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County of San Diego

ERIC GIBSON
INTERIM DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

6201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1686
INFORMATION (602) 694-2380
TOLL FREE (800) 411-0017

December 13, 2007

TRC
Joseph L. Stenger
2666 Rodman Drive
Los Osos, CA 93402

CASE NUMBER: P07-009; ENVIRONMENTAL LOG NO.: 07-02-017; PROJECT NAME: Orange Grove Major Use Permit; PROJECT ADDRESS: The project site is located near the intersection of Pala Del Norte Road and Highway 76 in the Pala-Pauma Community Planning Area, within unincorporated San Diego County. APN 110-072-26 and 110-370-01; KIVA PROJECT: 07-0079134

Dear Mr. Stenger:

The Department of Planning and Land Use (DPLU) has reviewed your application for a Major Use Permit and is providing you with the attached package of information as a guide for further processing your application. This package consists of:

- Determination of Completeness pursuant to Section 65943 of the Government Code;
- Determination of Completeness pursuant to the California Environmental Quality Act (CEQA);
- A MATRIX which summarizes all the information we are requesting;
- Attachments which are detailed and provide you with very specific information on our requests;
- A Memorandum of Understanding which must be executed by the applicant, the consultant and the County for the Fire Protection Plan/technical CEQA study requested;
- Preliminary comments/conditions from the Department of Public Works;
- Preliminary comments from the Department of Environmental Health;
- Preliminary comments from the Department of Parks and Recreation;
- An Environmental Cost Estimate; and,
- Estimated Processing Schedule

PROJECT DESCRIPTION

Below is the project description that staff has generated from the information provided in the application package and the Application for Environmental Initial Study (AEIS). Please review this project description and verify with staff that the project description is correct:

The project is a Major Use Permit for a proposed 96 Mega Watt power plant that qualifies as a Major Impact Services and Utilities under Civic Use Types. The project would include: two natural gas-fired combustion turbine generators, each equipped with emission control systems including an 80-foot tall by 13-foot diameter stack and continuous emissions monitoring; an aqueous ammonia storage tank; an air inlet chiller and cooling tower package; two fuel gas compressors; trailer-mounted water treatment systems; water storage tanks; step-up and station transformers; fire protection equipment; a black-start generator; a storm water control facilities including a detention/retention basin; a gas metering area; an onsite switchyard; an underground power line connecting to an existing substation; a warehouse; an office area; landscaping; perimeter fencing; and employee parking. The project would include extending a water line approximately 1.5 miles from the north along an existing private road and also extension of a gas line for approximately 2 miles from the west. The project site is located near the intersection of Pala Del Norte Road and Highway 76 in the Pala-Pauma Community Planning Area, within unincorporated San Diego County. The applicant is also requesting an exemption to the height limit for the smoke stacks and structures, from 35 feet to 80 feet, pursuant to Section 4620.g. of the Zoning Ordinance. The California Energy Commission will be the lead CEQA agency to process this proposal under a Small Power Plant Exemption process.

The site is subject to the General Plan Regional Category 20 (General Agriculture), Land Use Designation and Regional Land Use Element 1.6 (ECA) Environmentally Constrained Areas. Zoning for the site is A72 (General Agricultural) with a minimum lot size of 10/40 acres (split zoned). Assessor Parcel Numbers 110-072-26 and 110-370-01 are zoned with an "A" Agricultural Designator which requires findings pursuant to Section 5110 of the Zoning Ordinance. The parcels are also zoned with the floodplain/floodway designator (POR F). The proposed project is compatible with the Agricultural Preserve (Pala #15) and is not in a Williamson Act contract. The two contiguous parcels currently have a former citrus grove which has been fallow for many years, a storage area, and the remaining portion is vacant. The proposed pad location would be within the area formerly used for agriculture. Primary access would be provided via a driveway connecting to Pala Del Norte Road, which connects to SR 76. A bridge is proposed from Pala Del Norte Road to the site in order to cross an existing drainage. A proposed secondary driveway would be located along SR-76 (Pala Road). The project would be served by an onsite sanitary septic tank and leach field or alternatively, if adequate soil percolation rates are not achievable, by a sanitary waste holding tank from which the waste would be pumped and trucked off-site for treatment at a licensed facility. Water for the project will be provided by the Rainbow Municipal Water District. In addition, tertiary treated wastewater from the Fallbrook Public

Utilities District will be trucked to the site by the applicant to meet the water demand for power plant cooling. Calculations for grading have not yet been provided.

Lands surrounding the project site are used for residential and vacant lands. A few residences are located upon a steep ridgeline to the north and north-east and across the San Luis Rey River to the south. The topography of the project site is characterized with slightly sloping topography at approximately 10 percent slope. Adjacent land contains steeper slopes to the west and north. To the east are sloping hills. State Route 76 is adjacent to the south with a former aggregate mine and the San Luis Rey River beyond the roadway. The site is located within 200 feet of SR-76 (Pala Road).

DETERMINATION OF COMPLETENESS PURSUANT TO SECTION 65943 OF THE GOVERNMENT CODE

DPLU has completed its initial review of your application and cannot find it complete pursuant to Section 65943 of the Government Code at this time. Please review the attached package of information which will detail how to further process your application.

DETERMINATION OF COMPLETENESS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Department of Planning and Land Use has completed its review of your AEIS and determined it not to be "complete" as defined by the CEQA. At this time, additional information will be required to determine your project's potential impacts on the environment and to complete the CEQA Environmental Initial Study.

These reports will be reviewed for technical accuracy and adequacy for CEQA documentation. Additional copies of the final technical report(s) will be required when your project's environmental documents are circulated for public review. The reasons for this determination and the required information are detailed in the attachments to this letter.

CONSULTANT LIST & MEMORANDUM OF UNDERSTANDING (MOU)

For the purposes of this particular proposed project, the only report that would require an MOU to be submitted is the Fire Protection Plan. The following is given for informational purposes.

The County of San Diego's CEQA guidelines require that environmental technical studies be prepared by a consultant from the County's CEQA Consultant List, which can be found on the County of San Diego's website at: <http://www.sdcdplu.org/dplu/Resource/docs/3~pdf/consList.pdf>. No list is maintained for hydrology and stormwater management planning. With the exception of minor stormwater management plans, only registered engineers registered in the State of

California shall be permitted to submit hydrology/drainage studies and only registered engineers or Certified Professionals in Storm Water Quality certified by CPESC, Inc., or an equivalent entity approved by the Director of Public Works, shall be permitted to submit stormwater management plans.

Applicants are responsible for selecting and direct contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute the attached Memorandum(s) of Understanding (MOU). The responsibilities of all parties involved in the preparation of environmental documents for the County (i.e. applicant, individual CEQA consultants/sub-consultants, consulting/sub-consultant firms, and County) are clearly established in the MOU for each requested applicable study. The clear identification of roles and responsibilities for all parties is intended to contribute to improved environmental document quality. The MOU can be found on the Department's website at: <http://www.sdcounty.ca.gov/dplu/docs/MOU.doc>

GUIDELINES FOR DETERMINING SIGNIFICANCE & REPORT FORMAT AND CONTENT REQUIREMENTS

Projects *scoped* after the release date (see below) of any of the new subject area Guidelines for Determining Significance and Report Format & Content Guidelines must use these guidelines and report format requirements when preparing technical studies. The Guidelines and Report Format & Content Requirements can be found on the Department's website at <http://www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#guide>.

Establishment Dates for Guidelines for Determining Significance and/or Report Format and Content Requirements

September 26, 2006	March 19, 2007	July 30, 2007
Archeology	Agriculture	Aesthetics
Biology	Air Quality	Hydrology (DPW Lead)
EIR Preparer	Fire Protection Planning	Mineral Resources
Historic Resources	Groundwater	Revegetation Planning
Transportation & Traffic	Noise	Vectors
	Paleontology	Visual Resources
		Revegetation Plans
		Water Quality (DPW Lead)

STUDIES ACCEPTED WITH THE INTIAL SUBMITTAL

An initial study package containing multiple studies were accepted with the initial submittal. Please note that these studies were reviewed for informational purposes only and served to assist in the scoping process. A formal review of the study will not initiate until all other requested information/studies have been submitted and additional fees have been deposited to the KRONOS account as detailed below.

