



# County of San Diego

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## MITIGATED NEGATIVE DECLARATION

**PROJECT NAME:** NLP Valley Center Solar Major Use Permit

**RECORD ID:** PDS2013-MUP-13-019

**ENVIRONMENTAL LOG NO.:** PDS2013-ER-13-02-002

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for NLP Valley Center Solar Major Use Permit
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

## A. AGRICULTURE

**ANY PERMIT:** (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

### **AGR#1–AGRICULTURAL EASEMENT [PDS, FEE X 2]**

**INTENT:** In order to protect agricultural resources, as evaluated in the [County Agricultural Resource Guidelines for Determining Significance](#), an Agricultural Preservation Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an Agricultural Preservation Easement as shown on the MUP plot plan dated August 17, 2015. The purpose of the easement is for the protection of agricultural resources to ensure that the land remains available for potential agricultural use. The easement shall prohibit the construction or placement of any residence, garage, or any accessory structure that is designed or intended for occupancy by humans, and the placement of any recreational amenities; such as tennis courts or swimming pools. The only exceptions to this prohibition are:

- a. Utilities and structures shown on the approved MUP Plot Plan;
- b. Landscaping and agricultural uses;
- c. Utilities, water wells, septic systems and leach lines;
- d. Percolation and observation test holes;
- e. Irrigation water wells necessary for the support of the agriculture in the easement;
- f. Grading or clearing for agricultural purposes only;
- g. Farm labor housing.

**DOCUMENTATION:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

## B. ARCHAEOLOGY

**GRADING PERMIT:** (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

### **CULT#1 ARCHAEOLOGICAL GRADING MONITORING [PDS, FEE X 2]**

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The grading monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Grading Monitoring Contract or letter of acceptance, cost estimate, and MOU to the [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

**CULT#2 CULTURAL RESOURCES REPORT [PDS, FEE X2]**

**INTENT:** In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition CULT#1, a final report shall be prepared.

**DESCRIPTION OF REQUIREMENT:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all prehistoric archaeological materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received. Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Archaeological Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall

be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The *[PDS, PPD]* shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PPD]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PPD]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

## **DRAFT GRADING PLAN NOTES**

### **(NOISE)**

***DURING CONSTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction).*

#### **GP#1TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

**INTENT:** In order to minimize temporary construction noise for grading operations and site preparation associated with the project solar project pursuant to Noise Ordinance Section 36.408, 409, and 410. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

- a. Turn off equipment when not in use.
- b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers
- d. Minimize the use of back up alarm.
- e. Any equipment staging areas should be placed at locations away from noise sensitive receivers.

**DOCUMENTATION:** The applicant shall comply with the temporary construction noise measures of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

**GP#2PILE DRIVER NOISE: [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]. INTENT:** In order to comply with the [County of San Diego Noise Ordinance 36.410](#), the following noise attenuation measures shall be implemented to reduce the sound level generated from the hydraulic breaker or any other similar equipment. **DESCRIPTION OF REQUIREMENT:**

- a. The operations of the pile driver (or any other similar equipment) shall operate a limited duration of 25% of the hourly or daily duration if located within 215 feet from any occupied residential property line.
- b. If new information is provided to prove and certify that the equipment being used is in a difference location and duration than what was proposed in the noise report, then a noise analysis maybe reviewed to the satisfaction of the [PDS, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and

Content Requirements. Any proposed alternative methods maybe approved if the equipment demonstrative compliance with the County Code Noise Ordinance, Section 36.404.

**DOCUMENTATION:** The applicant shall comply with the temporary pile driver noise measure of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

## **(BIOLOGICAL RESOURCES)**

**PRE-CONSTRUCTION MEETING:** *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

### **BIO#1–TEMPORARY FENCING [PDS, FEE]**

**INTENT:** In order to prevent inadvertent disturbance to habitat outside of the development area, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of habitat outside of the development area. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

