



The County of San Diego

Planning Commission Hearing Report

Date:	April 22, 2016	Case/File No.:	PDS2015-MUP-12-004TE
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Ocotillo Wells Solar Farm Time Extension
Time:	9:00 a.m.	Location:	Near Ocotillo Wells in the Desert Subregional Area
Agenda Item:	#3	General Plan:	Rural Lands 80 (RL-80)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	General Rural (S92)
Applicant/Owner:	Ocotillo Solar LLC	Subregion:	Desert
Environmental:	§15162 Exemption	APNs:	253-390-57, 253-390-58

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed project, which is a Time Extension (TE) of the Major Use Permit (MUP) to extend the deadline by which construction or use is required, determine if the required findings can be made, and take the following actions:

- a. Adopt the Environmental findings included in Attachment D, which include a finding that the previously adopted Mitigated Negative Declaration (MND) is adequate for the proposed project pursuant to the California Environmental Quality Act (CEQA) Guidelines §15162.
- b. Grant Time Extension PDS2015-MUP-12-004TE, make the findings, and impose the requirements and conditions as set forth in the 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 Subregional Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the proposed project consistent with the County's Subdivision Ordinance?
- e. Is the project consistent with other applicable County regulations?

- f. Does the project comply with the California Environmental Quality Act (CEQA)?

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed MUP TE (Attachment B) and Environmental Findings (Attachment D).

The applicant requests a 2-year extension of the deadline by which construction or use is required. A MUP for a solar farm was granted by the Planning Commission on January 24, 2014. This MUP would have expired on January 24, 2016 unless construction or use in reliance has commenced prior to the expiration date. Section 7376 of the Zoning Ordinance provides for extending the deadline for an MUP if an application for an extension is filed prior to the expiration date.

Based on staff's analysis, it is the position of Planning & Development Services that the required findings can be made, and recommends approval of the TE, with the conditions noted in the attached Form of Decision. No other previous conditions would be revised.

C. DEVELOPMENT PROPOSAL

1. Project Description, Time Extension

The MUP for the Ocotillo Wells Solar Farm was approved by the Planning Commission (PC) on January 24, 2014. That MUP authorized the use pursuant to Sections 1350 and 2926 of the Zoning Ordinance of the County of San Diego. A MND was adopted for the project.

As stated in the Decision approved January 24, 2014, the MUP would expire on January 24, 2016 at 4:00 p.m. unless construction or use in reliance on this MUP has commenced prior to said expiration date.

The proposed 2-year TE would extend the deadline by which construction or use in reliance is required through January 24, 2018, in accordance with Section 7376 of the Zoning Ordinance of the County of San Diego. Section 7376 provides for extending the deadline for an MUP if an application for an extension is filed prior to the expiration date. The PC had original jurisdiction over the MUP so the PC has the authority to approve a TE to the MUP.

The TE would not involve substantial changes in the magnitude of impacts identified in the Ocotillo Wells Solar Major Use Permit MND and would not create new potentially significant impacts that would require mitigation. The project would still be required to implement all mitigation measures identified and approved with the original project approval.

2. Original Project Description

The 2014 approval was a MUP for the construction and operation of an approximately 336-acre photovoltaic (PV) or concentrated photovoltaic (CPV) solar facility on an approximately 440-acre property with a production capacity of 42 to 54 megawatts (MW). The project would also include 1.74 acres of off-site impacts for access improvements. Grading is estimated to require a maximum of 370,000 cubic yards of earth movement balanced on-site. The previously approved Ocotillo Wells Solar Farm includes four types of technology that could be implemented. The four options include:

- (1) Fixed-Axis Rack System. This design would consist of a series of PV solar panels on a fixed axis rack system, installed on rack pilings of 4-6 inch diameter metal I-beams or 4-inch

diameter round pipe. The solar panels would be oriented along an east-west axis with the panels generally facing to the south. The panels would be rack-mounted in a two-panel system (one panel mounted above a second panel). The rack system would measure approximately nine feet wide and approximately 51 feet in length, with a maximum of 10 feet in height. This technology would result in the production of approximately 42 MW.

(2) Single-Axis Rack System. This design would consist of a series of single-axis tracking PV solar panels supported on driven pier footings. The solar panels would be aligned in north/south rows and would face to the east in the morning and to the west in the evening hours. The panels would be rack-mounted, measuring approximately seven feet in width and 90 feet in length (panel array), with a maximum height of up to 9.5 feet. This technology would result in the production of approximately 50 MW.

(3) Dual-Axis Rack System. This design would consist of a series of CPV solar panels installed on a dual-axis rack system. The solar arrays would be constructed on pile-driven pier footings. The solar panels would be aligned in rows running along a north-south axis and would rotate to face the east in the morning and the west in the evening hours. The panels could also be rotated along the north-south axis to change the angle of the panel, depending on the time of year. Each row would contain a system of up to four arrays. Each array of panels would support a grouping of eight "paddles," with each paddle supporting eight modules of solar collectors. Each array would measure approximately 18.5 feet in width and 80 feet in length (panel array). The total height of the arrays would be approximately 23 feet in height. This technology would result in the production of approximately 45 MW.