<u>Study Reviewed</u>	<u>Status</u>
Biological Resource Report	Resubmit (per instructions below)
Air Quality Analysis	Resubmit (per instructions below)
Noise Analysis	Resubmit (per instructions below)
Landscape Plan	Resubmit (per instructions below)
Geologic Investigation	Resubmit (per instructions below)
Archeology	Resubmit (per instructions below)
Stormwater Management Plan	Resubmit (per instructions below)

PROJECT ISSUE RESOLUTION PROCESS: If you have disagreements with the requirements within this letter you should contact the project staff to resolve those issues. Upon discussion with project staff, you may have these issues referred to the Project Issue Resolution process to provide you with an opportunity to quickly and inexpensively have issues considered by senior County management. Issues considered under this procedure can include disagreements with staff interpretations of codes or ordinances, requests for additional information or studies, or disagreements regarding project related processing requirements.

Please contact me to learn more about this process, the limitations, or to request an application form.

ESTIMATED PROCESSING SCHEDULE: An estimated processing schedule is attached. Several assumptions were required to supply a schedule at this time and are listed at the bottom of the estimated schedule. If these assumptions prove to be incorrect, the schedule will be adjusted. The schedule also makes assumptions regarding County staff workload, submittal turnaround times by the applicant, and the number of iterations of submittals required for the applicant to obtain an adequate document. These assumptions are based on staff's experience with this type of case. **If reports are determined to be acceptable with less than three reviews or the applicant turnaround times shortened, the "standard" schedule can be reduced by as much as 50 percent in some cases.**

SUBMITTAL REQUIREMENTS: Unless other agreements have been made with County staff, you must submit all of the following items concurrently and by the submittal date listed below in order to make adequate progress and to minimize the time and costs in the processing of your application. The submittal must be made to the DPLU Zoning Counter at 5201 Ruffin Road, Suite B, San Diego, CA 92123-1666 and must include the following items:

- a. **A COPY OF THIS LETTER.** The requested information will not be accepted unless accompanied by this letter.
- b. In addition to the documents requested below, electronic versions of these documents / studies can be e-mailed directly to the Project Manager at

Jarrett.Ramaiya@sdcounty.ca.gov. This will enable staff to make editorial strikeout / underline changes to electronic documents, ultimately saving time in the process.

- c. The following information and/or document(s) with the requested number of copies as specified:

INFORMATION/DOCUMENT	# OF COPIES	LEAD REVIEW /SECTION or Dept.
Replacement Plot Plans * with floor plans and elevations and revised Landscape Plan Plans must be folded to 8-1/2 x 11 maximum with the lower right hand corner exposed	12	Jarrett Ramaiya (5), Monica Bilodeau (1), DPW (2), DEH (1), DPR (1) DPLU Fire Marshal (1), Terri Foster (1)
Revised <u>Biological Study</u>	3	Jarrett Ramaiya (1), Monica Bilodeau, DPLU Biologist (2)
Revised <u>Archaeological/Historic Report</u>	3	Jarrett Ramaiya (1), Gail Wright, Cultural Resources Specialist (2)
Revised <u>Noise Analysis</u>	3	Jarrett Ramaiya (1), Emmet Aquino, Noise Specialist (2)
<u>Preliminary Grading Plan (with Supporting Information)</u>	8	Jarrett Ramaiya (2), Monica Bilodeau (1), Gail Wright (1), DPW (2), DEH (1), DPR (1)
<u>Fire Protection Plan with Technical Study</u>	5	Jarrett Ramaiya (1), DPW (1), North County Fire Protection District (1), DPLU Fire Marshal (1), Staff biologist
Revised <u>Air Quality Study</u>	3	Jarrett Ramaiya (1), Air Quality Specialist Mario Covic (2)
Revised <u>Stormwater Management Plan</u>	3	Jarrett Ramaiya (1), DPW (2)
<u>Septic System Design</u>	3	Jarrett Ramaiya (1), Eric Klein, DEH (2)
Revised <u>Geologic Investigation/ Reconnaissance Report</u>	3	Jarrett Ramaiya (1), Jim Bennett Geologist (2)
<u>Drainage/Flooding</u>	5	Jarrett Ramaiya (1), DPW (4)
<u>Memorandum(s) of Understanding according to Attachment B</u>	Fire Subject Areas (1 Copy each)	Jarrett Ramaiya
The staff turnaround goal for review of the requested information/document is 30 days.		

*Please contact me in advance for a Special Handling Form if you wish to submit other documents not specifically listed above.

- d. Deposits:

AGENCY	ACCOUNT NUMBER	DEPOSIT AMOUNT
DPLU - Planning	07-0079134	\$4,622
DPLU - Environmental	07-0079134	\$7,810
DPW	PWR 07-0079134	\$13,000
TOTAL ADDITIONAL DEPOSITS		\$25,432

The above is an estimate of the additional deposits required to process the application through hearing/decision.

Be aware that Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 states that:

The Director of Planning and Land Use may discontinue permit processing and/or recommend denial of the said project based on non-payment of the estimated deposit.

Several assumptions were required to supply the DPLU-Environmental cost estimate at this time in the process. If these assumptions prove to be incorrect, your cost estimate will be adjusted. These assumptions are listed at the bottom of the attached environmental cost estimate.

Should your application be approved, there will be additional processing costs in the future (e.g., Final Map processing costs, park fees, drainage fees, building permit fees). The above estimate includes only the costs to get your present application(s) to hearing/decision and does not include these additional processing costs.

The initial review of your project indicates that there will be an effect on native biological resources. Therefore, State law requires the payment of a fee to the California Department of Fish and Game for their review of the project environmental document (Fish and Game Code §711.4). If this fee is needed, it will be requested and collected at a later time during the process. Payment of the fee is required regardless of whether or not we consider the effect on native biological resources to be significant or clearly mitigated. The Project Manager will remind you to pay this fee immediately prior to public review of the project environmental document.

SUBMITTAL DUE DATE: In order to maintain adequate progress and be consistent with the Estimated Processing Schedule (attached), DPLU recommends that all of the information requested in this letter be submitted by **April 11, 2008**. If you are unable to submit the requested information by the above date, please contact your DPLU Project Manager to submit a due date extension notification. Notification must be submitted in

writing and be signed and dated by the project applicant. The notification must include a revised submittal date and a brief rationale for the extension. Be aware if the submittal is deemed to be excessively late (generally six or more months), notifications are not received, or your project is excessively behind schedule the Department may make a recommendation for denial of your project to the appropriate decision-making authority based upon inadequate progress pursuant to CEQA Guidelines Section 15109.

If you have any questions regarding this letter or other aspects of your project, please contact me at (858) 694-3015.

