



The County of San Diego

Planning Commission Hearing Report

Date:	December 11, 2015	Case/File No.:	NLP Valley Center Solar PDS2013-MUP-13-019 PDS2013-ER-13-02-002
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Solar Energy Facility
Time:	9:00 a.m.	Location:	29471 Cole Grade Road
Agenda Item:	#3	General Plan:	Semi-Rural (SR-2)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	Rural Residential (RR)
Applicant/Owner:	BayWa r.e. Solar Projects LLC	Community:	Valley Center Community Plan Area
Environmental:	Mitigated Negative Declaration	APNs:	188-120-09 & 10

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate a proposed Major Use Permit (MUP) for a solar energy generating facility, determine whether the required findings can be made, and if so take the following actions:

- a. Adopt the Environmental Findings included in Attachment D, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) Guidelines.
- b. Grant MUP PDS2013-MUP-13-019, which includes the requirements and conditions set forth in the MUP Form of Decision in Attachment B.

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and polices of the General Plan?
- b. Does the project comply with the policies set forth under the Valley Center Community Plan and Design Guidelines?
- c. Is the proposed project consistent with the County's Zoning Ordinance?

- e. Is the project consistent with other applicable County regulations?
- f. Does the project comply with the CEQA?

B. REPORT SUMMARY

The applicant proposes a MUP for a 26-acre solar energy generating facility. Based on staff's analysis, it is Planning & Development Services (PDS) position that the required findings can be made and PDS recommends approval of the MUP with the conditions noted in the attached Form of Decision (Attachment B).

C. DEVELOPMENT PROPOSAL

1. Project Description

The applicant requests a MUP for a solar energy generating facility under the use type "Major Impact Services and Utilities." This permit would authorize the construction and operation of a 26-acre solar energy facility on a 66-acre site with a production capacity of approximately 2.5 megawatts (MW) as shown on Figure 1.

The design consists of photovoltaic (PV) solar panels mounted to a collection of single-axis tracking systems supported by machine-driven metal piles or round pipe columns. The PV panels are aligned in rows that rotate to face east in the morning and west in the afternoon hours, tracking the sun on a north/south axis to maximize solar absorption.

The PV panels would be mounted on a single-axis tracker, which contains 38 panels per tracker row. The center axis of the single-axis trackers would have a height of four feet above grade. The maximum height of the top of panel would measure an average of seven feet when the panel is at full tilt. The rectangular PV panel dimensions are approximately 77 inches long by 39 inches wide.

The direct current (DC) power generated by the PV panels would be transmitted via underground cable to two centrally-located inverter pads, where the DC power would be converted to alternating current (AC) power. The inverter equipment pads would be 10 feet wide by 32 feet long. The equipment installed on the pads would measure a maximum of 10 feet in height. The pads would each support three 500 kilowatt (kW) inverters and one transformer. The AC power would be transmitted from the inverters to an 8.5-foot long by 7.5-foot wide switchgear pad. The 15 kilovolt (kV) switchgear system would measure six feet tall and five feet wide located near the western MUP boundary. The switchgear system would contain breakers, relays, and monitoring and metering equipment necessary to provide for the safe and efficient transfer of power to San Diego Gas & Electric's (SDG&E) 12kV distribution system through an existing utility pole located within the Cole Grade Road right-of-way, adjacent to the western project parcel boundary.

An internal 24-foot wide fire access road would be constructed and would surround the panels. The MUP area would be surrounded by an eight-foot tall fence with plastic slats to provide security and screening. Additionally, six security cameras would be installed at the northeast, northwest, southeast and southwest corners of the solar array. The cameras would be mounted on the top of 10-foot tall poles and would monitor the project site.

The project includes a landscaped buffer along the southwestern, northwestern and western MUP boundary running adjacent to Cole Grade Road. In addition, the project includes an existing citrus grove that extends from the northern landscaped buffer and continues the length of MUP northern

boundary line running parallel along Via Valencia. The citrus grove will be conditioned to be protected and maintained in place for the life of the permit.

All water consumption, including water associated with construction, PV panel washing, and landscaping would be provided by the Valley Center Municipal Water District (VCMWD).

The project includes construction of a 50-foot tapered driveway from Cole Grade Road along with a fire department turnaround. Grading would consist of a balanced cut and fill of approximately 6,000 cubic yards of material.

Figure 1 below indicates the proposed site layout. The existing single family dwelling and associated agricultural structures located on-site are to remain and are not located within the MUP boundary area.

(Please refer to Attachment A – Planning Documentation, to view the Plot Plan, Preliminary Grading Plan, and Preliminary Landscape Plan.)

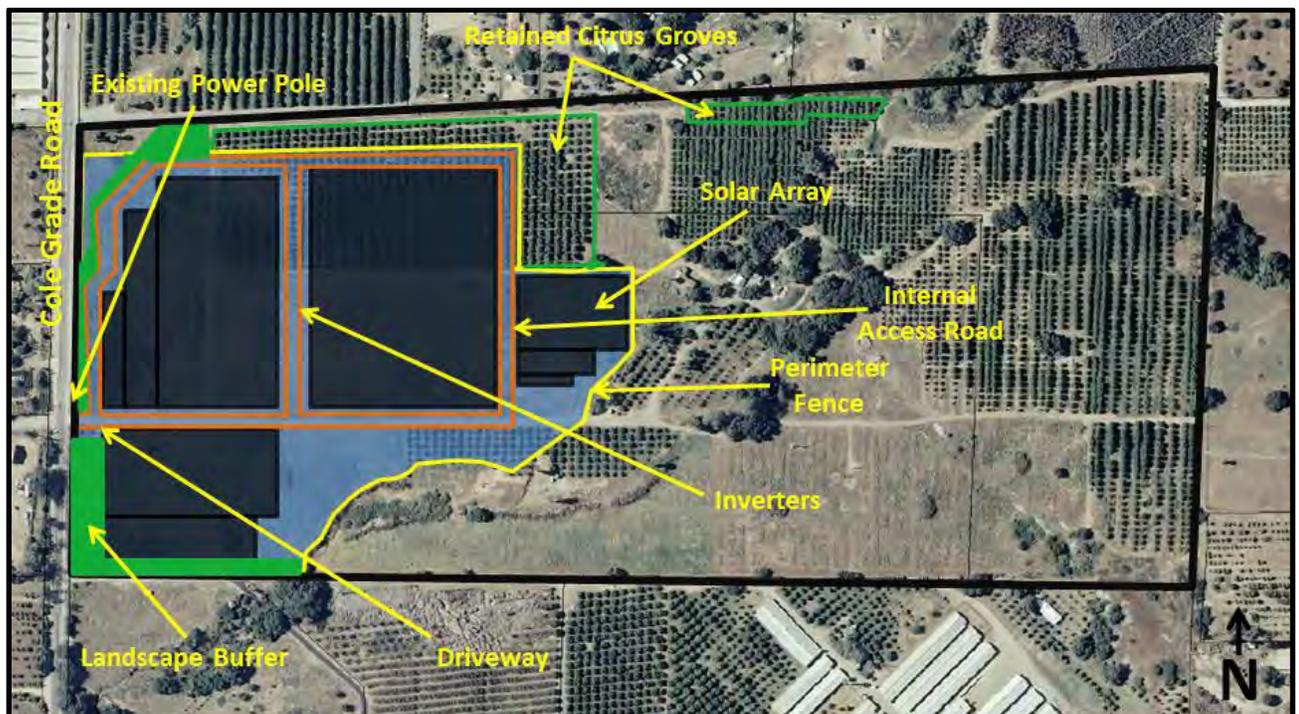


Figure 1 – Proposed Site Layout

2. Subject Property and Surrounding Land Uses

The MUP area would cover approximately 26 acres of a 66-acre site and is located at the southeast corner of Cole Grade Road and Via Valencia, in the Valley Center Community Planning Area (See Figure 2). A portion of the parcel currently consists of citrus groves with a single family dwelling unit and various agricultural structures. The remaining land within the parcel consists of fallowed orchards. A portion of the site contains wetlands traversing from the northeast corner of the subject property, through the center of the property, to the southern boundary line. The MUP area is not located within the wetlands. A biological resource report confirmed that the project would not impact the wetlands. In addition, the single family dwelling unit, agricultural structures

and a large portion of the fallowed orchard are not a part of the MUP area and would not be affected.

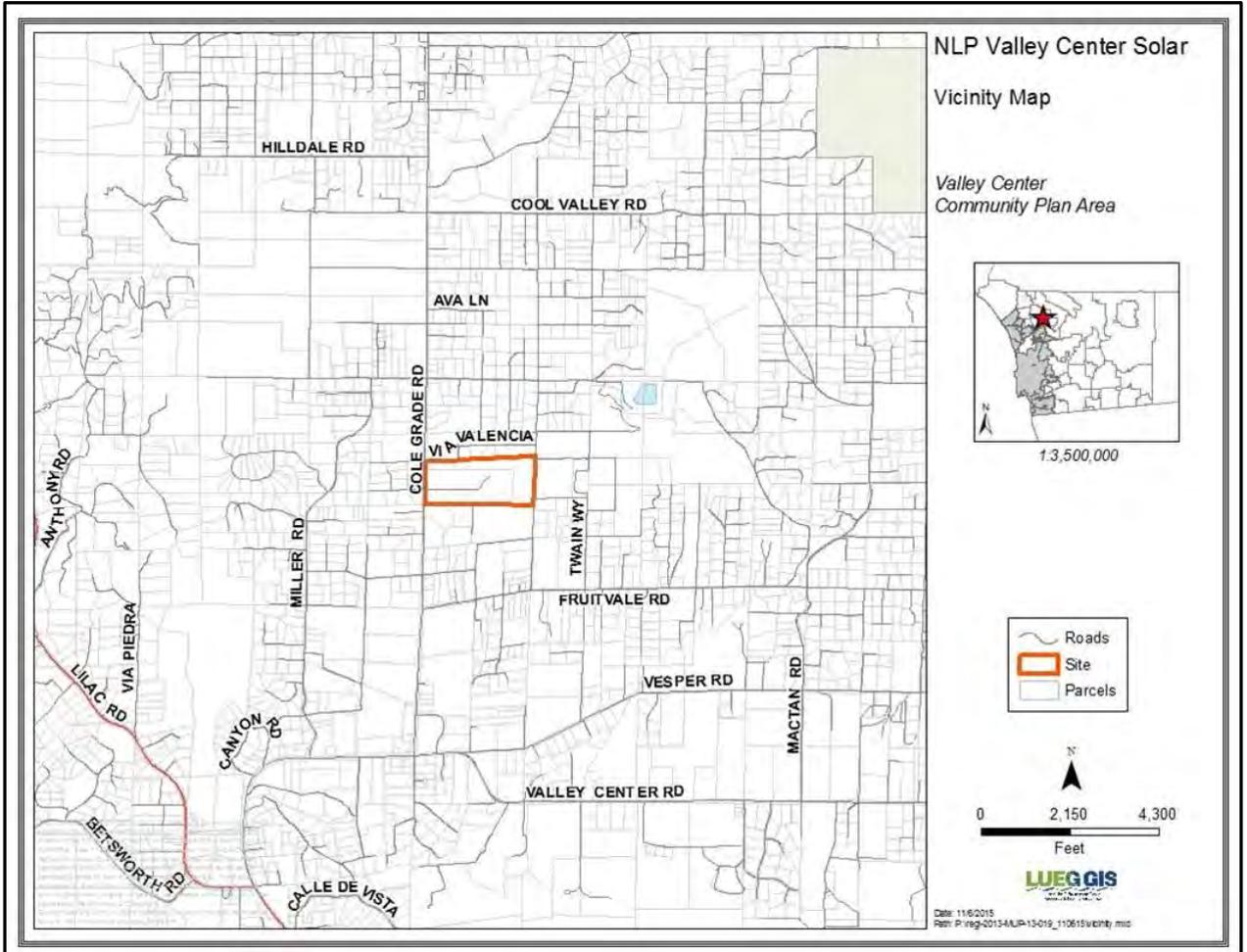


Figure 2 – Vicinity Map

As shown in Figure 3, surrounding land uses primarily consist of agricultural and residential uses. Single-family residential development combined with small-scale agricultural uses, generally in the form of citrus orchards, are present on lands to the north, south, east and west of the project site. Cole Grade Road borders the site to the west; Via Valencia borders the site to the north; and Wilhite Lane borders the subject property to the east. Commercial egg productions are present immediately south and west of the site. To the south lies the Robert Adams Community Park (approximately 0.75 mile); and the Valley Center Elementary School (approximately 0.85 mile).

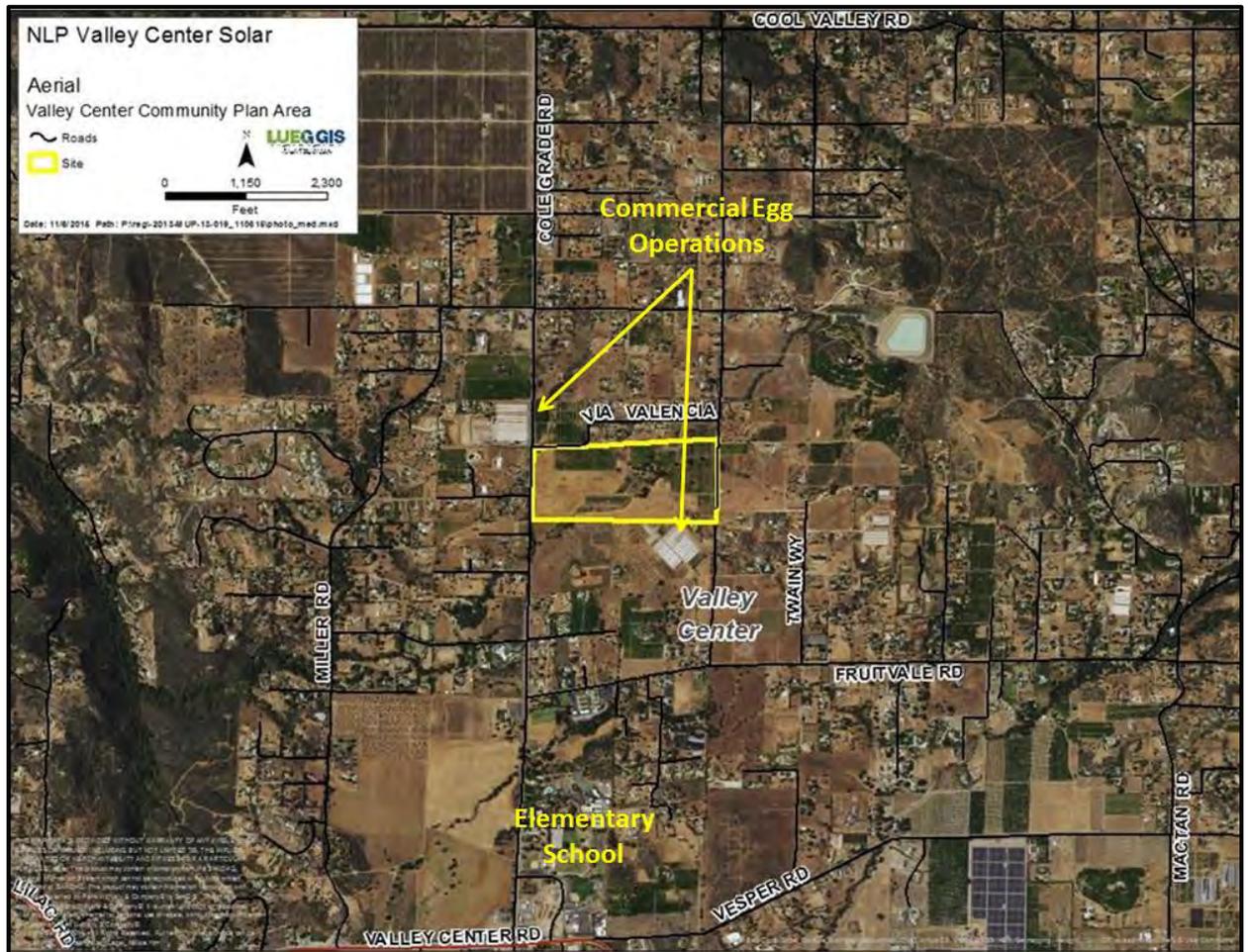


Figure 3 – Aerial Photo

The project site is located along a valley floor, with hillsides of varying elevation slightly rising on lands around the site. On-site topography is generally flat with a slight increase of elevation traveling to the northeastern portion of the site. Developed and undeveloped lands are interspersed with rural-type development throughout the valley floor. Land uses along the hillsides are generally represented by single-family rural-residential uses. Table C-1 provides a brief overview of the surrounding land uses and zoning regulations.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural Residential (SR-2)	RR & A70	Via Valencia, Miller Road	Single-family residential, agricultural uses
East	Semi-Rural Residential (SR-2)	A70	Wilhite Lane, Twain Lane	Single-family residential, agricultural uses
South	Semi-Rural Residential (SR-2 & SR-1) Village Residential (VR-2)	RR	Fruitvale Road	Single-family residential, agricultural, civic, public uses
West	Semi-Rural Residential (SR-2)	RR & A70	Cole Grade Road	Single-family residential, agricultural uses

D. ANALYSIS AND DISCUSSION

The project has been reviewed to ensure it conforms to all the relevant ordinances and guidelines, including the San Diego County General Plan, Valley Center Community Plan, Valley Center Design Guidelines, the Zoning Ordinance, and the CEQA Statutes and Guidelines. A detailed discussion of the project analysis and its consistency with applicable codes, policies, and ordinances follows.

1. Project Analysis

Community Character/ Visual Resources

During processing of the project, PDS received several concerns from the community that the proposed solar facility would not be consistent with the surrounding community character. Accordingly, staff reviewed surrounding land uses, the size of existing structures in the surrounding area and design features of the project. Additionally, a Visual Impact Analysis was prepared by a County-approved CEQA consultant to analyze potential visual impacts.

The area surrounding the project primarily consists of low density residential uses and agricultural uses. The footprint of the solar facility is of a similar size as the two commercial egg operations located to the south and to the west of the project. The solar facility would be larger than the surrounding single family structures and most of the agricultural structures. Although the footprint of the facility would be larger than many of the surrounding structures, it is located on a 66-acre site, which is substantially larger than the surrounding lots. Approximately 40 acres of the property would be not a part of the MUP area. The 40-acres located outside of the MUP area would remain unaltered and would buffer the facility from surrounding neighbors. The large lot reduces the proposed lot coverage and allows for larger setbacks. In addition, existing citrus groves as well as proposed landscape buffers would be maintained in order to provide an additional buffer and preserve the agricultural character of the immediate area. The project would incorporate the

following design measures to screen views of the project and maintain the surrounding community character:

- a. A detailed preliminary landscape plan (Attachment A) has been prepared that includes an assortment of fire resistant, drought-tolerant groundcover, shrubs and trees. The proposed landscaping would reach a mature height of 20 feet to 50 feet. Conditions within the MUP require that the landscaping be adequately maintained and that dead vegetation be replaced for the life of the project. In addition, at the request of the Valley Center Community Planning Group, the MUP is conditioned to install landscaping after initial grading and installation of the perimeter fence prior to the installation of the solar energy generating facility located inside of the perimeter fence. Figure 4 indicates a cross section of the landscaping after construction, after five years from planting and after 10 years from planting.
- b. Existing oak, sycamore, palm, citrus and eucalyptus trees located along the western boundary line, adjacent to Cole Grade Road, will be retained and protected in place. In addition, a large portion of citrus grove will be retained to the north to provide screening. These protected trees will be maintained throughout the life of the project.
- c. The project maintains approximately 40 acres of the project site undisturbed. This creates a buffer from the properties to the east and a portion of the properties to the north and south. This unaffected portion would also maintain the character of the property and surrounding area.
- d. The northern, eastern and southern portions of the perimeter fence will incorporate dark, earth-tone plastic slats to provide additional screening. These slats will be maintained and replaced when needed for the life of the project.
- e. Noise-producing equipment is located in the center of the MUP area away from the property lines to ensure that any noise produced complies with the County of San Diego Noise Ordinance.
- f. The solar panels will include a non-reflective coating to reduce glare from the project.

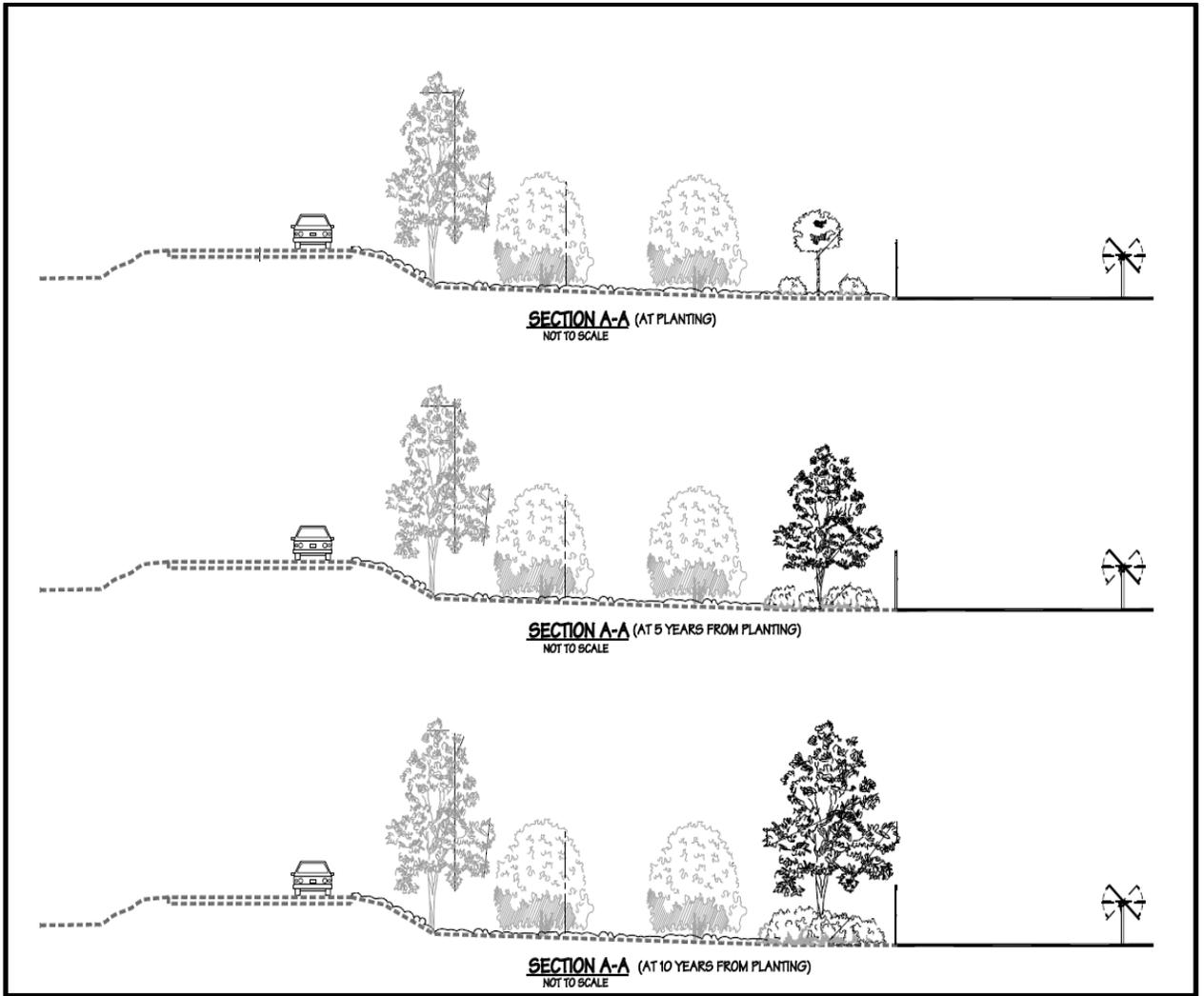


Figure 4 – Cross Sections

The Visual Impact Analysis dated August 2015, prepared by Michael Baker International also determined that the project would result in less than significant CEQA impacts to the visual environment of the area with the inclusion of the landscaping and retained citrus groves. Visual Simulations (Figures 5a and 5b) were prepared as part of the Visual Impact Analysis to analyze how the facility would appear from surrounding public vantage points.



Figure 5a – Existing Project Site



Figure 5b – Simulation After Construction

The Visual Impact Analysis also assessed the potential of glare caused by the facility. The analysis concluded that the project would not result in a substantial increase in light or glare that would affect the surrounding area. The project was analyzed in accordance with the County's Guidelines of Determining Significance for Lighting and Glare.

In summary, the Visual Impact Analysis found that the proposed project would have a less than significant CEQA impact on aesthetics. While the project would change the visual elements of the site, the contrast created by the project would be minimal due to the installation of landscaping, the retention of citrus groves, and the plastic slats that would be installed in the fence. The proposed project would have less than significant CEQA impacts due to changes in visual character and quality. Lastly, it was found that the project would conform to the General Plan and the Valley Center Community Plan and Design Guidelines and would have a less than significant impact due to light or glare.

Landscaping

The community identified concerns regarding the proposed landscape plan. Concerns included the proposed list of species and the ongoing maintenance of all landscaping, including the retained citrus groves. To address community concerns, the applicant worked closely with the Valley Center Design Review Board to create a native, drought-tolerant plant palette that will survive the climate of Valley Center and that complies with the design guidelines. The community members approved of the plan that resulted from this collaborative effort. The MUP contains a condition to maintain all landscaping and retained trees. In addition, the MUP includes a condition to replace any dead vegetation throughout the life of the permit. As part of the final landscape plan submittal, a detailed irrigation plan will be submitted to demonstrate compliance with the requirements of the Water Conservation in Landscaping Ordinance, the Model Water Efficient Landscape Ordinance and the Water Efficient Landscape Design Manual.

The MUP has been conditioned to obtain approval of a final landscape plan prior to grading permit issuance, install the landscaping and obtain approval of a certificate of completion prior to construction of the facility after the perimeter fence is installed, and to maintain the landscaping and replace all dead landscaping with the approved species in the landscape plan.

2. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
LU-4.6 Planning for Adequate Energy Facilities. Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.	As designed, the project is consistent with the General Plan and Valley Center Community Plan. PDS has worked with NLP Valley Center Solar and BayWa r.e. to ensure that all impacts from the proposed solar facility are mitigated to less than significant. The project proposes adequate mitigation and includes design measures to ensure community compatibility.
LU-6.6 Integration of Natural Features into Project Design. Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.	The project has been designed to avoid impacts to the on-site wetland located within the central and northern portions of the property. The majority of the project would be located in an area that has been previously disturbed by an orchard. The project would not impact mature oaks, indigenous trees, or rock formations. In addition, many of the existing mature trees would be retained in place.
LU-6.9 Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and	The project has been designed to follow the topography of the site. The site is relatively flat with the low points being in the center of the property, along the wetlands. The project also avoids the on-site wetlands. Finally, the applicant has prepared a drainage study and stormwater

General Plan Policy	Explanation of Project Conformance
topography in conveying stormwater to the maximum extent practicable.	management plan that complies with state law and local ordinances that indicates that the project would not increase off-site runoff.
LU-10.2 Development Environmental Resource Relationship. Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.	The project has been designed to avoid on-site natural features, wetlands and preserve the surrounding rural character. The project avoids the on-site wetlands spanning the northern, central and southern portions of the site. Additionally, the project has incorporated a landscape plan, retained orchard groves and other design measure to reduce views of the facility and maintain the surrounding semi-rural character.
COS-2.2 Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.	A biological resources report has been prepared by a County-approved Biologist to analyze project impacts to biological resources. Based on this report, it was determined that the majority of the project falls within an area that has been previously disturbed and is classified as agriculture, fallowed orchards, disturbed habitat and urban/developed. The project would be conditioned to avoid the nesting bird breeding season or conduct pre-construction breeding bird surveys to determine applicable measures and to notify the California Department of Fish and Wildlife due to shading of project features to isolated water of the state.
COS-4.2 Drought-Efficient Landscaping. Require efficient irrigation systems and in new development encourage the use of native plant species and non-invasive drought tolerant/low water use plants in landscaping.	The proposed landscape plan will utilize a irrigation system with increased water efficiency that will reduce water runoff and overspray. In addition, the proposed landscaping is mainly native and non-invasive and would be drought tolerant after the three to five year establishment period. Water would be provided by the VCMWD.
COS-18.1 Alternate Energy Systems Design. Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.	PDS has worked with the applicant to design the proposed solar facility to maintain the community character of the surrounding area. The project incorporates design measures to minimize the views of the facility from the surrounding area. Design measures include landscaping, reduced footprint, retained orchard groves and mature trees and maintaining the northern portion of the parcel. The proposed landscaping will reach a height ranging from 20 to 50 feet and would be taller than the seven foot panels.

General Plan Policy	Explanation of Project Conformance
COS-11.7 Underground Utilities. Require new development to place utilities underground and encourage “undergrounding” in existing development to maintain viewsheds, reduce hazards associated with hanging lines and utility poles, and to keep pace with current and future technologies.	All new on-site powerlines will be placed underground. Additionally, the project will not result in any additional above ground powerlines. The project proposes to connect to an existing above ground utility line located along the western property line within the right-of-way.
S-3.6 Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	The applicant has prepared a Fire Protection Plan (FPP) and technical report which has been accepted by the Valley Center Fire Protection District and the San Diego County Fire Authority. The project contains conditions to ensure that the project remains in compliance with the requirements of the FPP and technical report.

3. Community Plan Consistency

The proposed project is consistent with the following relevant Valley Center Community Plan goals, policies, design guidelines and actions as described in Table D-2.