(4) Dual-Axis Tracker Units. This design would consist of series of CPV solar trackers installed on driven 24-inch to 30-inch pier footings/concrete foundation system. The CPV trackers would be aligned in north/south rows and would face to the east in the morning and to the west in the evening hours, tracking the sun along both the horizontal and vertical axes. Each tracker would measure approximately 25 feet wide and 48 feet in length, with a maximum height of 30 feet. This technology would result in the production of approximately 54 MW.

In addition to the solar panels, on-site development would include construction of two 10,000 gallon water storage tanks for fire suppression purposes, one 10,000 gallon tank for temporary storage of brine generated during panel washing and an approximately 1,040 square foot operations/maintenance building with an on-site septic system. Additionally, an approximately 62,500 square foot substation that would be dedicated to the Imperial Irrigation District (IID) and a private switchgear yard are proposed. The Dual-Axis Tracker System and the Dual Axis Tracker Units, as described in detail below, would also require installation of six 125kW emergency generators located on a 12-foot by 20-foot concrete pad within the interior of the development area to enable the solar panels to be rotated to the stow position, in the event that power from the local utility is lost or when high winds occur. Each of the four layouts would also require construction of a number of equipment pads to support small enclosures to house the associated invertors/transformers/switching gear. The total number of required equipment pads within the development footprint, as well as the combination of components that each would support, would vary based upon the technology constructed and would range from 40 to 46 equipment pads.

Access to the site would be provided from Split Mountain Road via a 24-foot wide all-weather road, graded to 28 feet, over a 40-foot wide private access/utility easement extending eastward approximately 1,890 feet to the southwest corner of the project site. Interior access would be

provided by a series of 24-foot wide fire access roads in accordance with County of San Diego Fire Standards, which would be maintained to provide a fire buffer as well as to facilitate on-site circulation for emergency vehicles. The interior access roads would be designed and maintained to support the imposed loads of fire service apparatus and would have an approved surface so as to provide all-weather driving capabilities. The interior fire access roads would be constructed to facilitate a maximum fire hose pull of approximately 160 feet. In addition, the project includes fire access roads running in an east/west direction for connectivity and circulation. The purpose of the interior fire access roads is to allow for access of fire service apparatus throughout the project site and in order to reach the inverter/transformer units. In addition, a system of internal roadways would be provided between the rows of solar panels to allow for routine maintenance.

The energy generated by the project with any of the four alternative technologies would be transmitted via a central overhead 34 kilovolt (kV) collection line to the substation proposed in the northeast corner of the site, adjacent to an existing 92kV "R-Line" that runs through the northeastern corner of the site. The facility is proposed to be connected to the R-Line with an interconnection agreement with the Imperial Irrigation District. The R-Line runs aboveground and ultimately connects to the existing San Felipe Substation, located approximately 2.1 miles to the northwest of the project site.

3. Subsequent Revisions

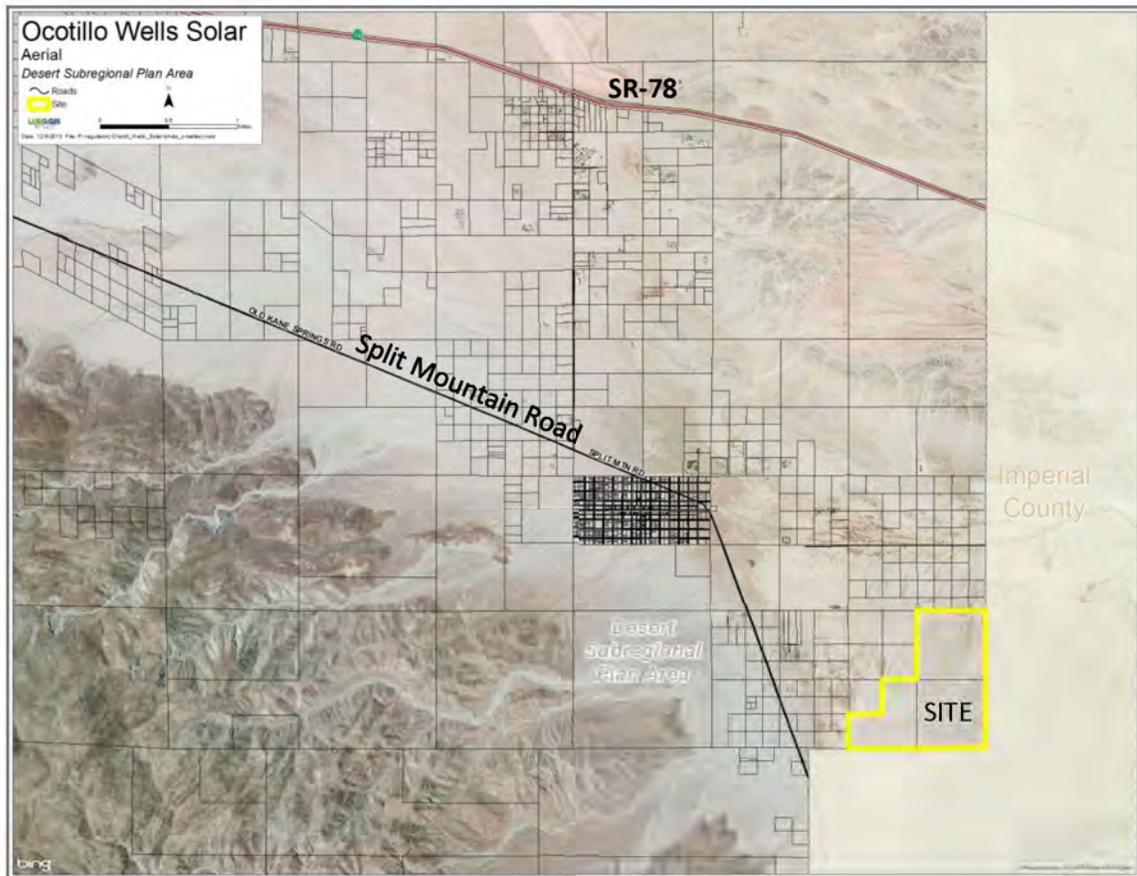
On June 19, 2014, six months after the approval of the MUP, a Minor Deviation was approved along with an Addendum to the MND approved under CEQA Guidelines Section 15164. The Minor Deviation modified the project from the original approval by reducing the number of solar panels on site and reducing the development area from approximately 338 acres to approximately 320 acres. The amount of open space would increase from approximately 102 acres to approximately 120 acres. These revisions did not involve changes in the impacts identified in the Ocotillo Wells Solar MUP MND PDS2012-3300-12-004, PDS2012-3910-12-12-001(ER) and did not create new potentially significant impacts that would require mitigation. The project was still required to implement all mitigation measures identified and approved with the original project approval.