Sincerely,



Jarrett Ramaiya, Project Manager
Regulatory Planning Division

cc: Orange Grove Energy, L.P., 1900 East Golf Road, Suite 1030, Schaumburg, IL, 60173
Sega Inc., 16041 Foster, Stilwell, KS, 66085
TRC, Joe Stenger, 21 Technology Drive, Irvine, CA 92618
TRC, Joshua Taylor, 21 Technology Drive, Irvine, CA 92618
Pala-Pauma Community Planning Group, Joe Chisholm, P.O. Box 1273, Pauma Valley, CA 92061-1273
Mario Orso, CALTRANS
Nael Areigat, Project Manager, Department of Public Works, M.S. O336
Maryanne Vancio, Department of Parks and Recreation, M.S. O29
Joseph Farace, Planning Manager, Department of Planning and Land Use, M.S. O650
Donna Beddow, Planning Manager, DPLU, M.S. O650
Kurt Luhrsen; North County Transit District, 810 Mission Avenue, Oceanside, CA 92054

SCOPING LETTER MATRIX

Item	Item
A	Planning Issues
B	Memorandum(s) of Understanding
C	Biological Resources
D	Archaeological / Historical Resources
E	Noise Issues
F	Preliminary Grading Plans
G	Fire Protection Plan
H	Air Quality Information/Study
I	Geologic Investigation / Reconnaissance Report
J	Stormwater Management Plan
K	Traffic Impact Analysis
L	Drainage/Flooding
M	Trails
N	Landscaping
O	Department of Environmental Comments
P	Transportation Impact Fee
Q	Department of Public Works draft requirements
R	Comments from CALTRANS
S	Comments from Rainbow Municipal Water District
T	Comments from North County Fire Protection District
U	Estimated Processing Schedule
V	DPLU-Environmental Cost Estimate

Comments from the Pala-Pauma Community Planning Group have not yet been received. Comments will be forwarded to you upon receipt.

**ATTACHMENT A
PLANNING ISSUES**

Staff has reviewed the proposed project and has the following comments:

- 1. Section 3 (Table3.3-2): Please change the name of the Director of the Department of Planning and Land Use from Gary Pryor to Eric Gibson and any other necessary documents.**
- 2. Please provide elevations of the proposed structures including the height of each of the structures.**

ATTACHMENT B
Memorandum of Understanding

The MOU can be downloaded in word format at
<http://www.sdcountry.ca.gov/dplu/docs/MOU.doc>

The responsibilities of all parties involved in the preparation of environmental documents for the County (i.e. applicant, individual CEQA consultants/sub-consultants, consulting/sub-consultant firms, and County) are clearly established in the attached MOU for each requested applicable study. The clear identification of roles and responsibilities for all parties is intended to contribute to improved environmental document quality.

Copies must be made and signed by the applicant, consultant and firm (if applicable) for each of the following requested subject area technical studies:

- Fire Protection Plan/Technical Report

ATTACHMENT C
Biological Resources

Please address the following comments in your response:

1. The current submittal does not address the biological comments provided in Attachment D of the Pre-Application meeting summary letter dated August 3, 2007. Further review will be conducted once the report addresses all issues as followed. Many of the requirements discussed below are located within the Report Format and Mapping Requirements which can be found at: http://www.co.san-diego.ca.us/dplu/Resource/docs/3~pdf/Biological_Guidelines_Report.pdf.
2. Please revise the biological resource map to include:
 - a. The most recent plot plan.
 - b. Please clearly label the proposed maximum limits of disturbance for the project. This includes all grading, fire fuel modification zones, and construction staging areas.
 - c. Page 30 of the report describes Southern mixed chaparral in the southeast portion of the project vicinity, and Southern riparian forest, though these habitats are not shown on the resource map. Please include all habitats present on the resource map.
 - d. Acceptable scales are 1=20 through 1=200.
3. Please include a table of all existing vegetation communities and their associated acreages. Please refer to Page 13 and 21 of the Report Format requirements listed above.
4. Please revise impacted acres throughout the report to appropriately account for fire fuel modification zones.
5. Please further explain as to why the drainages on site do not qualify as Resource Protection Ordinance (RPO) wetlands. If the drainages are RPO wetlands, the proposed project must protect wetlands and wetland buffers.
6. All significant impacts shall have appropriate mitigation. Please refer to the report requirements and the Pre-Application meeting summary letter as stated above. It is unclear if the report is proposing Landscaping/Re-Vegetation as a mitigation measure. The County does not typically allow Re-Vegetation Plans for mitigation. Typical habitat mitigation measures are open space easements and/or offsite habitat purchase/preservation in a mitigation bank. Other mitigation is considered on a case-by-case basis. Please contact the staff biologist to further discuss the proposed habitat mitigation prior to resubmittal of the biology report. (Note that if the project wishes to mitigate through revegetation, please submit a conceptual Re-Vegetation plan following the county report guidelines (http://www.co.san-diego.ca.us/dplu/Resource/docs/3~pdf/Revegetation_Report_Formats.pdf) with the next submittal.)

7. The project will require a Habitat Loss Permit (HLP) due to amount of impacted coastal sage scrub. Please ensure the project complies with the Natural Community Conservation Planning (NCCP) program. Once the Biology report is adequate County staff will present the project to the agencies through a batching meeting to evaluate the project for conformance with NCCP and then will write NCCP 4(d) Findings.

As stated in the Pre-App summary letter all of the required NCCP 4(d) Findings must be made prior to approval of the project and will require a 45-day public review period along with the CEQA document. At the time improvement plans, grading or clearing permits are obtained, a Habitat Loss Permit (HLP) will be required to allow incidental take of the federally threatened California gnatcatcher under Section 4(d) of the Endangered Species Act. The HLP is issued by the County based on the NCCP 4(d) Findings and requires concurrence (30-day concurrence period) from both the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CEFG).

8. The report states that the site region has a high potential for the following federally-listed species: California Gnatcatcher, Least Bell's vireo, and Arroyo toad; as well as the coastal cactus wren, a County Group 1 species. Unless the applicant demonstrates (through surveys or habitat assessment) are performed to prove that the species are not present on site, the County will assume presence. The project should be designed to avoid impacts to all federally-listed species. Any impacts to federally-listed species will require a permit (take authorization) from the USFWS under the Endangered Species Act. The project can receive take authority for the California gnatcatcher through the County's Habitat Loss Permit. However, the HLP does not grant take authority for the least Bell's vireo and arroyo toad. A formal Section 7 or Section 10 consultation with the USFWS would be required to receive take authorization if the least Bell's vireo or arroyo toad will be affected. The coastal cactus wren is a County Group 1 wildlife species, and requires species-specific mitigation to reduce impacts to less than significant if this species will be impacted.
9. Please note that though the county allows the project to assume presence for mitigation purposes the wildlife agencies will likely need surveys to determine whether a listed species will be impacted. It is advised that Gnatcatcher surveys are completed.
10. Staff is unclear what the CEC is using for thresholds of significance. Please clearly state these thresholds within the report and provide evidence to support a conclusion of impact significance for special status species, riparian habitat or sensitive natural communities, federal wetlands, and wildlife movement.
11. Please remove reference to "de minimis amount of Diegan coastal sage scrub".
12. Please remove language that states no mitigation is required.
13. Please address all sensitive species (Attachment D of Pre-Application meeting summary letter), and their potential to occur on the project site.

ATTACHMENT D
Archeological Resources

Staff has reviewed the following cultural resources documents related to cultural resources:

1. *"Supplemental Archaeological Survey Report and Assessment of Potential Impacts to Archeological Resources orange Grove power project (07-SPPE-2) San Diego County, California"*, dated October 2007, prepared by TRC (Confidential, not for public review).
2. *"California Energy Commission Small Power Plant Exemption (SPPE) Application"; Excerpt: Section 6.7 Cultural Resources, Orange Grove Project, Dated July 2007*
3. Letter dated September 5, 2007: Data Requests 1-98 (Set #1) for the Orange Grove Power Plant Project (07-SPPE-2). Data Requests 35 through 51 are applicable to cultural resources.
4. "Orange Grove Project 07-SPPE-2 Response to Data Requests Set 1; Data Requests 35 through 51"; Technical Area: Cultural Resources, by Dorothy Torres.

These reports provide the results of a record search, cultural resource survey and evaluations to determine the existing conditions of cultural resources (14 sites) both historic and prehistoric, within the Orange Grove project area and an evaluation program to determine the impacts and significance of sites located within the project impact area. Proposed measures to mitigate potential impacts to cultural resources are also covered. The survey and evaluations include, in addition to the Orange Grove Power Plant footprint, a portion of the gas pipeline route near Rice Canyon Road and the route of the water pipeline along Pala del Norte Road. The Data Request letter (Item 3 above) and the to the cultural resources section of the Data Request list (Item 4 above) were prepared as a result of the CEC SPPE application. (The Supplemental Archaeological Survey Report (Item 1 above) contributed to the responses to CEC Data Requests # 35, 37, 38, 47, 50 and 51) (Item 4 above).