### **BIO#2–RESOURCE AVOIDANCE [PDS, FEE X2]**

**INTENT:** In order to avoid impacts to nesting raptors and songbirds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of raptor nests or 100 feet of songbird nests during the breeding season of raptors and songbirds. The breeding season is defined as occurring between January 15<sup>th</sup> and July 15<sup>th</sup> for raptors and February 1<sup>st</sup> and September 15<sup>th</sup> for songbirds. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no nesting raptors or songbirds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request

for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

### **(CULTURAL RESOURCES)**

**PRE-CONSTRUCTION MEETING:** *(Prior to Preconstruction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

#### **CULT#GR-1 ARCHAEOLOGICAL MONITORING [PDS, FEE X2]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Luiseno Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to the Pre-construction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

**DURING CONSTRUCTION:** *(The following actions shall occur throughout the duration of the grading construction).*

#### **CULT#GR-2 ARCHAEOLOGICAL MONITORING [PDS, FEE X2]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined

necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Luiseno Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility of repatriation program. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American Monitor and approved by the Staff Archaeologist, then carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites, (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed.
- d. The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.

**DOCUMENTATION:** The applicant shall implement the archaeological monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

**ROUGH GRADING:** *(Prior to rough grading approval and issuance of any building permit).*

**CULT#GR-3 ARCHAEOLOGICAL MONITORING [PDS, FEE]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If no archaeological resources are encountered during earth disturbing operations, then submit a final Negative Monitoring Report substantiating that earth disturbing operations are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Luiseno Native American Monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during grading, the Project Archeologist shall provide an Archaeological Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to the [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe.

**TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed.

**MONITORING:** The [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

**CULT#GR-4 ARCHAEOLOGICAL MONITORING [PDS, FEE]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring

Program if cultural resources were encountered during earth disturbing operations. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all prehistoric archaeological materials collected during the grading monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant

3. Critical Project Design Elements That Must Become Conditions of Approval:

**GRADING PERMIT:** *(Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).*

**ROADS#X–TRAFFIC CONTROL PLAN**

**INTENT:** In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF**

**REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of Director of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a

Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [*PDS, LDR*] for review by [DPW, Traffic]. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a TCP shall be prepared and approved. **MONITORING:** The [*PDS, LDR*] shall review the TCP for compliance with this condition.

**ROADS#X–HAUL ROUTE PLAN**

**INTENT:** In order to ensure the roads are not getting damaged by heavy loads that loaded trucks place on the route identified during construction phase or subsequent operations. A Haul Route Plan (HRP) shall be prepared and implemented.

**DESCRIPTION OF REQUIREMENT:** A Haul Route Plan (HRP) shall be prepared that addresses the following, but is not only limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, and destination, duration of the haul, and hours of operation.

a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and off-site County maintained roads that serve the property either during construction or subsequent operations.

b. The applicant will repair those portions of the route that would be damaged by the heavy loads that loaded trucks place on the route identified. An agreement shall be executed, which will also 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. Prior to the import/export all affected property owners shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each work shift.

**DOCUMENTATION:** The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [*PDS, LDR*] for review by [*DPW, Road Maintenance*]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The

agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

**OCCUPANCY:** (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

#### **ROADS#X-ACCESS & ROAD IMPROVEMENTS**

**INTENT:** In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#) and the [County Consolidated Fire Code Sec. 503 et al.](#), project access shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. The project driveway, which shall be designed and constructed per modified Regional Standard Drawing G-14A or County Standard Drawing DS-7 as shown on the approved Major Use Permit Plot Plan and Preliminary Grading Plan.
- b. Taper for acceleration/deceleration area from the ultimate right of way line to the existing edge of pavement of **Cole Grade Road** with asphalt concrete, as shown on the approved Major Use Permit Plot Plan and Preliminary Grading Plan.
- c. The entry gate and turn-around at the project driveway entrance shall be designed and constructed to the satisfaction of the Valley Center Fire Protection District and the Director of PDS/DPW.

**DESCRIPTION OF REQUIREMENT:** Complete all required street improvements indicated in Road#5 above, including final approval, inspection, and signoff, to the satisfaction of the Director of DPW and PDS. **DOCUMENTATION:** The applicant shall submit final approval, inspection, and signoff from [DPW, PDCI] to the [PDS, LDR] for review. **TIMING:** Prior to occupancy or use of the premises in reliance of this permit, the road improvement shall be improved. **MONITORING:** The [PDS, LDR] shall ensure that the access and taper for acceleration/deceleration area been improved and all fees have been paid.