Please refer to Attachment A – Planning Documentation, to view the Plot Plan.

4. Subject Property and Surrounding Land Uses

The subject site is approximately 440 acres and is located approximately 0.4 mile east of Split Mountain Road and approximately three miles south of State Highway 78 (SR-78) in the Desert Subregional area (see Figure 1 and Attachment A). The site is located approximately 4.4 miles southeast of the community of Ocotillo Wells. The Ocotillo State Vehicular Recreation Area is located approximately 3.5 miles north of the site and north of SR-78. The site is currently vacant and consists primarily of Sonoran creosote bush scrub, desert saltbrush scrub and Sonoran wash scrub. A large wash which is generally dry for the majority of the year traverses the site from northeast to southwest. Topography of the site is generally flat with limited areas of varied topography.

Figure 1: Aerial Photo



Surrounding land uses primarily consist of vacant lands. Directly adjacent to the north and east of the site are private land ownerships that are presently undeveloped. The Imperial County border parallels the eastern and southern boundaries of the project site. Lands within the project vicinity are largely undeveloped. Several private land ownerships further to the west and northwest support limited rural residential uses (single family residences or mobile homes). A number of trailer parks and small commercial uses are present in areas along SR-78 and Split Mountain Road. The Ocotillo Airport is located approximately 4.4 miles to the northwest of the site, across SR-78 but the site is not located within the Airport Influence Area boundary. Approximately 3.5 miles to the south of the project site off of Split Mountain Road, lies the U.S. Gypsum Company Mine Quarry. A railway line associated with the quarry extends north, then east/southeast and is used to transport materials to off-site destinations for further distribution.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-40)	General Rural (S92)	None	Vacant Lands (Private Land Ownerships)
East	N/A (Imperial County)	N/A (Imperial County)	None	Vacant Lands (Imperial County)
South	N/A (Imperial County)	N/A (Imperial County)	None	Vacant Lands (Anza Borrego Desert State Park, Imperial County)
West	Rural Lands (RL-40) and Rural Lands (RL-80)	General Rural (S92)	Split Mountain Road	Vacant Lands (Private Land Ownerships)

D. ANALYSIS AND DISCUSSION

The project has been reviewed to ensure it conforms to the all the relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan, Subregional Plan, the Zoning Ordinance, and CEQA Guidelines. A detailed discussion of the project analysis and consistency with applicable codes, policies, and ordinances is as follows.

1. Project Site History

As explained above, an MUP with conditions was approved for the solar farm on January 24, 2014. An MND was adopted that included mitigation measures. The conditions of approval and mitigation measures would continue to apply.

2. Project Issues

Time Extension

The MUP would expire on January 24, 2016 unless construction or use in reliance on this MUP has commenced prior to said expiration date. The proposed TE would extend the deadline two years: to January 24, 2018. There are two reasons the project did not commence construction or use in reliance on the approved MUP. They relate to difficulty obtaining permits from outside agencies due to the location of the site or new regulatory requirements.

a. Army Corps of Engineers 404 Permit

One of the conditions of the approved MUP is to obtain a Clean Water Act Section 401 and 404 permits for disturbances of waters of the United States and/or associated wetlands. The applicant has been working with the Army Corps of Engineers (ACOE) to secure the permits. Identifying and acquiring mitigation for 0.49-acre of impacts to non-wetland waters of the U.S. is challenging in the Ocotillo Wells/Borrego Springs area and Salton Sea watershed. The applicant recently has identified appropriate lands for preservation and restoration mitigation

and has submitted a mitigation plan to the ACOE with anticipated issuance of a permit by the end of April. The applicant then will need to submit an application for a 401 Certification. These Clean Water Act permits were not available in time to meet the original deadline for construction or use.

