

**California Energy Commission  
Energy Facilities Siting &  
Environmental Protection Division  
REPORT OF CONVERSATION**

**File: 08-AFC-04**

**Project Title: Orange Grove Project**

**(X) TELEPHONE() MEETING LOCATION:**

**NAME:** Bob Fiore      **TIME:** 235pm      **DATE:** 10-15-08

**WITH:** WITH: Jarrett Ramaiya, Project Manager, San Diego County Regulatory Planning Division      **PHONE** 858-694-3015

**SUBJECT: Major Use Permit (MUP) Findings**

I, Robert Fiore, contacted Jarrett Ramaiya to determine if the County had prepared findings for a MUP required for the referenced project. The following is a summary of that conversation:

He stated that the County had not prepared findings because the project was withdrawn from County review. I explained to Jarrett that, at present, I haven't made a finding of compatibility with adjacent land uses since most adjacent uses are vacant. In addition to the concerns about adjacent land use compatibility, I stated that there are nearby residents and highway passerby's who may contest a finding of compatibility when the Code specifically cites adjacent land uses, as follows:

County's Zoning Ordinance MUP required findings. Section 7358 of the County of San Diego Zoning Ordinance "FINDINGS REQUIRED" for Major Use Permits:

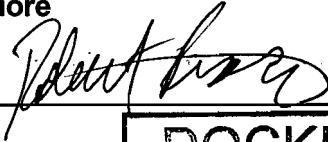
- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
  - 1. Harmony in scale, bulk, coverage and density;
  - 2. The availability of public facilities, services and utilities;
  - 3. The harmful effect, if any, upon desirable neighborhood character;
  - 4. The generation of traffic and the capacity and physical character of surrounding streets;
  - 5. The suitability of the site for the type and intensity of use or development which is proposed; and
  - 6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act (CEQA) have been complied with

I asked Jarrett to explain why the County does not prepare such findings since the County is more familiar with its communities and asked him if it would be more appropriate for the County to make such compatibility findings, and adopt the discretionary use permit. Jarrett explained to me that it is difficult for the County staff to work on portions of a project, like a MUP, and not work on the CEQA analysis as the reason why the County is not processing the MUP and issuing the discretionary permit. He further stated that his staff received direction from their Counsel regarding the Energy Commission's permit authority.

Jarrett offered to provide MUP findings for other MUP's in the County and that the County extends the definition of size, bulk, scale, etc. to include more than adjacent uses when making such findings. Jarrett referred to the mountainous terrain, the quarry, the River and SR 76 near the site as potential scale, bulk, coverage, etc. compatibility factors and would be forwarding language to assist in my analysis. Jarrett explained to me that the nearby residents haven't spoken out against the project.

I also discussed with Jarrett that the applicant states that the Williamson Act provides a basis for determining compatibility. Jarrett was unaware of such statute.

**COPIES TO: Dale Edwards**  
**Paula David**

**NAME** Bob Fiore  
**SIGNATURE** 

**DOCKET**  
**08-AFC-4**  
**DATE** OCT 15 2008  
**RECD.** OCT 21 2008