County Staff has the following comments:

- A. County staff concurs with the thorough consultant evaluation and recommendations for the cultural resources (both historic and prehistoric) within the project footprint and off-site gas pipeline and water pipeline routes as provided in the Supplemental Archaeological Report and the Data Requests Responses. However, when comparing Section 6.7.1.4 Existing Cultural Resources in the Study Area, page 6.7-5 through 6.7-7 in the Excerpt: Section 6.7 Cultural Resources (Item 2 above) with the maps 1a and 1b in the Supplemental survey report, there is some very minor inconsistencies noted (refer to attached list of sites):

1. Sites SDI-773, SDI-16048 and SDI-13762 are documented in the "Excerpt" but not shown on the maps.
2. Site SDI-14609 is shown on the maps, but not listed in the "Excerpt".
3. Sites SDI-744, SDI-12584, and SDI-12585 (shown on the maps and discussed in the "excerpt") and SDI-14609 appear from the maps to be in a location to be impacted by the gas pipeline, although the "Excerpt" states that they are "in the vicinity of the gas pipeline and the water pipeline". The impacts to these four sites should be clarified along with proposed mitigation such as archaeological monitoring when grading in the vicinity of these sites.

B. Staff recommends including a summary table in the "Excerpt" listing all of the cultural resources along with their significance, type of site and/or description, impact and proposed mitigation and any other pertinent information.

Please contact Gail Wright at (858) 694-3003 if there are questions regarding the cultural resources comments.

Attachment:

ARCHAEOLOGICAL AND HISTORICAL SITES FROM "EXCERPT" AND FROM MAPS:

(From northeast to southwest)

1. SDI-13767 (to the northeast of project; likely not impacted)
2. SDI-13006 (only site actually indicated within power plant footprint; resurveyed, not significant)
3. SDI- 13007(H) resurveyed; not significant
4. SDI- 13766 locus C and locus A, resurveyed; not significant
5. SDI-13005; should not be impacted by gas pipeline
6. SDI-13004; should not be impacted by pipeline
7. SDI-13769; could be impacted
8. SDI-13768; could be impacted
9. SDI-786; should not be impacted
10. SDI-744 A, B1 and B2; could possibly be impacted
11. SDI-12584; could be impacted
12. SDI-12585; could be impacted
13. SDI-14609; could be impacted
14. SDI-683 – Resurveyed; to be avoided (pipeline other side of Hwy 76)

(Numerical Order)

SDI-683

SDI-744

SDI-786

SDI-12584

SDI-12585
SDI-13004
SDI-13005
SDI-13006
SDI-13007
SDI-13766
SDI-13767
SDI-13768
SDI-13769
SDI-14609

**ATTACHMENT E
NOISE ISSUES**

Staff has reviewed the Orange Grove project and noise report submitted by Orange Grove Energy, L.P. received on September 4, 2007. Edits and additional information to the noise report are necessary to clearly demonstrate noise impacts from the proposed power plant will comply with County Noise Ordinance standards. The noise report shall provide additional information addressing potential noise impacts to the project boundary line. Additionally, utilization of the ambient noise conditions taking precedence over the sound level limits addressed in Section 36.404 must be correctly applied and is further discussed in Comment 6.

Staff has the following noise comments to the noise report:

1. Please include additional receptors along the project boundary line. The project boundary line will consist of the parcel boundary of where the power plant is to be located, APN:110-072-26-00. Pursuant to County Noise Ordinance 36.404, the proposed power plant will be subject to sound level limits at the property line. (Not the lease area or SDG&E property boundary). Project is zoned A72 that has a daytime one hour average sound limit of 50 dBA and a nighttime one hour average sound limit of 45 dBA at the project property lines.
2. On a separate figure illustration, please show the projects boundary line in relation to the proposed power plant location. On this same illustration, identify and label noise receptors along the project boundary line of parcel APN: 110-072-26-00 and parcels containing access to the project. Please note that the project boundary line is relative this parcel and that noise receptors shall be placed along the north, south, east and western property lines.
3. Provide a new table similar to 6.12-12, addressing the new receptors (along the property line) details and information. Identify the receptor locations along the project property lines, associated noise levels, County sound level limit requirement, etc. Please ensure the new table identifies the receptors along the project boundary line.
4. On the new table identifying potential noise impacts along the project property lines, the sound level limits shall be taken from Section 36.404 under the area zoned for agriculture. These property lines will be subject to a one-hour daytime average sound level limit of 50 dBA and a one-hour nighttime average sound level limit of 45 dBA.
5. The power plant lease area will be located on the southwestern area of parcel APN: 110-072-26-00. Noise exposure to the southern and western property lines may exceed County Sound Level Limits of 50 dBA daytime and 45 dBA nighttime. Provide any necessary noise mitigation recommendations to ensure compliance with County noise standards. Incorporation of existing ambient noise

conditions as the noise thresholds are discouraged. For more existing ambient information, please see Comment 6.

6. **Section 6.12.5.3: San Diego Noise Ordinance, page 6.12-23 and Table, the noise report utilizes existing ambient noise conditions to be the sound level requirements. In order to properly utilize the ambient noise conditions as the sound level limit, the noise report must show a 24-hour noise measurement at the project site and take the worst-case one-hour measurement. The worst-case one hour measurement is considered to be the lowest one-hour Leq within the with the 24 hour measurement providing a conservative and more restrictive sound level limit. Staff recommends the noise report to revise Table 6.12-12 and 6.12-13 to incorporate the sound level limits in Section 36.404 relative to the designated zone and property lines. Project is zoned A72 and has a daytime one-hour average sound limit of 50 dBA and a nighttime one-hour average sound limit of 45 dBA at the project property lines.**

7. **Re-evaluate the entire noise report to ensure the proposed power plant will meet County Noise Ordinance sound level limits at the property boundary lines. Please note: The aforementioned comments are necessary to determine noise compliance to the project property line.**

**ATTACHMENT F
PRELIMINARY GRADING PLANS**

Project Specific Information:

1. Submit a separate Grading Plan.
2. Show a vicinity sketch or other data adequately indicating the site location.
3. List the name of the applicant/owner, address, and telephone number.
4. List the engineer's telephone number.
5. Show project address or Assessors Parcel Number (APN).
6. Identify the basis for elevations and contours shown.
7. Show any easements of greater than 20' width (Pala Del Norte Road).
8. Show estimates of the amount of excavation, fill, import, and export.
9. Show the direction of lot and street drainage.
10. Show proposed slope ratios, not greater than 1 ½ : 1 on cuts and 2:1 on fills.

General Information: A Preliminary Grading Plan must be completed in accordance with the Preliminary Grading Plan Guidelines (attached) which can be found on the World Wide Web at <http://www.sdcounty.ca.gov/dpw/stormwater/grading.html>. Preliminary grading plans must be submitted at the beginning of the discretionary permit process in order to address concerns regarding the long-term protection and improvement of stormwater quality. Structural BMPs are difficult to add to the completed design of a private development project without causing significant changes to the project's character. As such, the earlier in the design process stormwater facilities are considered, the greater the chance a successful and efficient design can be accomplished.

**ATTACHMENT G
FIRE PROTECTION PLAN**

FIRE PROTECTION PLAN

The Department of Planning and Land Use has completed review of the project design and has determined that the project may expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project is adjacent to and/or within wildlands that have the potential to support wildland fires. A Fire Protection Plan (FPP) shall therefore be prepared for the project.