b. Flat-Tailed Horned Lizard Survey, Fencing, and Removal Strategy

Another MUP condition of approval is a survey and the removal of Flat Tailed Horned and Colorado Desert Fringe Toed Lizards from the project site. Since the MUP approval, on February 12, 2015, the California Fish and Game Commission made the Flat Tailed Horned Lizard (FTHL) a candidate species for the State’s Endangered Species list. This means the FTHL is afforded the full protection as if it were an endangered species. The applicants are now required to acquire an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) in order to comply with the MUP condition of approval. To receive the state permit, they are required to provide mitigation for the FTHL, which will consist of a minimum 3:1 ratio. This amounts to a need for approximately 600 acres of land that must be accepted by the CDFW as containing FTHL or appropriate habitat for it. As with the 404 mitigation land, it has been challenging to find appropriate land. The applicant has identified land that would satisfy the state permit mitigation requirement. They believe it will take until mid-2016 to finalize acquisition of mitigation land, process the permit application, and have the permit issued. The applicant has informed staff that they will not meet the original deadline for construction or use.

3. General Plan Consistency

The proposed TE does not change the Ocotillo Wells Solar Farm project that was approved in 2014. The approved solar form project was 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
<p>LU-2 Maintenance of the County’s Rural Character. Conservation and enhancement of the unincorporated County’s varied communities, rural setting, and character.</p>	<p>The solar farm project has been designed to minimize potential effects on the existing rural character of the surrounding community. The proposed project would be distanced from major roadways and low-lying with the landscape, reducing its visibility from off-site vantage points, with natural vegetation along the valley floor providing a natural screening effect. The project site is located over four miles from the community of Ocotillo Wells, a rural desert community, which includes residential and small commercial uses.</p>

General Plan Policy	Explanation of Project Conformance
<p>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 topography in conveying stormwater to the maximum extent practicable.</p>	<p>Topography of the site would remain largely in its natural state with implementation of the solar farm project. While up to 370,000 cubic yards of grading would be required, 350,000 cubic yards of the disturbance would result from the removal and re-compaction of soil to prepare the land for the solar installation.</p>
<p>M-4.4 Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately-sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.</p>	<p>Access to the site would be provided by a 24-foot wide all weather paved road which would provide connection from Split Mountain Road to the southwestern corner of the project site. Interior access within the project site would be provided by a series of north-south and east-west 24-foot wide all-weather access roads. The roads would be designed to support the imposed loads of fire service apparatus and to accommodate a maximum hose pull of 160 feet.</p>
<p>COS-11.1 Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.</p>	<p>The site is located over 3 miles from SR-78 which is a designated State Scenic Highway. Due to intervening topography and vegetation, as well as distance to the site, the proposed project would not result in impacts to SR-78. No prominent ridgelines, dominant landforms, reservoirs or scenic landscapes occur on-site or within the proximity of the project site which would be adversely impacted by implementation of the proposed project.</p>
<p>COS-14.7 Alternative Energy Sources for Development Projects. Encourage development projects that use energy recovery, photovoltaic, and wind energy.</p>	<p>The solar farm project includes the construction of a solar energy generation facility to provide energy for public consumption. The proposed facility would have a production capacity of 42 to 54MW, depending on the type of solar technology ultimately utilized.</p>

4. Subregional Plan Consistency

The site is located within the Ocotillo Wells area of the Desert Subregional area which is not covered by a Community Plan or Subregional Plan document.

5. Zoning Ordinance Consistency

The proposed TE does not change the project that was approved in 2014. Review and approval of the TE is consistent with Section 7376 of the Zoning Ordinance, which provides for extending the

deadline for an MUP. The solar farm project complies with all applicable zoning requirements of the General Rural (S92) zone with the incorporation of conditions of approval. In the 2014 approval, the Planning Commission considered whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table D-2: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	S92	Yes
Animal Regulation:	W	N/A
Density:	--	N/A
Lot Size:	8AC	N/A
Building Type:	C	Yes
Height:	G	Yes
Lot Coverage:	--	N/A
Setback:	D	Yes
Open Space:	--	N/A
Special Area Regulations:	--	N/A

Development Standard	Proposed/Provided	Complies?
Section 4600 of the Zoning Ordinance allows for structure up to 35-feet in height and two stories.	The solar farm project includes four panel types, none of which would exceed the height limit of 35-feet. All additional structures will also comply with the 35-foot height requirement.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

6. Subdivision Ordinance Consistency

There is no subdivision of property proposed, therefore the Subdivision Ordinance does not apply.

7. Applicable County Regulations Consistency

Table D-3: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
1 County Consolidated Fire Code	A Fire Protection Plan was prepared for the solar farm project which addresses water supply, access, building ignition and fire resistance, fire protection systems and equipment and vegetation

County Regulation Policy	Explanation of Project Conformance
	management. The project was found to comply with the California Fire Code and County Consolidated Fire Code.
2 Resource Protection Ordinance (RPO)	The solar farm project was found to comply with the RPO requirements set forth for the protection of wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites.
3 Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO)	A Minor Storm Water Management Plan (SWMP) was prepared for the solar farm project which demonstrates the project's compliance with the WPO.
4 Noise Ordinance	A Noise Analysis was prepared for the solar farm project which concluded that the project would not exceed the construction or ongoing noise requirements set forth in the County Noise Ordinance.