Table D-2: Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
Land Use A.2 Require preservation of unique features such as oak woodlands, riparian habitats, steep slopes, archaeological sites, and ecologically sensitive areas.	The MUP is conditioned to preserve multiple mature trees, including: oaks, sycamores, eucalyptus and citrus groves. In addition, the project is designed around a wetland located on the project parcel. A biological resource report confirmed that the project will not impact the wetlands located on the property.
Conservation 2 Restrict hillside cutting and scarring, loss of wildlife habitat, loss of riparian habitat and loss of floodplains.	The project avoids wetlands that are located on the project parcel. A biological resources report has confirmed that the project would not impact sensitive species or sensitive habitat.
Conservation 4 Protect riparian habitat and other types of wetlands from loss or modification by dedicating open space easements with adequate buffer zones and by other means to avoid impacts from adjacent land uses. Road crossings or other disturbances of riparian habitat should be minimized and only allowed when alternatives have been considered and determined infeasible.	The project is designed to avoid wetlands that run through the project property. Disturbances to riparian habitat have been avoided and would not be impacted. A biological resources report has confirmed that the project would not impact riparian habitat.

Community Plan Policy	Explanation of Project Conformance
Conservation 7 Preserve oaks, sycamores, eucalyptus, olive trees, pines and other individual specimen trees which contribute to the community character and provide wildlife habitat.	Multiple mature oaks, sycamores and eucalyptus will be protected and maintained in place. The MUP is conditioned to preserve and maintain the species identified on the preliminary landscape plan.
Conservation 19 Support implementation and enforcement of the County's ordinance on lighting standards including lamp types and shielding for both public and private sector projects.	All lighting on site will be shielded and directed downwards. Lighting has been designed to comply with the County's Lighting Ordinance.

4. Zoning Ordinance Consistency

The proposed project complies with all applicable zoning requirements of the RR (Rural Residential) zone with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	RR	Yes, upon approval of a MUP.
Animal Regulation:	V	N/A
Density:	--	N/A
Lot Size:	2 AC	N/A
Building Type:	C	Yes
Height:	G	Yes
Lot Coverage:	--	N/A
Setback:	B	Yes
Open Space:	--	N/A
Special Area Regulations:	--	N/A

Development Standard	Proposed/Provided	Complies?
Sections 2705.b of the Zoning Ordinance allow for Major Impact Services and Utilities upon issuance of a MUP.	The project is a solar energy facility which is classified in the Zoning Ordinance as a Major Impact Service and Utility.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of a MUP.
Section 4600 of the Zoning Ordinance set the maximum height requirements. This parcel has a "G" height designator, which requires that structures be no more than 35 feet in height.	The proposed solar panels will be a maximum height of eight feet.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon granting of an exception pursuant to Section 4620g. of the Zoning Ordinance.

Development Standard	Proposed/Provided	Complies?
<p>Section 4800 of the Zoning Ordinance sets minimum setback requirements. The project site contains a “B” setback designator. This setback designator requires a minimum 60-foot front yard setback (from centerline), a minimum 15-foot interior side yard setback, 35-foot exterior side yard setback, and 50-foot rear yard setback.</p>	<p>The proposed structures meet the required setbacks.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Section 7358 of the Zoning Ordinance requires that findings be made for the Major Use Permit. Among other things, these findings require 1) neighborhood compatibility; 2) harmony in scale, bulk and coverage; and 3) consistency with the General Plan.</p>	<p>The project has been found to be compatible with the harmony of the surrounding area and structures due to the similarity with other similarly sized facilities including several agricultural operations, which contain large agricultural structures. As previously demonstrated in section D-2 of this report, the project has been found to be consistent with the San Diego County General Plan. A complete analysis of the MUP Findings can be found in the MUP Decision (Attachment B).</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of a MUP.</p>

5. Applicable County Regulations

Table D-4: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
<p>1 Resource Protection Ordinance (RPO)</p>	<p>The project has been found to comply with the RPO because it would not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands. Archeological monitoring is proposed to ensure archeological resources are not impacted. Therefore it has been found that the proposed project complies with the RPO.</p>
<p>2 Fire Code</p>	<p>A Fire Protection Plan (FPP) was prepared by a County approved Specialist and accepted by the Valley Center Fire Department and San Diego County Fire Authority. The project has</p>

County Regulation Policy	Explanation of Project Conformance
	been conditioned to comply with this FPP for the life of the project. Conformance with the FPP would ensure that the project remains in compliance with the San Diego County Consolidated Fire Code.
3 Watershed Protection Ordinance (WPO)	A Minor Stormwater Management Plan has been prepared for the project and found to be in compliance with the WPO. The project is conditioned to remain in compliance with the WPO.
4 Light Pollution Code	The project would include lighting at the project entrance which would be shielded to reflect light downward and comply with the Light Pollution Code.
5 Noise Ordinance	A Noise analysis was prepared by a County approved noise specialist. The noise analysis indicates conformance with the Noise Ordinance.

6. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed in compliance with CEQA because a Mitigated Negative Declaration was prepared and was available for public review and comment from September 24, 2015 to October 23, 2015, on file with PDS under PDS2015-ER-15-02-002. The project, as designed, would not cause any significant effects on the environment because mitigation and design measures have been incorporated to address impacts to visual, agricultural and cultural resources. Details of these mitigation measures can be found in the Form of Decision (Attachment B).

E. COMMUNITY PLANNING GROUP

Throughout the process of the MUP, the applicant attended the Valley Center Solar Subcommittee, the Valley Center Design Review Board and the Valley Center Community Planning Group. Below is a summary of these meetings:

On July 22, 2015 the Valley Center Solar Subcommittee considered the project and the potential impacts to the surrounding residential areas. Members of the community voiced concerns regarding visual impacts. The applicant listened to the community members' issues and provided additional landscaping to screen the facility. After deliberation, the solar subcommittee provided a recommendation to the Valley Center Community Planning Group to approve the project.

On August 3, 2015 the Valley Center Design Review Board considered the project as an informational item. The group did a preliminary review of the project as proposed and directed the applicant to come back to the group at the following meeting for a formal recommendation.

On September 8, 2015 by a vote of 3-0-0, the Valley Center Design Review Board voted to recommend approval of the project.

On September 14, 2015 by a vote of 11-1-0, the Valley Center Community Planning Group voted to recommend approval of the project with conditions. The conditions included a contingency plan for the retained orchard groves and the all-weather surfacing of the single-family dwelling unit's driveway located on-site. The existing groves were conditioned to be maintained and replaced with approved landscaping if 50 percent or more of the existing orchard trees die. The applicant was asked to provide the Valley Center Design Review Board the contingency plan for the existing grove. The applicant provided this plan to the Design Review Board. The contingency plan committed to install all landscaping after preliminary grading has been completed and the perimeter fence has been installed, but prior to, or concurrently with, construction of the solar facility. The MUP contains a condition to maintain and replace dead grove trees with the approved plant palette and a condition to install all landscaping after the perimeter fence has been installed and prior to construction of the solar facility. Lastly, the project is required to conform to the approved plot plan and grading plan, both of which depict an all-weather surfaced driveway for the single-family dwelling unit.

The Community Planning Group minutes are found in Attachment E.

F. PUBLIC INPUT

The project was noticed to the surrounding neighbors upon submittal. During the public review period for the MND, a total of two comment letters were received from the Endangered Habitats League and the San Diego County Archeological Society. The concerns raised in the comments include potential impacts to biological resources and archaeological resources. No significant impacts were identified. Responses to these comments can be found in the Public Documentation in Attachment E.

G. RECOMMENDATIONS

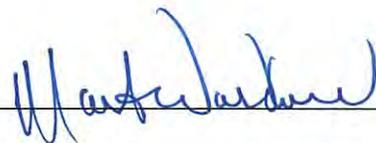
Staff recommends that the Planning Commission:

- a. Adopt the environmental findings included in Attachment D, which includes the adoption of a MND.
- b. Grant PDS2013-MUP-13-019 (MUP), which includes the requirements and conditions set forth in the MUP Form of Decision in Attachment B.

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Report Approved By:
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Mark.Wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: _____



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

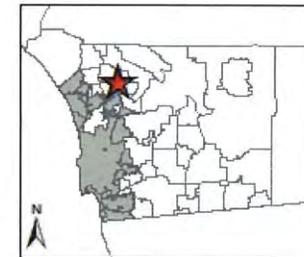
- Attachment A – Planning Documentation
- Attachment B – Form of Decision Approving PDS2013-MUP-13-019
- Attachment C – Environmental Documentation
- Attachment D – Environmental Findings
- Attachment E – Public Documentation
- Attachment F – Photo-Simulations
- Attachment G – Ownership Disclosure

Attachment A – Planning Documentation

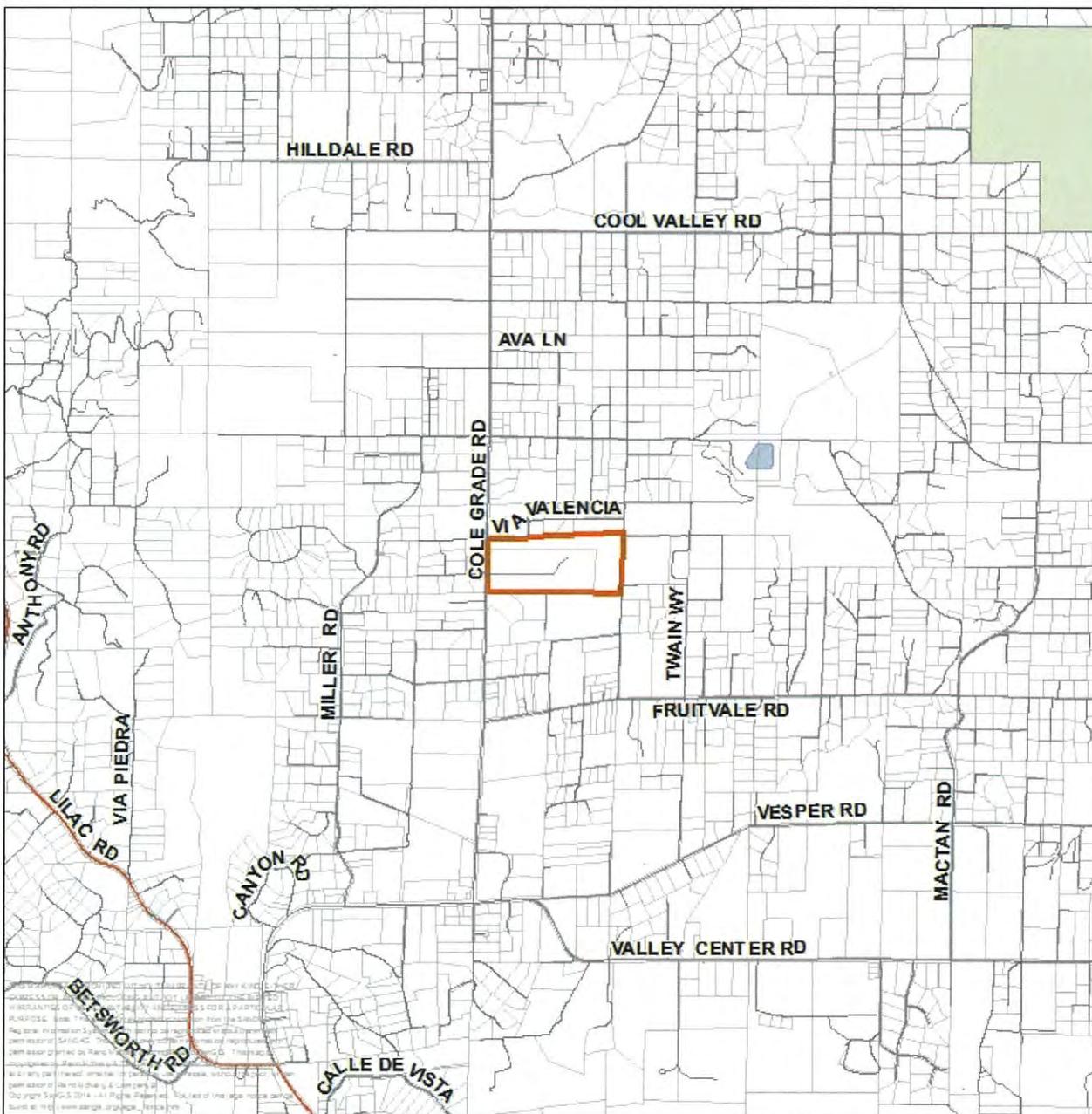
NLP Valley Center Solar

Vicinity Map

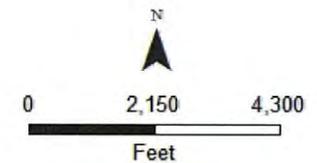
Valley Center
Community Plan Area



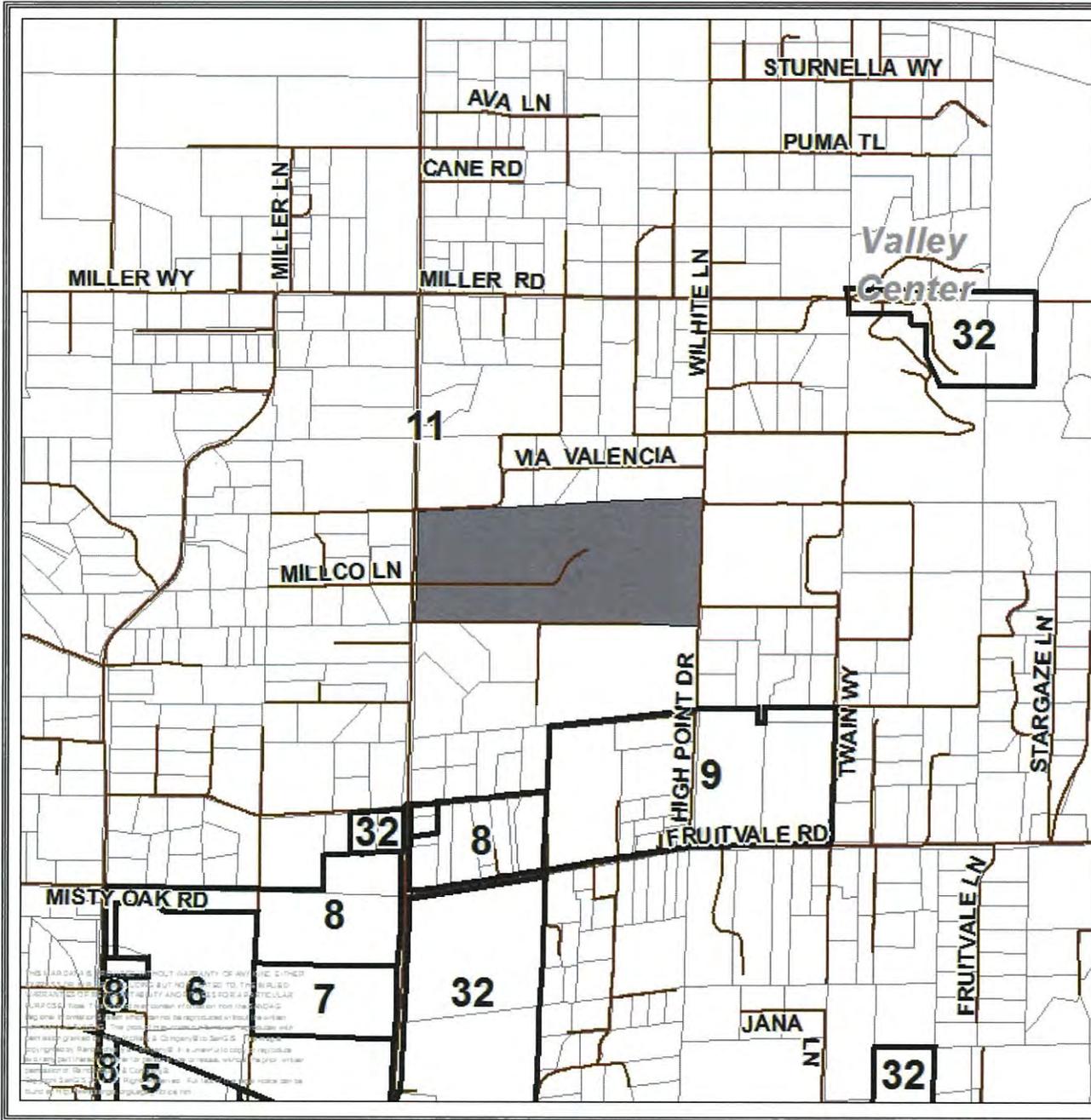
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- Roads
- Site
- Parcels



Date: 11/6/2015
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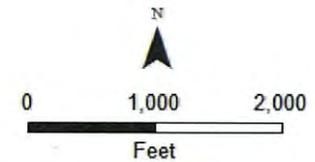
NLP Valley Center Solar

General Plan Map

*Valley Center
Community Plan Area*

- (5) Village Residential (VR-7.3)
- (6) Village Residential (VR-4.3)
- (7) Village Residential (VR-2.9)
- (8) Village Residential (VR-2)
- (9) Semi-Rural Residential (SR-1)
- (11) Semi-Rural Residential (SR-2)
- (24) Neighborhood Commercial
- (32) Public/Semi-Public Facilities

	Roads
	Site
	Parcels
	Planning



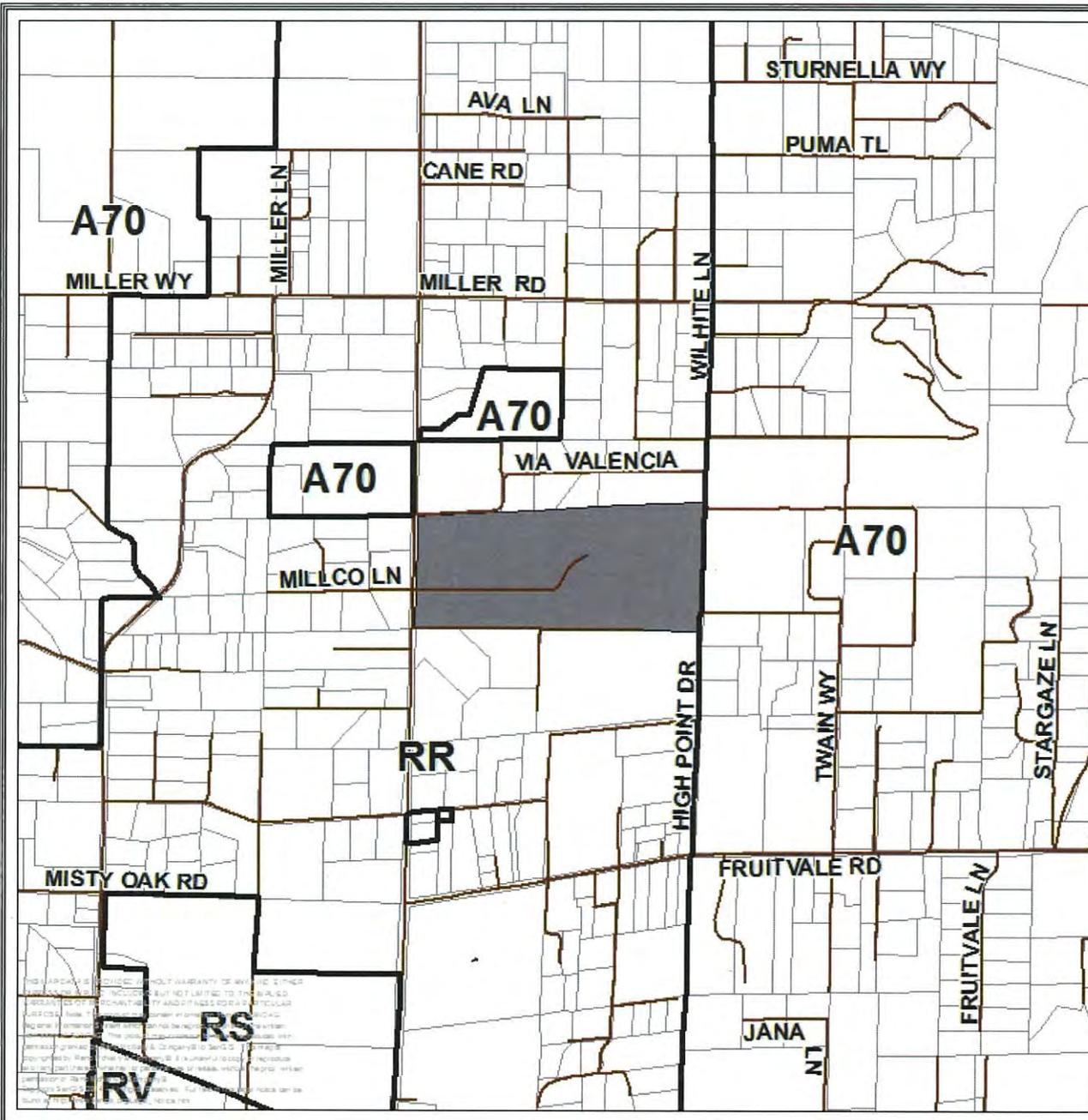
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NLP Valley Center Solar

Zoning Map

Valley Center
Community Plan Area

- A70 - Limited Agricultural
- C40 - Rural Commercial
- RR - Rural Residential
- RS - Single Family Residential
- RV - Variable Family Residential



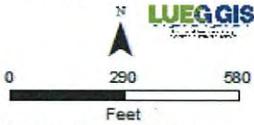
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NLP Valley Center Solar

Aerial
Valley Center Community Plan Area

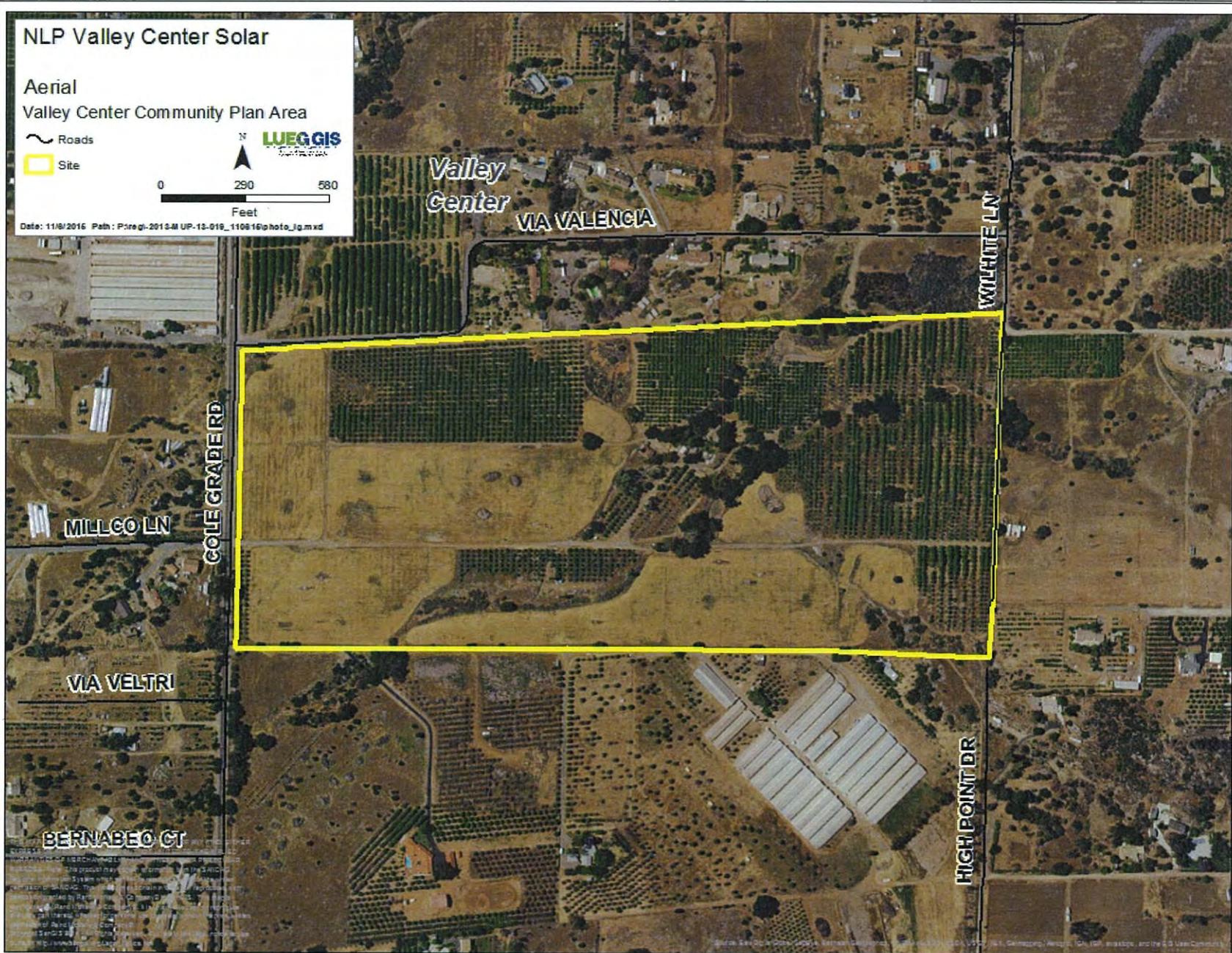
~ Roads

□ Site



LUEGGIS
CONSULTING

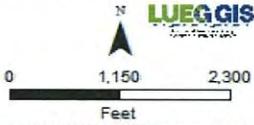
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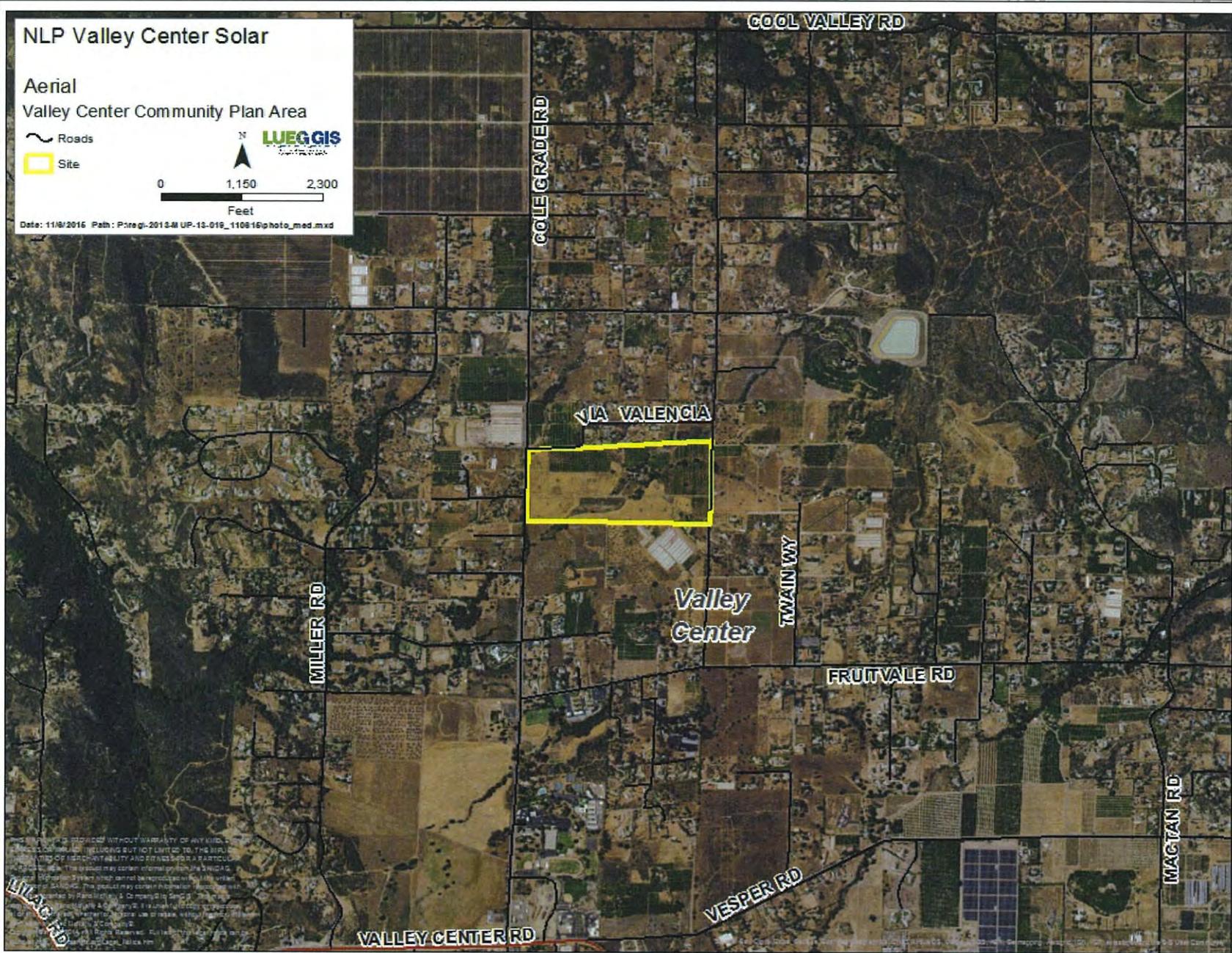
NLP Valley Center Solar

Aerial
Valley Center Community Plan Area

- Roads
- Site



Date: 11/01/2016 Path: P:\regi-2013-4\UP-13-019_110816\photo_med.mxd



This map is provided without warranty of any kind. The user assumes all liability for any use of the map. The map is provided for informational purposes only. The map is not intended for use in any legal proceeding. The map is not intended to be used as a substitute for a professional survey. The map is not intended to be used as a substitute for a professional engineering or architectural drawing. The map is not intended to be used as a substitute for a professional geologist or environmental scientist. The map is not intended to be used as a substitute for a professional planner or urban designer. The map is not intended to be used as a substitute for a professional economist or financial analyst. The map is not intended to be used as a substitute for a professional lawyer or accountant. The map is not intended to be used as a substitute for a professional doctor or nurse. The map is not intended to be used as a substitute for a professional teacher or student. The map is not intended to be used as a substitute for a professional parent or child. The map is not intended to be used as a substitute for a professional friend or neighbor. The map is not intended to be used as a substitute for a professional stranger or enemy. The map is not intended to be used as a substitute for a professional God or devil. The map is not intended to be used as a substitute for a professional anything or nothing.

