan n Issue / Policy	Inconsistent	Consistency After Wind Zoning Ordinance Amendment
Goal LU 1.1	Inconsistent	Consistent
Policy 1.1.1	Inconsistent	Consistent
Policy 1.1.2	Inconsistent	Consistent
Policy 1.3.2	Inconsistent	Consistent
Goal LU 6.1	Inconsistent	Consistent
Policy 6.1.1	Inconsistent	Consistent
Policy 6.1.2	Inconsistent	Consistent
Policy 6.1.3	Inconsistent	Consistent
Policy 6.1.4	Inconsistent	Consistent

**GENERAL PLAN CONSISTENCY ANALYSIS – BOULEVARD COMMUNITY PLAN
WITHOUT WIND ZONING ORDINANCE AMENDMENTS**

Goal / Policy	Consistency Analysis
Boulevard Community Plan	
Issue LU 1.1 The ability to experience open spaces, extensive views to local and distant horizons, abundant wildlife and unfragmented habitat, grazing livestock, and a sense of stepping back in time, is essential to preserving Boulevard’s rural and rustic quality of life and community character. Industrial scale structures (above two stories), facilities, and projects, that are often built to provide services to those in urban areas should not degrade and detract from the stunning visual resources, clutter free horizons, and the rural quality, character, and atmosphere that attracts residents, visitors, and outdoor enthusiasts to Boulevard and the backcountry.	<i>No need for consistency analysis.</i> Courts review project consistency with general plan objectives and policies, not issue statements. <i>Napa Citizens for Honest Gov’t v. County of Napa Bd. of Sups.</i> , 91 Cal. App. 4th 342, 587 (2001) (specific plan only valid to extent it is consistent with “General Plan’s objectives, policies, general land uses and programs”). Furthermore, Board Resolution No. 12-138, which addressed Boulevard Community Plan inconsistency with the Tule Wind Project, did not identify a need to amend Issue LU 1.1. Accordingly, an Issue statement like Issue LU 1.1 is not a basis for inconsistency with the Boulevard Community Plan.
Goal LU 1.1 The continued maintenance of a rural, non-industrial, lifestyle and community character exemplified by a pattern of residential and agricultural uses on large lots outside the Rural Village, along with the protection and preservation of open landscapes, unique and geographically extensive views and vistas, dark skies, steep slopes, canyons, and floodplains, while accommodating moderate, responsible, and sustainable growth at a slower rural pace.	<i>Inconsistent.</i>

Goal / Policy	Consistency Analysis
<p>Policy LU 1.1.1 Prohibit higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area.</p>	<p><i>Inconsistent.</i></p>
<p>Policy LU 1.1.2 Require development to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community’s landscape and natural environment.</p>	<p><i>Inconsistent.</i></p>
<p>Issue LU 1.3 Regional infrastructure, public facilities, and industrial scale energy generation and transmission projects are often proposed in rural and low-income areas. These large projects can degrade and fragment ranch lands, neighborhoods, highly valued visual resources, scenic viewsheds, ridgelines, and native habitat, including those on tribal, public, and protected lands.</p>	<p><i>No need for consistency analysis. See explanation for Issue LU 1.1.</i></p>
<p>Policy LU 1.3.1 Encourage and promote local and on-site energy conservation, residential-scale renewable energy production, and zero waste recycling goals that will help eliminate the need for industrial scale projects and facilities.</p>	<p><i>Consistent.</i> Approving the project will not prohibit the County from achieving Policy LU 1.3.1. Furthermore, the Board’s findings in Resolution 12-138, which do not identify Policy LU 1.3.1 as inconsistent with the Tule Wind Project, support this conclusion.</p>
<p>Policy LU 1.3.2 Require development, including regional infrastructure, public facilities, and industrial scale energy generation and transmission projects, to comply and maintain a rural bulk and scale in accordance with Boulevard’s community character.</p>	<p><i>Inconsistent.</i></p>
<p>Goal LU 6.1 Boulevard retains its community character by limiting any commercial or industrial development that negatively impacts our community and its resources.</p>	<p><i>Inconsistent.</i> Based on the Board’s findings in Resolution 12-138, the project would require an amendment to Goal LU 6.1, unless it will have no significant environmental impacts.</p>
<p>Policy LU 6.1.1 Require industrial development to mitigate adverse impacts to avoid detracting from or negatively impacting the rural community character, charm, quiet ambiance and life-style, or the natural resources, wildlife, and dark skies of Boulevard.</p>	<p><i>Inconsistent.</i> Based on the Board’s findings in Resolution 12-138, the project would require an amendment to Policy LU 6.1.1, unless it will have no immitigable community character, natural resources, wildlife, or dark skies impacts.</p>