8. California Environmental Quality Act (CEQA) Compliance

The proposed TE has been reviewed in compliance with CEQA. Potential environmental impacts were originally identified in the Ocotillo Wells Solar MUP MND. The TE will not have any new significant environmental effects nor will any previously identified effects have a substantial increase in severity either due to a change in the project, change in circumstances, or new information of substantial importance.

The status of the Flat Tailed Horned Lizard as a candidate species for the Endangered Species List does not affect the mitigation measures in the MND. Mitigation for the FTHL—survey, fencing, and removal—was already included in the MND. The CDFW-required mitigation will require this measure as well.

Therefore, the MND may be used to fulfill the environmental review requirements of the TE PDS2015-MUP-12-004TE and the TE does not require any additional environmental documentation, based on the Environmental Review Update Checklist Form for Projects With Previously Approved Environmental Documents (Attachment C).

The original MUP was in compliance with CEQA because a MND under CEQA was prepared and was available during Public Review from April 25, 2013 to May 24, 2013, on file under PDS2012-3910-12-12-001. The project, as designed, would not cause any significant effects on the environment. Mitigation measures for biological resources, cultural resources, hydrology and water quality, noise and transportation/traffic were adopted. These include dedication of open space easements and installation of open space signage, purchase of off-site mitigation and completion of a resource management plan, biological monitoring, species specific surveys, artifact curation, archaeological grading monitoring, groundwater use reduction measures, payment of the Transportation Impact Fee (TIF) and noise control design features. Details of these mitigation measures can be found in the Form of Decision for the TE, PDS2015-MUP-12-004TE (Attachment B). The mitigation measures are unchanged from the original MND adopted in January 2014.

E. COMMUNITY PLANNING GROUP

The site is located in Ocotillo Wells in the Desert Subregional Area, which is not represented by a Planning or Sponsor Group.

F. PUBLIC INPUT

Staff received one phone call from a resident property owner near the site as a result of the public notices sent at the time of the TE application. The resident stated that the project site is within an important drainage route for the area and that severe rain events commonly create flows that cover the existing access road, requiring that that the road be regraded. The resident's concern was to ensure that the project does not impede drainage to avoid any threat of flooding on the surrounding properties. Staff explained that the issue was analyzed for the original MUP review and that the TE is not changing any project design elements or impacts.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission:

- a. Adopt the Environmental Findings included in Attachment D, which include a finding that the previously adopted MND is adequate for the proposed project pursuant to the California Environmental Quality Act (CEQA) Guidelines §15162.
- b. Grant Time Extension PDS2015-MUP-12-004TE, make the findings, and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.

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AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

- Attachment A – Planning Documentation
- Attachment B – Form of Decision Approving PDS2015-MUP-12-004TE
- Attachment C – Environmental Documentation
- Attachment D – Environmental Findings
- Attachment E – Ownership Disclosure
- Attachment F – Public Documentation