NLP Valley Center Solar

Aerial
Valley Center Community Plan Area

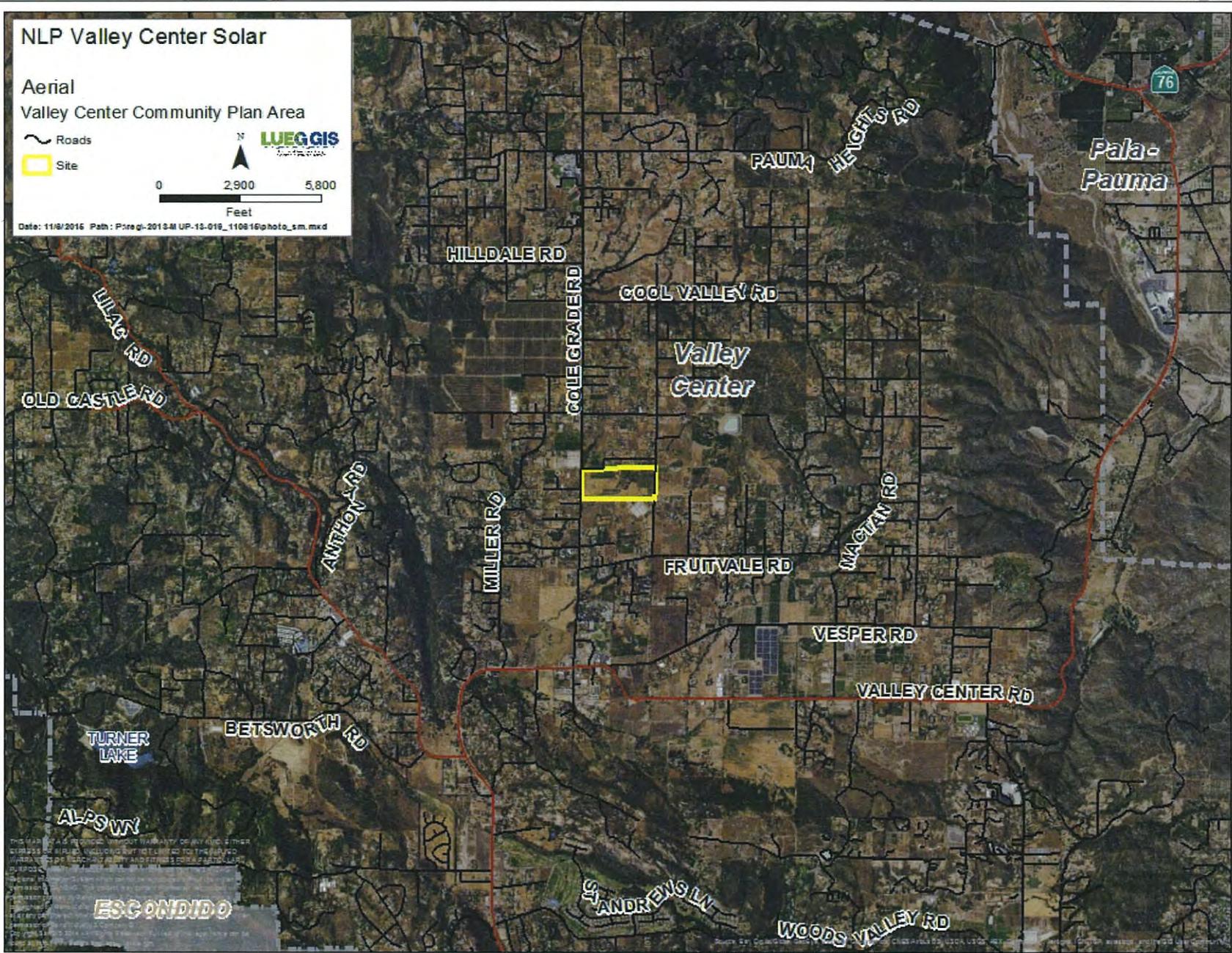
~ Roads
□ Site

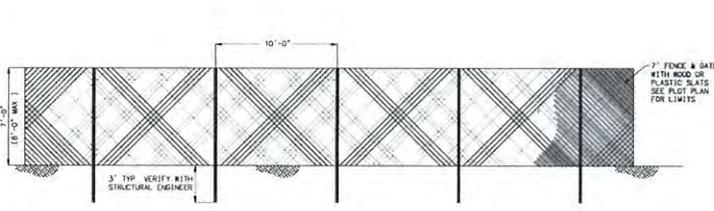


LUEGGIS
Landscape Architecture

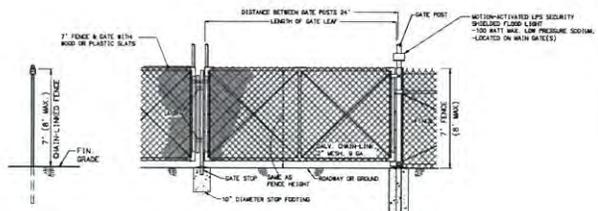
0 2,900 5,800
Feet

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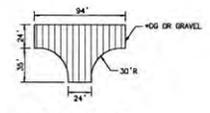




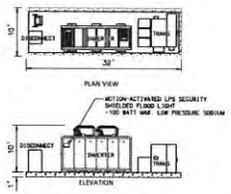
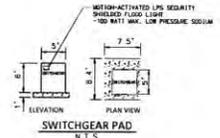
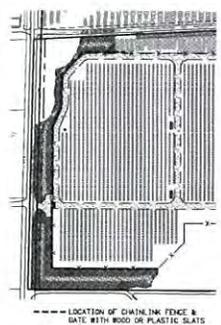
ELEVATION CHAINLINK FENCE
N.T.S.



SECTION TYPICAL FENCE
ELEVATION HALF / DOUBLE DRIVE GATE
N.T.S.

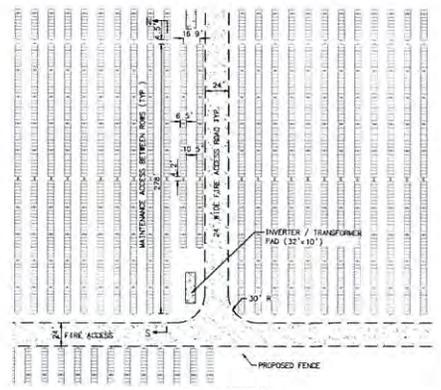


FIRE TURNAROUND
N.T.S.
* ALL WEATHER, DECOMPOSED GRANITE OR GRAVEL
MIN. 75,000 LBS. FIRE APPARATUS BEARING LOAD

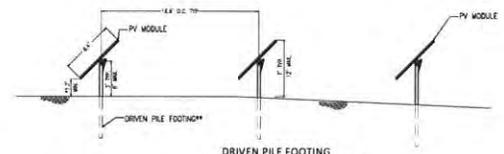


INVERTER / TRANSFORMER PAD
N.T.S.
* NOTE: INVERTER / TRANSFORMER FINISH SURFACE TO BE A MIN. 1' ABOVE BASE FLOOD ELEVATION (BFE) PER PRELIMINARY DRAINAGE STUDY.
* EQUIPMENT CABINETS (INVERTER/TRANSFORMER) SHALL BE PAINTED WITH EARTH TONE COLORS TO BLEND WITH THE SURROUNDINGS.

CHAINLINK FENCE W/ SLATS & LANDSCAPE BUFFER LOCATION
N.T.S.



PLAN VIEW TYPICAL BLOCK LAYOUT
N.T.S.

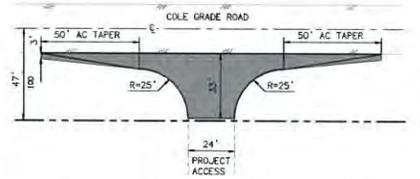


DRIVEN PILE FOOTING
POLE HEIGHTS MAY VARY TO FIT EXISTING TERRAIN
** DEPTH OF FOOTING TO BE DETERMINED BY STRUCTURAL ENGINEER

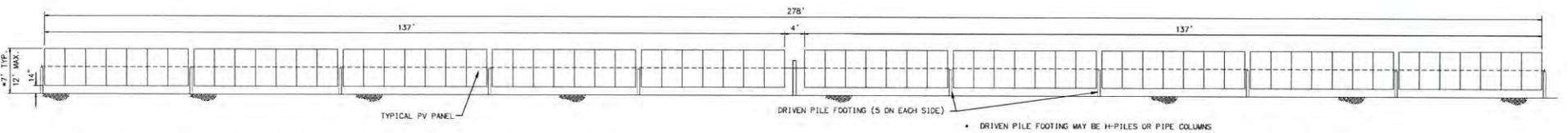
TRACKER ELEVATION W-E
N.T.S.
* NOTE: BOTTOM OF PANEL TO BE A MIN. 1' ABOVE BASE FLOOD ELEVATION (BFE).



METEOROLOGICAL STATION
N.T.S.



STANDARD PRIVATE AND COMMERCIAL DRIVEWAY APPROACH
FOR RURAL AREAS WITH UNIMPROVED FRONTAGE ON CONVENTIONAL STATE HIGHWAYS
N.T.S.



TRACKER ELEVATION N-S
N.T.S.

- DRIVEN PILE FOOTING MAY BE H-PILES OR PIPE COLUMNS
- DEPTH / TYPE OF FOOTING TO BE DETERMINED BY STRUCTURAL ENGINEER
- ALL SOLAR PANELS (AT MAXIMUM TILT) SHALL BE ELEVATED SO THAT THE LOWEST HORIZONTAL STRUCTURAL MEMBER IS AT LEAST ONE FOOT ABOVE THE BASE FLOOD ELEVATION (BFE) PER PRELIMINARY DRAINAGE STUDY.

* SOIL UNDER PV ARRAY MAY UNDULATE WHICH MAY RESULT IN A MAXIMUM PANEL HEIGHT OF 12'

NLP VALLEY CENTER SOLAR PHOTOVOLTAIC SOLAR FARM
COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT

ELEVATIONS/DETAILS
AUGUST 10, 2015
SHEET 2 OF 3
RBF CONSULTING

**Attachment B – Form of Decision
Approving PDS2013-MUP-13-019**



County of San Diego
PLANNING & DEVELOPMENT SERVICES

MARK WARDLAW
Director

DARREN GRETLER
Assistant Director

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/pds

COMMISSIONERS

Bryan Woods (Chairman)
Michael Beck (Vice Chairman)
Peder Norby
Leon Brooks
Douglas Barnhart
David Pallinger
Michael Seiler

December 11, 2015

PERMITEE: NLP VALLEY CENTER LLC
MAJOR USE PERMIT: PDS2013-MUP-13-019
E.R. NUMBER: PDS2013-ER-13-02-002
PROPERTY: SOUTHEAST CORNER OF COLE GRADE ROAD AND VIA VALENCIA
APNS: 188-120-09 & 10

DECISION OF THE PLANNING COMMISSION

This Major Use Permit for the construction and operation of a 26-acre solar energy generating facility consists of three sheets including plot plan, elevations, and preliminary landscape plan dated August 10, 2015. This permit authorizes a Major Impact Service and Utility pursuant to Section 2705b and 6954 of the Zoning Ordinance.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated August 10, 2015 consisting of one sheet. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to County of San Diego Grading Ordinance (Sec 87.701 et. al.)

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **December 11, 2017** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

.....
SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

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).

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. ROADS#1–IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the County Public Road Standards and Policy I-18, an irrevocable offer of dedication (IOD) for road purposes shall be executed. **DESCRIPTION OF REQUIREMENT:** Execute an Irrevocable Offer to Dedicate (IOD) real property, for public highway as indicated below:

- a. An IOD shall be executed to provide one-half right-of-way width of forty-seven feet (47') from the ultimate centerline of ***Cole Grade Road*** in accordance with Public Road Standards for Community Collector with improvement options (2.1D) with bike lane, plus slope rights and drainage easements along the frontage of the project to the satisfaction of the Director of Planning & Development Services (PDS).

- b. The IOD(s) shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of PDS. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall grant the IODs as indicated above. The applicant shall prepare Plot Plan and the legal description of the easement, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of these documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **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 IOD shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review that that the IOD complies with this condition.

4. ROADS#2–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the Mobility Element of the General Plan access shall be relinquished. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto **Cole Grade Road** (SA 110) along the project frontage except for one (1) driveway shown on the approved plot Plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation 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 access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

5. 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 easement shall run with the land for the life of the project. Once the project use is discontinued and land remediated per the decommissioning plan, the easement shall be voided. 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.

6. LNDSKP#1-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, conceptual landscape plan submitted August 17, 2015, 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.. 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.
- h. 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.
- i. 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.
- j. 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.
- k. Provide a note that installation of landscaping shall commence after site grading and fence installation and in conjunction with the start of construction of the remaining solar facility.
- l. Provide a note that at the time of construction, in the event 50% of the citrus trees die or are determined by the [PDS, LA] to be in a condition that does not provide adequate screening, the owner shall immediately remove the trees and replace with the species noted on the legend and shown on the citrus tree screening contingency landscape view detail.

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.

7. DEH#1–WELL DESTRUCTION

INTENT: In order to ensure that the water well identified located on the MUP lease area is capped and sealed, and to comply with the County Regulatory Code Section 67.431, the well shall be properly destroyed. **DESCRIPTION OF REQUIREMENT:** The water well identified as being on the MUP lease area as shown on the approved plot plan dated August 10, 2015, shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), and prior to occupancy or use of the premises in reliance of this permit, the applicant shall destroy the well. **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] DEH shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant and a copy provided to PDS as satisfactory completion of this condition.

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

8. PLN#1–PLAN CONFORMANCE

INTENT: In order to implement the required mitigation measures for the project, the required Grading Plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. **DESCRIPTION OF REQUIREMENT:** The Grading Plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: cultural monitoring, temporary fencing, and agricultural easement. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, ESU, DPR, TC, or PDS, BD for Minor Grading] shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

9. ROADS#3—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.

10. ROADS#4—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.
- c. 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.

11. 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.

12. AIR QUALITY#1-AIR QUALITY MEASURES

Intent: In order to minimize fugitive dust (PM₁₀) 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.

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

13. DRNG#1- 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.

14. NOISE#1-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.

15. GEN#3 – DECOMMISSIONING PLAN: [PDS, PCC] [BP, UO][PDS, FEE]

INTENT: In order to ensure the removal of the solar energy generating facility and to comply with Zoning Ordinance Section 6952.b.3.iv a decommissioning plan shall be executed. **DESCRIPTION OF REQUIREMENT:** A decommissioning plan shall be provided to the satisfaction of the Director of Planning & Development Services that ensures the removal of the solar energy system. The plan shall also have a secured agreement in the form and amount determined by the Director to ensure removal of the solar energy generating facility and conversion of the site back into a use that is compatible with the surrounding properties. **DOCUMENTATION:** The applicant shall provide the plan, financial mechanism, and agreement to the [PDS,PCC] for review. **TIMING:** Prior to the approval of any building plan and the issuance of any building permit, or use of the site in reliance of this permit, this condition shall be completed. **MONITORING:** The [PDS.PCC] shall review the plan for compliance, agreement, and

form of security, the [PDS.PCC] will provide the securities to the PDS Developer Deposit Section safekeeping.

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

16. GEN#4-INSPECTION FEE

Intent: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

17. PLN#2-SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all driveways, installing all required design features, painting all required equipment with the approved colors, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

18. ROADS#5-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:** Obtain a Construction Permit to complete the following improvements:

- 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 improvements indicated above, including final approval, inspection, and signoff, to the satisfaction of the Director of DPW and PDS. **DOCUMENTATION:** The applicant shall submit a Condition Satisfaction application indicating final approval, inspection, and signoff from [DPW, PDCI] is complete, to [PDS, LDR] for review. **TIMING:** Prior to occupancy or use of the premises in reliance of this permit, the improvements shall be completed. **MONITORING:** The [PDS, LDR] shall ensure that the access and taper for acceleration/deceleration area has been improved and all fees have been paid.

19. ROADS#6–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.

20. NOISE#2–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

21. FIRE#1–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.

22. 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.

23. LNDSCP#2-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.

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

24. PLN#4–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan, building plan, and plot plan. This includes, but is not limited to maintaining the following: all driveway areas, all fencing, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **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.

25. ROADS#7-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.

26. NOISE#3–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.

27. FIRE#2-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.

28. AIR QUALITY#2-AIR QUALITY MEASURES

Intent: In order to minimize fugitive dust (PM₁₀) 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.

29. GEN#5 – DECOMMISSIONING: [PDS, CODES]

INTENT: In order to ensure the removal of the Solar Energy Generating Facility and to comply with the Zoning Ordinance Sections 7372 and 6952.b.3.iv.a, the decommissioning plan shall be implemented upon discontinuance of the use. **DESCRIPTION OF REQUIREMENT:** The approved decommissioning plan shall be implemented if at such time the use of the property as a solar energy generating facility is discontinued for a period of time pursuant to Section 7372 of the Zoning Ordinance as determined by the Director of PDS. **DOCUMENTATION:** The plan shall be implemented by the landowner and or applicant upon discountenance of the use. **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 the enforcement of this permit.

GRADING/ IMPROVEMENT PLAN NOTES:

The following Grading and/or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits.

(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, PDC] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDC] 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 15th and July 15th for raptors and February 1st and September 15th 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, PDC] 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, PDC] shall confirm the attendance of the approved Project Archaeologist.

DURING CONTRUCTION: *(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 Archaeologist 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 Archaeologist 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 Archaeologist 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

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MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts. Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide {that} the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The following conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

Condition(s): 5, 10, 20

MAJOR USE PERMIT FINDINGS

Pursuant to Section 7358 (see Section 7359 for additional findings required for a "Specific Hazardous Waste Facility Project" and for in lieu findings for Large Wind Turbine permits) of The Zoning Ordinance, the following findings in support the granting of the Major Use Permit are made:

(a) *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*

An evaluation of bulk and scale includes an analysis of the visual appearance of structures, relative to other existing development in the surrounding area. Visual bulk and scale of surrounding structures varies depending on the type of use. Residential uses tend to be of smaller scale (generally one to two stories in height) and visually horizontal in nature. Many of the residential uses in the Project area are single-family homes of average square footage, and therefore, are of limited scale and bulk. Similarly, the majority of commercial uses within the area, which are generally located further to the south along Cole Grade Road, are similar in scale and bulk to that of a single-family home, and are generally low-lying within the visual landscape (generally one story). Agricultural, service-type, and industrial-type uses generally support structural elements of greater bulk and scale within the visual landscape (e.g. storage facilities, sheds, barns, churches, schools, community facilities) that are generally of a greater square footage and height than a single-family home.

It is anticipated that the apparent visual bulk and scale of the proposed Project facilities would generally be consistent with that of surrounding uses, due to the design requirements of the solar facilities and associated infrastructure, structural/equipment heights, and required development regulations of the applicable zone.

The Photovoltaic (PV) panels would be mounted on a single-axis tracker. The center axis of the single-axis trackers would have a nominal height of four feet above grade. The PV panels would rotate through a 90 degree arc during the day. The maximum height of the top of panel would measure an average of seven feet at full tilt. The panels themselves would be approximately 39 inches long by 77 inches long.

The direct current (DC) power generated by the PV panels would be transmitted via underground cable to two inverter/transformer pads and one switchgear pad located within the proposed onsite development area, where the DC power would

be converted to alternating current (AC) power. Each inverter/transformer equipment pad would be approximately 10 feet wide by 32 feet long; the switchgear pad would be approximately 7.5 feet wide by 8.5 feet long. The equipment installed on the pads would measure a maximum of approximately 10 feet in height (above pad elevation), or 12 feet in height as measured from the ground surface.

As such, the solar panels and equipment would be generally low-lying within the landscape and would not be of significant scale. Further, as compared to other elements within the surrounding visual landscape (e.g. residential units or support structures for agricultural-related uses) the panels would not represent elements of significant bulk. The panels themselves would be of a minimal thickness and would support the mechanisms required for collection of energy from the sun.

In addition, the inverter/transformer equipment would be dispersed centrally within the overall acreage of the parcels. The Project would range between approximately seven feet (PV panels) to twelve feet (inverters/transformers mounted on building pad) in height. As these facilities would be relatively low-lying within the landscape and limited in height, they are not considered to be of significant scale that would be inconsistent with surrounding land uses or community character.

The proposed Project components would not represent elements that would detract from the existing visual character or quality of the site or that would significantly dominate or differ in size from existing components within the landscape. Furthermore, the visibility of the Project components would be reduced due to existing vegetation along the valley floor, relatively level topography of the valley floor (flat viewing plane), and distance of the site from potential public vantage points in the surrounding area.

The bulk and scale of the proposed Project components would be consistent with existing structural elements within the surrounding area. Therefore, the proposed Project is considered to be consistent with this finding for compatibility with regard to bulk and scale.

To demonstrate the proposed Project's compatibility with existing development in the surrounding area, an analysis of lot coverage for the proposed site and for existing development in the area was conducted. The building footprint is the amount of structural development (in square feet) at ground level. Lot coverage is generally expressed as a percentage and represents the area of land covered by the building footprint (building area divided by total lot area). The building footprint does not include paved areas, such as driveways or parking areas, or walkways around the proposed structures, as defined by Section 1110 of the County Zoning Ordinance.

The majority of lands in the Project vicinity support rural-residential land uses, some with small-scale agricultural uses (typically citrus orchards). Other lands are undeveloped and therefore, do not support built elements. On the surrounding parcels where development has occurred, the majority of such lands are large-acre parcels with structures of varied square footage, depending on the use (i.e., single-family residential versus agricultural). As lot sizes generally decrease in the vicinity of the Valley Center "commercial core," building coverage increases.

With Project implementation, the Project design would include construction of three equipment pads. Two of these pads would support the inverters/transformers (approximately 10 feet by 32 feet = 320 s.f. x 2 = 640 s.f.) and one switchgear pad (approximately 8.5 feet by 7.5 feet, or 64 s.f.) for a total of approximately 704 s.f. The Project would also result in installation of the PV solar panels mounted on a collection of SAT systems supported by machine-driven metal "H" beam or round pipe rack pilings.

As the land area covered by the proposed development would be approximately 704 s.f. of the total 66-acre area, overall lot coverage within the MUP area would be less than one percent (0.0002 acre). As such, Project building coverage would represent only a fractional portion of the two affected parcels, consistent with the generally rural character of surrounding lands. Therefore, lot coverage for the Project would be similar in comparison to (or lesser than) other properties in the surrounding area.

Although from an aerial perspective, the panels would appear to cover a substantial land surface area, the panels would be mounted on poles and/or in combination with a concrete foundation, thereby minimizing the footprint, or coverage, of each panel row within the array. Taking this into account, the Project coverage represents a very small percentage of the affected parcels, thereby further enhancing Project consistency with lot coverage typical of other developed properties within the area. The Project is considered to be consistent with this finding with regard to lot coverage.

2. *The availability of public facilities, services, and utilities*

Water for construction would be provided by the Valley Center Municipal Water District (VCMWD) via the existing on-site water. Initial construction occurring within the first two months would include brushing/clearing, grading, trenching, post installation, and onsite access road construction. The remainder of the four-month construction period would include racking, module, and combiner installation; module wiring; and, final testing/commissioning. A permeable soil-binding agent would be applied during construction to stabilize onsite disturbed soils to reduce fugitive dust. Total Estimated Water Demand for Project

Construction, total water demand for the construction phase is estimated to be 294,770 gallons, or 0.9 acre-feet (AF).

An estimated 16,252 gallons of water would be required every year for maintenance activities related to dust suppression purposes. Additionally, an estimated 4,000,000 gallons of water per year would be required for irrigation of the proposed landscaping to be planted for screening purposes. Irrigation of the landscaping would be required for until successful establishment of the plantings occurs. Water for purposes of dust control and landscape irrigation would be provided from the existing onsite water meter.

In addition, it is anticipated that the PV solar panels would be washed twice per year to remove dust particles and other buildup to ensure optimum solar absorption. Panel washing is estimated to require approximately 0.67 gallon of water per PV panel on an annual basis (approximately 12,687 gallons each year). Potable water from the existing onsite water meter would be used for the panel washing. If water from the meter is used, a commercial vendor would arrive on-site and load water from the existing meter. The vendor would de-ionize the water (as needed) prior to high-pressure washing the panels for maintenance.

The proposed facilities would be unmanned and therefore, the Project would not require connection to a public sewer system or construction of a septic system. Electric and propane gas service are currently provided to the Project site. The proposed Project would generate electricity via the PV solar panels; the use of natural gas is not anticipated with Project construction or operation.

The Project would be served by the Valley Center Fire Protection District (VCFPD) from Fire Station No. 72 located at 28234 Lilac Road, just southeast of the Project site. As the Project would have the potential to result in additional demands on the VCFPD and/or other area emergency service providers, the Project would be conditioned to participate in the VCFPD's Community Facilities District (CFD). The Project applicant shall comply with all requirements of the CFD, as applicable, and once such specific requirements have been identified. Joining the CFD for fire protection services and payment of the required fees would ensure that fire protection services are adequate to serve the Project and that no significant cumulative effects would occur as the result of Project implementation. In addition, a Fire Protection Plan for the project has been provided and approved by the VCFPD and County Fire Authority.

The Project site is located within the County's Wildland Urban Interface area. As such, Project design provides for a 30-foot wide brush clearing zone would be provided along the perimeter of all onsite development areas to reduce the potential for wildfire to occur and/or spread. Water for fire protection purposes would be provided by the existing hydrant located near Cole Grade Road.

The applicant has prepared a Fire Protection Plan (FPP) Letter Report to address water supply, access, building ignition and fire resistance, fire protection systems and equipment and vegetation management with regard to fire code requirements.

3. *The harmful effect, if any, upon desirable neighborhood character:*

Through design, the proposed Project would exhibit compatibility with the existing character of the Valley Center community. Views of the Project site would generally be limited from other private land ownerships and public roadways located along the valley floor, due to intervening vegetation and minimal differences in elevation (flat viewing plane), as well as from outlying locations occurring at a higher elevations, due to distance from the site and existing mature vegetation.

None of the affected parcels or off-site areas affected by the Project for access purposes (Cole Grade Road) support designated landmarks, historic resources, significant trees, or rock outcroppings. Although the Project would result in the installation of the solar panels and associated facilities within the existing landscape, no resources either on-site or off-site that contribute significant value to the visual character of the site or site vicinity would be removed or substantially changed as the result of Project implementation. In addition, the project is conditioned to retain and maintain citrus groves as delineated on the approved plot plan, for addition buffering and to retain a visual character feature.

Architectural design of structures within the area surrounding the Project is varied, due to a mixture of use types. Surrounding single-family residential uses typically exhibit ranch-style features with wooden exteriors and roofing, and generally non-decorative elements. A number of residential uses within the surrounding community are constructed in the Spanish style, with stucco exteriors and tile roofing. Varying agricultural uses, along with limited commercial and industrial uses, within the surrounding area also exhibit more utilitarian features with minimal architectural design features or decoration.

Development on lands within the surrounding area generally exhibit a range of materials and colors, depending on the land use considered. Materials typically range from wood, stucco, and concrete block for the limited residential uses; metal and/or stucco structures are typical of area light industrial- and agricultural-type uses. Inverter/transformer/switchgear would be painted earth-tone colors, in conformance with the County's Solar Ordinance.

The solar panels would be made of materials that are highly absorptive and that would generally range in color from black to gray. The materials used to construct the panels are designed to minimize the potential for reflection and retain as much of the solar spectrum as possible, thereby reducing glare. The solar panels would be mounted on machine-driven metal "H" beam or round pipe

rack pilings that would be galvanized to minimize reflection of light from any exposed surfaces. Additionally, the potential for glare effects from the Project would be further minimized, as all solar panels would be coated with a non-reflective coating.

A limited number of small-scale, single-family rural residential uses are present in the area surrounding the site, along with a mixture of agricultural uses and undeveloped lands. Residential uses in the area generally one to two stories in height. Agricultural uses on surrounding lands support structural elements that generally range from 10 to 30 feet in height, with various elements of greater height, depending on their function.

Square footage of buildings in the area varies, due to the type of use, with residential uses generally of smaller scale (one to two stories) and commercial and agricultural-type uses supporting structures of greater square footage.

Due to the limited height of the solar panels and the generally flat topography of the affected parcels (e.g. flat viewing plane), visibility of the panels within the landscape would be reduced. Average panel height would be approximately seven feet at full tilt as measured from the ground surface. Although several single-family residences are adjacent to the site to the north, south, and southeast, views to the site would instead generally occur at a distance from developed properties and/or public roadways and would be further buffered by existing citrus crops and proposed landscape screening where appropriate to minimize views of the panels.

The inverters/transformers/switchgear equipment would be a maximum of 12 feet in height, as measured from the ground surface. The inverter/transformer platforms would be approximately 320 s.f. in size; the switchgear platform would be approximately 64 s.f. (approximately 8.5 feet by 7.5 feet). As such, these structures would be relatively small in nature, and would not represent a size or height that would significantly contrast to existing land uses in the surrounding area (i.e., residential, agricultural, etc.).

Limited Project lighting would be installed to allow for ongoing maintenance and security. Low-level lighting (100 watt) would be installed at the main entry gates to facilitate access. Lighting also will be located at each inverter station and at the switchgear. Illuminated signage at the Project entrance and each inverter station that notes the location and identification number of each electrical grid disconnect and circuit breaker would also be installed.

All lighting would be operated manually or activated via motion sensors, and would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent ownerships. All lighting would conform to County of San Diego outdoor lighting requirements.