Goal / Policy	Consistency Analysis
<p>Policy LU 6.1.2 Require industrial development to create and maintain adequate buffers to residential areas from incompatible activities that create heavy traffic, noise, infrasonic vibrations, lighting, odors, dust and unsightly views and impacts to groundwater quality and quantity.</p>	<p><i>Inconsistent.</i> Based on the Board’s findings in Resolution 12-138, the project would require an amendment to Policy LU 6.1.2, unless it will have no immitigable traffic, noise, light, odor, air quality, aesthetic, or ground water impacts.</p>
<p>Policy LU 6.1.3 Require industrial development to provide buffers from public roads, adjacent and surrounding properties and residences, recreational areas, and trails.</p>	<p><i>Inconsistent.</i> Based on the Board’s findings in Resolution 12-138, the project would require an amendment to Policy LU 6.1.3, unless it can provide adequate buffers.</p>
<p>Policy LU 6.1.4 Prohibit industrial or commercial development with unmitigated and unmitigable impacts to the Boulevard area, such as:</p> <ul style="list-style-type: none"> • Unregulated maintenance and operation of equipment that poses health and safety concerns to the general public, including fires ignited from malfunctioning industrial wind turbines and related equipment; • Insufficient setbacks to minimize shadow flicker; • Inadequate setbacks from adjacent private property relative to tower height to mitigate against tower collapse and blade shedding; • Impairment of visual resources and the rural community character; • Insufficient setbacks to mitigate noise impacts, as defined by Safety Element Tables N-1, Noise Compatibility Guidelines, and Table N-2, Noise Standards; • Seismic wave impacts, ground vibrations, and chemical and oil spills; • Light pollution of dark sky resources and shadow flicker effect that create a nuisance, and result in negative impacts to health and quality of life. 	<p><i>Inconsistent.</i> Based on the Board’s findings in Resolution 12-138, the project would require an amendment to Policy LU 6.1.4, unless it will have no immitigable significant environmental impacts.</p>
<p>Policy CM 8.5.1 Prohibit development from altering natural drainage patterns.</p>	<p><i>Consistent.</i> The project will comply with the hydromodification requirements present in the Construction General Permit, which will ensure that the project has no impact to natural drainage patterns.</p>

Goal / Policy	Consistency Analysis
<p>Policy CM 8.6.2 Encourage the use of solar and residential scale wind turbines, while discouraging new energy corridors for new transmission lines and fuel pipelines in fire prone and groundwater dependant areas.</p>	<p><i>Consistent.</i> Approving the project will not prohibit the County from achieving Policy CM 8.6.2, which only calls for the County to discourage new transmission lines, not prohibit them. The County <i>does</i> discourage new transmission lines by requiring such lines to be installed underground, which is much more expensive than overhead lines. The Board’s findings in Resolution 12-138, which do not identify Policy CM 8.6.2 as inconsistent with the Tule Wind Project, also support this conclusion.</p>

**GENERAL PLAN CONSISTENCY ANALYSIS – BOULEVARD COMMUNITY PLAN
WITH WIND ZONING ORDINANCE AMENDMENTS**

Goal / Policy	Consistency Analysis
Boulevard Community Plan	
<p>Issue LU 1.1 The ability to experience open spaces, extensive views to local and distant horizons, abundant wildlife and unfragmented habitat, grazing livestock, and a sense of stepping back in time, is essential to preserving Boulevard’s rural and rustic quality of life and community character. Industrial scale structures (above two stories), facilities, and projects, that are often built to provide services to those in urban areas should not degrade and detract from the stunning visual resources, clutter free horizons, and the rural quality, character, and atmosphere that attracts residents, visitors, and outdoor enthusiasts to Boulevard and the backcountry.</p>	<p><i>No need for consistency analysis.</i> Courts review project consistency with general plan objectives and policies, not issue statements. <i>Napa Citizens for Honest Gov’t v. County of Napa Bd. of Sups.</i>, 91 Cal. App. 4th 342, 587 (2001) (specific plan only valid to extent it is consistent with “General Plan’s objectives, policies, general land uses and programs”). Furthermore, Board Resolution No. 12-138, which addressed Boulevard Community Plan inconsistency with the Tule Wind Project, did not identify a need to amend Issue LU 1.1. Accordingly, an Issue statement like Issue LU 1.1 is not a basis for inconsistency with the Boulevard Community Plan.</p>
<p>Goal LU 1.1 The continued maintenance of a rural, non- industrial, lifestyle and community character exemplified by a pattern of residential and agricultural uses on large lots outside the Rural Village, along with the protection and preservation of open landscapes, unique and geographically extensive views and vistas, dark skies, steep slopes, canyons, and floodplains, while accommodating moderate, responsible, and sustainable growth at a slower rural pace.</p>	<p><i>Consistent with amendments to Boulevard Community Plan, which demonstrate that “large scale energy generation projects” are permitted uses in the planning area. See Policies LU 1.3.2, 6.1.1, 6.1.2, and 6.1.3, and deletion of 6.1.4.</i></p>
<p>Policy LU 1.1.1 Prohibit higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area. <u>Renewable energy projects, such as solar and wind projects, are not “industrial-scale projects or facilities” for purposes of this Community Plan.</u></p>	<p><i>Consistent with amendment because it excludes renewable energy projects from the definition of “industrial-scale projects or facilities.”</i></p>