Attachment A – Planning Documentation

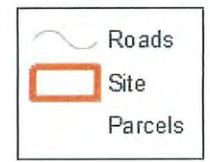


Ocotillo Wells Solar Vicinity Map

Desert Subregional Plan Area



1:3,500,000



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Ocotillo Wells Solar

Aerial
Desert Subregional Plan Area

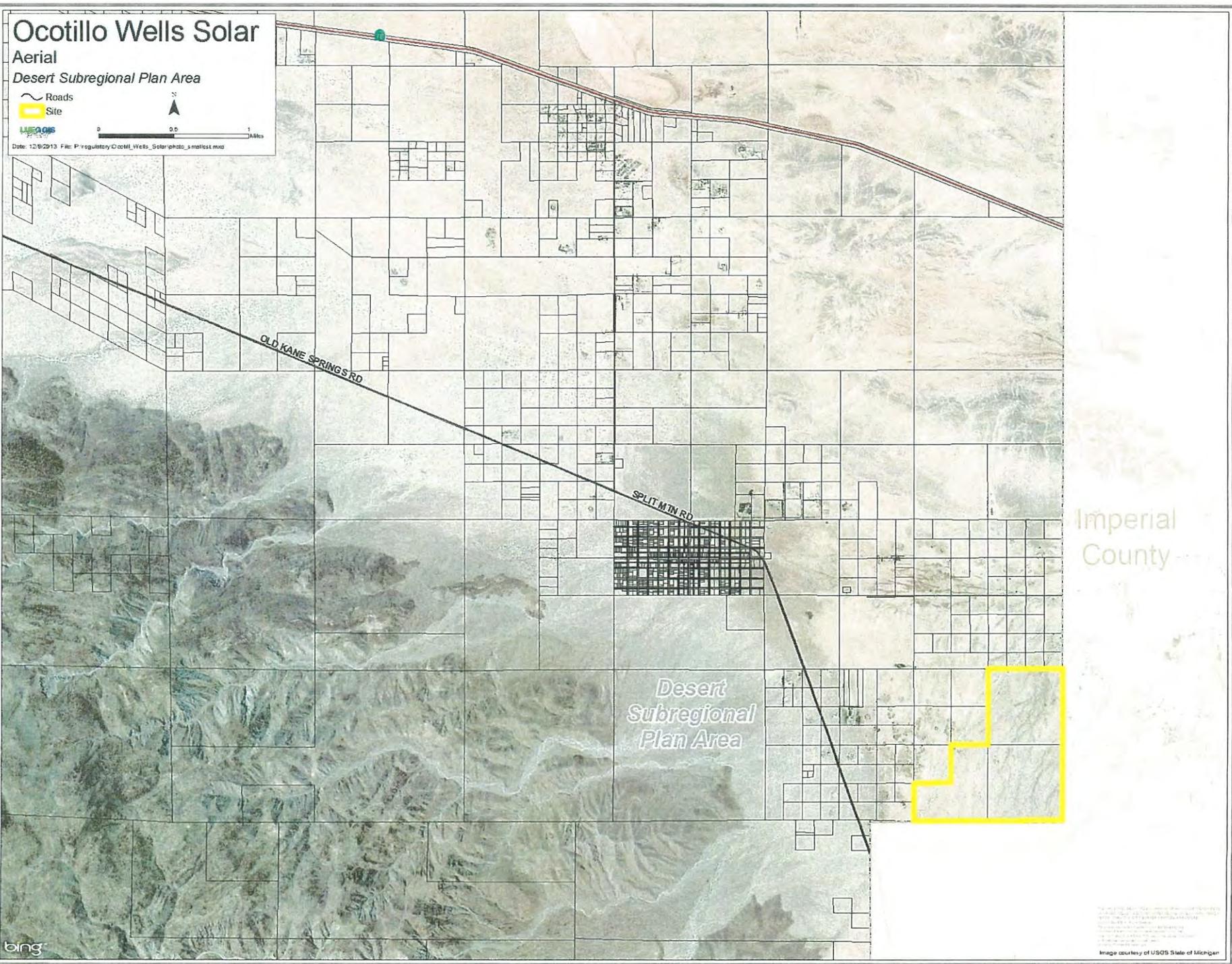
~ Roads
■ Site