Additionally, the potential for glare effects from the Project would be further minimized, as all solar panels would be coated with a non-reflective coating. Uncoated clear glass has a typical reflection rate of approximately eight percent; however, the majority of windows today have coatings that increase reflectivity in order to reduce the amount of heat gain within a building or occupied space. For solar PV applications, the more light that is reflected away from the glass surface becomes lost energy for power conversion, and therefore, anti-reflective coatings are utilized to ensure that the maximum amount of sunlight strikes the solar cells beneath the glass. The typical PV solar modules in use today have an anti-reflective coating with a reflection rate of less than six percent.

Based on the technical evidence evaluating the reflectivity of the solar panels, the proposed Project would not install highly reflective building materials resulting in a substantial increase in light or glare that could affect the surrounding area or produce reflective light that would create adverse disability or discomfort glare. The proposed Project would be in accordance with the County's Guidelines of Determining Significance for Lighting and Glare. The slight increase in glare resulting with the Project would not create an adverse effect on the surrounding community.

Daily operation of the unmanned Project is not anticipated to result in impacts on the surrounding neighborhood character. The proposed facilities would be monitored remotely. Once the solar panels are installed, the panels would operate during daylight hours, seven days per week, and 365 days per year.

Security would be maintained through installation of an (up to) 8-foot high chain-link fence along the perimeter of the MUP area. A secured gate would be provided at the main entrances to the Project off of Cole Grade Road. All gates would meet County Fire Code Section 96.1.503.6 for automatic operation with battery back-up. The gates would open immediately upon emergency vehicle strobe light activation from either direction of approach and would include a Knox-box key-operation. It is anticipated that maintenance of the facilities would require occasional visual inspections and minor repairs. Overall, minimal maintenance requirements are anticipated, as the panels would operate on their own with little human involvement required. On intermittent occasions, the presence of several workers may be required if major equipment repairs are required; however, due to the nature of the facilities, such actions are anticipated to be infrequent. Occasional equipment replacement or refurbishing may also be conducted.

Additionally, although the construction phase of the Project would result in an increase in existing noise levels from operation of construction equipment and machinery, the increase would be temporary and would cease once construction is completed. Several noise-sensitive uses (single-family residences) border the

site to the north and south. It was determined that Project construction noise effects on the surrounding community character would be less than significant. Additionally, due to the operational characteristics of the solar facilities, operational noise would not result in significant noise impacts

As discussed above, the proposed Project addresses such measures as architectural design, materials and colors, height/square footage, parking effects, lighting/glare, and operational characteristics to ensure that the Project would not conflict with the character of the surrounding community. .

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

No offsite improvements to the existing street system are required or proposed as part of the Project with exception of minor improvements at the Project entrance off of Cole Grade Road to provide adequate access (widening to 24 feet in width) and a roadway taper. Long-term access to the site would be provided from Cole Grade Road via a gated, locked entry. Construction activities for the Project would generate limited construction traffic along area roadways, mainly along Cole Grade Road. Operation of the Project would involve washing the panels and various maintenance activities onsite. It is anticipated that maintenance of the facilities would require occasional visual inspections and minor repairs. Overall, minimal maintenance requirements are anticipated, as the panels would operate on their own with little human involvement required. Occasional equipment replacement or refurbishing may also be conducted.

The project applicant estimates that the project site will be visited no more 48 times per year for maintenance purposes. Each site visit would range from a cleaning and maintenance crew to SDGE site visits. On average, the Project is expected to generate four trips at each site visit, or 544 trips per year. At 136 days per year or 544 trips per year, the normalized annual average trip per day (based on 365 days) would be 1.51 trips per day.

As such, the capacity and physical character of surrounding streets would not be significantly impacted by traffic generated by the proposed Project. The proposed Project would not result in increased levels of traffic that would adversely affect the existing community character of the surrounding area. .

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The Project site is located in an area that is generally surrounded by undeveloped lands, with limited scattered rural residential and agricultural uses.

Surrounding properties support varying orchards, small horse farms, and egg production. There are existing residences on lands just north of the Project site, which are visually shielded from the site by a grove of trees.

The proposed Project is considered a Civic Use Type: Major Impact Services and Utilities, as defined in the County Zoning Ordinance. The use is permitted within the Rural Residential (RR) zone with approval of a Major Use Permit from the County of San Diego. Proposed development would be required to demonstrate consistency with the findings required to approve a MUP, as set forth in Section 7538 of the County Zoning Ordinance.

The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.

A significant increase in storm water runoff or treatment needs from the areas affected by the Project is not anticipated to occur. Storm water runoff in areas where facilities would be installed would remain generally unchanged following construction. In addition, the solar panels and supporting structures would occupy a minimal building footprint on the affected properties and would not require or result in a significant change in existing conditions with regard to storm water runoff or treatment needs. As applicable, storm water runoff and treatment would be adequately handled through the implementation of onsite best management practices (BMPs) and/or other design measures and would not result in or require significant changes to existing offsite storm drain facilities.

The Project does not propose to place structures with a potential for human occupation or access roads or other improvements that would limit access during flood events within the flow path. The limited grading required for installation of the solar panels would not significantly alter the existing drainage pattern of any portions of the site in a manner that would result in substantial erosion or siltation on- or offsite.

The Project as proposed is a suitable land use that is ideal for the site because a solar energy system is low intensity type of development and compatible with other existing adjacent land uses (largely undeveloped lands) in the vicinity of the Project site. The proposed solar facilities would not conflict with any land use plan or policy adopted and would be compatible with surrounding existing uses with regard to site suitability.

6. *Any other relevant impact of the proposed use:*

N/A

- (b) *The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:*

The site is subject to the Semi-Rural (SR-2) General Plan Land Use Designation and the Valley Center Community Plan and Design Guidelines. The project would be consistent with the Semi-Rural General Plan Land use Designation of the General Plan because it proposes a solar energy generating facility that will support the public energy needs of the Valley Center Community that is designed to blend with the surrounding community character.

The project is also consistent with the goals and policies within the General Plan.

Policy LU-6.6 "Integration of Natural Features into Project Design" requires incorporation of natural features into proposed development and requires the avoidance of sensitive environmental resources. The project has been designed to avoid impacts to on-site wetlands and to avoid impact to mature trees, including indigenous oaks and sycamores. The majority of the project will be located in a previously disturbed area which was predominately used as citrus groves.

Policy LU-6.9 "Development Conformance with Topography" requires development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography of the site. The site is relatively flat. The preliminary grading plan proposes the balanced cut and fill of 6,000 cubic yards of material for a 66-acre property. The project avoids on-site drainage and completely avoids wetlands located upon the site. Lastly, the applicant has prepared a drainage study and stormwater management plan that complies with state law and local ordinances that indicated that the project would not increase off-site runoff.

Policy COS-18.1 "Alternate Energy Systems Design" states, work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting. PDS has worked with the applicant to design the proposed solar facility to maintain the community character of the surrounding area. The project incorporated design measures to reduce views of the facility from the surrounding area. These design measures include landscaping, retaining orchard groves, and reduced footprint.

The project would also be consistent with the Valley Center Community Plan and Design Guidelines because it proposes a solar energy generating facility that is consistent with the goals and policies of the plan. The project was reviewed and received a recommendation of approval from the Valley Center Community Planning Group, the Design Review Board and the Solar Subcommittee.

- (c) *That the requirements of the California Environmental Quality Act have been complied with:*

MUP 13-019

December 11, 2015

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) because a Mitigated Negative Declaration under CEQA was prepared and was available during public review from September 24, 2015 to October 23, 2015, on file under PDS2013-ER-13-02-002. The project, as designed, would not cause any significant effects on the environment because mitigation and design measures have been incorporated at address impacts to agricultural resources and cultural resources.

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ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations 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 No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sandiegocounty.gov/content/sdc/dpw/watersheds/susmp/lid.html>

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of Section 87.201 of the County Code, unless exempt from permit requirement pursuant to Section 87.202.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit is required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3284, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the County Noise Ordinance 36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. No loudspeakers, sound amplification systems, and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

NOTICE: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of issuance of the Final Notice of Decision.

NOTICE: The project will be required to pay Planning & Development Services Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to PDS, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of PDS conditions that need to be satisfied. PDS conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the **[PDS, FEE]** designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

MUP 13-019

December 11, 2015

COUNTY OF SAN DIEGO PLANNING COMMISSION
MARK WARDLAW, SECRETARY

BY:

Cara Lacey, Chief
Project Planning Division
Planning & Development Services

cc: Patrick Brown, BayWa r.e. Solar Projects, 17901 Von Karman Avenue, Suite 1050,
Irvine, CA 92614
Steve Wragg, Michael Baker International, 9755 Clairemont Mesa Blvd., #100, San
Diego, CA 92614
Valley Center Community Planning Group
Valley Center Design Review Board

email cc:

Ken Brazell, Team Leader, Land Development/Engineering, PDS
Mindy Fogg, Planning Manager, Project Planning, PDS

Attachment C – Environmental Documentation



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

September 21, 2015

CEQA Initial Study - Environmental Checklist Form (Based on the State CEQA Guidelines, Appendix G)

1. Title; Project Number; Environmental Log Number:

NLP Valley Center Solar; PDS2013-MUP-13-019; PDS2015-ER-13-02-002

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123-1239

3. a. Contact Benjamin Mills, Project Manager
b. Phone number: (858) 495-5234
c. E-mail: Benjamin.Mills@sdcounty.ca.gov.

4. Project location:

The project is located at 29471 Cole Grade Road in the community of Valley Center within unincorporated San Diego County. The property is bounded by Cole Grade Road to the west and Via Valencia Road to the north.

Thomas Guide Coordinates: Page 1070, Grid B/3

5. Project Applicant name and address:

Patrick Brown
NLP Granger A82, LLC
17901 Von Karma Avenue, Suite 1050
Irvine, CA 92614

6. General Plan

Community Plan:

Valley Center

Land Use Designation:

Semi-Rural 2 (SR-2)

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 2 -

September 21, 2015

7. Zoning
Use Regulation: RR (Rural Residential)
Minimum Lot Size: 2 acres

8. Description of project:

The project is a Major Use Permit (MUP) for a solar energy generating facility. The project consists of an approximately 2.5 megawatt solar facility. The proposed solar facility would be installed on a 26-acre MUP lease area of an approximately 66-acre project site. The MUP boundary would include the fenced solar property plus the existing and proposed landscaped screening areas.

The project design will consist of PV solar panels mounted on a collection of single-axis tracking systems supported by machine-driven metal piles or round pipe columns. The single axis system proposes solar panels aligned in rows that rotate to face east in the morning and west in the afternoon hours, tracking the sun about a north/south axis to maximize solar absorption.

The point of interconnection (POI) for transmission purposes will occur at an existing utility pole within the Cole Grade Road right-of-way (ROW) adjacent to the project boundary. Access to the site will be from Cole Grade Road.

The maximum height of the top of panel would measure an average of seven feet at full tilt. The power generated by the PV panels would be transmitted via underground cable to two inverter/transformer pads and one switchgear pad located within the proposed onsite development area. Each inverter/transformer equipment pad would be approximately 10 feet wide by 32 feet long; the switchgear pad would be approximately 7.5 feet wide by 8.5 feet long. The equipment installed on the pads would measure a maximum of approximately 10 feet in height. The power from the inverter stations would be transmitted via cable to the switchgear, used to transmit the power to SDG&E's 12 kV distribution system.

The project site is located at 29471 Cole Grade Road in the community of Valley Center within unincorporated San Diego County. The site is subject to the General Plan Regional Category Semi Rural, Land Use Designation SR-2. Zoning for the site is RR (Rural Residential). Access would be provided by Cole Grade Road. The project would be served by imported water from the Valley Center Municipal Water District. Earthwork will consist of cut and fill of 6,000 cubic yards of material.

9. Surrounding land uses and setting:

The lands surrounding the project site are predominately large lots utilized for agricultural and residential uses. Houses in the area mainly consist of ranch-style single family dwelling units with detached structures. Most agriculture in the surrounding area

consists of predominately orchards. Two large egg ranches are located near the project site, one is located to the northwest of the project site and the other is located to the southeast. The project is adjacent to Cole Grade Road to the east and Via Valencia to the north. Topography of the project site and adjacent land is relatively flat with a gradual increase in elevation traveling to the northeast.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

Permit Type/Action	Agency
Boundary Adjustment (Merger)	County of San Diego
Certificate of Compliance (Merger)	County of San Diego
Landscape Plans	County of San Diego
Major Use Permit	County of San Diego
Grading Permit	County of San Diego
County Right-of-Way Permits	County of San Diego
Well Destruction Permit	County of San Diego
Water District Approval	Valley Center Municipal Water District
Fire District Approval	Valley Center Fire Protection District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> <u>Aesthetics</u> | <input checked="" type="checkbox"/> <u>Agriculture and Forest Resources</u> | <input type="checkbox"/> <u>Air Quality</u> |
| <input type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Geology & Soils</u> |
| <input type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input type="checkbox"/> <u>Hazards & Haz. Materials</u> | <input type="checkbox"/> <u>Hydrology & Water Quality</u> |
| <input type="checkbox"/> <u>Land Use & Planning</u> | <input type="checkbox"/> <u>Mineral Resources</u> | <input type="checkbox"/> <u>Noise</u> |
| <input type="checkbox"/> <u>Population & Housing</u> | <input type="checkbox"/> <u>Public Services</u> | <input type="checkbox"/> <u>Recreation</u> |
| <input type="checkbox"/> <u>Transportation/Traffic</u> | <input type="checkbox"/> <u>Utilities & Service Systems</u> | <input type="checkbox"/> <u>Mandatory Findings of Significance</u> |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- On the basis of this Initial Study, Planning & Development Services finds that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- On the basis of this Initial Study, Planning & Development Services finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- On the basis of this Initial Study, Planning & Development Services finds that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.



 Signature

September 21, 2015

 Date

Benjamin Mills

 Printed Name

Land Use/Environmental Planner

 Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 6 -

September 21, 2015

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

Based on a site visit completed by County staff, a Visual Analysis prepared by Michael Baker International, and aerial photographs of the area, the project site is currently developed with a single family residence, various agricultural structures and orchards. The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. The visual composition consists of predominately agricultural lands consisting of orchards.

The proposed project is an unmanned solar energy generating facility. A Visual Resources Report for the proposed project, dated August 2015, was prepared by Michael Baker International. Based on the results of the visual resources analysis, the project has been determined to be compatible with the existing visual environment in terms of visual character and quality because the project would not result in the introduction of features that would significantly detract from or contrast with the visual character of the surrounding community. The project would not conflict with visual elements or quality of an existing area (i.e., through conflicting style, size, coverage, scale, building materials, etc.). The Project would not result in the removal of or substantial adverse change to one or more features that contribute to the valued visual character or image of the project area, including but not limited to, designated landmarks, historic resources or rock outcroppings.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 7 -

September 21, 2015

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

Less Than Significant Impact: State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

Based on a Visual Analysis prepared by Michael Baker International on August 2015, the proposed project is not located near or visible within the composite viewshed of a State scenic highway and will not damage or remove visual resources within a State scenic highway. Therefore, the proposed project will not have any substantial adverse effect on a scenic resource within a State scenic highway.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

Less Than Significant Impact: Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers. The existing visual character and quality of the project site and surrounding can be characterized as large lots consisting of single family dwellings and agricultural uses. Industrial and agricultural type elements exist within the surrounding area and support structural elements of similar or greater size, height, and/or appearance. Such elements may include large barns (e.g. poultry farms), facilities for animal keeping/raising, grain silos, and other similar structures.

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 8 -

September 21, 2015

Natural landforms, natural vegetation, and a mixture of agricultural and single-family residential uses, as well as large parcels of undeveloped land, exist in the area surrounding the Project; however, such visual components would generally not be adversely affected by the proposed development. The Project has been designed to minimize grading requirements; thereby leaving the topography of the site largely in its existing condition.

The Project would change the composition of the visual pattern in the existing on-site setting. The on-site physical would be altered with installation of the solar panels and associated facilities; however, with consideration of varied views to the site from off-site properties and travelers along nearby public roadways, the visual changes resulting from the Project would not dominate or substantially change the existing visual pattern of the area. Large existing grove trees would be retained in order to adequately screen the facility from public viewsheds.

Visibility of the site would be reduced with retention of portions of the existing citrus orchard and additional landscape screening along Cole Grade Road and Via Valencia, an adverse change to the overall character of the existing visual pattern through the introduction of elements that would create visual dominance or scale is not anticipated with the Project. The Project would not significantly change the visual character of the landscape, as the proposed structural elements would be of limited bulk, mass, and scale, and views would generally occur from a distance. As such, the Project design would not substantially change the visual character of the landscape.

The project will not result in cumulative impacts on visual character or quality because the entire existing viewshed and a list of past, present and future projects within that viewshed were evaluated. Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered. Those projects listed in Section XVII are located within the viewshed surrounding the project and will not contribute to a cumulative impact for the following reasons: the project will not substantially alter the existing landform, the project does not propose any development on steep slopes and the project has a similar bulk and scale of existing structures in the immediate area. Therefore, the project will not result in any adverse project or cumulative level effect on visual character or quality on-site or in the surrounding area.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 9 -

September 21, 2015

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: The proposed project will use minimal, motion sensor outdoor lighting and is located within Zone A as identified by the San Diego County Light Pollution Code. However, it will not adversely affect nighttime views or astronomical observations, because the project will conform to the Light Pollution Code (Section 51.201-51.209), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights. Based on the Visual Analysis prepared by Michael Baker International, findings for glare effects of solar PV panel installations, potential Project-related glare effects experienced by viewers from area roadways, pedestrian walkways, or other areas frequently used for outdoor activities on surrounding properties are anticipated to be none to minimal, and no significant glare impacts would occur. Based on available technical evidence evaluating the reflectivity of the solar PV solar panels, the proposed Project would not install highly reflective building materials that would result in a substantial increase in light or glare that would affect the surrounding area or that would produce reflective light that would create adverse disability or discomfort glare. The proposed Project would be in conformance with the County's Guidelines of Determining Significance for Lighting and Glare.

The project will not contribute to significant cumulative impacts on day or nighttime views because the project will conform to the Light Pollution Code. The Code was developed by the San Diego County Planning & Development Services and Department of Public Works in cooperation with lighting engineers, astronomers, land use planners from San Diego Gas and Electric, Palomar and Mount Laguna observatories, and local community planning and sponsor groups to effectively address and minimize the impact of new sources light pollution on nighttime views. The standards in the Code are the result of this collaborative effort and establish an acceptable level for new lighting. Compliance with the Code is required prior to issuance of any building permit for any project. Mandatory compliance for all new building permits ensures that this project in combination with all past, present and future projects will not contribute to a cumulatively considerable impact. Therefore, compliance with the Code ensures that the project will not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area, on a project or cumulative level.

In addition, the project's outdoor lighting is controlled through the Major Use Permit, which further limits outdoor lighting through strict controls. Therefore, compliance with the Code, in combination with the outdoor lighting and glare controls listed above ensures that the project will not create a significant new source of substantial light or glare.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 10 -

September 21, 2015

II. AGRICULTURE AND FORESTRY RESOURCES -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact With Mitigation Incorporated: The project site is a Farmland Mapping and Monitoring Program (FMMP) designated farmland. Due to the presence of onsite agricultural resources, the County agricultural resources specialist evaluated the site to determine the importance of the resource based on the County's Local Agricultural Resources Assessment (LARA) model which takes into account local factors that define the importance of San Diego County agricultural resources. The LARA model considers the availability of water resources, climate, soil quality, surrounding land use, topography, and land use or parcel size consistency between the project site and surrounding land uses. A more detailed discussion of the LARA model can be found in the Guidelines for Determining Significance for Agricultural Resources at <http://www.sdcounty.ca.gov/pds/docs/AG-Guidelines.pdf>.

In order for a site to be considered an important agricultural resource based on the LARA model, all three required LARA model factors (water, soil, and climate) must receive either a high or moderate score. A low score in any of these three categories would render a LARA model result that the site is not an important agricultural resource.

The project site is considered an important agricultural resource. It has been determined that approximately 5.6 acres of agricultural resources would be impacted from the implementation of the project. Impacts to agricultural resources would be mitigated by an approximately 5.6-acre open space easement located within the Major Use Permit Boundary. The agricultural open space easement would ensure that the encumbered land is used solely for agricultural purposes for the life of the Major Use Permit.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 11 -

September 21, 2015

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site is zoned Rural Residential, which is not considered to be an agricultural zone. Additionally, the project site's land is not under a Williamson Act Contract. Therefore, the project does not conflict with existing zoning for agricultural use, or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site including off-site improvements do not contain forest lands or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the project is consistent with existing zoning and a rezone of the property is not proposed. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site including any offsite improvements do not contain any forest lands as defined in Public Resources Code section 12220(g), therefore project implementation would not result in the loss or conversion of forest land to a non-forest use. In addition, the project is not located in the vicinity of offsite forest resources.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 12 -

September 21, 2015

- e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant With Mitigation Incorporated: The project site and surrounding area within radius of one mile has Farmland Mapping and Monitoring Program (FMMP) designated farmland. As a result, the proposed project was reviewed by the County agricultural resource specialist. The project would impact approximately 5.6 acres of agricultural resources. Impacts to agricultural resources would be mitigated by an approximately 5.6-acre agricultural open space easement located within the Major Use Permit Boundary. The open space easement would ensure that the encumbered land is used solely for agricultural purposes for the life of the Major Use Permit.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project involves a solar energy generating facility. The proposed Project would create a 2.5 MW AC renewable energy source within an area which was previously used for agricultural purposes. The proposed project is subject to the General Plan Semi-Rural Regional Category and contains lands within the Semi-Rural 2 (SR-2) Land Use Designation. As discussed in the Air Quality Study, dated August 2015, prepared by Ldn Consulting, Inc. on file with the Planning & Development Services as Environmental Review Number 13-02-002, the proposed project would not significantly increase vehicular trips from the previous agricultural uses. The Air Quality Study also demonstrated that operational air quality emissions would be significantly lower than The County's screening level thresholds due to limited project operations. Therefore, the project is not expected to conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP) on a project level.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 13 -

September 21, 2015

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate the Air Pollution Control District's (SDAPCD) established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

The project would require grading in the amount of 6,000 cubic yards of equal cut and fill before installation of photovoltaic arrays. However, grading operations associated with the construction of the project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal, temporary and localized, resulting in pollutant emissions below the screening-level criteria established by the LUEG guidelines for determining significance as shown in the Air Quality Study. In addition, operational activities associated with the project will be limited to occasional maintenance activities and panel washing and would generate daily emissions that are well below the County's screening level thresholds. The project incorporates design features for dust control during project construction and operations. As such, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 14 -

September 21, 2015

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O₃). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM₁₀) under the CAAQS. O₃ is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM₁₀ in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

Air quality emissions associated with the project include emissions of PM₁₀, PM_{2.5}, NO_x and VOCs from construction/grading activities, and also as the result of increase of traffic from project implementation. However, grading operations associated with the construction of the project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal, localized and temporary resulting in PM₁₀, PM_{2.5}, NO_x, and VOC emissions below the screening-level criteria established by the LUEG guidelines for determining significance. In addition, operational activities associated with the project will be limited to occasional maintenance activities and panel washing and would generate daily emissions that are well below the County's screening level thresholds.

In addition, a list of past, present and future projects within the surrounding area were evaluated and none of these projects emit significant amounts of criteria pollutants. Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered. The nearest cumulative project is approximately 5,000 feet from the project site while the project's maximum impact would occur at approximately 750 feet from the emissions sources onsite. The proposed project as well as the past, present and future projects within the surrounding area, have emissions below the screening-level criteria established by the LUEG guidelines for determining significance, therefore, the construction and operational emissions associated with the proposed project are not expected to create a cumulatively considerable impact nor a considerable net increase of PM₁₀, PM_{2.5} or any O₃ precursors.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 15 -

September 21, 2015

d) Expose sensitive receptors to substantial pollutant concentrations?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

Sensitive receptors and point sources of toxic emissions have not been identified within a quarter-mile (the radius determined by the SCAQMD in which the dilution of pollutants is typically significant) of the proposed project. Furthermore, no point-source emissions of air pollutants (other than vehicle emissions) are associated with the project. As such, the project will not expose sensitive populations to excessive levels of air pollutants.

e) Create objectionable odors affecting a substantial number of people?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project could produce objectionable odors, which would result from volatile organic compounds, ammonia, carbon dioxide, hydrogen sulfide, methane, alcohols, aldehydes, amines, carbonyls, esters, disulfides dust and endotoxins from the construction and operational phases. However, these substances, if present at all, would only be in trace amounts (less than 1 $\mu\text{g}/\text{m}^3$). Subsequently, no significant air quality – odor impacts are expected to affect surrounding receptors. Moreover, the affects of objectionable odors are localized to the immediate surrounding area and will not contribute to a cumulatively considerable odor.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 16 -

September 21, 2015

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or CDFWU.S. Fish and Wildlife Service?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, a site visit by County Staff and a Biological Resources Letter Report dated August 11, 2015 prepared by ECORP Consulting, Inc., it has been determined that the site, and surrounding area, support native vegetation, namely, coast live oak woodland, disturbed coastal sage scrub disturbed southern riparian scrub, southern mixed chaparral and individual Engelman oaks. However, the project will impact only fallow agriculture/orchard and developed disturbed lands, will maintain a buffer from native habitat and will not result in substantial adverse effects, either directly or through habitat modifications, to any candidate, sensitive, or special status species. Therefore the impact is less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Based on a site visit conducted by County staff and as supported by the Biological Resources Letter Report dated August 11, 2015 prepared by ECORP Consulting, Inc., it has been determined that the proposed project site contains coast live oak woodland, disturbed coastal sage scrub disturbed southern riparian scrub, southern mixed chaparral and individual Engelman oaks within the property boundaries. However, the areas proposed for development will completely avoid direct impacts to any portion of the coast live oak woodland, disturbed coastal sage scrub disturbed southern riparian scrub, southern mixed chaparral and individual Engelman oaks. Also, the development is set back 50 feet to protect the riparian habitat and sensitive natural communities from potential indirect impacts, including noise, light, human encroachment and invasive species. Furthermore, no off-site impacts have been identified within or immediately adjacent to the riparian habitat and sensitive natural communities. Therefore, project impacts to any riparian habitat or sensitive natural community identified in the County of San Diego Multiple Species Conservation

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 17 -

September 21, 2015

Program, County of San Diego Resource Protection Ordinance, Natural Community Conservation Plan, Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations, are considered less than significant.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Based on a site visit conducted by County staff, and as supported by the Biological Resources Letter Report dated August 11, 2015 prepared by ECORP Consulting, Inc., it has been determined that wetlands, defined by Section 404 of the Clean Water Act are on the project site. However, the project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands supported on the project site. The project proposes complete avoidance. Also, the development is setback 50 feet to protect the wetland habitat from potential indirect impacts. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, and a Biological Resources Letter Report dated August 11, 2015 prepared by ECORP Consulting, Inc., it has been determined that the site has limited biological value and impedance of the movement of any native resident or migratory fish or wildlife species, the use of an established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would not be expected as a result of the proposed project for the following reasons: the project site is surrounded by development and Cole Grade Road to the west. The site is not a wildlife linkage but the onsite drainage may function for the movement of local wildlife species. The onsite drainage will be maintained by the project design and therefore, local wildlife movement will not be precluded.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 18 -

September 21, 2015

- e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Refer to the attached Ordinance Compliance Checklist for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, including, Habitat Management Plans (HMP), Special Area Management Plans (SAMP), or any other local policies or ordinances that protect biological resources including the Multiple Species Conservation Program (MSCP), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), Habitat Loss Permit (HLP).

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, it has been determined that the project site does not contain any historical resources. Therefore, the project would not result in impacts to historical resources.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist, it has been determined that the project site does not contain any archaeological resources. The results of the survey are provided in an archaeological

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 19 -

September 21, 2015

survey report entitled, Cultural Resources Phase I Survey Report, prepared by Dudek, dated June 2015.

c) Directly or indirectly destroy a unique geologic feature?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County.

The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.

d) Directly or indirectly destroy a unique paleontological resource or site?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant with Mitigation Incorporated: A review of the County's Paleontological Resources Maps indicates that the project has low/marginal potential for containing paleontological resources and will excavate the substratum and/or bedrock below the soil horizons.

Per County of San Diego Guidelines, all sites are considered important resources with the exception of isolated finds. As these sites do not require testing, they are considered both CEQA and RPO significant. With the recommended archaeological mitigation (including full avoidance of archaeological sites and the implementation of an archaeological monitoring program), there will not be significant effects to cultural resources as a result of the implementation of the proposed project. The details of the archaeological monitoring program are provided below:

- Pre-Construction
 - Pre-construction meeting to be attended by the Project Archaeologist and Luiseno Native American monitor to explain the monitoring requirements.

- Construction
 - Monitoring. Both the Project Archaeologist and Luiseno Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseno Native American monitor. Monitoring of previously disturbed soils will be determined by the Project Archaeologist in consultation with the Luiseno Native American monitor.
 - If cultural resources are identified:
 - Both the Project Archaeologist and Luiseno Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
 - The Project Archaeologist shall contact the County Archaeologist.
 - The Project Archaeologist in consultation with the County Archaeologist and Luiseno Native American shall determine the significance of discovered resources.
 - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
 - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
 - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
 - Human Remains.
 - 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 (NAHC), 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 in the event that human remains are discovered.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 21 -

September 21, 2015

- Rough Grading
 - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered.
- Final Grading
 - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered.
 - Disposition of Cultural Material.
 - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively has been repatriated to a culturally affiliated Tribe. The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

Therefore, with the implementation of the above project requirements during project grading operations, potential impacts to paleontological resources will be less than significant. Furthermore, the project will not result in a cumulative impact to paleontological resources because other projects that require grading in sensitive paleontological resource areas will be required to have the appropriate level of paleontological monitoring and resource recovery. In addition, other projects that propose any amount of significant grading would be subject to the requirements for paleontological monitoring as required pursuant to the County's Grading Ordinance. Therefore, the project would not result in a significant direct, indirect, or cumulatively significant loss of paleontological resources.

e) Disturb any human remains, including those interred outside of formal cemeteries?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist it has been determined that the project will not disturb any human remains because the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains. The results of the survey are provided in an archaeological survey report entitled, Cultural Resources Phase I Survey Report, prepared by Dudek, dated June 2015.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 22 -

September 21, 2015

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault. Therefore, there will be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this project.