The FPP is to be prepared by a wildland fire code expert and shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation and climate of the proposed site. The FPP shall also address in terms of fire code requirements: water supply, access (including secondary access where required by code), building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management (based on site fire behavior modeling). It is recommended that you contact the **North County Fire Protection District** for specific requirements, codes, and regulations to be incorporated into the Fire Protection Plan prior to initiation of the Fire Protection Plan.

The Fire Protection Plan shall meet all requirements of Article 86, Section 8601 of the California Fire Code. The Plan shall also identify where any increases or decreases to the standard 100-foot fire-clearing zone are warranted. The Plan shall identify any special design elements or requirements associated with any increases in the fire-clearing zone. In addition, the Plan shall propose a mechanism whereby the **North County Fire Protection District** can track those lots where increases or decreases from the standard fire clearing distance of 100 feet has been approved, so that future fire clearing requirements will be consistent with approved fire clearing increases.

An evaluation of the completed Fire Protection Plan by the local fire protection district must be obtained prior to submittal of the Fire Protection Plan. **The local fire protection district evaluation must be submitted to the Department of Planning and Land Use along with the Fire Protection Plan.** Failure to obtain this evaluation may cause delay in the review of the FPP.

The Memorandum of Understanding must be executed by the applicant and consultant and subsequently submitted with the first iteration review.

**ATTACHMENT H
AIR QUALITY**

Impacts to air quality from construction emissions and operational emissions resulting from this project may be less than significant; however the analysis is not complete. There are still minor revisions and issues that must be addressed.

Below are comments on the air quality assessment.

In general, the air quality study prepared for the project by TRC, Inc. assessed the direct air quality impacts, but fails to provide enough of a cumulative-level analysis. In addition, the following issues have been identified and should be addressed in the final iteration:

Technical Study:

1. All revisions shall be completed in ~~strikeout~~ underline format.
2. Page 6.2-32. One of the County's CEQA guidelines for determining significance is whether or not a project will create a cancer risk less than one in a million (~~without T-BACT~~). This study does not make a determination on the cancer risk and states that a health risk analysis will occur at a later time. However, this needs to also be determined as a part of the CEQA analysis.
3. Page 6.2-36. The public notice sections should also mention public noticing requirements for cancer risks.
4. The study must also discuss cumulative impacts from the proposed project and the other foreseeable projects in regards to construction particulate matter emissions. The ozone precursors are covered by the RAQS.

If you have any questions regarding these comments, please contact Mario Covic at (858) 694-3055.

**ATTACHMENT I
GEOLOGIC INVESTIGATION**

DPLU staff has reviewed Section 6.3 Geologic Hazards and Resources and a Geotechnical Investigation Report dated April 18, 1994 by Geocon, Inc. The geotechnical investigation was conducted on the adjacent SDG&E Pala substation. The investigation did not identify any potential geologic hazards that would preclude development. The report addressed the County's issues brought up in the pre-application including landslides and liquefaction. The project site reportedly is underlain by dense soil and groundwater was reported as likely deeper than 50 feet below the ground surface. Therefore, the report concludes that liquefaction is not an issue at the project site. Additionally, landslides were also reported to not be a constraint to development. DPLU has no comments regarding the geotechnical investigation. However, a site-specific geotechnical investigation will be required to address summarize geotechnical site conditions relevant to grading, foundations, and seismic design.

Mineral Resources. The project site is located adjacent to land with a designation of Mineral Resource Zone 2 (MRZ-2). In Section 6.3.2.1 Construction Impacts, the text states that the MRZ-2 aggregate resource within the San Luis Rey Riverbed will not be impacted. While the site does not physically underlie MRZ-2 aggregate resources, it is within 1,300 feet of such materials. 1,300 feet is what the County considers the buffer required to achieve acceptable noise levels from a potential mining or quarry operation to offsite noise sensitive land uses. Please analyze potential impacts to offsite MRZ-2 zoned mineral resources (up to 1,300 feet from the project site) from the potential site development of a power plant. The analysis should take into consideration first, whether the development is incompatible (due to potential noise issues from a mining operation to onsite personnel) to a potential mining operation within 1,300 feet of the site in MRZ-2 designated areas. If the site is incompatible, the second part of the analysis would be to inventory other surrounding land uses that may be incompatible to mining including the adjacent Pala substation. If there are already incompatible land uses in the vicinity, the addition of this project would not be considered to contribute to a significant loss of mineral resources since the resource would already be deemed as potentially lost from existing incompatible land uses.

**ATTACHMENT J
STORMWATER MANAGEMENT PLAN**

Project specific information: (Provide information regarding sizes of parking facilities (if known) or other design elements which could result in adverse impacts to stormwater quality). Section 67.804 (f)(1) of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinances 9424 and 9246) stipulates that certain projects must provide "plans demonstrating how the requirements of this Ordinance will be met", and with out such plans, "the permit or approval shall not be approved." In compliance with the WPO, a Stormwater Management Plan (SWMP) must be prepared for the project that addresses potential impacts to the surrounding watershed as well as the construction and post-construction best management practices (BMPs) that will be implemented to reduce potential impacts to stormwater quality.

Please incorporate the following changes to the submitted SWMP:

Page 12

- Please complete water quality table (provide Q_{wq}).

Attachment E: Provide engineering calculations (the length, slope, etc,...) for Extended Detention Basin.

Attachment G

- The Stormwater Management Plan (SWMP) of the plan shall be stamped, signed and dated by a registered civil engineer.

Please incorporate all MUP on- and off-site requirements and changes in the CEQA level Drainage Study, SWMP and Preliminary Grading Plan. Each of the documents must be continually updated to reflect the current DPW comments and requirements.

Background: All projects must comply with water quality standards as described in existing Local, State and Federally mandated regulations and plans to protect water quality from potential impacts due to increased non-point source urban runoff. These regulations include the County of San Diego Stormwater Ordinance and the California Regional Water Quality Control Board (RWQCB), San Diego Region, Order No. 2001-01. On January 16, 2002, the County of San Diego Board of Supervisors adopted a substantially revised County Stormwater Ordinance, in response to the RWQCB's Permit. This ordinance, entitled the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO), became effective February 20, 2002. It requires development and redevelopment projects to implement best management practices (BMPs) to reduce pollutant discharges in storm water to the maximum extent practicable (MEP). Under these regulations and CEQA, the County is responsible for evaluating potential water quality impacts from development projects and conditioning those projects to protect the water quality of County water resources.

Under the requirements of the Ordinance, a SWMP must be prepared for your project that addresses potential construction-phase and post construction water quality impacts of the project. The SWMP must include the information contained in the attached Stormwater Management Plan Guidelines. BMPs proposed for the project must comply with the County of San Diego Stormwater Standards Manual. The Manual details, by project category, what potential dischargers must do to comply with the requirements of the WPO, and to receive permits for projects and activities that are subject to the ordinance. A copy of this manual can be purchased from the DPLU Cashier, 5201 Ruffin Road, Suite B, San Diego, CA 92123 or at [www.projectcleanwater.org](http://endeavor.des.ucdavis.edu/wosid/). Water quality information can be obtained at <http://endeavor.des.ucdavis.edu/wosid/>.

If structural BMPs are proposed as part of the SWMP, a Stormwater Maintenance Plan (SMP) must be prepared which addresses how these structural BMPs will be maintained over the life of the project. Guidance for the preparation of a SMP as well as other stormwater guidance information can be obtained at: <http://www.sdcountry.ca.gov/dpw/stormwater/susmp.html>

Staff will review the submitted SWMP/SMP documentation, and determine if additional information is required to adequately support the determination that BMPs proposed meet the MEP standard.

Given the size of the project, this project is subject to California's statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities and will need to comply with all provisions and requirements of that permit. The project applicant will need to provide evidence of coverage under this permit to the County (or evidence that the Notice of Intent has been filed), prior to obtaining any County grading permits. For more information see State Water Resources Control Board (SWRCB) Order 99-08-DWQ on the internet at <http://www.swrcb.ca.gov/stormwtr/construction.html> or contact the SWRCB at (916) 341-5537.