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Imperial County

Desert Subregional Plan Area

Ocotillo Wells Solar

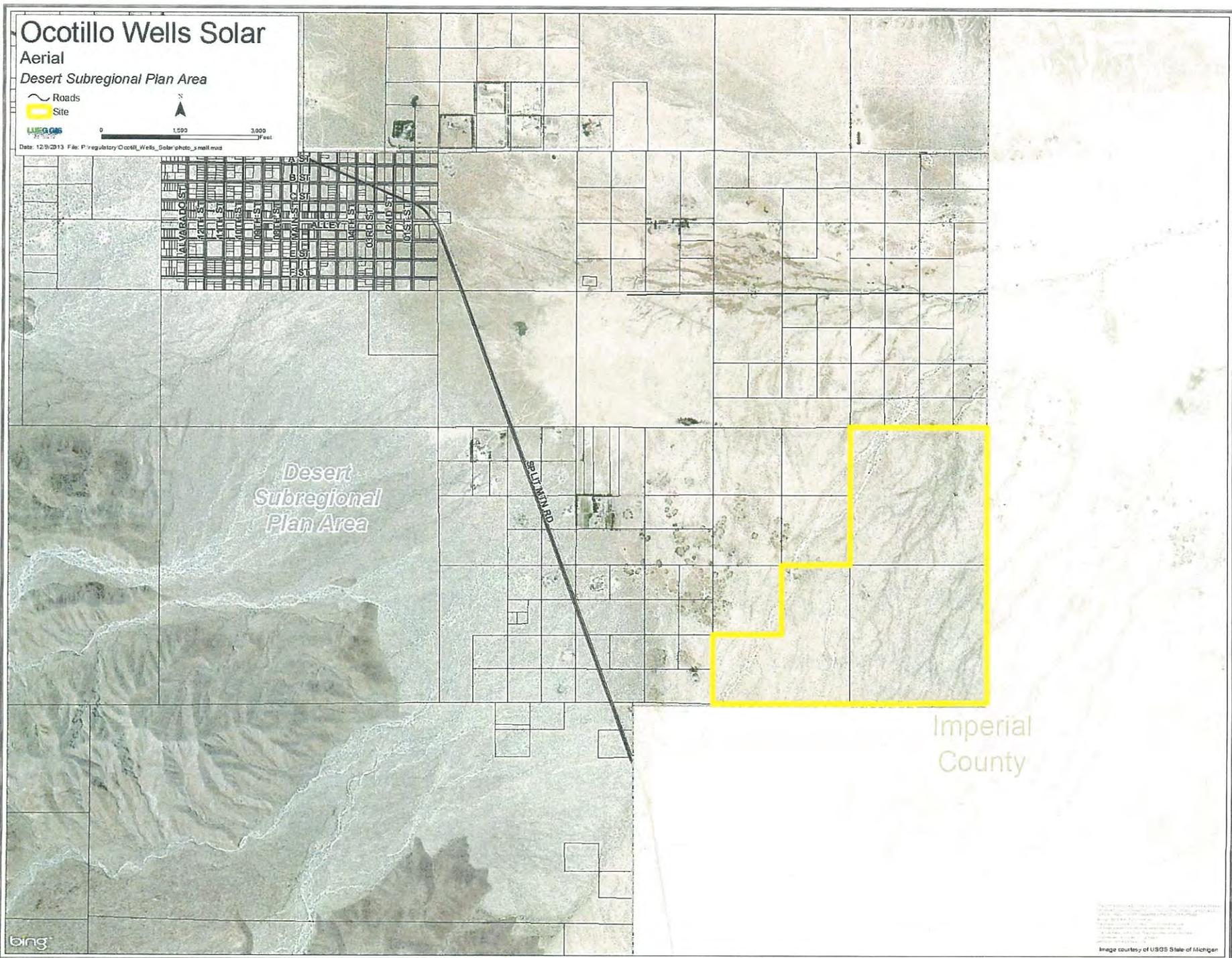
Aerial
Desert Subregional Plan Area

~ Roads
■ Site



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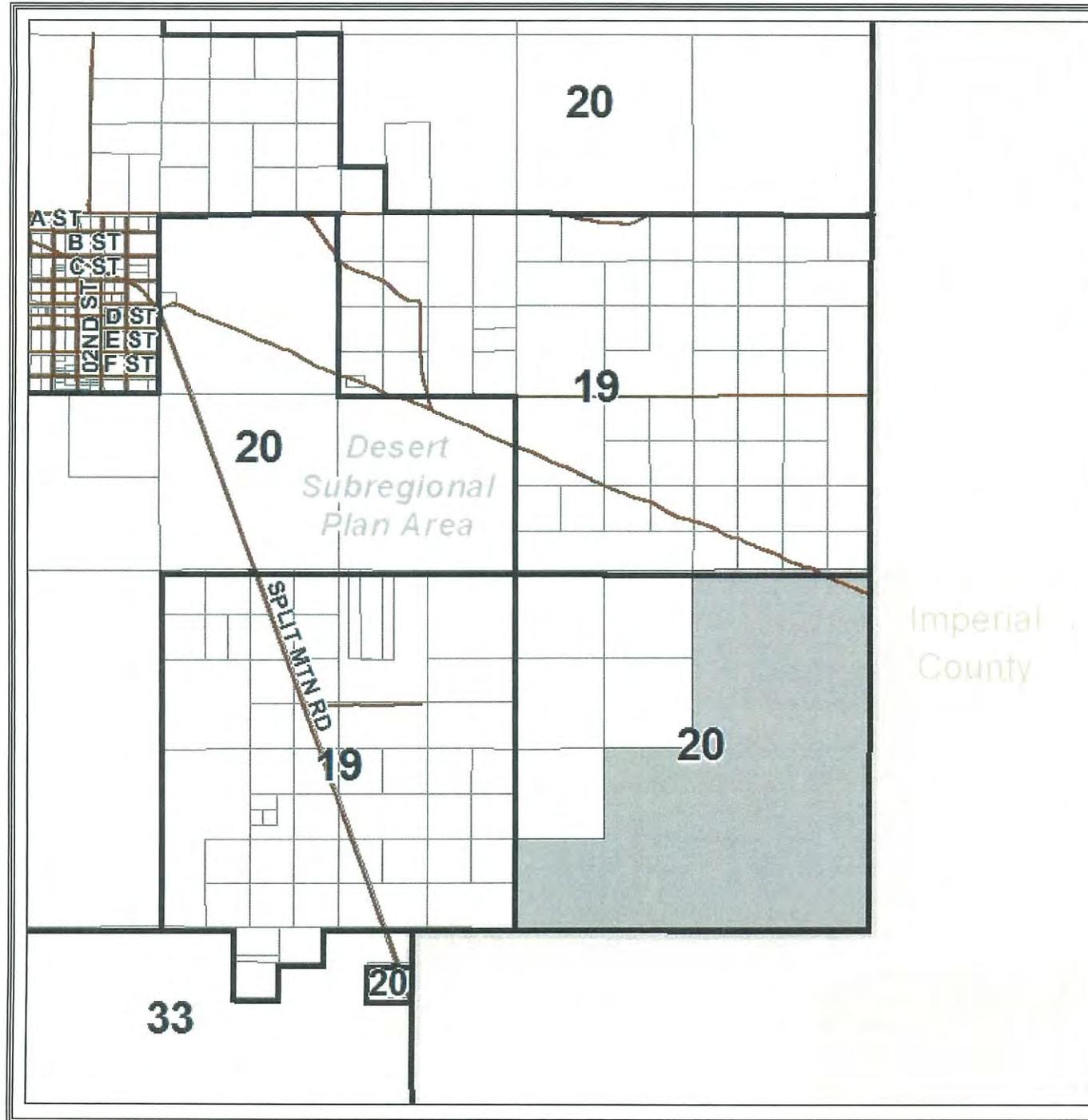
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Ocotillo Wells Solar General Plan Map