- ii. Strong seismic ground shaking?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: To ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures the project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 23 -

September 21, 2015

iii. Seismic-related ground failure, including liquefaction?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project site is located within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. It has determined by a County Staff Geologist that the project on-site conditions do not have susceptibility to settlement and liquefaction. Additionally the project is for an unmanned solar generating facility. Therefore, there will be there will be no potentially significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction. In addition, since liquefaction potential at the site is considered low, earthquake-induced lateral spreading is not considered to be a seismic hazard at the site and impacts would be less than significant.

iv. Landslides?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The site is located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. Landslide Susceptibility Areas were developed based on landslide risk profiles included in the *Multi-Jurisdictional Hazard Mitigation Plan, San Diego, CA* (URS, 2004). Landslide risk areas from this plan were based on data including steep slopes (greater than 25%); soil series data (SANDAG based on USGS 1970s series); soil-slip susceptibility from USGS; and Landslide Hazard Zone Maps (limited to western portion of the County) developed by the California Department of Conservation, Division of Mines and Geology (DMG). Also included within Landslide Susceptibility Areas are gabbroic soils on slopes steeper than 15% in grade because these soils are slide prone. The project is for an unmanned solar generating facility, no additional density or habitable structures would be added to the project site. Therefore, there will be no potentially significant impact from the exposure of people or structures to adverse effects from adverse effects of landslides.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 24 -

September 21, 2015

b) Result in substantial soil erosion or the loss of topsoil?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: According to the Soil Survey of San Diego County, the soils on-site are identified as Placentia sandy loam that has a soil erodibility rating of "slight" as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. Moreover, the project will not result in unprotected erodible soils; will not alter existing drainage patterns; is not located in a floodplain, wetland, or significant drainage feature; and will not develop steep slopes. The project is required to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Due to these factors, it has been found that the project will not result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project is for an unmanned solar energy generating facility. Grading consists of a net cut and fill of 6,000 cubic yards of material. Therefore, the project will not produce unstable geological conditions. For further information regarding landslides, liquefaction, and lateral spreading, refer to VI Geology and Soils, Question a., iii-iv listed above.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 25 -

September 21, 2015

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project is located on expansive soils as defined within Table 18-1-B of the Uniform Building Code (1994). This was confirmed by staff review of the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. The soils on-site are Placentia Sandy Loam. However the project will not have any significant impacts because the project is required to comply the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Therefore, these soils will not create substantial risks to life or property.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project is for an unmanned solar energy generating facility . The project does not propose any septic tanks or alternative wastewater disposal systems since no wastewater will be generated.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 26 -

September 21, 2015

VII. GREENHOUSE GAS EMISSIONS – Would the project

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Greenhouse Gas (GHG) emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, hydrofluorocarbons (HFCs), and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. A regional GHG inventory prepared for the San Diego Region¹ identified on-road transportation (cars and trucks) as the largest contributor of GHG emissions in the region, accounting for 46% of the total regional emissions. Electricity and natural gas combustion were the second (25%) and third (9%) largest regional contributors, respectively, to regional GHG emissions.

Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. SANDAG has prepared a Sustainable Communities Strategy (SCS) which is a new

¹ San Diego County Greenhouse Gas Inventory: An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets. University of San Diego and the Energy Policy Initiatives Center (EPIC), September 2008.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 27 -

September 21, 2015

element of the 2050 Regional Transportation Plan (RTP). The strategy identifies how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible. The County of San Diego has also adopted various GHG related goals and policies in the General Plan.

It should be noted that an individual project's GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an EIR shall analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

The County has prepared a *Recommended Approach to Addressing Climate Change in CEQA Documents* for addressing climate change in CEQA documents. The annual 900 metric ton carbon dioxide equivalent (MTCO₂e) screening level referenced in the California Air Pollution Control Officers Association (CAPCOA) white paper (<http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>) is being used by the County as a conservative criterion for determining the size of projects that would require further analysis and mitigation with regard to climate change. The CAPCOA white paper reports that the 900 metric ton screening level would capture more than 90% of development projects, allowing for mitigation towards achieving the State's GHG reduction goals.

GHG emissions associated with the project were quantified in the Air Quality Study, dated August 2015, prepared by Ldn Consulting, Inc. on file with the Planning & Development Services as Environmental Review Number 13-02-002. The project would generate 41.81 MTCO₂e per year, accounting for amortized construction and operational emissions. Therefore, total GHG emissions associated with the project would be below the County's recommended screening level of 900 metric tons per year. Project GHG impacts would not be cumulatively considerable.

Therefore, it is determined that the project would result in less than cumulatively considerable impacts associated with GHG emissions and no mitigation is required.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 28 -

September 21, 2015

be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. SANDAG has prepared a Sustainable Communities Strategy (SCS) which is a new element of the 2050 Regional Transportation Plan (RTP). The strategy identifies how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego's General Plan incorporates various climate change goals and policies. These policies provide direction for individual development projects to reduce GHG emissions.

Based on Governor Schwarzenegger's call for a statewide 33% Renewables Portfolio Standard (RPS), the Climate Change Scoping Plan anticipates that California will have 33% of its electricity provided by renewable resources by 2020. Additionally, AB 32 calls for a reduction in GHG emissions to 1990 levels by 2020. Over its lifespan, the Proposed Project would assist in the attainment of the state's goals by utilizing a renewable source of energy that could displace electricity generated by fossil-fuel-fired power plants. The Proposed Project could also provide a potential reduction of 1,348 MTCO₂e per year if the electricity generated by the project were to be used instead of electricity generated by fossil-fuel sources. This reduction is *not* considered in the significance determination of the project's GHG emissions but is provided for disclosure purposes only.

As discussed in VII(a) above, the project's emissions would be below the 900 MTCO₂e screening threshold. As such, the project would not conflict with the GHG goals and policies of the General Plan. The Proposed Project would be consistent with state and County initiatives aimed at reducing GHG emissions. Therefore, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 29 -

September 21, 2015

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

No Impact: The project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity. In addition, the project does not propose to demolish any existing structures onsite and therefore would not create a hazard related to the release of asbestos, lead based paint or other hazardous materials from demolition activities.

- b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

No Impact:

The project is not located within one-quarter mile of an existing or proposed school. Therefore, the project will not have any effect on an existing or proposed school.

- c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

Less than Significant Impact: Based on a site visit and regulatory database search, the project site has not been subject to a release of hazardous substances that would create a

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

September 21, 2015

significant hazard to the public or environment. The project site is not included in any of the following lists or databases: the State of California Hazardous Waste and Substances sites list compiled pursuant to Government Code Section 65962.5., the San Diego County Hazardous Materials Establishment database, the San Diego County DEH Site Assessment and Mitigation (SAM) Case Listing, the Department of Toxic Substances Control (DTSC) Site Mitigation and Brownfields Reuse Program Database ("CalSites" Envirostor Database), the Resource Conservation and Recovery Information System (RCRIS) listing, the EPA's Superfund CERCLIS database or the EPA's National Priorities List (NPL). Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), is not on or within 1,000 feet of a Formerly Used Defense Site (FUDS), does not contain a leaking Underground Storage Tank (UST) and is not located on a site with the potential for contamination from historic uses such as industrial uses, a gas station or vehicle repair shop. Therefore, the project would not create a significant hazard to the public or environment.

d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not located within an Airport Land Use Compatibility Plan (ALUCP), an Airport Influence Area, or a Federal Aviation Administration Height Notification Surface. Also, the project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not within one mile of a private airstrip. As a result, the project will not constitute a safety hazard for people residing or working in the project area.

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 31 -

September 21, 2015

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

Less Than Significant Impact: The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project will not interfere with this plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

No Impact: The Oil Spill Contingency Element will not be interfered with because the project is not located along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

No Impact: The Dam Evacuation Plan will not be interfered with because the project is not located within a dam inundation zone.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The proposed project is adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards will occur during the building permit process. Also, an approved Fire Protection Plan, dated August 27, 2015 has been received from the Valley Center Fire Protection District. The Fire Protection Plan indicates the expected emergency travel time to the project site to be six minutes. Therefore, based on the review of the project by County staff, through compliance with the Consolidated Fire Code and through compliance with the Valley Center Fire Protection District's conditions, the project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the Consolidated Fire Code.

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

September 21, 2015

h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds). Also, the project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Therefore, the project will not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any waste discharge requirements?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not propose waste discharges that require waste discharge requirement permits, NPDES permits, or water quality certification from the San Diego Regional Water Quality Control Board (SDRWQCB). In addition, the project does not propose any known sources of polluted runoff or land use activities that would require special site design considerations, source control Best Management Practices (BMPs) or treatment control BMPs, under the San Diego Municipal Storm Water Permit (SDRWQCB Order No. R9-2007-0001).

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 34 -

September 21, 2015

- b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project lies in the Bonsall hydrologic subarea, within the San Luis Rey hydrologic unit. As discussed in the Stormwater Management Plan dated according to the Clean Water Act Section 303(d) list, this watershed is impaired.

The project proposes the following activities that are associated with these pollutants: pollutants associated with construction activities. However, the following site design measures and/or source control BMPs and/or treatment control BMPs will be employed such that potential pollutants will be reduced in any runoff to the maximum extent practicable so as not to increase the level of these pollutants in receiving waters: silt fence, fiber rolls, and gravel bags.

The proposed BMPs are consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project will not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego includes the following: San Diego Region, Order No. R9-2007-0001, (NPDES No. CAS 0108758); County Watershed Protection Ordinance; Stormwater Management, and Discharge Control Ordinance (WPO); County Stormwater Standards Manual. The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. The Watershed Protection Ordinance has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Each project subject to WPO is required to prepare a Stormwater Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 35 -

September 21, 2015

c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: The Regional Water Quality Control Board has designated water quality objectives for waters of the San Diego Region to protect the existing and potential beneficial uses of each hydrologic unit. The project lies in the Bonsall hydrologic subarea, within the San Luis Rey hydrologic unit that has the following existing and potential beneficial uses for inland surface waters, coastal waters, reservoirs and lakes, and ground water: municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; freshwater replenishment; hydropower generation; contact water recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; marine habitat; migration of aquatic organisms; and, rare, threatened, or endangered species habitat.

The project proposes the following potential sources of polluted runoff: construction activities. However, the following site design measures and/or source control BMPs and/or treatment control BMPs will be employed to reduce potential pollutants in runoff to the maximum extent practicable, such that the proposed project will not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses: hydroseeding, silt fence, gravel bags, fiber rolls, spill prevention and control and waste management.

In addition, the proposed BMPs are consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project will not contribute to a cumulatively considerable exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section VIII., Hydrology and Water Quality, Question b, for more information on regional surface water and storm water planning and permitting process.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 36 -

September 21, 2015

- d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project will obtain its water supply from the Valley Center Municipal Water District that obtains water from surface reservoirs or other imported water source. The project will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the project does not involve operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Therefore, no impact to groundwater resources is anticipated.

- e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project proposes an net cut and fill of 6,000 cubic yards of material. As outlined in the Storm water Management Plan (SWMP) dated June 24, 2015 the project will implement the site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures will control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9-2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP). The SWMP specifies and describes the implementation process of all BMPs that will address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales. The Department of Public Works will ensure that the Plan is implemented as proposed. Due to these factors, it has been found that the project will

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 37 -

September 21, 2015

not result in significantly increased erosion or sedimentation potential and will not alter any drainage patterns of the site or area on- or off-site. In addition, because erosion and sedimentation will be controlled within the boundaries of the project, the project will not contribute to a cumulatively considerable impact. For further information on soil erosion refer to VI., Geology and Soils, Question b.

- f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The proposed project will not alter the existing natural topography, vegetation, or drainage courses on-site or off-site.

- g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: There are no existing or planned storm water drainage systems proposed by the project, nor does the project require such systems.

- h) Provide substantial additional sources of polluted runoff?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project proposes the following potential sources of polluted runoff: runoff and pollutants associated with construction activities. However, the following site design measures and/or source control BMPs and/or treatment control BMPs will be employed such that potential pollutants will be reduced in runoff to the maximum extent

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 38 -

September 21, 2015

practicable: silt fencing, fiber rolls, gravel bags, and spill/waste management. Refer to IX Hydrology and Water Quality Questions a, b, c, for further information.

- i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: No FEMA mapped floodplains, County-mapped floodplains or drainages with a watershed greater than 25 acres were identified on the project site; therefore, no impact will occur.

- j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: No 100-year flood hazard areas were identified on the project site; therefore, no impact will occur.

- k) Expose people or structures to a significant risk of loss, injury or death involving flooding?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site lies outside any identified special flood hazard area. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 39 -

September 21, 2015

l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site lies outside a mapped dam inundation area for a major dam/reservoir within San Diego County. In addition, the project is not located immediately downstream of a minor dam that could potentially flood the property. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

m) Inundation by seiche, tsunami, or mudflow?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

i. SEICHE

No Impact: The project site is not located along the shoreline of a lake or reservoir; therefore, could not be inundated by a seiche.

ii. TSUNAMI

No Impact: The project site is located more than a mile from the coast; therefore, in the event of a tsunami, would not be inundated.

iii. MUDFLOW

No Impact: It has determined that the geologic environment of the project area has a low probability to be located within an area of potential or pre-existing conditions that could become unstable in the event of seismic activity. In addition, though the project does propose land disturbance that will expose unprotected soils, the project is not located downstream from unprotected, exposed soils within a landslide susceptibility zone. Therefore, it is not anticipated that the project will expose people or property to inundation due to a mudflow.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 40 -

September 21, 2015

X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not propose the introduction of new infrastructure such major roadways or water supply systems to the area. Therefore, the proposed project will not significantly disrupt or divide the established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The proposed project is subject to the General Plan Semi-Rural Regional Category and contains lands within the Semi-Rural 2 (SR-2) Land Use Designation. The project is also subject to the policies of the Valley Center Community Plan. The property is zoned Rural Residential (RR) which permits a solar energy generating facility with a Major Use Permit pursuant to the Zoning Ordinance Section 2225.

XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The lands within the project site have not been classified by the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997); but the site is underlain with Alluvial Deposits.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 41 -

September 21, 2015

However, the project site is surrounded by densely developed land uses including residential and agricultural uses which are incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of the project will not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site is not located in an area that has MRZ-2 designated lands or is located within 1,300 feet of such lands. Therefore, the proposed project would not result in the loss of availability of locally important mineral resource(s).

Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project is known as the North Light Power (NLP) Valley Center Solar project located on 66 acres comprised of two parcels. The proposed solar facility Major Use Permit would occupy approximately 26 acres of the site comprised of photovoltaic (PV) solar panels, inverter pads and internal access driveways. Based on a Noise Analysis prepared by LDN Consulting dated August 14, 2015 incorporation of noise design features would ensure the project would not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable standards for the following reasons:

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 42 -

September 21, 2015

General Plan – Noise Element

The County of San Diego General Plan, Noise Element addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive area to noise in excess of a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Moreover, if the project is excess of CNEL 60 dB(A), modifications must be made to project to reduce noise levels. Noise sensitive areas include residences, hospitals, schools, libraries or similar facilities where noise level is an important attribute. Based on a Noise Analysis, project implementation would not expose existing or planned noise sensitive areas to road, airport, heliport, railroad, industrial or other noise in excess of the CNEL 60 dB(A). Additionally, the project does not propose any new noise sensitive land uses. Therefore, the project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Noise Element.

Noise Ordinance – Section 36.404

Based on a Noise Analysis prepared by LDN Consulting dated August 14, 2015, non-transportation noise generated by the project is not expected to exceed the standards of the County of San Diego Noise Ordinance (Section 36.404) at or beyond the project's property line.

The project is zoned RR (Rural Residential) and is subject to a one-hour average nighttime sound level limit of 45 dBA (decibel A-weighted) and daytime limit of 50 dBA at the nearest property lines pursuant to the County Noise Ordinance Section 36.404. Primary noise sources associated with the on-going operations are comprised of the inverter/transformer stations. These mechanical units would be located over 300 feet from the nearest property lines and would generate noise levels of less than 45 dBA. The setback design of the inverter/transformer location is a design feature demonstrating Noise Ordinance compliance. Panel washing was evaluated and would only occur during the daytime hours of 7 a.m. to 10 p.m. Due to noise attenuation by distance, establishing a minimum of 65 feet from the nearest property line, and the process of panel washing moving away from the property lines would result in complying with the County noise requirements.

Noise Ordinance – Section 36.409/36.410

Based on a Noise Analysis prepared by LDN Consulting dated August 14, 2015, the project would not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36.409). Construction operations will occur only during permitted hours of operation pursuant to Section 36.409. Also, it is not anticipated that the project will operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM and any operations of a pile driver or equivalent would be limited to 15 minutes out of the hour and/or 25% of the work period, as needed.

Finally, the project's conformance to the County of San Diego General Plan (Noise Element,) and County of San Diego Noise Ordinance (Section 36.404 and 36.409/36.410) ensures the project will not create cumulatively considerable noise impacts, because the project will not exceed the local noise standards for noise sensitive areas; and the project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the project will not

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

September 21, 2015

contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not propose any of the following land uses that can be impacted by groundborne vibration or groundborne noise levels.

1. Buildings where low ambient vibration is essential for interior operation, including research and manufacturing facilities with special vibration constraints.
2. Residences and buildings where people normally sleep including hotels, hospitals, residences and where low ambient vibration is preferred.
3. Civic and institutional land uses including schools, churches, libraries, other institutions, and quiet office where low ambient vibration is preferred.
4. Concert halls for symphonies or other special use facilities where low ambient vibration is preferred.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels on-site or in the surrounding area.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project involves the following permanent noise sources that may increase the ambient noise level: Mechanical equipment associated with the proposed solar facility. As indicated in the response listed under Section XI Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control. Also, the project is not expected to expose existing or planned noise sensitive areas to direct noise impacts over existing ambient noise levels.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 44 -

September 21, 2015

The project will not result in cumulatively noise impacts because a list of past, present and future projects within in the vicinity were evaluated. It was determined that the project in combination with a list of past, present and future project would not expose existing or planned noise sensitive areas to cumulative noise impacts over existing ambient noise levels. Refer to XVII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

e) **Less Than Significant Impact:** Temporary construction equipment was evaluated to demonstrate noise ordinance compliance. Grading operations may utilize loaders/backhoes dozers graders trenchers and water trucks. The equipment is anticipated to be spread out over the site. Some equipment could potentially operate at or near the property line while the rest of the equipment may be located more than 600 feet away from the same property line. The acoustical center for the grading operations at approximately 100 feet from the nearest property lines was assessed. Based on a worst case scenario with all equipment operating at the same time in one same location, construction noise levels would generate approximately 74.3 dBA at this setback. Due to spatial separation of the equipment and an eight hour average requirement of 75 dBA, staff does not anticipate temporary construction noise levels to exceed the County noise standards. Additionally, no off-site roadway improvements are proposed as part of this project. Therefore, temporary grading operations are not anticipated to exceed the 75 dBA requirement pursuant to Section 36.409. Impulsive type of heavy equipment is regulated within Section 36.410 (82 dBA limit). Project temporary impulsive sources include a pile driver, mobile crane and pneumatic tools. The primary impulsive noise source is considered the pile driver for a worst-case assessment. The pile driver would need to operate 215 feet from any residential property line. Pile driver operations would be limited to operate 25% of the hourly or daily duration when located within this distance. These pile driving design measures demonstrate compliance with the County Noise Ordinance and would comply with the impulsive 82 dBA requirement. Therefore, incorporation of noise attenuation by distance, establishing setbacks, and limiting operations would ensure that permanent and temporary noise sources would comply with County noise standards.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 45 -

September 21, 2015

f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not located within an Airport Land Use Compatibility Plan (ALUCP) for airports or within 2 miles of a public airport or public use airport. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

g) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not located within a one-mile vicinity of a private airstrip; therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project will not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

September 21, 2015

use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or LAFCO annexation actions.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact
- Less Than Significant With Mitigation Incorporated
- Less than Significant Impact
- No Impact

Discussion/Explanation:

Less Than Significant Impact: The property currently has a single family residential unit, which is to remain. This unmanned solar energy generating facility would not displace any amount of existing housing

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact
- Less Than Significant With Mitigation Incorporated
- Less than Significant Impact
- No Impact

Discussion/Explanation:

No Impact: The property currently has a single family residential unit, which is to remain. This solar energy generating facility would not displace any amount of existing housing. Therefore, the proposed project will not displace any number of people.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on the service availability forms received for the project, the proposed project will not result in the need for significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the project. The project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not propose any residential use, included but not limited to a residential subdivision, mobilehome park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

September 21, 2015

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities cannot have an adverse physical effect on the environment.

XVI. TRANSPORTATION AND TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The County of San Diego Guidelines for Determining Significance for Traffic and Transportation (Guidelines) establish measures of effectiveness for the performance of the circulation system. These Guidelines incorporate standards from the County of San Diego Public Road Standards and Mobility Element, the County of San Diego Transportation Impact Fee Program and the Congestion Management Program.

The proposed project will result in less than ten additional vehicle trips per month. However, the project will not have a significant impact related to a conflict with any performance measures establishing measures of effectiveness of the circulation system because the project trips do not exceed any of the County's Guidelines for Determining Significance for impacts related to Traffic and Transportation. As identified in the County's Guidelines for Determining Significance for Traffic and Transportation, the project trips would not result in a substantial increase in the number of vehicle trips, volume of capacity ratio on roads, or congestion at intersections in relation to existing conditions. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities. Therefore, the project would not conflict with any policies establishing measures of the effectiveness for the performance of the circulation system and no mitigation is required.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The designated congestion management agency for the San Diego region is SANDAG. SANDAG is responsible for preparing the Regional Transportation Plan (RTP) of which the Congestion Management Program (CMP) is an element to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated costs, and identify appropriate mitigation. Early project coordination with affected public agencies, the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) is required to ensure that the impacts of new development on CMP transit performance measures are identified.

The project proposes an increase of approximately one AMT. The additional AMT from the proposed project would not exceed the 2400 trips (or 200 peak hour trips) required for study under the region's Congestion Management Program. Additionally, the project does not involve construction of any new buildings, nor does it propose a new primary use. The additional access or support structures will not generate ADTs on a daily basis. Therefore the project will not conflict with travel demand measures or other standards of the congestion management agency.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is located outside of an Airport Influence Area and is not located within two miles of a public or public use airport; therefore, the project will not result in a change in air traffic patterns.

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 50 -

September 21, 2015

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create or place curves, slopes or walls which impedes adequate site distance on a road.

e) Result in inadequate emergency access?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The proposed project will not result in inadequate emergency access. The Valley Center Fire Protection District, which is the Fire Authority Having Jurisdiction, and the San Diego County Fire Authority, have reviewed the proposed project the Fire Protection Plan Letter Report and associated emergency access roadways and have determined that there is adequate emergency fire access proposed. Additionally, roads used will be required to be improved to County standards.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is Major Use Permit for a solar energy generating facility and will generate approximately one AMT. Project implementation will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities. Therefore, the project will not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 51 -

September 21, 2015

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not involve any uses that will discharge any wastewater to sanitary sewer or on-site wastewater systems (septic). Therefore, the project will not exceed any wastewater treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not include new or expanded water or wastewater treatment facilities. In addition, the project does not require the construction or expansion of water or wastewater treatment facilities. Based on the service availability forms received, the project will not require construction of new or expanded water or wastewater treatment facilities. Service availability forms have been provided which indicate adequate water facilities are available to the project from the following district: Valley Center Water District. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not include new or expanded storm water drainage facilities. Moreover, the project does not involve any landform modification or require any source, treatment or structural Best Management Practices for storm water. Therefore, the project will

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

September 21, 2015

not require any construction of new or expanded facilities, which could cause significant environmental effects.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project requires water service from the Valley Center Water District. A Service Availability Letter from the Valley Center Water District has been provided, indicating adequate water resources and entitlements are available to serve the requested water resources. Therefore, the project will have sufficient water supplies available to serve the project.

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> | No Impact |

Discussion/Explanation:

No Impact: The proposed project for a unmanned solar energy generating facility and will not produce any wastewater; therefore, the project will not interfere with any wastewater treatment providers service capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> | No Impact |

Discussion/Explanation:

No Impact: The project is for a unmanned solar energy generating facility and will not generate any solid waste nor place any burden on the existing permitted capacity of any landfill or transfer station within San Diego County.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

- 53 -

September 21, 2015

g) Comply with federal, state, and local statutes and regulations related to solid waste?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> | No Impact |

Discussion/Explanation:

No Impact: The project is for a unmanned solar energy generating facility and will not generate any solid waste nor place any burden on the existing permitted capacity of any landfill or transfer station within San Diego County. Therefore, compliance with any Federal, State, or local statutes or regulation related to solid waste is not applicable to this project.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- | | | | |
|--------------------------|--|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Potentially Significant Impact | <input checked="" type="checkbox"/> | Less than Significant Impact |
| <input type="checkbox"/> | Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> | No Impact |

Discussion/Explanation:

Less Than Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that are affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

NLP VALLEY CENTER SOLAR
 PDS2013-MUP-13-019
 PDS2013-ER-13-02-002

September 21, 2015

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

Less Than Significant Impact: The following list of past, present and future projects were considered and evaluated as a part of this Initial Study:

PROJECT NAME	PERMIT/MAP NUMBER
Verizon Aguacate Major Use Permit	PDS2013-MUP-13-022
Valley Center Solar Major Use Permit	PDS2014-MUP-11-027
Lilac Plaza General Plan Amendment	PDS2015-GPA-15-003

Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVIII of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

- Potentially Significant Impact Less than Significant Impact
 Less Than Significant With Mitigation Incorporated No Impact

Discussion/Explanation:

Less Than Significant Impact: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX Hydrology and Water Quality XII. Noise, XIII. Population and Housing, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 55 -

September 21, 2015

XIX. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

ECORP Consulting, Inc., "Biological Resources Letter Report," August 2015.

Dudek, "Cultural Resources Phase I Survey Report," August 2015.

Michael Baker International, "Fire Protection Plan – Letter Report with Fire Behavior Modeling," August 2015.

Michael Baker International, "Visual Resources Analysis," August 2015.

Michael Baker International, "Preliminary Drainage Study: NLP Valley Center Solar," August 2015.

Michael Baker International, "Community Character Analysis," August 2015.

Ldn Consulting Inc., "Noise Assessment," August 2015.

Ldn Consulting, "Air Quality Assessment," August 2015.

Petra Geotechnical, Inc., "Phase I Environmental Site Assessment," June 2013

Petra Geotechnical, Inc., "Phase II Limited Environmental Site Assessment," June 2013

AESTHETICS

California Street and Highways Code [California Street and Highways Code, Section 260-283. (<http://www.leginfo.ca.gov/>)

California Scenic Highway Program, California Streets and Highways Code, Section 260-283. (<http://www.dot.ca.gov/hq/LandArch/scenic/scpr.htm>)

County of San Diego, Planning & Development Services. The Zoning Ordinance of San Diego County. Sections 5200-5299; 5700-5799; 5900-5910, 6322-6326. (www.co.san-diego.ca.us)

County of San Diego, Board Policy I-73: Hillside Development Policy. (www.co.san-diego.ca.us)

County of San Diego, Board Policy I-104: Policy and Procedures for Preparation of Community Design Guidelines, Section 396.10 of the County Administrative Code and Section 5750 et seq. of the County Zoning Ordinance. (www.co.san-diego.ca.us)

County of San Diego Light Pollution Code, Title 5, Division 9 (Sections 59.101-59.115 of the County Code of Regulatory Ordinances) as added by Ordinance No 6900, effective January 18, 1985, and amended July 17, 1986 by Ordinance No. 7155. (www.amlegal.com)

County of San Diego Wireless Communications Ordinance [San Diego County Code of Regulatory Ordinances. (www.amlegal.com)

Design Review Guidelines for the Communities of San Diego County. (Alpine, Bonsall, Fallbrook, Julian, Lakeside, Ramona, Spring Valley, Sweetwater, Valley Center).

Federal Communications Commission, Telecommunications Act of 1996 [Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996). (<http://www.fcc.gov/Reports/ftcom1996.txt>)

Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution, Warwickshire, UK, 2000 (<http://www.dark-skies.org/file-gd-e.htm>)

International Light Inc., Light Measurement Handbook, 1997. (www.intl-light.com)

Rensselaer Polytechnic Institute, Lighting Research Center, National Lighting Product Information Program (NLP-IP), Lighting Answers, Volume 7, Issue 2, March 2003. (www.lrc.rpi.edu)

US Census Bureau, Census 2000, Urbanized Area Outline Map, San Diego, CA. (<http://www.census.gov/geo/www/maps/ua2kmaps.htm>)

US Department of the Interior, Bureau of Land Management (BLM) modified Visual Management System. (www.blm.gov)

US Department of Transportation, Federal Highway Administration (FHWA) Visual Impact Assessment for Highway Projects.