This project may be subject to California's statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities and all provisions and requirements of that permit. The project applicant must provide the County with all Standard Industrial Classification codes for the proposed project. If the project is subject to this permit, the applicant will need to provide evidence of coverage to the County (or evidence that the Notice of Intent has been filed), prior to occupancy of the project site. For more information see State Water Resources Control Board (SWRCB) Order 97-03-DWQ on the internet at <http://www.swrcb.ca.gov/stormwtr/industrial.html> or contact the SWRCB at (916) 341-5538.

A revised SWMP is required to address these comments.

If you should have any questions or comments, please contact Susan Hoang at (858) 505-6327.

**ATTACHMENT K
TRAFFIC IMPACT ANALYSIS**

Traffic Study

1. The study should provide a clear and concise summary table of all project generated trips including construction trips, normal operation/maintenance trips, and daily delivery truck trips.
2. A Passenger Car Equivalency (PCE) factor should be applied to the project's trip generation assumptions in order to adequately account for the traffic impacts due to truck traffic.
3. The study should identify if the construction project will require the export or import of materials. If materials will be imported or exported, the volume of material should be identified.
4. The study should identify the types of trucks that will be used by the project and their load carrying capabilities for construction and operation/maintenance (post-construction) periods.
5. The study should correlate the type of trucks, their load carrying capabilities, and the amount (cubic yards) of materials to be transported to the project's trip generation assumptions for construction and operation/maintenance periods.
6. The study should explain the basis for the assumption that 20% of the construction workers will carpool to/from work.
7. The project should provide a Traffic Control Plan (TCP) that shows the routes that will be used by the project generated truck traffic during construction and during the transport of hazardous materials. A Traffic Control Plan should identify if the project's construction phase may require any detours and/or lane closures.
8. The TCP should identify the construction project's hour of operations. The project's hours of operations may need to be adjusted in order to avoid peak traffic periods.
9. The study (Pg. 6.11-8) should reference the County's Traffic and Transportation guidelines as part of the significance criteria mentioned in Section 6.11.2.1 and included in Table 6.11-5.
10. The study identifies that the project site will be accessed from Pala Del Norte Road. The study should provide a description of existing roadway conditions along Pala Del Norte Road. The description of the roadway conditions should include road width, number of lanes, prevailing speed, daily traffic volumes, and

shoulder availability. The study should also indicate whether Pala Del Norte Road is a public or private road.

11. The study indicates that the project will construct a secondary project driveway off of SR-76. The study should document the reasons why a second project driveway that directly accesses SR-76 is needed. The study discusses sight distance and vertical/horizontal curve issues along SR-76 that could be complicated by the construction of the new direct access driveway.
12. The study should provide an operational assessment of the ability of project-generated truck traffic to maneuver through curves along SR-76 without crossing over the road centerline. The study should identify locations/segments along SR-76 where the road curvature may require trucks to cross over the road centerline. The study should also document that adequate turning radius will be provided at the site entrance in order to accommodate the ingress and egress of truck and trailer units.
13. The study should discuss the adequacy of sight distance from project driveways (including SR-76/Pala Del Norte Road intersection) and any necessary accommodation that may be necessary due to truck traffic such as acceleration lane. The study should provide conceptual striping and signing plans for all proposed improvements to SR-76 and the project access roads/driveways.
14. Section 6.11.3 (Mitigation Measures) should be revised to state that the proposed project results in no direct impacts and but does result in significant cumulative impacts. The study should provide a summary table of the project's cumulative impacts. As mitigation for the project's cumulative impacts Section 6.11.3 should identify the TIF payment.
15. The study proposes (Pg.6.11-19) that the proposed project pays traffic impact fees to mitigate cumulative impacts. The applicant should coordinate with the DPW Land Development Division to determine the project's TIF payment estimate.
16. Section 6.11.13 should list the project's proposed road/access improvements.
17. The project/applicant should continue to coordinate with Caltrans and County staff on future planned improvements for SR-76 near Pala.
18. The study should note that the County would require construction and encroachment permits for any work performed within the County's right-of-way. Caltrans will have similar requirement for work within their right-of-way.

If you should have any questions or comments, please contact Susan Hoang at (858) 505-6327.

**ATTACHMENT L
DRAINAGE/FLOODING**

The applicant shall submit a preliminary hydrology/hydraulics report to address erosion, siltation, hydraulics, flooding, runoff on/off-site and impact in run-off due to the new development (pre-development vs post-development).

General Information: A drainage report should be prepared to determine the project's impact on the quantity and pattern of runoff to the surrounding area. The report shall also address siltation and erosion associated with the runoff. The report should describe the drainage amounts falling on the site and show how the drainage is directed on individual lots and on-site roads.

A report should describe drainage structures and locate them on a project map. No development should be planned that would disrupt drainage or cause off-site flooding. Discuss potential impacts of the project and proposed mitigation measures.

Please incorporate all MUP on- and off-site requirements and changes in the CEQA level Drainage Study, SWMP and Preliminary Grading Plan. Each of the following Documents must be continually updated to reflect the current DPW comments and requirements.

ATTACHMENT M
TRAILS

General Information: On January 12, 2005, the San Diego County Board of Supervisors approved the adoption of the County Trails Program and the Community Trails Master Plan (CTMP). The County Trails Program will be utilized to develop a system of interconnected regional and community trails and pathways. These trails and pathways are intended to address an established public need for recreation and transportation, but will also provide health and quality of life benefits associated with hiking, mountain biking, and horseback riding throughout the County's biologically diverse environments. The County Trails Program involves both trail development and management on public, semi-public, and private lands. The Community Trails Master Plan is the implementing document for the trails program and contains adopted individual community trails and pathways plans. Trails maps of specific communities are available online at <http://www.sdcountry.ca.gov/parks/docs/CTMP-pdf/tocrev.pdf>.

Per the Department of Parks and Recreation:

Applicant shall offer to dedicate to the County of San Diego a minimum 15-foot wide non-motorized trail easement adjacent to but outside of the right of way for SR-76.

Please show proposed location of the requested trail easement on the replacement plot plan.

ATTACHMENT N LANDSCAPING

Requirements for landscaping are based on the County of San Diego's Landscape Water Conservation Design Manual, the County's Off Street Parking Design Manual, the Pala/Pauma Subregional Plan, The County's Grading Ordinance, the County's public information pamphlet titled "Fire, Defensible Space and You", the Scenic Highway Element of the General Plan, the Watershed Protection, Stormwater Management and Discharge control Ordinance and the Stormwater Standards Manual.

1. Per the County Grading Ordinance Section 87.417 (a), slopes greater than 3 feet in vertical height are required to be planted and maintained with a ground cover or other planting to protect the slopes from erosion and instability. The planting needs to provide for short term coverage of the slope as well as long term permanent coverage. Please review these Guidelines and apply appropriately to the project's slopes that are greater than 3 ft in vertical height.
2. Per the Grading Ordinance Section 87.417 (b), slopes greater than 15 feet in vertical height are required to be planted with shrubs of at least 1 gallon minimum size or trees of a 5 gallon minimum size. The maximum spacing for shrubs and trees is 10 feet on center each way. Please review these Guidelines and apply appropriately to the project's slopes that are greater than 15 ft in vertical height.
3. Per the Grading Ordinance Section 87.418, all planted slopes shall be provided with an irrigation system to promote the growth of the plantings to protect the slopes against erosion. Place a note on the landscaping plans as to how all required landscaping will be irrigated. All irrigation systems shall be fully automatic with a rain sensing override device attached to the controller(s) for additional water conservation measures. Additionally, please indicate the source of irrigation water on the plans.
4. A minimum of 50 percent of the total slope area of manufactured slopes need to be planted with deep rooting species, per the County Landscape Water Conservation Design Manual, pg 8.
5. The previous four comments regarding slope planting also apply to the slopes along the driveway entering the property from Pala Rd, property also owned by SDG&E. Please review these Guidelines and apply appropriately to the slopes in this area.
6. Per the Scenic Highway Element of the San Diego County General Plan and the Offstreet Parking Design Manual, plantings of trees or large shrubs shall be used to screen structures and parking lots. Please review and locate additional screening trees/shrubs along the southern boundary of the property, along the driveway entering the property from Pala Rd, along the southern and southeastern perimeter of the temporary parking lot, and along the western edge of the property.

