

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

**FOR PURPOSES OF CONSIDERATION OF
Granger Solar Major Use Permit
PDS2015-MUP-15-019, PDS2015-ER-15-02-006**

October 30, 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:

The proposed project is located outside of the boundaries of the Multiple Species Conservation Program and the project site contains habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Refer to the Draft Habitat Loss Permit, dated October 30, 2015 for information on project compliance with the Habitat Loss Permit/Coastal Sage Scrub Ordinance.

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:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. 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 project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

Steep Slopes:

The average slope for the property is less than 25 percent gradient. 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 on the property. 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. Sensitive habitat lands were identified on the site as determined on a general biological survey conducted by Michael Baker biologist Mike Gonzales on April 16, 2015. The project result in the loss of sensitive habitat lands, including southern mixed chaparral, coastal sage scrub, coast live oak woodland, flat-topped buckwheat scrub, non-native grassland, and extensive agriculture. Section 86.604(f) of the RPO states that development may be allowed "when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species." The project would mitigate for impacts to sensitive vegetation communities through offsite preservation of these habitats or comparable quality and type habitat to those impacted onsite, at the appropriate mitigation ratios. 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. In addition, cultural monitoring will be required during all construction activities. 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 Plan has been reviewed and is found to be complete and in compliance with the WPO. The project has been found to be exempt from Hydromodification requirements.

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 a North Light Power (NLP) Granger Solar Project Major Use Permit for the construction and operation of a photovoltaic (PV) solar facility. The site is zoned A72. Surrounding land uses are also zoned for agricultural use. Pursuant to the County Noise Ordinance, agriculturally zone areas are subject to a one-hour average daytime sound level limit of 50 dBA and nighttime 45 dBA at the project property lines. Permanent noise generating equipment is comprised of proposed transformer and inverter equipment and panel washing activities. Above transformer/inverter would be above ground structures located near the center of the site, approximately 445 feet from the nearest property line to the east. Based on this setback distance, noise generated from the transformer, inverter and tracker motors would be 45 dBA and below at the worst-case property line. Additionally, limiting the panel washing activities during the daytime hours from 7am to 10pm would ensure these cleaning operations comply with County noise standards. The project design and layout demonstrates Noise Ordinance compliance with Section 36.404.

Temporary construction equipment was also evaluated to demonstrate noise ordinance compliance. General construction equipment operations for grading would utilize loaders/tractors, dozers, graders and water trucks. The equipment would 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. This would result in an acoustical center for the grading operations at approximately 275 feet from the nearest property lines. 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, temporary construction noise levels will not exceed the County noise standards. Additionally, no off-site roadway improvements are proposed as part of this project with all work located on-site. 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). Temporary impulsive sources include rock drilling and blasting activities. Primary noise sources would be from the pre-blasting activities that involve rock drills. The project would be conditioned to stage rock drill operations at a minimum distance of 200 feet from the nearest occupied residence. When rock drilling is located within this setback

distance, a specific rock drill/blasting plan. This would determine the height and location of any temporary barrier if necessary. Noise barriers could range from 8 to 12 feet in height. The rock drill/blasting plan would also determine the usage of the equipment, for example limiting the hours of operations and duty cycle. Based on noise attenuation by these measures within a rock drill/blasting plan, impulsive noise impacts would not occur and the project would comply with the County noise standards.

Temporary impulsive sources include pile driver activities that produce a max sound pressure level of 95 dBA at 50 feet. The project would be conditioned to limit pile driver operations at a distance of 215 feet from the nearest occupied residence. When pile driving is located within this setback distance, operations would be limited to 25 percent duty cycle of the work duration. Based on noise attenuation by distance and limiting pile driving operations, impulsive noise impacts would not occur and the project would comply with the County noise standards. Therefore, incorporation of noise attenuation by distance, establishing setbacks, limiting operations, and incorporation of a rock drill/blasting plan would ensure that permanent and temporary noise sources would comply with County noise standards.