US Department of Transportation, National Highway System Act of 1995 [Title III, Section 304. Design Criteria for the National Highway System. (<http://www.fhwa.dot.gov/legsregs/nhsdatoc.html>)

AGRICULTURE RESOURCES

California Department of Conservation, Farmland Mapping and Monitoring Program, "A Guide to the Farmland Mapping and Monitoring Program," November 1994. (www.consrv.ca.gov)

California Department of Conservation, Office of Land Conversion, "California Agricultural Land Evaluation and Site Assessment Model Instruction Manual," 1997. (www.consrv.ca.gov)

California Farmland Conservancy Program, 1996. (www.consrv.ca.gov)

California Land Conservation (Williamson) Act, 1965. (www.ceres.ca.gov, www.consrv.ca.gov)

California Right to Farm Act, as amended 1996. (www.qp.gov.bc.ca)

County of San Diego Agricultural Enterprises and Consumer Information Ordinance, 1994, Title 6, Division 3, Ch. 4. Sections 63.401-63.408. (www.amlegal.com)

County of San Diego, Department of Agriculture, Weights and Measures, "2002 Crop Statistics and Annual Report," 2002. (www.sdcounty.ca.gov)

United States Department of Agriculture, Natural Resource Conservation Service LESA System. (www.nrcs.usda.gov, www.swcs.org).

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 56 -

September 21, 2015

United States Department of Agriculture, Soil Survey for the San Diego Area, California. 1973. (soils.usda.gov)

AIR QUALITY

CEQA Air Quality Analysis Guidance Handbook, South Coast Air Quality Management District, Revised November 1993. (www.aqmd.gov)

County of San Diego Air Pollution Control District's Rules and Regulations, updated August 2003. (www.co.san-diego.ca.us)

Federal Clean Air Act US Code; Title 42; Chapter 85 Subchapter 1. (www4.law.cornell.edu)

BIOLOGY

California Department of Fish and Wildlife (CDFW). Southern California Coastal Sage Scrub Natural Community Conservation Planning Process Guidelines. CDFW and California Resources Agency, Sacramento, California. 1993. (www.dfg.ca.gov)

County of San Diego, An Ordinance Amending the San Diego County Code to Establish a Process for Issuance of the Coastal Sage Scrub Habitat Loss Permits and Declaring the Urgency Thereof to Take Effect Immediately, Ordinance No. 8365. 1994, Title 8, Div 6, Ch. 1. Sections 86.101-86.105, 87.202.2. (www.arnlegal.com)

County of San Diego, Biological Mitigation Ordinance, Ord. Nos. 8845, 9246, 1998 (new series). (www.co.san-diego.ca.us)

County of San Diego, Implementing Agreement by and between United States Fish and Wildlife Service, California Department of Fish and Wildlife and County of San Diego. County of San Diego, Multiple Species Conservation Program, 1998.

County of San Diego, Multiple Species Conservation Program, County of San Diego Subarea Plan, 1997.

Holland, R.R. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, Resources Agency, Department of Fish and Wildlife, Sacramento, California, 1986.

Memorandum of Understanding [Agreement Between United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), California Department of Forestry and Fire Protection (CDF), San Diego County Fire Chief's Association and the Fire District's Association of San Diego County.

Stanislaus Audubon Society, Inc. v County of Stanislaus (5th Dist. 1995) 33 Cal.App.4th 144, 155-159 [39 Cal. Rptr.2d 54]. (www.ceres.ca.gov)

U.S. Army Corps of Engineers Environmental Laboratory. Corps of Engineers Wetlands Delineation Manual. U.S. Army Corps of Engineers, Wetlands Research Program Technical Report Y-87-1. 1987. (<http://www.wes.army.mil/>)

U.S. Environmental Protection Agency. America's wetlands: our vital link between land and water. Office of Water, Office of Wetlands, Oceans and Watersheds. EPA843-K-95-001. 1995b. (www.epa.gov)

U.S. Fish and Wildlife Service and National Marine Fisheries Service. Habitat Conservation Planning Handbook. Department of Interior, Washington, D.C. 1996. (endangered.fws.gov)

U.S. Fish and Wildlife Service and National Marine Fisheries Service. Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the

Endangered Species Act. Department of Interior, Washington, D.C. 1998. (endangered.fws.gov)

U.S. Fish and Wildlife Service. Environmental Assessment and Land Protection Plan for the Vernal Pools Stewardship Project. Portland, Oregon. 1997.

U.S. Fish and Wildlife Service. Vernal Pools of Southern California Recovery Plan. U.S. Department of Interior, Fish and Wildlife Service, Region One, Portland, Oregon, 1998. (ecos.fws.gov)

U.S. Fish and Wildlife Service. Birds of conservation concern 2002. Division of Migratory. 2002. (migratorybirds.fws.gov)

CULTURAL RESOURCES

California Health & Safety Code. §18950-18961, State Historic Building Code. (www.leginfo.ca.gov)

California Health & Safety Code. §5020-5029, Historical Resources. (www.leginfo.ca.gov)

California Health & Safety Code. §7050.5, Human Remains. (www.leginfo.ca.gov)

California Native American Graves Protection and Repatriation Act, (AB 978), 2001. (www.leginfo.ca.gov)

California Public Resources Code §5024.1, Register of Historical Resources. (www.leginfo.ca.gov)

California Public Resources Code. §5031-5033, State Landmarks. (www.leginfo.ca.gov)

California Public Resources Code. §5097-5097.6, Archaeological, Paleontological, and Historic Sites. (www.leginfo.ca.gov)

California Public Resources Code. §5097.9-5097.991, Native American Heritage. (www.leginfo.ca.gov)

City of San Diego. Paleontological Guidelines. (revised) August 1998.

County of San Diego, Local Register of Historical Resources (Ordinance 9493), 2002. (www.co.san-diego.ca.us)

Demere, Thomas A., and Stephen L. Walsh. Paleontological Resources San Diego County. Department of Paleontology, San Diego Natural History Museum. 1994.

Moore, Ellen J. Fossil Mollusks of San Diego County. San Diego Society of Natural history. Occasional; Paper 15. 1968.

U.S. Code including: American Antiquities Act (16 USC §431-433) 1906. Historic Sites, Buildings, and Antiquities Act (16 USC §461-467), 1935. Reservoir Salvage Act (16 USC §469-469c) 1960. Department of Transportation Act (49 USC §303) 1966. National Historic Preservation Act (16 USC §470 et seq.) 1966. National Environmental Policy Act (42 USC §4321) 1969. Coastal Zone Management Act (16 USC §1451) 1972. National Marine Sanctuaries Act (16 USC §1431) 1972. Archaeological and Historical Preservation Act (16 USC §469-469c) 1974. Federal Land Policy and Management Act (43 USC §35) 1976. American Indian Religious Freedom Act (42 USC §1996 and 1996a) 1978. Archaeological Resources Protection Act (16 USC §470aa-mm) 1979. Native American Graves Protection and Repatriation Act (25 USC §3001-3013) 1990. Intermodal Surface Transportation Efficiency Act (23 USC §101, 109) 1991. American Battlefield Protection Act (16 USC 469k) 1996. (www4.law.cornell.edu)

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 57 -

September 21, 2015

GEOLOGY & SOILS

California Department of Conservation, Division of Mines and Geology, California Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997. (www.consrv.ca.gov)

California Department of Conservation, Division of Mines and Geology, Fault-Rupture Hazard Zones in California, Special Publication 42, revised 1997. (www.consrv.ca.gov)

California Department of Conservation, Division of Mines and Geology, Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, 1997. (www.consrv.ca.gov)

County of San Diego Code of Regulatory Ordinances Title 6, Division 8, Chapter 3, Septic Ranks and Seepage Pits. (www.amlegal.com)

County of San Diego Department of Environmental Health, Land and Water Quality Division, February 2002. On-site Wastewater Systems (Septic Systems): Permitting Process and Design Criteria. (www.sdcounty.ca.gov)

County of San Diego Natural Resource Inventory, Section 3, Geology.

United States Department of Agriculture, Soil Survey for the San Diego Area, California. 1973. (soils.usda.gov)

HAZARDS & HAZARDOUS MATERIALS

American Planning Association, Zoning News, "Saving Homes from Wildfires: Regulating the Home Ignition Zone," May 2001.

California Building Code (CBC), Seismic Requirements, Chapter 16 Section 162. (www.buildersbook.com)

California Education Code, Section 17215 and 81033. (www.leginfo.ca.gov)

California Government Code. § 8585-8589, Emergency Services Act. (www.leginfo.ca.gov)

California Hazardous Waste and Substances Site List. April 1998. (www.dtsc.ca.gov)

California Health & Safety Code Chapter 6.95 and §25117 and §25316. (www.leginfo.ca.gov)

California Health & Safety Code § 2000-2067. (www.leginfo.ca.gov)

California Health & Safety Code. §17922.2. Hazardous Buildings. (www.leginfo.ca.gov)

California Public Utilities Code, SDCRAA. Public Utilities Code, Division 17, Sections 170000-170084. (www.leginfo.ca.gov)

California Resources Agency, "OES Dam Failure Inundation Mapping and Emergency Procedures Program", 1996. (ceres.ca.gov)

County of San Diego, Department of Environmental Health, Hazardous Materials Division. California Accidental Release Prevention Program (CalARP) Guidelines. (<http://www.sdcounty.ca.gov/>, www.oes.ca.gov)

County of San Diego, Department of Environmental Health, Hazardous Materials Division. Hazardous Materials Business Plan Guidelines. (www.sdcounty.ca.gov)

Uniform Building Code. (www.buildersbook.com)

Uniform Fire Code 1997 edition published by the Western Fire Chiefs Association and the International Conference of Building Officials, and the National Fire Protection Association

Standards 13 & 13-D, 1996 Edition, and 13-R, 1996 Edition. (www.buildersbook.com)

HYDROLOGY & WATER QUALITY

American Planning Association, Planning Advisory Service Report Number 476 Non-point Source Pollution: A Handbook for Local Government

California Department of Water Resources, California Water Plan Update. Sacramento: Dept. of Water Resources State of California. 1998. (rubicon.water.ca.gov)

California Department of Water Resources, California's Groundwater Update 2003 Bulletin 118, April 2003. (www.groundwater.water.ca.gov)

California Department of Water Resources, Water Facts, No. 8, August 2000. (www.dpla2.water.ca.gov)

California Disaster Assistance Act. Government Code, § 8680-8692. (www.leginfo.ca.gov)

California State Water Resources Control Board, NPDES General Permit Nos. CAS000001 INDUSTRIAL ACTIVITIES (97-03-DWQ) and CAS000002 Construction Activities (No. 99-08-DWQ) (www.swrcb.ca.gov)

California Storm Water Quality Association, California Storm Water Best Management Practice Handbooks, 2003.

California Water Code, Sections 10754, 13282, and 60000 et seq. (www.leginfo.ca.gov)

Colorado River Basin Regional Water Quality Control Board, Region 7, Water Quality Control Plan. (www.swrcb.ca.gov)

County of San Diego Regulatory Ordinance, Title 8, Division 7, Grading Ordinance. Grading, Clearing and Watercourses. (www.amlegal.com)

County of San Diego, Groundwater Ordinance. #7994. (www.sdcounty.ca.gov, <http://www.amlegal.com/>)

County of San Diego, Project Clean Water Strategic Plan, 2002. (www.projectcleanwater.org)

County of San Diego, Watershed Protection, Storm Water Management, and Discharge Control Ordinance, Ordinance Nos. 9424 and 9426. Chapter 8, Division 7, Title 6 of the San Diego County Code of Regulatory Ordinances and amendments. (www.amlegal.com)

County of San Diego. Board of Supervisors Policy I-68. Diego Proposed Projects in Flood Plains with Defined Floodways. (www.co.san-diego.ca.us)

Federal Water Pollution Control Act (Clean Water Act), 1972, Title 33, Ch.26, Sub-Ch.1. (www4.law.cornell.edu)

Freeze, Allan and Cherry, John A., Groundwater, Prentice-Hall, Inc. New Jersey, 1979.

Heath, Ralph C., Basic Ground-Water Hydrology, United States Geological Survey Water-Supply Paper; 2220, 1991.

National Flood Insurance Act of 1968. (www.fema.gov)

National Flood Insurance Reform Act of 1994. (www.fema.gov)

Porter-Cologne Water Quality Control Act, California Water Code Division 7. Water Quality. (ceres.ca.gov)

San Diego Association of Governments, Water Quality Element, Regional Growth Management Strategy, 1997. (www.sandag.org)

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 58 -

September 21, 2015

San Diego Regional Water Quality Control Board, NPDES Permit No. CAS0108758. (www.swrcb.ca.gov)

San Diego Regional Water Quality Control Board, Water Quality Control Plan for the San Diego Basin. (www.swrcb.ca.gov)

LAND USE & PLANNING

California Department of Conservation Division of Mines and Geology, Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production Consumption Region, 1996. (www.consrv.ca.gov)

California Environmental Quality Act, Public Resources Code 21000-21178; California Code of Regulations, Guidelines for Implementation of CEQA, Appendix G, Title 14, Chapter 3, §15000-15387. (www.leginfo.ca.gov)

California State Mining and Geology Board, SP 51, California Surface Mining and Reclamation Policies and Procedures, January 2000. (www.consrv.ca.gov)

County of San Diego, Board of Supervisors Policy I-84: Project Facility. (www.sdcountry.ca.gov)

County of San Diego, Board Policy I-38, as amended 1989. (www.sdcountry.ca.gov)

County of San Diego, General Plan as adopted August 3, 2011. (ceres.ca.gov)

County of San Diego. Resource Protection Ordinance, compilation of Ord.Nos. 7968, 7739, 7685 and 7631. 1991.

Design Review Guidelines for the Communities of San Diego County.

MINERAL RESOURCES

National Environmental Policy Act, Title 42, 36.401 et. seq. 1969. (www4.law.cornell.edu)

Subdivision Map Act, 2011. (ceres.ca.gov)

U.S. Geologic Survey, Causey, J. Douglas, 1998, MAS/MILS Mineral Location Database.

U.S. Geologic Survey, Frank, David G., 1999, (MRDS) Mineral Resource Data System.

NOISE

California State Building Code, Part 2, Title 24, CCR, Appendix Chapter 3, Sound Transmission Control, 1988. (www.buildersbook.com)

County of San Diego Code of Regulatory Ordinances, Title 3, Div 6, Chapter 4, Noise Abatement and Control, effective February 4, 1982. (www.amlegal.com)

County of San Diego General Plan, Noise Element, effective August 3, 2011. (ceres.ca.gov)

Federal Aviation Administration, Federal Aviation Regulations, Part 150 Airport Noise Compatibility Planning (revised January 18, 1985). (<http://www.access.gpo.gov/>)

Harris Miller Miller and Hanson Inc., *Transit Noise and Vibration Impact Assessment*, April 1995. (<http://ntl.bts.gov/data/rail05/rail05.html>)

International Standard Organization (ISO), ISO 362; ISO 1996 1-3; ISO 3095; and ISO 3740-3747. (www.iso.ch)

U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and

Air Quality Branch. "Highway Traffic Noise Analysis and Abatement Policy and Guidance," Washington, D.C., June 1995. (<http://www.fhwa.dot.gov/>)

POPULATION & HOUSING

Housing and Community Development Act of 1974, 42 USC 5309, Title 42--The Public Health And Welfare, Chapter 69--Community Development, United States Congress, August 22, 1974. (www4.law.cornell.edu)

National Housing Act (Cranston-Gonzales), Title 12, Ch. 13. (www4.law.cornell.edu)

San Diego Association of Governments Population and Housing Estimates, November 2000. (www.sandag.org)

US Census Bureau, Census 2000. (<http://www.census.gov/>)

RECREATION

County of San Diego Code of Regulatory Ordinances, Title 8, Division 10, Chapter PLDO, §810.101 et seq. Park Lands Dedication Ordinance. (www.amlegal.com)

TRANSPORTATION/TRAFFIC

California Aeronautics Act, Public Utilities Code, Section 21001 et seq. (www.leginfo.ca.gov)

California Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook, January 2002.

California Department of Transportation, Environmental Program Environmental Engineering – Noise, Air Quality, and Hazardous Waste Management Office. "Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects," October 1998. (www.dot.ca.gov)

California Public Utilities Code, SDCRAA. Public Utilities Code, Division 17, Sections 170000-170084. (www.leginfo.ca.gov)

California Street and Highways Code. California Street and Highways Code, Section 260-283. (www.leginfo.ca.gov)

County of San Diego, Alternative Fee Schedules with Pass-By Trips Addendum to Transportation Impact Fee Reports, March 2005. (<http://www.sdcountry.ca.gov/dpw/land/pdf/TransImpactFee/attach.pdf>)

County of San Diego Transportation Impact Fee Report. January 2005. (<http://www.sdcountry.ca.gov/dpw/permits-forms/manuals.html>)

Fallbrook & Ramona Transportation Impact Fee Report, County of San Diego, January 2005. (<http://www.sdcountry.ca.gov/dpw/permits-forms/manuals.html>)

Office of Planning, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, Final Report, April 1995.

San Diego Association of Governments, 2020 Regional Transportation Plan. Prepared by the San Diego Association of Governments. (www.sandag.org)

San Diego County Regional Airport Authority ALUCP'S (http://www.san.org/sdcraa/airport_initiatives/land_use/adopted_docs.aspx)

NLP VALLEY CENTER SOLAR
PDS2013-MUP-13-019
PDS2013-ER-13-02-002

- 59 -

September 21, 2015

US Code of Federal Regulations, Federal Aviation Regulations
(FAR), Objects Affecting Navigable Airspace, Title 14, Chapter
1, Part 77. (www.gpoaccess.gov)

UTILITIES & SERVICE SYSTEMS

California Code of Regulations (CCR), Title 14. Natural
Resources Division, CIWMB Division 7; and Title 27,
Environmental Protection Division 2, Solid Waste.
(ccr.oal.ca.gov)

California Integrated Waste Management Act. Public Resources
Code, Division 30, Waste Management, Sections 40000-
41956. (www.leginfo.ca.gov)

County of San Diego, Board of Supervisors Policy I-78: Small
Wastewater. (www.sdcountry.ca.gov)

Unified San Diego County Emergency Services Organization
Annex T Emergency Water Contingencies, October 1992.
(www.co.san-diego.ca.us)

United States Department of Agriculture, Natural Resource
Conservation Service LESA System.

United States Department of Agriculture, Soil Survey for the San
Diego Area, California. 1973.

US Census Bureau, Census 2000.

US Code of Federal Regulations, Federal Aviation Regulations
(FAR), Objects Affecting Navigable Airspace, Title 14, Chapter
1, Part 77.

US Department of the Interior, Bureau of Land Management
(BLM) modified Visual Management System.

US Department of Transportation, Federal Highway
Administration (FHWA) Visual Impact Assessment for Highway
Projects.



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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, PDC], 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 15th and July 15th for raptors and February 1st and September 15th 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 Archaeologist 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 Archaeologist 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 Archaeologist 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 (PM₁₀) 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 (PM₁₀) 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

Mitigated Negative Declaration
NLP Valley Center Solar

- 22 -

September 9, 2015

MW:MF:bm

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
NLP VALLEY CENTER SOLAR; PDS2013-MUP-13-019; PDS2013-ER-13-02-002
APNs: 188-120-09 & 10**

September 9, 2015

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Valley Center Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

Even though wetlands and/or wetland buffer areas have been identified on the 66-acre subject property, the wetlands are located outside of the 26-acre Major Use Permit Boundary. The project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands; and c) the project would not result in any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

The applicant will be required to show lines of inundation from the 100-year flood for the ultimate watercourse(s) that flow(s) through the property, as well as a flowage easement granted to the County Flood Control District. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes located within the Major Use

Permit Boundary. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian and it has been determined that the property does not contain any archaeological/ historical sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES NO NOT APPLICABLE

Discussion:

The project Storm Water Management has been reviewed and is found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES NO NOT APPLICABLE

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is known as the North Light Power (NLP) Valley Center Solar project located on 66 acres comprised of two parcels. The proposed solar facility Major Use Permit would occupy approximately 26 acres of the site comprised of photovoltaic (PV) solar panels, inverter pads and internal access driveways. The project is zoned RR (Rural Residential) and is subject to a one-hour average nighttime sound level limit of 45 dBA (decibel A-weighted) and daytime limit of 50 dBA at the nearest property lines pursuant to the County Noise Ordinance Section 36.404. Primary noise sources

associated with the on-going operations are comprised of the inverter/transformer stations. These mechanical units would be located over 300 feet from the nearest property lines and would generate noise levels of less than 45 dBA. The setback design of the inverter/transformer location is a design feature demonstrating Noise Ordinance compliance. Panel washing was evaluated and would only occur during the daytime hours of 7 a.m. to 10 p.m. Due to noise attenuation by distance, establishing a minimum of 65 feet from the nearest property line, and the process of panel washing moving away from the property lines would result in complying with the County noise requirements.

Temporary construction equipment was evaluated to demonstrate noise ordinance compliance. Grading operations may utilize loaders/backhoes dozers graders trenchers and water trucks. The equipment is anticipated to be spread out over the site. Some equipment could potentially operate at or near the property line while the rest of the equipment may be located more than 600 feet away from the same property line. The acoustical center for the grading operations at approximately 100 feet from the nearest property lines was assessed. Based on a worst case scenario with all equipment operating at the same time in one same location, construction noise levels would generate approximately 74.3 dBA at this setback. Due to spatial separation of the equipment and an eight hour average requirement of 75 dBA, staff does not anticipate temporary construction noise levels to exceed the County noise standards. Additionally, no off-site roadway improvements are proposed as part of this project. Therefore, temporary grading operations are not anticipated to exceed the 75 dBA requirement pursuant to Section 36.409. Impulsive type of heavy equipment is regulated within Section 36.410 (82 dBA limit). Project temporary impulsive sources include a pile driver, mobile crane and pneumatic tools. The primary impulsive noise source is considered the pile driver for a worst-case assessment. The pile driver would need to operate 215 feet from any residential property line. Pile driver operations would be limited to operate 25% of the hourly or daily duration when located within this distance. These pile driving design measures demonstrate compliance with the County Noise Ordinance and would comply with the impulsive 82 dBA requirement. Therefore, incorporation of noise attenuation by distance, establishing setbacks, and limiting operations would ensure that permanent and temporary noise sources would comply with County noise standards.

Attachment D – Environmental Findings

NLP VALLEY CENTER SOLAR MAJOR USE PERMIT
PERMIT NO: PDS2013-MUP-13-019
ENVIRONMENTAL LOG: PDS2013-ER-13-02-002

ENVIRONMENTAL FINDINGS

November 9, 2015

1. Consider the Mitigated Negative Declaration on file with Planning & Development Services as Environmental Review Number PDS2013-ER-13-02-002 together with the comments received during public review and adopt it, finding that it reflects the independent judgment and analysis of the Planning Commission.
2. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
3. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).
4. Find that the project is consistent with the Biological Mitigation Ordinance (County Code, section 86.501 et seq.).

Attachment E – Public Documentation

Valley Center Community Planning Group

Preliminary Minutes of the 14 September 2015 Meeting

Chair: Oliver Smith; Vice Chair: Ann Quinley; Secretary: Steve Hutchison

7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

A=Absent/Abstain BOS=Board of Supervisors PDS=Department of Planning & Development Services DPW=Department of Public Works DRB=Valley Center Design Review Board GP= County General Plan N=Nay P=Present PC=County Planning Commission R=Recused SC=Subcommittee TBD=To Be Determined VCCPG=Valley Center Community Planning Group VC= Valley Center VCPRD=Valley Center Parks & Recreation District Y=Yea

Forwarded to Members: 21 September 2015; 10 October 2015

Approved:

A		Call to Order and Roll Call by Seat #:								7:03 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
MILLER	OCCONOR	JANISCH	HUTCHISON	BRITTSCH	PLOTNER	QUINLEY	FAJARDO	BOULLOS	NORWOOD	SMITH	VICK	RUDOLF	GARRITSON	VACANT
P	P	P	P	P	A	P	P	P	P	P	A	P	P	

Notes:

Quorum Established: 12 present

B	Pledge of Allegiance
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C	Approval of Minutes:
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Motion: Move to approve the minutes of 10 August 2015, as corrected

Maker/Second: Hutchison/Rudolf	Carries: 11-0-1 (Y-N-A): Voice; Smith Abstains – absent last month
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D	Public Communication/Open Forum:
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Gary Wynn, audience, of Wynn Engineering in VC, speaks to the imminent commercial over-development in Valley Center. He thinks it will be a disaster if allowed to progress unabated. He says the sewer moratorium in the 1990s left a blank slate, since new commercial development was not allowed without a sewer system. Now, with the development of a sewage system in the South Village, the community is headed for disaster. He observes that land speculators are moving in to take advantage of the surfeit of commercial zoning that resulted from the General Plan Update. He says we are set to develop too many commercial spaces. He asserts that the issue needs to be addressed sooner rather than later. He points out that the Form-Based Code will not apply to a majority of the South Village commercially zoned properties, since most of the largest are already moving through the application process.

Leslie Grimes, audience, asks about the opportunity to speak to Lilac Hills Ranch. Smith says yes, an opportunity will occur with agenda item 6.

E	Action Items [VCCPG advisory vote may be taken on the following items]:
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E1	Update on Road 19 alternatives, costs, routes and how they impact Hatfield Plaza, Tractor Supply Company, Lilac Plaza and Park Circle projects. (Vick)
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Discussion: Smith announces a letter [appended below] he sent to South Village applicants regarding the delay of project approvals pending resolution of the Road 19 routing through the South Village. He sent the letter to the principals for Hatfield Plaza, Tractor Supply, and Park Circle. The letter noted that the VCCPG is unable to make a recommendation on these projects until further information on the road alignment is available. It notes that the County is working on some options for that alignment. Quinley asks if Smith will send the same letter to Lilac Plaza for the same reasons. Smith agrees. Rudolf asks Mindy Fogg, PDS, for an update on the County's planning for the alignment. She says the County has had multiple meetings with members of multiple departments. The County is trying to anticipate the questions that need to be asked about the alignment. It is looking at multiple possible scenarios in anticipation of a public workshop. Gary Wynn, audience, asks if any

projects, e.g. Hatfield Plaza, is held up or being approved without consideration of the alignment issue. Fogg says Hatfield may not be subject to delay as a result of this issue. She says she will have more information later. Norwood asks if not reviewing projects until the issue is resolved will jeopardize VCCPG's opportunity for comment. Smith says it will not. Fogg agrees and says the workshop will be held first. She observes that the VCCPG can object if Hatfield Plaza moves forward irrespective of Road 19 and its ultimate realignment.

Motion: None

E2

Discussion and possible vote on NLP Solar-PDS2013-MUP-13-019. Located at 29471 Cole Grade Road; owner and project manager is Patrick Brown; phone 619-733-2649, email partick.brown@baywa-re.com. Project will be on a 67-acre lot of which 25 acres are part of the MUP boundary. Grading Plan and Plot Plan included in materials. (Smith)

Discussion: Patrick Brown, BayWa, introduces Chris Brown, consultant, following an introduction from Smith. Chris Brown presents saying he and Steve Wragg, project engineer, worked under NorthLight Power [NLP], the original owner of the project. He says he met with neighbors during the NLP ownership to determine how the project could be developed with minimal intrusion. BayWa now owns the project. P. Brown describes the project and purchase from NorthLight Power. Originally, the project covered a 77-acre project site. Now, it is reduced to 25-acres, yielding a 2.3 Megawatt project. P. Brown addresses concerns about fencing and aesthetics, wetlands and access from Cole Grade Road. The project will have a 7-foot fence as required for such facilities. BayWa has reduced the project to 1/3 of its originally proposed size. BayWa will landscape and apply slats to the chainlink fencing along via Valencia, Cole Grade and at the southern boundary. The project has fire department approval. The DRB has approved the plant palette. The applicant will relocate the access road to the existing house to a route along the northern boundary. The applicant will resume irrigation on the existing orange trees adjacent to the northern boundary. Landscaping will be in a minimum 20-foot strip along three sides of the project site. The applicant will use boxed trees for landscaping. All landscaping will be outside the perimeter fence.

Fajardo asks about the height of the solar panels relative to the fence. P. Brown responds that the tips of the panels will be 7-feet high at the maximum tilt. He indicates that he made an effort to disguise the project. Norwood asks about anticipated noise. P. Brown says noise will be minimal by design [largely a quiet hum from the centrally located inverters]. Fajardo asks about the back part of the project parcel and P. Brown says they will do nothing to the east of the wetland.

Smith describes the relocation of the access road to the existing house. He says the neighbors accept that alignment. He addresses the orange trees adjacent to Via Valencia and the present lack of irrigation to maintain them. Smith says if a tree dies, the developer must replace the tree, but it can be any species from the approved plant palette. Neighbors want replacement of dead orange trees with larger orange trees, not small trees in plastic sleeves. Smith notes the elevation of neighbors' homes above the site and the effort to mitigate the view. Smith makes his recommendation [see motion below]. Apart from the conditions in the motion, he notes that Via Valencia has no maintenance agreement. The road is in good condition. Fred Shoemaker, project neighbor, says the orange trees are mostly dead. He adds that he doesn't think that VCCPG determining what should be planted as replacement vegetation on private property is a good way to go.

Rudolf asks about the trail nexus on Wilhite Road, but it is determined that the project site does not extend to Wilhite Rd. Susan Barber, project neighbor, worries about the orange trees dying and little or no effort to preserve them. P. Brown says he is working with Armstrong's [property owner] to get water turned on for irrigation. Alternatively, if the orange trees die, he can substitute landscaping from the approved plant palette. Smith asks if the DRB reviewed the trees. Keith Robertson, DRB member in the audience, says yes, replacement trees should be like in kind. The rationale for that approach is based on the neighbors' request. Rudolf says the DRB didn't have the opportunity to review the alternative if the orange trees die. In the event of the trees dying, Rudolf suggests a review by the DRB for an alternative palette. Susan Moore, DRB member in the audience, suggests the alternative palette could work depending on the density of planting. P. Brown says he is open to further DRB review for the alternative palette if the orange trees die. Robertson suggests DRB approve an alternative palette for further consideration at the October VCCPG meeting. P. Brown agrees to have an alternative plan in place. C. Brown agrees with the proposal to prepare an alternative plan.