The parking lot shall be screened from the view of drivers on Pala Rd and the facility needs to be screened from drivers on Pala Rd and Pala Del Norte Road.

7. The landscape legend on the submitted plan indicates that ground cover composed of native species will be planted, however the species proposed are not listed on the plans. Appendix 2.A-1 of your Project & Facility Description documents the type of plants used in this mix. Please indicate the plant species listed in the Appendix on the landscape plan as well and include the quantity, size and minimum plant spacing.
8. Please refer to the County's "Fire, Defensible Space and You" pamphlet in determining any additional plants species to use in your plantings.
9. Call out any proposed vegetated Best Management Practices (BMP's) to help filter and eliminate runoff from storm water.
10. Provide a note on the plans that indicates all planting beds (as appropriate) will receive a minimum of 2 inches of organic mulch to further help conserve water.
11. Define the pavement surface of the temporary parking lot and length of time the lot will be present. Please note this on the plans.

ATTACHMENT O
DEPARTMENT OF ENVIRONMENTAL HEALTH

The Department of Environmental Health has reviewed the site plan for the proposed 96 megawatt electric generating plant on the above-referenced parcels. Plan review and discussions with Project Applicant Joe Stenger indicate that the facility will include employee restrooms requiring an onsite wastewater disposal system. The source of potable water is not indicated on the plans.

Submit a septic system design including full percolation testing, layout drawing, and engineering calculations for the proposed facility. A detailed field review by DEH will be necessary to assess the proposal.

The plans also indicate that the generating station will involve the use of ammonia and a wastewater tank. Please contact Mark McCabe at (619) 338-2453 for instructions regarding plan checking and permitting requirements by the County of San Diego Hazardous Materials Division.

RECOMMENDATION:

DEH recommends that more information be provided before additional comments are generated. Submit a detailed septic system design at your earliest convenience for review. The review will be conducted using the remaining funds in deposit account VS0991 (\$1202 on 9/10/07).

If you have any questions regarding the above, please contact Eric Klein at (760) 940-2833.

ATTACHMENT P
Transportation Impact Fee

The Board of Supervisors adopted a Transportation Impact Fee (TIF) ordinance on April 20, 2005, which became effective on June 19, 2005. The adoption of this ordinance, as discussed below, will affect the processing of your permit application. The purpose of this letter is to explain to you what the TIF is and inform you of your options regarding this new program. Additional information, including the text of the ordinance, may be accessed at the following website:

<<<http://www.sdcounty.ca.gov/dpw/permits-forms/manuals.html>>>

This program requires the payment of an impact fee, usually assessed at the time of issuance of building permits. For residential projects the TIF will be assessed per Equivalent Dwelling Unit. For commercial and industrial projects the fee will be assessed per square foot of building area. The TIF will be used to fund many future circulation element roadway improvements and is an important component of an overall program that can be relied on to mitigate cumulative traffic impacts. Payment of the TIF, in most cases, will be sufficient to mitigate for the cumulative traffic impacts of your project.

Your project will generate new traffic that will use County roads that currently or in the future will operate at unacceptable levels of service. Therefore, your project contributes to a significant cumulative traffic impact and mitigation will be required. Although you have the option of hiring a consultant to prepare your own cumulative traffic study that identifies impacts and proposes mitigation, you may instead take advantage of the TIF program as mitigation. The fee will be assessed at the time of issuance of building permits. In your community the current fee is \$556.00 per trip. Please note this fee is subject to change as the TIF program is adjusted. Please contact your DPLU Project Manager if you have any questions.

ATTACHMENT Q
DPW Draft Conditions

THE FOLLOWING PRELIMINARY COMMENTS ARE BASED ON AN OFFICE REVIEW AND FIELD REVIEW BY DPW OF PLOT PLAN RECEIVED September 4, 2007, AND MAY BE REVISED UPON FURTHER REVIEW AND INPUT FROM OTHER AGENCIES.

COMMENTS:

1. The project is required to pay the Transportation Impact Fee (TIF) in accordance with County Ordinance # 9712. (See attachment A)
 2. Pending evaluation and approval of the project's traffic study, further improvements may be required to the surrounding roads and/or road intersections as part of mitigation for traffic impacts caused by this project. Traffic signal fees may be required.
 3. Pending evaluation and approval of the project's CEQA level preliminary drainage study, Storm Water Management Plan, and Preliminary Grading Plan further improvements may be required to the surrounding area as mitigation for drainage impacts caused by this project. Planned Local Drainage Area fees may be required.
- A. Prior to approval of this Major Use Permit, the applicant shall:
1. Provide recorded documentation showing that the subject property is connected to a publicly maintained road by an easement for road purposes, and for benefit and use of the subject property. Recordation data for said easement shall be shown on the Site Plan. This requirement applies to off-site access to the property.
 2. Demonstrate that there is physically unobstructed sight distance, along Pala Road (SR 76) from the proposed project driveway in both directions, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999), to the satisfaction of the Director of Public Works.
 3. Demonstrate that there is physically unobstructed sight distance, along Pala Road (SR 76) from the existing private road easement, Pala Del Norte Road, in both directions, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999), to the satisfaction of the Director of Public Works.
- B. Prior to the commencement of any construction and prior to obtaining any building permit, grading permit, or any other permit pursuant to this Major Use Permit, the applicant shall:
1. Grant real property along the project frontage to the County for fifty-five feet (55') from the centerline of Pala Road (SR76), plus the right to construct and

maintain slopes and drainage improvements as required beyond the fifty-five foot (55') limit for that portion within the land division for Pala Road (SR 76), including a thirty-foot (30') property line radius corner rounding at the intersection with Pala Del Norte Road to the satisfaction of the Director of Public Works.

Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of the Parcel Map or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

To process the necessary irrevocable offer/right-of-way dedication/relinquishment documents, the applicant must submit a Lot Book Report less than three months old show all Deeds of Trust, Grant Deeds, and a minimum deposit for document processing fees to the Real Property Division.

2. Relinquish access rights into Pala Road (SR 76) except for one (1) approved driveway and existing private road easement, Pala Del Norte Road to the satisfaction of the Director of Public Works.
3. Obtain a Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 684-3275, to coordinate departmental requirements.
4. Obtain a Construction permit from CALTRANS authorizing access into SR 76. NOTE: This will allow CALTRANS to set conditions such as sight distance and road improvements. Contact the CALTRANS Permit Office at (619) 688-6968 for details.
5. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Diego County Fire Marshal and the Director of Public Works.
6. Pay the necessary construction inspection deposits as determined by this Department.
7. Sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities. Department of Public Works policy prohibits trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface

application. Therefore, you will need to notify all adjacent property owners who may be affected by this policy and are considering development of applicable properties.