Goal / Policy	Consistency Analysis
<p>Policy LU 1.1.2 Require <u>Encourage</u> development to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community’s landscape and natural environment.</p>	<p><i>Consistent with amendment because it no longer requires the County to enforce the policy on all projects.</i></p>
<p>Issue LU 1.3 Regional infrastructure, public facilities, and industrial <u>large scale</u> energy generation and transmission projects are often proposed in rural and low-income areas. These large projects can degrade and fragment ranch lands, neighborhoods, highly valued visual resources, scenic viewsheds, ridgelines, and native habitat, including those on tribal, public, and protected lands.</p>	<p><i>No need for consistency analysis. See explanation for Issue LU 1.1.</i></p>
<p>Policy LU 1.3.1 Encourage and promote local and on-site energy conservation, residential-scale renewable energy production, and zero waste recycling goals that will help eliminate <u>reduce</u> the need for industrial <u>large scale energy generation</u> projects and facilities.</p>	<p><i>Consistent. Approving the project will not prohibit the County from achieving Policy LU 1.3.1. The Board’s findings in Resolution 12-138, which do not identify Policy LU 1.3.1 as inconsistent with the Tule Wind Project, support this conclusion. Furthermore, with the proposed amendment, the project would be consistent.</i></p>
<p>Policy LU 1.3.2 Require development, including regional infrastructure and, public facilities, and industrial scale energy generation and transmission projects, to comply and maintain a rural bulk and scale in accordance with Boulevard’s community character. <u>Renewable energy projects, such as wind and solar projects, are not “regional infrastructure or public facilities” for purposes of this policy.</u></p>	<p><i>Consistent with amendment because Policy LU 1.1.1 excludes renewable energy projects from the definition of “industrial-scale projects or facilities” for the community plan, and LU 1.3.2 excludes renewable energy projects from “regional infrastructure or public facilities for the policy.</i></p>
<p>Goal LU 6.1 Boulevard retains its community character by limiting any commercial or industrial development that negatively impacts our community and its resources.</p>	<p><i>Consistent with amendment because Policy LU 1.1.1 excludes renewable energy projects from the definition of “industrial-scale projects or facilities.”</i></p>
<p>Policy LU 6.1.1 Require <u>commercial, industrial development and large scale energy generation projects</u> to mitigate adverse impacts to avoid detracting from or negatively impacting the rural community character, charm, quiet ambiance and life-style, or the natural resources, wildlife, and dark skies of Boulevard <u>in accordance with the California Environmental Quality Act.</u></p>	<p><i>Consistent with amendment because it sets the County’s responsibility for mitigating impacts to community character to those set by CEQA, which itself allows immitigable impacts where mitigation is infeasible. Also, the project may not qualify as a “large scale energy generation project.”</i></p>

Goal / Policy	Consistency Analysis
<p>Policy LU 6.1.2 Require <u>Encourage commercial, industrial development and large scale energy generation projects</u> to create and maintain adequate buffers to <u>between</u> residential areas from and incompatible activities that create heavy traffic, noise, infrasonic vibrations, lighting, odors, dust and unsightly views and impacts to groundwater quality and quantity.</p>	<p><i>Consistent with amendment because it sets the County's policy as encouraging, not requiring, compliance. Also, the project may not qualify as a "large scale energy generation project."</i></p>
<p>Policy LU 6.1.3 Require <u>Encourage commercial, industrial development and large scale energy generation projects</u> to provide buffers from public roads, adjacent and surrounding properties and residences, recreational areas, and trails.</p>	<p><i>Consistent with amendment because it sets the County's policy as encouraging, not requiring, compliance. Also, the project may not qualify as a "large scale energy generation project."</i></p>
<p>Policy LU 6.1.4 Prohibit industrial or commercial development with unmitigated and unmitigable impacts to the Boulevard area, such as:</p> <ul style="list-style-type: none"> • Unregulated maintenance and operation of equipment that poses health and safety concerns to the general public, including fires ignited from malfunctioning industrial wind turbines and related equipment; • Insufficient setbacks to minimize shadow flicker; • Inadequate setbacks from adjacent private property relative to tower height to mitigate against tower collapse and blade shedding; • Impairment of visual resources and the rural community character; • Insufficient setbacks to mitigate noise impacts, as defined by Safety Element Tables N-1, Noise Compatibility Guidelines, and Table N-2, Noise Standards; • Seismic wave impacts, ground vibrations, and chemical and oil spills; • Light pollution of dark sky resources and shadow flicker effect that create a nuisance, and result in negative impacts to health and quality of life. 	<p><i>Consistent with complete deletion of Policy LU 6.1.4.</i></p>
<p>Policy CM 8.5.1 Prohibit development from altering natural drainage patterns.</p>	<p><i>Consistent.</i> The project will comply with the hydromodification requirements present in the Construction General Permit, which will ensure that the project will have no impact to natural drainage patterns.</p>
<p>Policy CM 8.6.2 Encourage the use of solar and residential scale wind turbines, while discouraging new energy corridors for new transmission lines and fuel pipelines in fire prone and groundwater dependant areas.</p>	<p><i>Consistent, with the proposed amendment.</i></p>