Rudolf asks Fogg and C. Brown about the County's findings for this project. Fogg and C. Brown agree there are no findings for this project. Smith contends the project is consistent with County, State, and Federal policies. Discussion of the orange tree replacement continues. Clyde Haight, project neighbor, asks about glare from the panels. P. Brown says glare, if present, will be momentary and no more than that from asphalt concrete. A neighbor asks about how palette will be decided. P. Brown says it will be decided by DRB. O'Connor asks if there are more solar projects planned for Valley Center and, if yes, how many. Garritson interjects that the government is mandating solar. O'Connor asks if there are any limitations on solar development within Valley Center. Smith adds that solar projects can be put on land zoned for agriculture or residential development. P. Brown adds that it is limited by proximity to the electrical substation.

Motion: Move to approve the NLP Solar Project, PDS2013-MUP-13-019, with the following conditions:

1. The project include the recommendations of the Valley Center Design Review Board, including the development of a contingency plan if more than 50% of the orange trees die on the northern boundary
2. The project chain link fence have slats in the area behind the orange trees adjacent to the northern boundary in addition to the slatted areas in the plans
3. The caretaker home access road be conditioned to be made with all-weather surfacing.

Maker/Second: Smith/Garritson

Carries 11-1-0 [Y-N-A] Voice; Rudolf dissents

E3

Discussion and possible vote on Granger Solar-PDS2015-MUP-13-019. Located at Mesa Crest Road and Avenida Annalie; owner and project manager is Patrick Brown, NPL Granger A82 LLLC; phone 619-733-2649; email Patrick.brown@baywa-re.com. The solar facilities would be installed on a portion of the 40-acre property. The site would be fenced and unmanned. Access to the site will be from Mesa Crest Road. (Smith)

Discussion: Smith introduces project and the stage of its review. Patrick Brown, BayWa, presents. The project is located on a 40-acre parcel on Mesa Crest. The project will have a 3-megawatt power output. The project has been reviewed by the DRB. The project has increased setbacks with landscaping in front of a 7-foot fence. The project has fire department approval. A drainage issue has been identified, so BayWa is working with neighbors to fix the problem, which is a crushed and filled culvert under Mesa Crest Road. P. Brown assesses the road condition as being in poor shape with no road maintenance agreement in place. The applicant will participate in maintaining the road in a fair share mode. BayWa will have a minimal traffic presence for maintenance [light duty trucks a few times a year]. There will be minimal lighting on-site. Smith cites the low on-site temperature as 26°F. He asks if the DRB was aware of the low temperatures. Susan Moore says the palette is mostly native and should do well under those circumstances. Norwood asks if there will be issues with aesthetics with neighbors, and P. Brown says the project will be above most neighbors and will be screened otherwise. Steve Berneberg, neighbor, says he has not had adequate opportunity to respond to the latest information provided. He says there are many issues, particularly related to plants that won't survive cold or heat that are part of the screening vegetation. He cites multiple traffic accidents on Mesa Crest. He also cites excessive speeds along Mesa Crest. Leslie Grimes, audience, says sycamore trees [part of the plant palette] are dying in southern California from a new spreading disease.

Motion: None

Notes:

E4

Discussion and possible vote on Brook Forest Mitigation Bank-PDS2014-LDGRMJ-0003, PDS2015-LPR-15-004. The project is the creation of a mitigation bank known as the Brook Forest Mitigation Bank (BFMB) on approximately 226 acres of vacant land located south of Betsworth Road. After excluding roads and easements, the BFMB will protect 224.2 acres, including 190 acres of sensitive and protected upland and riparian habitat and the creation of 26 acres of wetlands. The site is currently vacant. Once established there would be no public

access to the site. Wetlands will be created by lowering the ground level within the Moosa Canyon Creek floodplain on average 1-3 feet and up to 6 feet. Contact planner is Beth Ehsan at 858-694-3103 or Beth.Ehsan@sdcounty.ca.gov. (Smith)

Discussion: Smith explains how the project documents were received. He says we had to respond with comments by 28 August to have the maximum impact. Consequently, Smith sent a letter to the County on 28 August 2015, for ex post facto ratification by VCCPG. Smith reads the preliminary letter for a vote of approval by VCCPG. He then acknowledges and introduces Michael Crews, property developer, and Mindy Fogg, PDS. He asks them why the property is planning excavation of the area adjacent to Moosa Creek. He continues by describing the usefulness of having a mitigation bank in Valley Center. Mindy Fogg says no presentation on this project has been planned. Michael Crews presents after Rudolf describes the property further. Crews says he bought the property to build 90 homes. He discovered that a mitigation bank is a better use. The 80,000 cubic yards of cut and fill will remain on-site. Crews is proposing to plant 45,000 trees and shrubs in addition to those already present. He then proposes some potential uses for the mitigation bank. He says it is different than mitigation for a private subdivision. The bank is for both government and private use. He says it is a good thing. Leslie Grimes, audience, asks if there is any possibility of future development of the mitigation bank site. Crews says, no, the property will be preserved in perpetuity and is not subject to future abandonment as a mitigation bank and development. Crews says the Fallbrook Land Conservancy will manage the property and collect fees for its use as mitigation. Mindy Fogg says the County is not participating in the creation of the bank except to provide a grading permit. She says a simple easement could be overturned, but not in this case as it is a bank created in conjunction with the California Department of Fish and Wildlife. Mel Schuler, audience, asks about the limitation of incursions into the project site. He cites past violations for trespassing and worries about the lack of clearing for wildfires. Crews says the management staff will be living on site initially. He has met with the sheriff and other agencies to protect the land. Rudolf asks who owns the property. Crews says Fallbrook Land Conservancy will own the land. Rudolf asks about the designated trail along Frace Lane and if it will be impacted by the creation of the mitigation bank. Crews says it is not on Brook Forest Mitigation Bank property. Keith Robertson, DRB member in the audience, asks if the DRB will be able to review the selection of fencing. Crews says, no. It will be special fencing that is wildlife friendly. Smith asks why the data related to the grading of the site is from a 1994 topographic map of the creek bed. Crews says that's not true. Crews says Smith may be referring to data on ground water. Rick Engineering did the engineering work. Rudolf clarifies why issue of old data came up. Schuler asks about grading and Crews says it will not impact the stream. Fajardo asks about the fill location. Crews says it will be on-site at an area previously cleared and will be replanted after construction with native grasses.

Motion: Move to ratify the letter sent previously by Smith on this issue.

Maker/Second: Rudolf/Quinley

Carries: 12-0-0 [Y-N-A]: Voice

E5

Updates on:

- a) Lilac Hills Ranch hearing at the Planning Commission (Hutchison)
- b) Lilac Plaza and Arco AM/PM (Quinley)
- c) Park Circle (Miller)
- d) Tractor Supply (Miller)
- e) Hatfield Plaza (Miller);

Discussion: Smith asks for a review of **Lilac Hills Ranch** [LHR] hearing at the Planning Commission.

Hutchison says the hearing on September 11 lasted 9.5 hours and ended in a split decision, 4-3 to approve the project with several conditions. The conditions included the realignment of the 2.2C segment of West Lilac Road along the northern project boundary to the south so there would be no need for eminent domain along the north side of the road. A second condition is the building of a turnkey school for the Bonsall Unified School District, presumably after there is a boundary adjustment with Valley Center Pauma Unified School District to move the project into Bonsall USD. A third condition is the construction and outfitting of a fourth fire station for

the Deer Springs Fire Department along with funds to fill the gap between what the project will generate in taxes and what is needed for the operation and maintenance of the station. The funds will likely come from a Community Facility District assessment on the project residents. A fourth condition is that the issue of secondary access must be worked out with the affected residents without the use of eminent domain. Leslie Grimes, resident, was concerned about the unrelated content of project supporters' comments at the hearing being allowed by the Chairperson, while the Chairperson interrupted Hutchison's comments suggesting they were not germane to the topic of the Commissioners' field trip discussions. She disapproves of the attack on the General Plan by the commission. She worries about the violation of public trust by the commission's actions. She disapproves of comments by persons at the hearing who are not affected by the proposed development. She cites the Bonsall golf course proponents' approval of LHR and their desire to have the cost of reopening the course paid by new residents of LHR. She says she is not opposed to developers who treat people well, but this is not the case for this project.

Lilac Plaza

Quinley says there have been a couple of meetings regarding Lilac Plaza for information on the project. Traffic is an important issue as well as ingress and egress for the busy corner property. Quinley also reports that the project requires a General Plan Amendment that can be problematic. The County is working with the developer to address traffic issues. Perhaps there will be enough information for consideration in April or June. Hutchison asks about the issue of surplus commercial zoning in Valley Center and how this project will exacerbate that problem. Quinley agrees that it is a difficult hurdle for this project. Janisch asks about an earlier suggestion that the project should be residential housing only. Quinley says it is being considered.

The North Village SC will consider an ARCO gas station on Cole Grade at VC Road on 22 Sept 2015. The project will offer "24-hour liquor sales" on-site. O'Connor clarifies that liquor sales cannot be made from 2 am to 6 am. The DRB is reviewing the design of the project presently. The SC will make other considerations. Keith Robertson, member DRB in audience, says the DRB has met with the proponent three times. Smith notes that a Rite-Aid drug store is proposed on the opposing corner where the Country Skillet is presently located. Robertson says all of the meetings are preliminary.

Park Circle, Tractor Supply, Hatfield Plaza

Miller suggests that Park Circle, Tractor Supply and Hatfield Plaza have already been addressed in regard to Road 19 and need no further elaboration.

Motion: None

E6	Discussion and possible vote on DPW plans, in October, to replace 16 trees in the Valley Center median that died or were knocked down. (Smith)
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Discussion: Smith presents. Smith received an email from the County concerning the dead median trees on VC Road and their replacement [14 trees]. He suggested that the irrigation water be turned on for those new trees until they are established as was done for a period of three years for the original plantings. He asks for additional comments. Clyde Haight, audience, asks about deciduous trees with autumn color. Susan Moore, member of the DRB, suggests *Cercis* [redbud] as an alternative for some of the lost trees. Garrison asks why the trees died. Smith says that car accidents, stress and poor quality nursery stock and planting techniques apparently account for the deaths.

Motion: Move to approve the replacement of the median trees

Maker/Second: Smith/Quinley

Carries: 12-0-0 [Y-N-A] Voice

E7	Discussion and possible vote on CalTrans grants for programming and implementation of transportation improvement projects. The County will assist VCCPG in pursuing a grant if "direction from the VCCPG" is forthcoming. Therefore, be it resolved that:
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	<p>“Whereas VC Road passes through the Town Centers and is critical to the future of the two villages, the businesses therein, and to our community, and</p> <p>“Whereas the form, shape and design of VC Road is critical to how and whether the Village concept (sustainable, complete, healthy, walkable, bike able mixed-use community, etc.) will happen. and</p> <p>“Whereas the VC Community and the County have made a considerable investment in developing a Form Based Code, GPU, Community Design Guidelines, J-36, etc., and</p> <p>“Whereas VC needs to identify the critical needs and benefits of these efforts and coordinate them to articulate a vision and approach for VC’s 2 Village corridors, to include traffic calming and safety enhancements, bike and pedestrian safety enhancements, context sensitive streetscapes and/or town center planning, a complete street plan, reduction in greenhouse gases, creation of a sustainable community.</p> <p>It is therefore moved that the PG direct the VC Mobility S/C to work with SD County PDS, working jointly with DPW, to apply for a 2016-2017 CALTRANS Sustainable Transportation Planning</p>
<p>Discussion: Smith introduces the topic: the VC Road Corridor enhancement study. Miller notes that it is a matching grant. Smith says the County would provide the match. Jim Chagala, opposes the first “whereas” of the proposed motion. He says a town center must have commercial anchors to be a town center such as a major drug store and/or market. Weston has a study by ARA, Area Research Associates, that estimates for Valley Center to profitably support, at an accepted industry level, a second super market, Valley Center’s population will have to reach 36,800. Current population projections suggest that is unlikely to happen before 2055 unless further expansion of sewer capacity in Valley Center occurs before that date. For a second super drug to be profitably supported at an accepted industry level, Valley Center’s population would need to reach 32,700. Current population projections suggest this will not happen until 2035 unless further expansion of sewer capacity occurs before that date.</p> <p>Rudolf proposes a change to the motion to remove two mentions of “town center” and replace them with “North and South Villages”. Norwood asks about the basis for the store requirements. Chagala says it is population based.</p>	
<p>Motion:</p> <p>“Whereas VC Road passes through the North and South Villages and is critical to the future of the two villages, the businesses therein, and to our community, and</p> <p>“Whereas the form, shape and design of VC Road is critical to how and whether the Village concept (sustainable, complete, healthy, walkable, bike able mixed-use community, etc.) will happen. and</p> <p>“Whereas the VC Community and the County have made a considerable investment in developing a Form Based Code, GPU, Community Design Guidelines, J-36, etc., and</p> <p>“Whereas VC needs to identify the critical needs and benefits of these efforts and coordinate them to articulate a vision and approach for VC’s 2 Village corridors, to include traffic calming and safety enhancements, bike and pedestrian safety enhancements, context sensitive streetscapes and/or North Village and South Village planning, a complete street plan, reduction in greenhouse gases, creation of a sustainable community.</p> <p>It is therefore moved that the PG direct the VC Mobility S/C to work with SD County PDS, working jointly with DPW, to apply for a 2016-2017 CALTRANS Sustainable Transportation Planning</p>	
<p>Maker/Second: Smith/Quinley as amended</p>	<p>Carries: 12-0-0 [Y-N-A]: Voice</p>
<p>E8</p>	<p>Discussion and vote on Park Lands Dedication Ordinance and Recreation Programming Plan—Annual Review of Valley Center Community Planning Group’s priority Lists. (Norwood)</p>

<p>Discussion: Norwood presents a project priority list for the Valley Center Parks & Recreation District [VCPRD] Park Land Dedication Ordinance [PLDO] program [Appended below]. Smith asks about the new lacrosse field near the Elementary School. Doug Johnson, General Manager of the VCPRD, says that it is a school district facility. PLDO funds can be used for acquisition of new parklands or renovation of existing facilities, however, not operations and maintenance. Johnson has several projects he is working on that could use the PLDO funds. Smith asks about the possibility of a solar installation on Community Hall. Johnson says there are roof issues and trees shading that make such an installation infeasible.</p>		
<p>Motion: Move to approve the Valley Center Local Park Planning Area and Valley Center Community Planning Group Priority List as presented</p>		
<p>Maker/Second: Norwood/Janisch</p>		<p>Carries: 12-0-0 [Y-N-A]: Voice</p>
F	Group Business	
F1	Remarks by Susan Moore, current Design Review Board member, followed by introduction of candidates and a vote to recommend one for the Design Review Board, Seat 4, which expires June 18, 2018. (Britsch)	
<p>Discussion: Britsch presents and reports that Chris Stiedemann has withdrawn his application. Keith Robertson, the remaining candidate, presents his background in relation to the planning group and the DRB. He outlines the role of the DRB in building a successful town. He indicates his willingness to be a fair arbiter of projects. Robertson was previously appointed to the DRB by the VC Chamber of Commerce, but will now be appointed by VCCPG.</p>		
<p>Motion: Move to nominate Keith Robertson to the Valley Center Design Review Board</p>		
<p>Maker/Second: Britsch/O'Connor</p>		<p>Carries: 12-0-0 [Y-N-A]: Voice</p>
F2	Update on nomination process for Mark Jackson (Smith)	
<p>Discussion: Smith notes that action is expected this week.</p>		
<p>Motion: None</p>		
F3	Discussion and Vote on changing membership for South Village, Solar and North Village sub-committees (Chairs)	
<p>Discussion: Smith proposes the following changes to the subject SCs: South Village – Removal of Brandon Strausberg, and addition of Jeana Boulos and Claire Plotner North Village – Addition of Chris Stiedemann Solar – Removal of Eric Laventure</p>		
<p>Motion: Move to approve the changes to the subcommittees proposed</p>		
<p>Maker/Second: Smith/Quinley</p>		<p>Carries: 12-0-0 [Y-N-A]: Voice</p>
F4	Next regular meeting scheduled for October 12, 2015	
G	Motion to Adjourn:	9.50 pm
<p>Maker/Second: Smith/Quinley</p>		<p>Carries: 12-0-0 [Y-N-A] Voice</p>
<p>Subcommittees of the Valley Center Community Planning Group</p>		

a)	Mobility – Jon Vick, Chair
b)	Community Plan Update – Richard Rudolf, Chair
c)	Nominations – Hans Britsch, Chair
d)	Northern Village – Ann Quinley, Chair
e)	Parks & Recreation –LaVonne Norwood Johnson, Chair
f)	Southern Village –Bill Miller, Chair
g)	Tribal Liaison – James Garritson, Chair
h)	Website – Jeana Boulos, Chair
i)	Lilac Hills Ranch – Steve Hutchison, Chair
j)	Solar – Oliver Smith, Chair
k)	Ad Hoc Committee on Handbook Update and Member Training – Ann Quinley, Chair

Correspondence Received for the Meeting:

- 1) Granger Solar-PDS2015-MUP-13-019. Located at Mesa Crest Road and Avenida Annalie; owner and project manager is Patrick Brown, NPL Granger A82 LLLC; phone 619-733-2649; email Patrick.brown@baywa-re.com. The solar facilities would be installed on a portion of the 40 acre property (Smith).
- 2) NLP Solar-PDS2013-MUP-13-019. Located at 29471 Cole Grade Road; owner and project manager is Patrick Brown; phone 619-733-2649, email partick.brown@baywa-re.com. Project will be on a 67 acre lot of which 25 acres are part of the MUP boundary. Grading Plan and Plot Plan included in materials. (Smith)
- 3) PDS to VCCPG; Active Transportation Plan Public Participation Opportunity. The purpose of this plan is to encourage active modes of transportation like walking and biking and will update/integrate several plans including the Trails Mater Plan. The public is encouraged to visit the project website and o participate. Everett Hauser 858-694-2412 is project manager.
- 4) Department of Housing and Community Development is announcing the current application cycle for the Community Development Block Grant. The Grants fund improvements to youth and senior center parks, streets and sidewalks, drainage systems and fire facilities in the unincorporated areas of the county. The deadline to submit applications for funding is 5:00 Friday, October 30, 2015. Kelly Salmon 858-4807 is project manger.

Appended material for item E1:



County of San Diego, Planning & Development Services
Project Planning Division

Memorandum

TO: Ben Mills, Project Manager
FROM: Donna Beddow, Staff Archaeologist
SUBJECT: Response to Comments; NLP Valley Center Solar; PDS2013-MUP-13-019
DATE: November 6, 2015

The following are staff's responses to comments received during the public review period for the draft Mitigated Negative Declaration dated September 9, 2015. The draft Mitigated Negative Declaration was circulated for public review from September 24, 2015 through October 23, 2015. Comments were received that do not require changes to the Mitigated Negative Declaration and/or the Initial Study/Environmental Analysis and/or the project.

Response to comments received from the San Diego County Archaeological Society:

- A1. The commenter is opposed to the repatriation of artifacts and states that failing to provide complete mitigation in the form of curation in a facility meeting the standards of 36CFR79 fails to provide complete mitigation of the impacts, and as such overriding findings would be necessary which cannot be provided in an Mitigated Negative Declaration.

The mitigation measures related to the disposition of prehistoric artifacts includes curating artifacts at the San Diego Archaeological Center or at a culturally affiliated Tribal curation center that meets Federal standards (36 CFR Part 79). Alternatively, the prehistoric artifacts may be repatriated (returned) to a culturally affiliated Tribe. Historic artifacts may only be curated at a San Diego curation facility and may not be repatriated or curated at a Tribal curation facility. CEQA identifies that curation (§15126.4b) may be an appropriate mitigation measure should data recovery be implemented but does not require curation. The concern of the commenter related to the loss of scientific value for future analysis is addressed through the requirement to provide the cultural studies to a repository for archival purposes. As such, the scientific value is retained through the information provided in the cultural study and there are no unmitigated impacts. No changes were made to the CEQA documentation as a result of this comment.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

22 October 2015

To: Mr. Benjamin Mills
 Department of Planning and Development Services
 County of San Diego
 5510 Overland Avenue, Suite 310
 San Diego, California 92123

Subject: Draft Mitigated Negative Declaration
 NLP Valley Center Solar
 PDS2013-MUP-13-019, Log No. PDS2013-ER-13-02-002

Dear Mr. Mills:

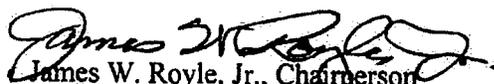
I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

A-1

Based on the information contained in the Cultural resources report, initial study and DMND, we agree with the temporary fencing and archaeological monitoring program prescribed for the project. However, SDCAS continues to believe that, with the exception of any human remains and associated burial-related material, not requiring curation in a facility meeting the standards of 36CFR79 fails to provide complete mitigation of the project impacts as it makes impossible future reanalysis of the collection. As such, overriding findings are necessary, and they cannot be provided via a MND.

Thank you for the opportunity to review and comment upon this DMND.

Sincerely,


 James W. Royle, Jr., Chairperson
 Environmental Review Committee

cc: Dudek
 SDCAS President
 File

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

RE: NLP Valley Center Solar

Dear Mr. Silver:

The following are staff's responses to comments received during the public review period for the draft Mitigated Negative Declaration (MND) dated September 9, 2015. The draft MND was circulated for public review from September 24, 2015 through October 23, 2015. Comments were received that do not require changes to the MND and/or the Initial Study/Environmental Analysis and/or the project.

This comment identifies the need for additional environmental evaluation to address the potential for the proposed Project to result in a "pseudo-lake" effect that "lures birds to crash into reflections that appear to be wetlands or water." The commenter suggests further assessment of potential glare effects and possible incorporation of mitigation measures such as "siting distant from water bodies and wetlands; siting outside of the Pacific flyway; use of dark, non-reflective coatings; and, spacing between arrays to reduce contiguous reflections." As such, these issues are addressed below.

The proposed Project could potentially increase the risk of collisions due to sky reflection (or "pseudo-lake effect"), meaning birds may collide with solar panels that appear like a body of water. Although avian collisions with towers and structures have been well-documented, there are few published papers available that study the possibility that large expanses of solar photovoltaic (PV) panels within desert environments may mimic water bodies and inadvertently attract migrating or dispersing wetland bird species. Polarized reflections from solar PV arrays have been observed to attract insects (Horvath et al. 2010), which could in turn attract other sensitive wildlife, such as bats; however, the magnitude of this effect is unknown, as no comprehensive scientific studies have been conducted for this potential phenomenon either. It should also be noted that the degree of visual contrast between the solar panels and the underlying land surface would be lesser relative to the Project location and existing habitat onsite and on surrounding lands, as compared to that of a desert environment where the solar panels would be viewed against the light-colored underlying sand and generally sparse vegetative cover. Such conditions would reduce the potential for a pseudo-lake effect to be experienced.

Waterbodies and Wetlands

The Project site is not located near any wetlands or large bodies of water. The closest large water bodies in the general region that may attract migrating birds include Lake Henshaw, approximately 14.6 miles to the east; Lake Hodges,

approximately 13.2 miles to the southwest; and, Lake Sutherland, approximately 16 mile to the southeast. Several smaller water bodies include Lake Wohlford, approximately 5 miles to the southeast; Dixon Reservoir, approximately 6.2 miles to the southwest; and, Turner Lake, approximately 3.9 miles to the southwest.

Additionally, the Salton Sea represents a large body of water that serves an important regional resource for migratory and other bird species. The Salton Sea also serves as a key stopover for wintering migratory bird species (Shuford et al., 2003). Greater than 450 bird species and subspecies have been observed and documented within the vicinity of this waterbody, with more than 300 of these species utilizing the area during migration and/or for wintering (Patton et al., 2003); refer to "Pacific Flyway" below for additional discussion.

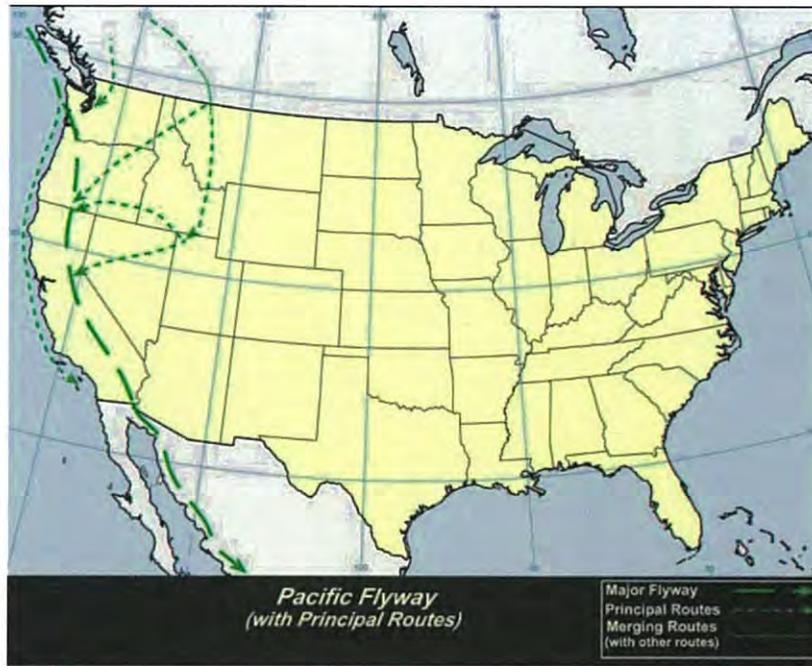
Although some migratory bird species may utilize the Project site, the Project site and adjacent lands do not offer or support the abundance and level of diversity of migratory birds as compared to that observed inhabiting or stopping over in the Salton Sea area. Birds using this or other area water bodies may fly over the Project area; however, due to the conditions onsite, it is not highly anticipated that they would land, and rather, would be more likely to make a stopover on other lands within the region supporting higher quality habitat and/or available water resources. As such, the Project is not considered to be located within an area, or between areas, that would attract wetland migratory bird species.

For the reasons above, the suggested mitigation to locate the proposed Project at a distance from waterbodies and wetlands to reduce potential for impacts resulting from a pseudo-lake effect is not appropriate in this case.

Pacific Flyway

The Pacific Flyway serves as significant north/south migration route for bird species migrating between North, Central, and South America; refer to the figure below. The Pacific Flyway covers a large portion of California and is generally comprised of two main routes: the Pacific Coast route and the inland route. The Pacific Coast route generally includes the coastline of California and largely supports seagulls, ducks, and/or other migratory water birds. Many birds utilizing the inland route make a stopover at the Salton Sea, approximately 58 miles due east of the Project site in the Borrego Valley, during their migration (SDG&E, 2009). As stated above, the Salton Sea serves as a key resource for migrating and wintering bird species.

As such, typical seasonal migration patterns of birds and flight directions through these areas have been well-observed and documented. Such flight directions can be used to evaluate potential flight patterns of birds (in particular water birds searching for suitable habitat) between bodies of water along established migration routes (i.e. the Pacific Flyway) relative to other lands within the area.



Source: Bird Nature. <http://www.birdnature.com/pacific.html>.
 Accessed November 1, 2015.

In general, birds migrate northward in the springtime months (March through April) and southward in the fall (August through November). The timing of bird migration within Southern California along the Pacific Flyway varies depending upon the individual species.

The Project site is located outside of either the Pacific Coast or the inland route, due to its distance from the Pacific Coast (approximately 24 miles due east), as well as from the inland areas generally affected by such migratory patterns (i.e. Salton Sea area). Further, a large number of birds within the Project area are non-migratory and generally make their homes as year-round residents, traveling limited distances from their natal areas.

Birds migrating to the Salton Sea and/or making a stopover at other area water bodies may briefly fly over the Project area; however, due to conditions onsite, it is not highly anticipated that they would land, and rather, would be more likely to make a stopover on other lands within the region supporting higher quality habitat and/or available water resources. Further, as indicated above, no waterbodies are present onsite, and no large bodies of water (or wetlands) are present in the surrounding area that would have a high potential to attract large numbers of bird species, particularly as compared to the Salton Sea. As such, the Project site is not considered to substantially or adversely affect migratory patterns of birds along established pathways or otherwise interfere with migration activities along the Pacific Flyway.

Reflective Surfaces

As designed, all solar panels would be coated with a non-reflective coating. The solar panels would generally range from black to gray in color and would be highly absorptive. Metal piers (or other support structures) used for installation of the solar panels would be galvanized or painted to minimize reflection of light from the surface and to respect the natural setting. Additionally, the structures housing the inverters/transformers and switchgear, and their roofing material, would be coated with a non-reflective earthtone finish. Such measures would be made a condition of approval with adoption of the Major Use Permit (MUP) Plot Plan. As such, the potential for glare off of the Project components would be minimized to the extent possible with the type of technology proposed for use, thereby reducing the potential for a pseudo-lake effect to occur.

Spacing between the Arrays

The solar arrays have been laid out onsite to allow for maximum solar energy generation with regard to the developable land surface. As shown on the MUP Plot Plan prepared for the Project, the solar panels would be distanced from adjacent rows of panels by approximately 10.5 feet at the closest distance when the panels are in a flat position at zero degree tilt, thereby visibly appearing to cover a greater land area when viewed from above (i.e. from a bird's perspective), and therefore, have a greater potential to create a pseudo-lake effect; however, this condition would occur only one time per day, as the panels would continually rotate from east to west during daylight hours. Rather, for the majority of the day, the panels would be tilted, allowing for greater spacing between the panels, and therefore, greater visibility of the underlying land area beneath them. Further, as stated above, all equipment would be coated with a non-reflective surface to minimize reflectiveness and the potential for a pseudo-lake effect to occur.