#### **ROADS#X-SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions along **Cole Grade Road** from the proposed driveway in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on

a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- b. 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."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

#### **ROADS#X-SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1E of the [County of San Diego Public Road Standards](#) an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **Cole Grade Road** from the proposed driveway serving the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

#### **C. DRAINAGE**

**BUILDING PERMIT:** *(Prior to approval of any building plan and the issuance of any building permit).*

#### **DRNG#X- LINES OF INUNDATION COMPLIANCE**

**INTENT:** In order to provide protection from flood damage for the structures and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926, County Code Section 67.801 et. seq.](#), all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). **DESCRIPTION OF REQUIREMENT:** The building plans shall indicate that all proposed on-site structures located within the inundation area, including the solar panels at maximum tilt and the inverter pads will be raised one-foot above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the requirement above has been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above,

compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

#### D. NOISE

**BUILDING PERMIT:** (Prior to approval of any building plan and the issuance of any building permit).

##### **NOISE#X–NOISE REQUIREMENT [PDS, FEE X1]**

**INTENT:** In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the building plans and in the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated on the building plans and made conditions of its issuance: The transformer/inverter stations shall be setback a minimum of 300 feet from the nearest property lines. **DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

**OCCUPANCY:** (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

##### **NOISE#X–NOISE CONTROL DESIGN MEASURES [PDS FEE X1]**

**INTENT:** In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans: The transformer/inverter stations shall be setback a minimum of 300 feet from the nearest property lines. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise control measure shall be installed and operational. **MONITORING:** The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

**NOISE#X–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]**

**INTENT:** In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements:

- a. Major Use Permit associated solar activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404.
- b. The operations of any inverter/transformer equipment and panel washing operations shall conform to the daytime and nighttime sound level limits for uses pursuant to Section 36.404.
- c. Panel washing operations shall be limited between the hours of 7a.m. to 10.p.m. and must comply with the County Noise Ordinance, Section 36.404
- d. Panel washing operations shall consider limiting activities closes to the residential property lines. Limiting operations and developing a washing pattern that moves farther away from the residential property lines must be considered and must comply with the County Noise Ordinance, Section 36.404.
- e. Noise generating washing equipment must be set back a minimum of 65 feet from the residential property lines.
- f. Panel washing operations shall be limited to an average of four times a year.

**DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person’s right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit.

**E. FIRE**

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

**FIRE#X–FIRE PROTECTION PLAN [PDS, FEE X1]**

**INTENT:** In order to assure fire safety in compliance with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall be maintained in conformance with the approved Fire Protection Plan. **DESCRIPTION OF REQUIREMENT:** The following measures approved in the Fire Protection Plan (FPP) shall be implemented and maintained:

- a. Fuel Modification Zones of 30 feet from all structures/equipment shall be maintained around the perimeter of the MUP boundary at all times.
- b. NLP Valley Center Solar shall maintain all vegetated areas on the project site.

**DOCUMENTATION:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

#### **FIRE#X–ON-GOING FIRE PROTECTION**

**INTENT:** In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP).

**DESCRIPTION OF REQUIREMENT:** The following measures approved in the FPP shall be implemented and maintained:

- a. Fuel Modification Zones of 30 feet from all structures/equipment shall be maintained around the perimeter of the MUP boundary at all times.
- b. NLP Valley Center Solar shall maintain all vegetated areas on the project site.

**DOCUMENTATION:** The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP shall be complied with for the term of this permit. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the FPP. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The [fire agency] shall be responsible for long-term implementation of fire clearing requirements.

#### **F. LANDSCAPING**

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

#### **LNDSCP#X–LANDSCAPE DOCUMENTATION PACKAGE**

**INTENT:** In order to provide adequate Landscaping that provides screening, and to comply with the Solar Energy Ordinance, a landscape plan shall be prepared.

**DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the COSD Grading Ordinance, and the Valley Center Design Guidelines. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be

installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s) -of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Show all existing citrus trees to remain, as indicated on the approved conceptual landscape plan submitted August 17, 2015, and show existing irrigation system or provide a new, separate irrigation system.
- i. Show all existing vegetation along Cole Grade Road, Via Valencia, and the unnamed road to remain, as indicated on the approved conceptual landscape plan submitted August 17, 2015, and provide a separate irrigation system to ensure its long term survival.
- j. Provide a note that indicates that within the major use permit area, the owner shall maintain and replace in kind, all existing vegetation being used for screening of the project that becomes diseased, damaged, or dies during the life of the permit. This includes all citrus trees shown to be protected in place, existing vegetation at the corner of Via Valencia and Cole Grade Road, along Cole Grade Road from the intersection of Milco Lane south to the unnamed road, and the intersection of Cole Grade Road and the unnamed road paralleling Milco Lane.
- k. Provide a note that indicates that all colored plastic slats used for screening within the chain link fencing shall be replaced if damaged during the life of the permit.

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **LNDSCP#X-CERTIFICATION OF INSTALLATION**

**INTENT:** In order to provide adequate Landscaping that addresses screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the COSD Grading ordinance, and the Valley Center Design Guidelines, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

#### **G. AIR QUALITY**

**DURING CONSTRUCTION:** *(The following actions shall occur throughout the duration of grading and project construction).*

##### **AIR QUALITY#X-AIR QUALITY MEASURES**

**Intent:** In order to minimize fugitive dust (PM<sub>10</sub>) and comply the grading ordinance within County Code Section 87.428, the project will implement several construction-related measures to reduce air emissions. **Description of Requirement:** The project shall comply with the following Air Quality measures:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely.
- b. The applicant will apply water three times per day to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or apply a nontoxic

soil binding agent to help with soil stabilization during construction. These measures will be applied to all active construction areas, unpaved access roads, parking areas, and staging areas as necessary.

- c. Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
- d. Grading is to be terminated in winds exceed 25 mph.
- e. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- f. Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.
- g. Disturbed areas will be covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).
- h. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
- i. Provide any of the following or equally effective track out/carryout and erosion control measures to minimize transfer of soil or other materials to public roads: track out grates or gravel beds at each egress point wheel washing at each egress during muddy conditions
- j. All equipment with engines meeting the requirements above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- k. All mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 2 standards at a minimum and shall employ diesel particulate filters.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

**DURING OPERATIONS:** *(The following actions shall occur throughout the duration of Project Operation).*

## **AIR QUALITY#X-AIR QUALITY MEASURES**

**Intent:** In order to minimize fugitive dust (PM<sub>10</sub>) during operations, the project will implement several measures to reduce air emissions. **Description of Requirement:** The project shall comply with the following Air Quality measures:

- a. The project applicant will add roughly 1,700 cubic yards of crushed rock on internal fire access roads and which will serve as an all-weather pavement and reduce any potential dust generated during maintenance activities.
- b. To avoid hauling water the project would use an onsite water connection for all watering and maintenance activities.
- c. As a condition to the project, the project would spray long lasting soil binders such as around panels or exposed areas once per year or as needed to prevent onsite dust. The County will require this to be included in the project design operation and maintenance manuals.
- d. In order to control dust during the life of the Project, a non-toxic, biodegradable, permeable soil-binding agent or permeable rock material would be applied to all disturbed or exposed surface areas as follows: a) A permeable soil-binding agent suitable for both traffic and non-traffic areas shall be used. These agents shall be biodegradable, eco-safe, with liquid copolymers that stabilize and solidify soils or aggregates and facilitate dust suppression; or, b) Alternatively, a permeable rock material consisting of either river stone decomposed granite or gravel could be placed in a thin cover over all exposed surface area in-lieu of the binding agent referenced above. The binding agent would be reapplied approximately every year for maintenance purposes.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the project operations. **MONITORING:** The [DPW, PDCI] shall make sure that the applicant complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

\_\_\_\_\_

on \_\_\_\_\_

Mindy Fogg, Planning Manager  
Project Planning Division

MW:MF:bm