8. Provide for the maintenance of the onsite and off-site private road that serves the property.
- C. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:
1. Execute an agreement with the County based on the truck routes whereby the applicant will repair those portions of the route damaged by the heavy loads that loaded trucks place on the route identified. Said agreement is to include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphaltic overlay requirements on the route identified.
 - a. The specific roads are identified as follows: Pala Road (SR 76)
 2. Obtain approval from the Department of Public Works of a Traffic Control Plan. Said plan will address haul routes, number of trips per day, and destination.
 3. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along Pala Road (SR 76) from the private easement road serving the project, Pala Del Norte Road, for the prevailing operating speed of traffic on Pala Road (SR 76), per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Director of Public Works.
 4. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along Pala Road (SR 76) from the proposed driveway on Pala Road (SR 76), for the prevailing operating speed of traffic on Pala Road (SR 76), per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Director of Public Works.
 5. Comply with street lighting requirements as follows:

- a. **Allow transfer of the property subject to Major Use Permit MUP 07-009 into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer.**
 6. **Furnish the Director of Planning and Land Use, along with his request for final inspection, a letter from the Director of Public Works, stating conditions A-1 through C-5 have been completed to the department's satisfaction.**
- D. The following shall apply for the duration of this Major Use Permit:**
1. **Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.**

If you have any questions regarding these draft conditions, please contact Susan Hoang at (858) 505-6327.

Jerrott Ramaiya
September 13, 2007
Page 2

at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you require further information or have any question, please contact Al Cox at (619) 688-6003.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Cox" or "Jacob Armstrong", written over a printed name.

JACOB ARMSTRONG, Acting Chief
Development Review Branch

Cc: Felicia Miller, Ca. Energy Commission
Charles Diep, TRC



September 17, 2007

Department of Planning and Land Use
Project Processing Control Center
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

SUBJECT: Case No. MUP07-009, APN 110-072-26, Power Generation Facility

C. Conditions:

A system study shall be conducted by the District at the applicant's cost. Applicant shall submit the proper deposit to the District to cover the cost of the study, plan checks and inspections.

Currently there is no water main abutting the subject parcel. Water facilities identified in the study shall be constructed at no cost to the District. A minimum 8 inch CMLC (concrete mortar lined and coated) or DIP (ductile iron pipe) water main must be extended from either north where the water main ends on Pala Del Norte Road or from the West near Rice Canyon Road, whatever deems more feasible by the Design Engineer. All design and construction must comply with the current Rainbow Municipal Water District standards.

If you have any questions regarding the above conditions contact me at (760) 728-1178 x199.

Sincerely,

Sherry Rebueno
Assistant Engineer

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DEPARTMENT OF PLANNING
AND LAND USE

NORTH COUNTY FIRE PROTECTION DISTRICT

315 East Ivy Street · Fallbrook, California 92028-2138 · (760) 723-2005 · Fax (760) 723-2004 · www.ncfire.org

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October 10, 2007

County of San Diego
Dept. of Planning & Land Use
5201 Ruffin Rd. Ste. B
San Diego, CA 92123-1666

Re: P07-009, Orange Grove Energy, L.P.

Please review the following comments regarding comments regarding this project.

This project is not in the North County Fire Protection District but is in our sphere of influence. The project will need to annex into our district and may need to participate in the creation and funding for a new fire station.

The project is located in a wildland environment and a Fire Protection Plan (FPP) and technical study shall therefore be prepared for the proposed project. The Fire Protection Plan shall meet all requirements of Article 86, Section 8601 of the California Fire Code.

Feel free to contact me if you have any questions,


Sid Morel

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DEPARTMENT OF PLANNING
AND LAND USE



PROUDLY SERVING THE COMMUNITIES OF FALLBROOK, BONSALE AND RAINBOW

ESTIMATED PROCESSING SCHEDULE

Project Name: Orange Grove MJP
 Project Number: P07-0008
 Staff Completing Schedule: Jarrett Ramaliya
 Decision-Making Body: Planning Commission
 Date Schedule Produced/Revised: 12/13/2007

TASK/ACTIVITY	Estimated Duration	Estimated Completion Date	Actual Completion Date
APPLICATION SUBMITTAL			
DPLU reviews for application "completeness", determines project issues, costs and schedule	30	10/4/2007	9/4/2007
Applicant Submits 1st Draft Extended Initial Studies	120	4/11/2008	12/13/2007
DPLU Reviews 1st Draft Extended Initial Studies	30	5/12/2008	
Applicant Submits 2nd Draft Extended Initial Studies*	45	6/26/2008	
DPLU Reviews 2nd Draft Extended Initial Studies	21	7/17/2008	
Applicant Submits 3rd Draft Extended Initial Studies*	30	8/19/2008	
DPLU Reviews 3rd Draft Extended Initial Studies	21	9/6/2008	
DPLU finalizes Environmental Initial Study and Prepares Application Amendment Form	21	9/29/2008	
Applicant submits Application Amendment form, F&G fees, copies of Extended Initial Studies	14	10/13/2008	
DPLU develops draft condition language and mitigation monitoring program	10	10/23/2008	
DPLU reviews public review comments per "Fair Argument Standard", finalizes documentation	10	11/3/2008	
DPLU makes final staff recommendation on the project	7	11/10/2008	
DPLU completes final documents, docketts project and initial PROJECT HEARING/DECISION	30	12/4/2008	

Total Estimated Duration
 66 weeks
 15.1 months

Bolded tasks are under the control of applicant/consultant.
Italicized tasks are completed concurrently with other tasks.
 * - Task can be eliminated if earlier draft documents are adequate.

Assumptions:

Project will be completed using a Negative Declaration and extended Initial Studies will be required.
 Public Comments and Hearing comments will not meet the "Fair Argument" standard requiring an Environmental Impact Report.
 Applicant/consultant will provide adequate Extended Initial Studies in three iterations.
 Applicant/consultant will submit all required information in accordance with the estimated schedule.
 The project will not be continued by the decision-making body nor appealed.
 Any Department of Public Works or Department of Environmental Health issues will be resolved concurrently with the environmental process.

The Hearing/Decision date is subject to Decision-Making Body availability and schedule.

SUMMARY ENVIRONMENTAL COST ESTIMATE AND DEPOSIT SCHEDULE

Project #: P07-009
 Name: Orange Grove MUP
 Date:
 Estimator: Jarrett Ramaiya

TASK	Staff Hours	Management Hours	Admin/Student Hours
7 AEIS Completeness/Initial Study	13.0	1.2	2.2
Extended Initial Studies	83.8	2.5	4.5
MSCP/BMO or HLP Findings	4.8	0.4	0.2
Negative Declaration	13.1	2.3	2.7
Environmental Impact Report	N/A	N/A	N/A
Addendum/Use of Previous CEQA Document	N/A	N/A	N/A
Board Policy I-119 Review	N/A	N/A	N/A
TOTAL LABOR HOURS	94.7	6.4	9.8
Charge Rates (\$/hour)	\$ 146.00	\$ 181.00	\$ 55.00
Subtotal - County Labor Costs*			\$ 15,500
Fish and Game Fees**			\$ 1,850
TOTAL ESTIMATED COST (Environmental)			\$ 17,350

DEPOSIT SCHEDULE

Environmental Deposits already paid	\$ 7,890
Submit Immediately or Upon Next Submittal, as Appropriate	\$ 7,810
Submit Immediately Prior to Public Review	N/A
Fish and Game Fees**	\$ 1,850
TOTAL DEPOSITS (Environmental)	\$ 17,350

This is an estimate of County staff time and costs related to Environmental processing only.

Estimates do not include any of the applicant's consultant costs nor County special graphics charges.

* - Labor Cost Subtotal is rounded to the nearest \$100.

** - Fish and Game fees are collected by the County on behalf of the California Dept. of Fish and Game immediately prior to public review.

GENERAL ASSUMPTIONS:

There will be Extended Initial Studies Required.
 The project will be able to be completed using a Negative Declaration.
 MSCP/BMO or HLP Findings are required.

There may be substantial changes in this estimate if any of the following occur:

- The above general assumptions prove incorrect, especially if an EIR is deemed to be required;
- Applicant does not meet turnaround times;
- It takes more or less than three iterations to obtain an adequate EIR or Extended Study (if applicable);
- Previously unknown public controversy occurs;
- Recirculation of the ND or EIR for public review is required;
- Your project is appealed to a hearing body for any reason.

XIS Factor: 2

MSCP/BMO/HLP Factor: 2

Project Factor: 3