Additionally, bat species are not anticipated to be affected by the solar trackers. Bats use echolocation to "visualize" their surrounding environment and generally fly around static obstacles once detected as part of their normal flying patterns. Whether flying into or out of their roosts or foraging, they detect and avoid static obstacles (i.e. around trees, boulders, rocks, or structures). Movement of the solar trackers would not be perceived by bats, and therefore, they would be considered by bats as static objects. Bats would be anticipated to avoid the trackers, similar to other static objects they encounter. Therefore, the potential for bats to collide with the trackers or other Project components is considered extremely unlikely.

Conclusion

Because there is currently insufficient research to assess the magnitude or likely risk associated with collisions with solar fields, a detailed discussion of the potential impacts would be speculative. Although as a solar project, the Project may have the potential to increase bird collisions due to a pseudo-lake effect or excessive glare, the proposed Project has been designed and located to minimize and/or avoid such events to the extent feasible. The following factors minimize the risk of collision due to sky reflection: a) the Project has been sited at a distance from any waterbody or wetland habitat that would have the potential to attract wetland-associated birds; b) the locale is not considered to be a major contributor to bird migration relative to the Pacific Flyway; c) the solar panels would be spaced approximately 10.5 feet away from one another (at the closest distance when rotated to a flat position, and for a limited period of time during daylight hours), thereby breaking up sky reflection from a single continuous surface to individual separate units and reducing the image of a continuous body of water; and, d) the solar units would be uniformly dark in color, coated to be non-reflective, and designed to be highly absorptive of all light that strikes their glass surfaces, and may not appear like water from above, as water displays different properties by both reflecting and absorbing light waves.

From: Dan Silver [mailto:dsilverla@me.com]
Sent: Monday, September 28, 2015 2:29 PM
To: Mills, Benjamin
Cc: Mindy Fogg; Lacey, Cara; Gretler, Darren M; Spurgin, Andrew
Subject: NLP VALLEY CENTER SOLAR; PDS2013-MUP-13-019, LOG NO. PDS2013-ER-13-02-002

Sept. 28, 2015
Benjamin Mills
Department of Planning and Development Services
5520 Overland Ave
San Diego, CA 92123

RE: NLP Valley Center Solar

Dear Mr Mills:

Endangered Habitats League (EHL) appreciates the opportunity to review this proposal for a photovoltaic solar facility and its mitigated negative declaration. From a policy perspective, the project lies between roof-top/distributed solar and large scale solar farms. Developing renewable solar sources is an integral part of a response to climate change, and such a response is imperative. EHL views the use of fallowed farmland, low value farmland, or disturbed lands of little ecological value as *appropriate* sites for solar systems. This project meets those criteria. EHL notes and appreciates siting solely in fallow farmland/disturbed lands, leaving the native habitat intact.

We note findings of less than significant impacts, with mitigation, to community character and visual resources, but some changes in the landscape cannot be avoided if this type of site is going to be utilized and if climate change is to be addressed.

EHL is concerned, however, with the lack of attention to potential bird strikes. Solar arrays are well documented to produce a "pseudo-lake" effect that lures birds to crash into reflections that appear to be wetlands or water. *The biological report fails to identify or analyze this potential biological impact.* Although glare is discussed in regard to visual and community impacts that context is different and mitigations may well be different. EHL calls for additional environmental review to address this problem. Feasible mitigation measures for the "pseudo-lake" effect include siting distant from water bodies and wetlands, siting outside of the Pacific flyway, use of dark, non-reflective coatings, and spacing between arrays to reduce contiguous reflections.

While bird strikes have been associated with larger facilities, there is no reason that smaller ones would not pose the same issue. We strongly urge the use of non-reflective coatings, spacing between arrays, and other design and construction measures as mitigation. It is important that the County "get it right."

References are below for bird strike impacts.*

Thank you for considering our views and we look forward to the County's response.

Sincerely,

Dan Silver

* For documentation of impacts to birds from solar facilities, see, e.g., the August 2013 Monthly Compliance Report, Genesis Solar Energy Project, Avian Reporting Data Table and Forms, pp. 1-11 (182-193 of the pdf) available at:

<http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-08C/TN200657_20130930T120056_August_2013_Monthly_Compliance_Report.pdf>

and Appendix B – Avian and Bat Mortality, and 2013 Yearly Biological Resources Report for Desert Sunlight at:

<<http://www.firstsolar.com/~media/documents/projects/desert%20sunlight/biological%20monitoring/weekly%20biological%20monitoring%20report%203rd%20quarter%20-%20september%202013.ashx>>

Also, see California Energy Commission Report documenting that about 3,500 birds have been killed by the Ivanpah thermal solar generator in one year:

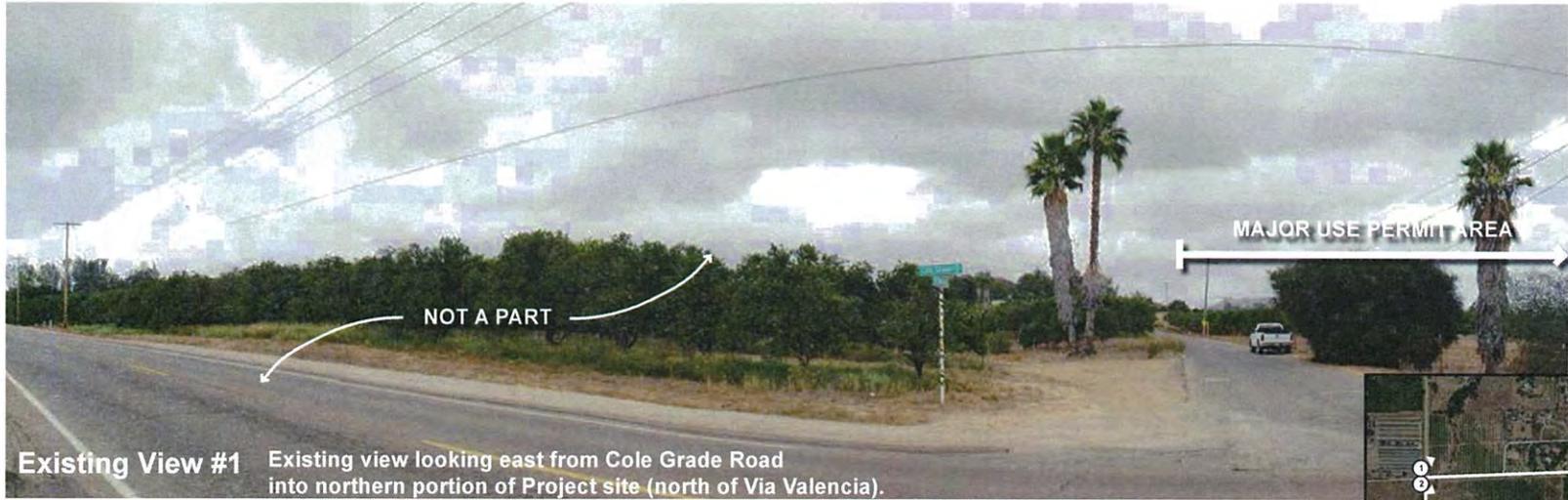
<http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-05C/TN204258_20150420T145549_Ivanpah_Solar_Electric_Generating_System_Avian_Bat_Monitoring.pdf>

<<http://www.kcet.org/news/define/rewire/solar/solar-plant-likely-killed-3500-birds-in-firstyear.html>>

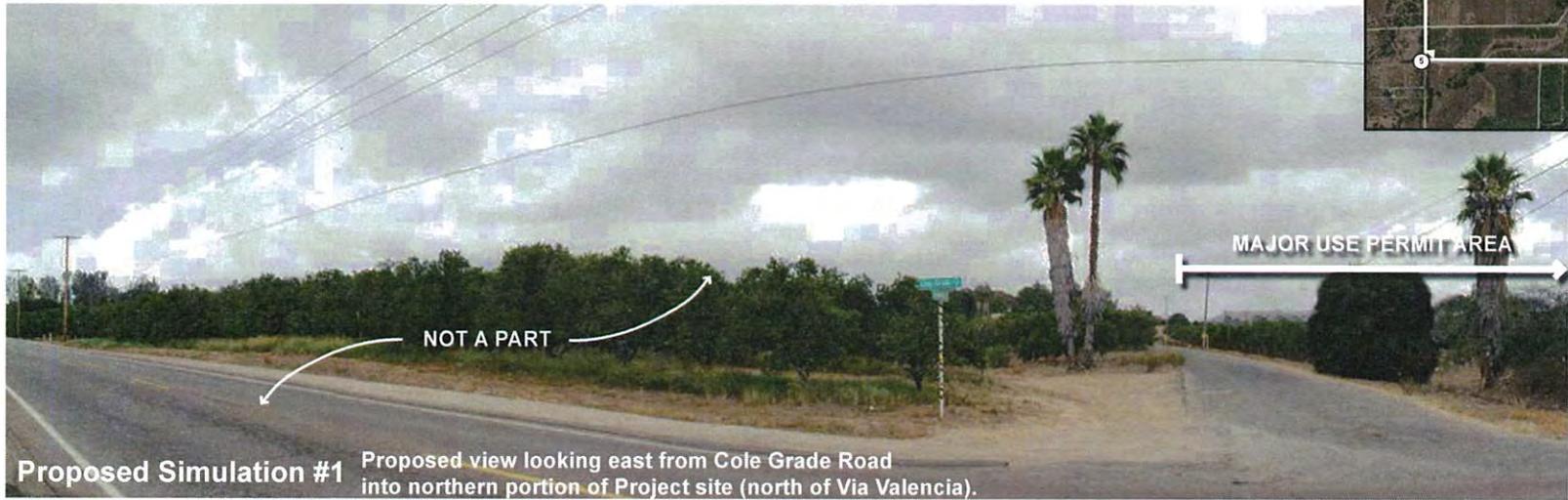
Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

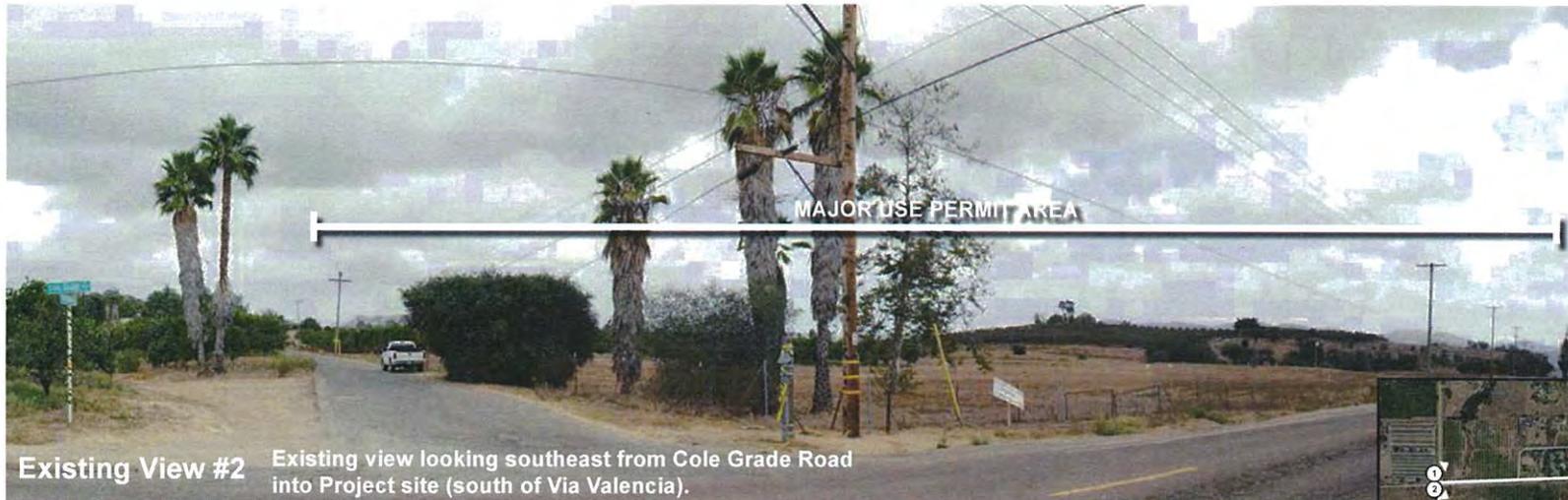
Attachment F – Photo-Simulations



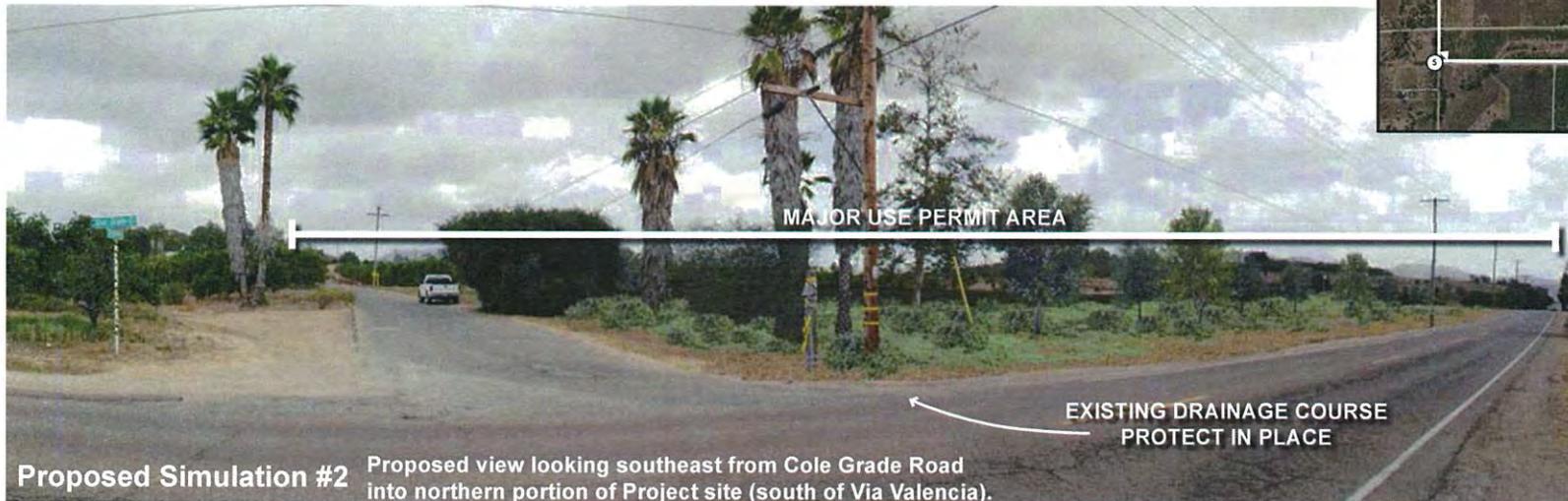
Existing View #1 Existing view looking east from Cole Grade Road into northern portion of Project site (north of Via Valencia).



Proposed Simulation #1 Proposed view looking east from Cole Grade Road into northern portion of Project site (north of Via Valencia).



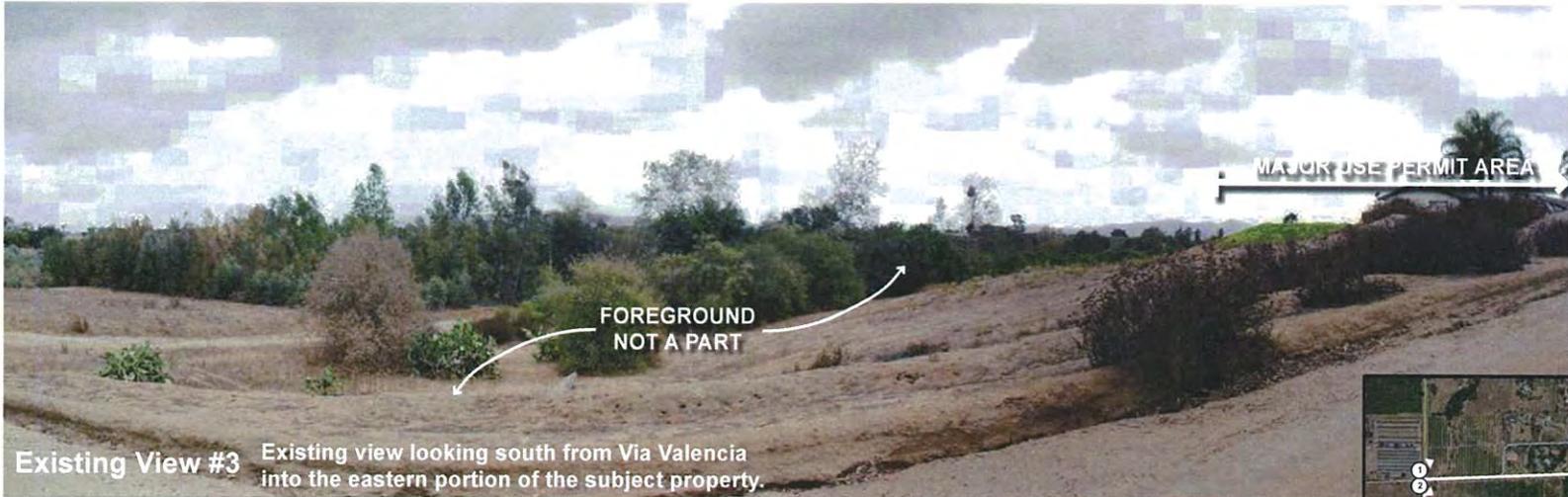
Existing View #2 Existing view looking southeast from Cole Grade Road into Project site (south of Via Valencia).



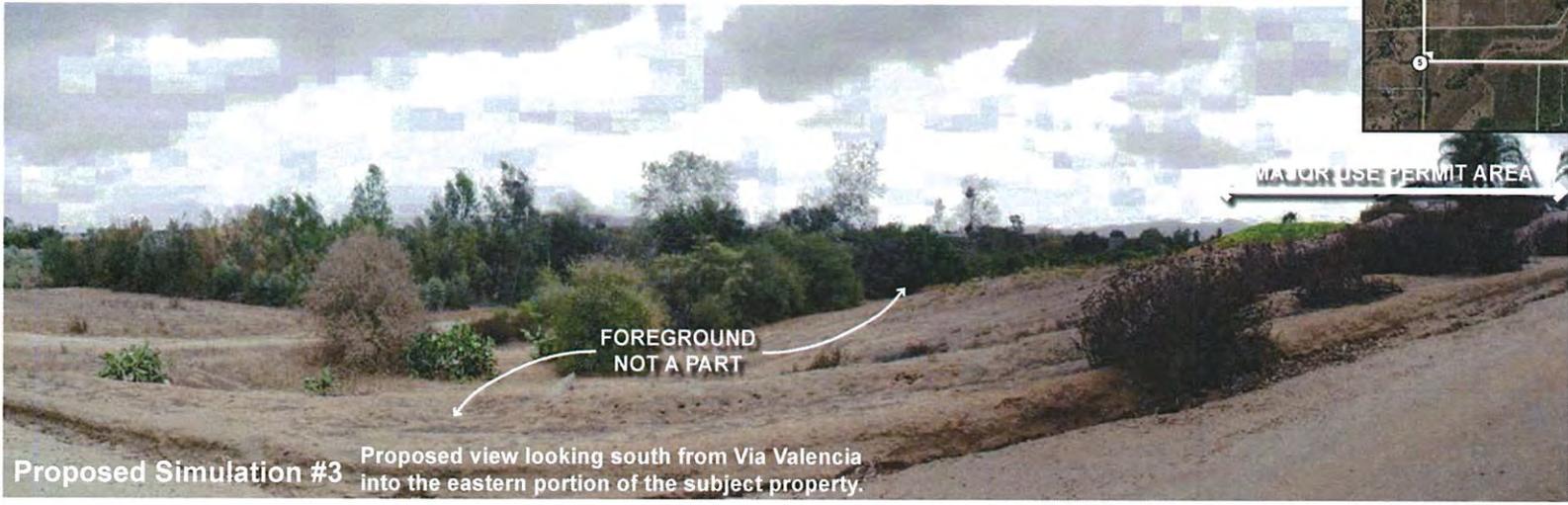
Proposed Simulation #2 Proposed view looking southeast from Cole Grade Road into northern portion of Project site (south of Via Valencia).



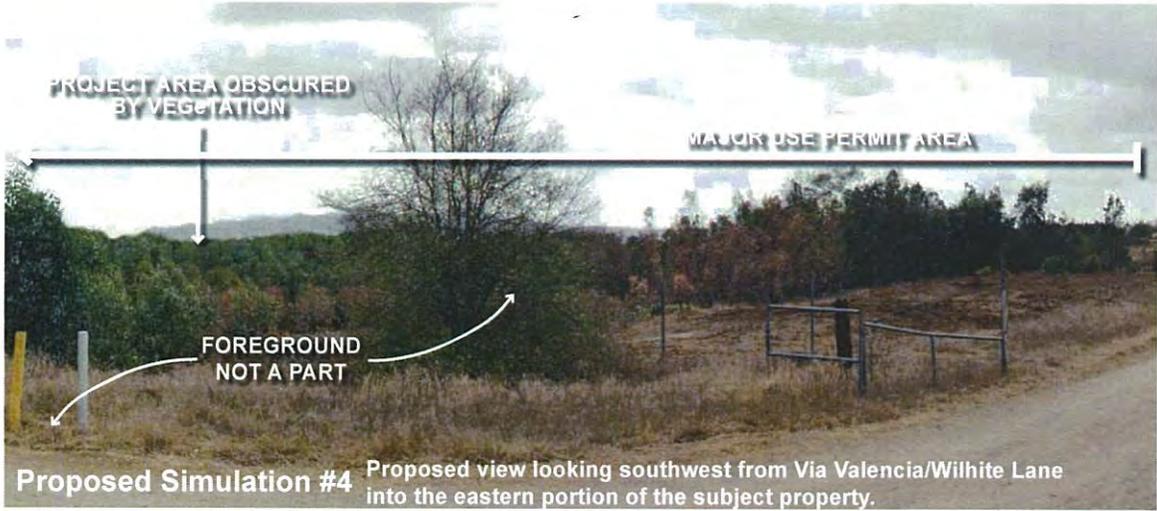
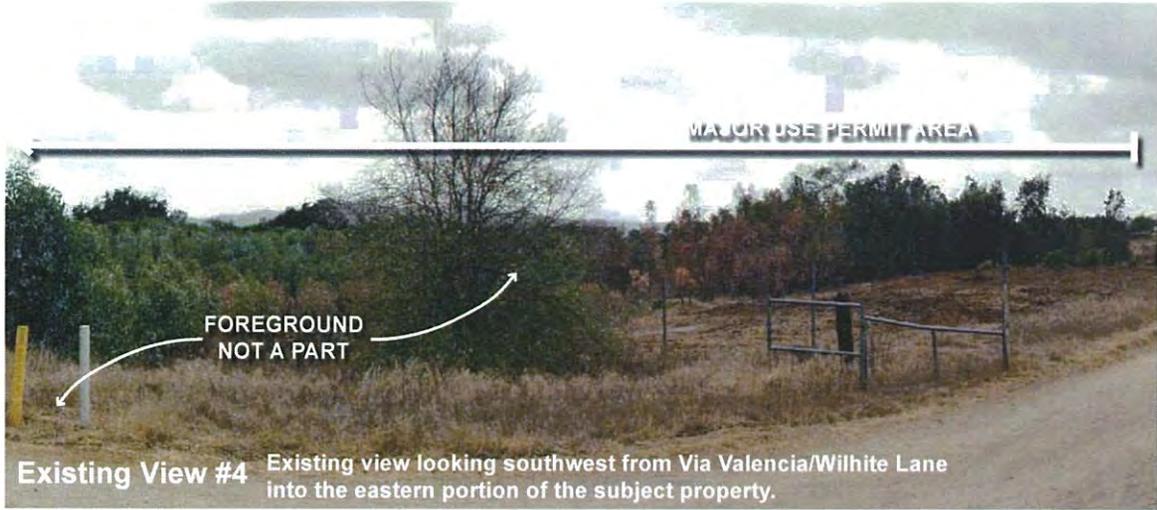
3 - 177



Existing View #3 Existing view looking south from Via Valencia into the eastern portion of the subject property.



Proposed Simulation #3 Proposed view looking south from Via Valencia into the eastern portion of the subject property.



3 - 179



Attachment G – Ownership Disclosure



County of San Diego, Planning & Development Services
DISCRETIONARY PERMIT APPLICATION
ZONING DIVISION

RECORD ID(S): PDS2013 MUP 13-019

	Planning	LD Review Teams	DEH	Trails Review	Other
Fees	_____ +	_____ +	_____ +	_____ +	_____ +
Deposits	\$10,000 +	_____ +	_____ +	_____ +	_____ +

TOTAL FEES AND INITIAL DEPOSIT: \$ \$10,000

The submitted Initial Deposit is estimated to cover only the initial project review (Scoping). Additional monies will be required. A project-specific cost estimate will be provided at the conclusion of Scoping, along with a letter detailing any project issues, revisions, and studies as deemed necessary for compliance with State and County codes and ordinances.

Have you had a pre-application conference? YES NO If yes, Planner's Name Ashley Gungel

Is this project the subject of a code violation? YES NO If yes, provide a copy of the Warning/Citation/Violation Notice.

Are there any related, open applications such as DEH permits, Grading permits, etc? YES NO

If yes, list permits: MUP PDS2013-ER-13-02-002

Is there an existing trust account on any of the open records related to this proposed project? YES NO

Are there any prior related cases such as a specific plan? If yes, list Case Number(s) MUP PDS2013-ER-13-02-002

The Financially Responsible Party is responsible for all costs related to this application. See form PDS-126 and choose one.

The Financially Responsible Party is the: Owner Applicant Engineer Other

Assessor's Parcel No (APN) 188-120-09-00 and 188-120-10-00

Owner's Name NLP Valley Center LLC Owner's Phone 619-733-2649

Owner's Address 17901 Von Karman Ave, #1050
Number Street City State Zip

Owner's email patrick.brown@baywa-re.com Owner's Fax _____

Applicant's Name NLP Valley Center LLC Applicant's Phone 619-733-2649
(if different from owner)

Applicant's Address 17901 Von Karman Ave, #1050
Number Street City State Zip

Applicant's email patrick.brown@baywa-re.com Applicant's Fax _____

Engineer's Name RBF/ Michael Baker International: Steve Wragg Engineer's Phone 858-614-5059

Engineer's Address 9755 Clairemont Mesa Blvd #100, San Diego CA 92124
Number Street City State Zip

Engineer's email swragg@mbakerintl.com Engineer's Fax 858-810-1450

Project Contact Person Patrick Brown, Project Manager Phone 619-733-2649

Address BayWa r.e. Solar Projects, LLC, 17901 Von Karman Ave Suite 1050, Irvine CA 92614
Number Street City State Zip

Project Contact's email patrick.brown@baywa-re.com Project Contact's Fax _____

Project Name NLP Valley Center Solar

Project Address & Nearest Cross Street 29471 Cole Grade Road, Valley Center, CA 92082

I declare under penalty of perjury under the laws of the State of California that the statements made as part of this application are true and correct. I hereby agree to provide the indemnification as required by Chapter 2 of Division 6 of Title 8 of the San Diego County Code.

NOTE: If Agent signs below, attach Letter of Authorization.

David A. Sanders
Digitally signed by David A. Sanders
 DN: cn=David A. Sanders, o=BayWa r.e. Solar Projects LLC,
 ou=Operations, email=David.Sanders@baywa-re.com, c=US
 Date: 2015.06.15 16:09:31 -0700

Signature of Owner or Authorized Agent

David Sanders COO 06/15/2015

Print Signator's Name

Date

— OFFICIAL USE ONLY —
SDC PDS RCVD 06-24-15
MUP13-019



FOR DEPARTMENT USE ONLY

General Plan Designation SR2 Existing Proposed _____
 Regional Category Semi Rural _____

For Administrative Permits and Use Permits
 Describe use: MUP

ZONE			
USE REGULATIONS		<u>RR</u>	
ANIMAL REGULATIONS			
DEVELOPMENT REGULATIONS	Density	<u>1</u>	
	Lot Size	<u>2AC</u>	
	Building Type		
	Maximum Floor Area	<u>1110</u>	
	Floor Area Ratio		
	Height	<u>11</u>	
	Lot Coverage	<u>11</u>	
	Setback	<u>11</u>	
Open Space			
SPECIAL AREA REGULATIONS		<u>1</u>	

Thomas Guide (Page/Grid) 107066
 Tax Rate Area 94075 Quad
 Total Acres 79 APRON No. of lots 3
 Planning Group Valley Center
 Community Plan Valley Center
 Supervisor District 5

Within: Rural Village Boundaries? YES NO Village Boundaries? YES NO Special Study Area? YES NO
 Project is within a Specific Plan? If yes, name of Specific Plan _____
 Related Records/Permits? If yes, list MUP-13-09

Project is subject to the County Groundwater Ordinance? YES NO FP-2 YES NO

Project is within 1/2 mile of a Regional Park? YES NO
 Project is within 1 mile of a Highway?
 Project is within 1 mile of a City? If yes, name of City _____
 Project is proposed for Septic? None.
 Project is proposed for Sewer?
 Project is a Violation Case?
 Military Installation Notice is required?
 Project is within 150' of the International Border?

If yes, notify the Department of Homeland Security. See Board of Supervisor's Policy I-111.

If the subject parcel was created through a PM or B/C, have you verified that all Covenants of Improvement have been satisfied? YES NO **IF NO, DO NOT ACCEPT THE APPLICATION.**

Is there a different owner of mineral rights than the owner of real property? YES NO
 If yes, identify name and address: _____

FOR PLANNER ASSIGNMENT - PLEASE CALL (858) 694-3292

Technician Initials: A. Pardo Date: 6/23/15 Technician's comments: _____