Desert Subregional Plan Area

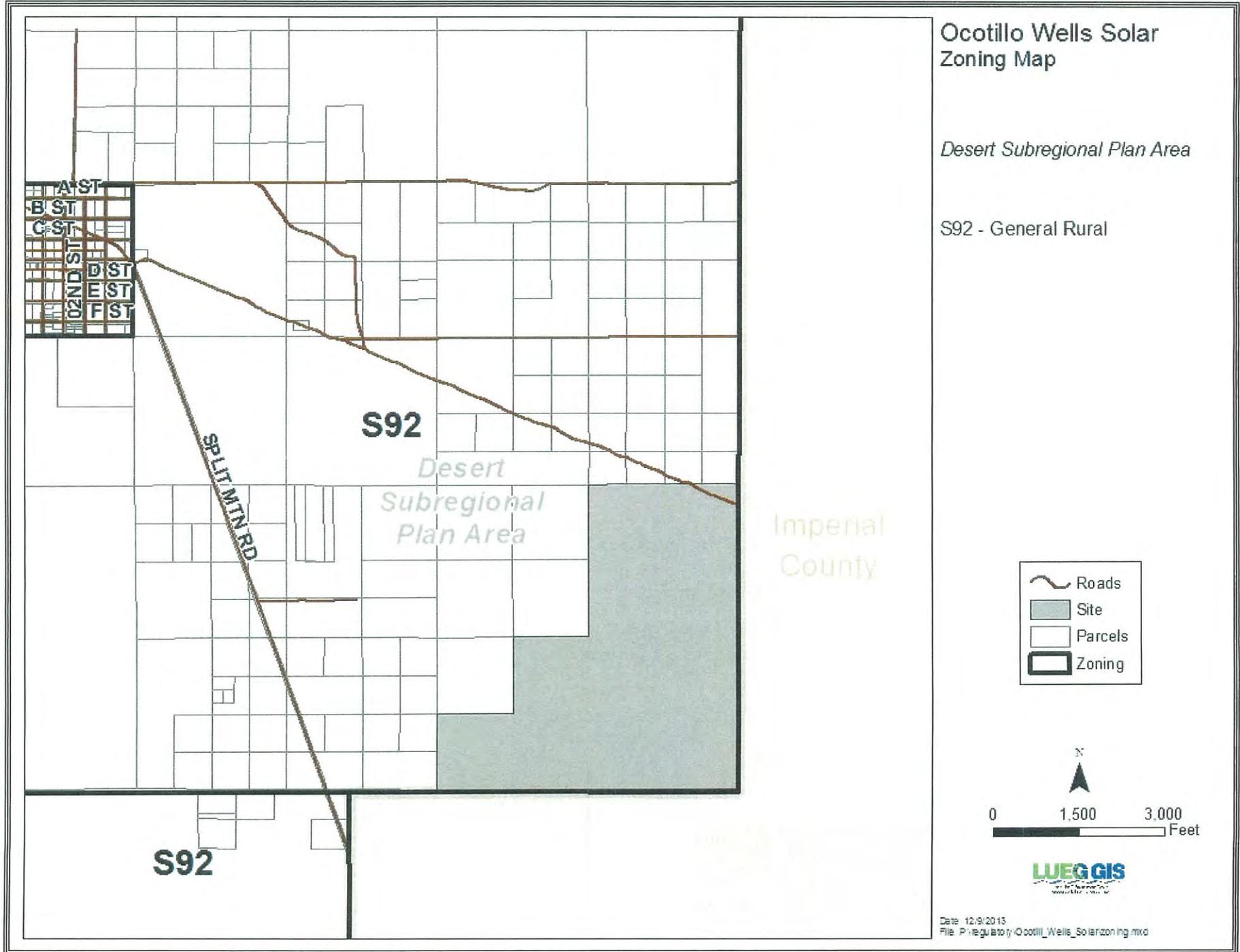
- (19) Rural Lands (RL-40)
- (20) Rural Lands (RL-80)
- (33) Public Agency Lands



	Roads
	Site
	Parcels
	Planning



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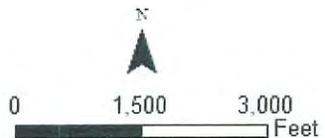
Ocotillo Wells Solar
Zoning Map

Desert Subregional Plan Area

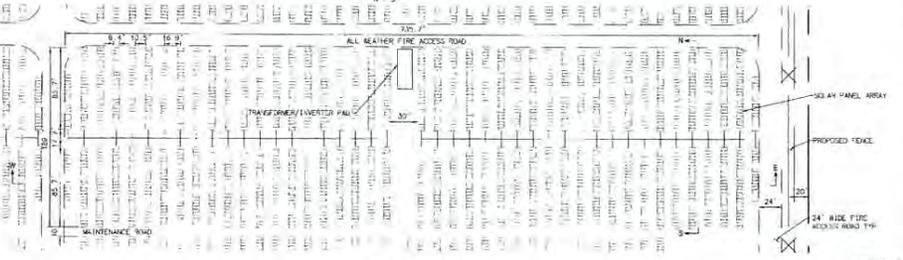
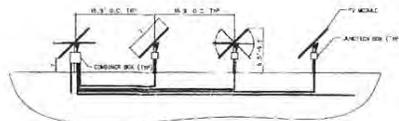
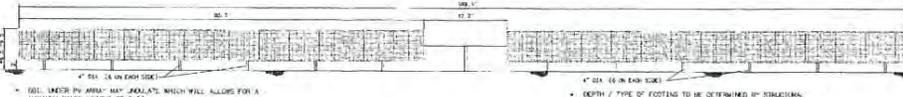
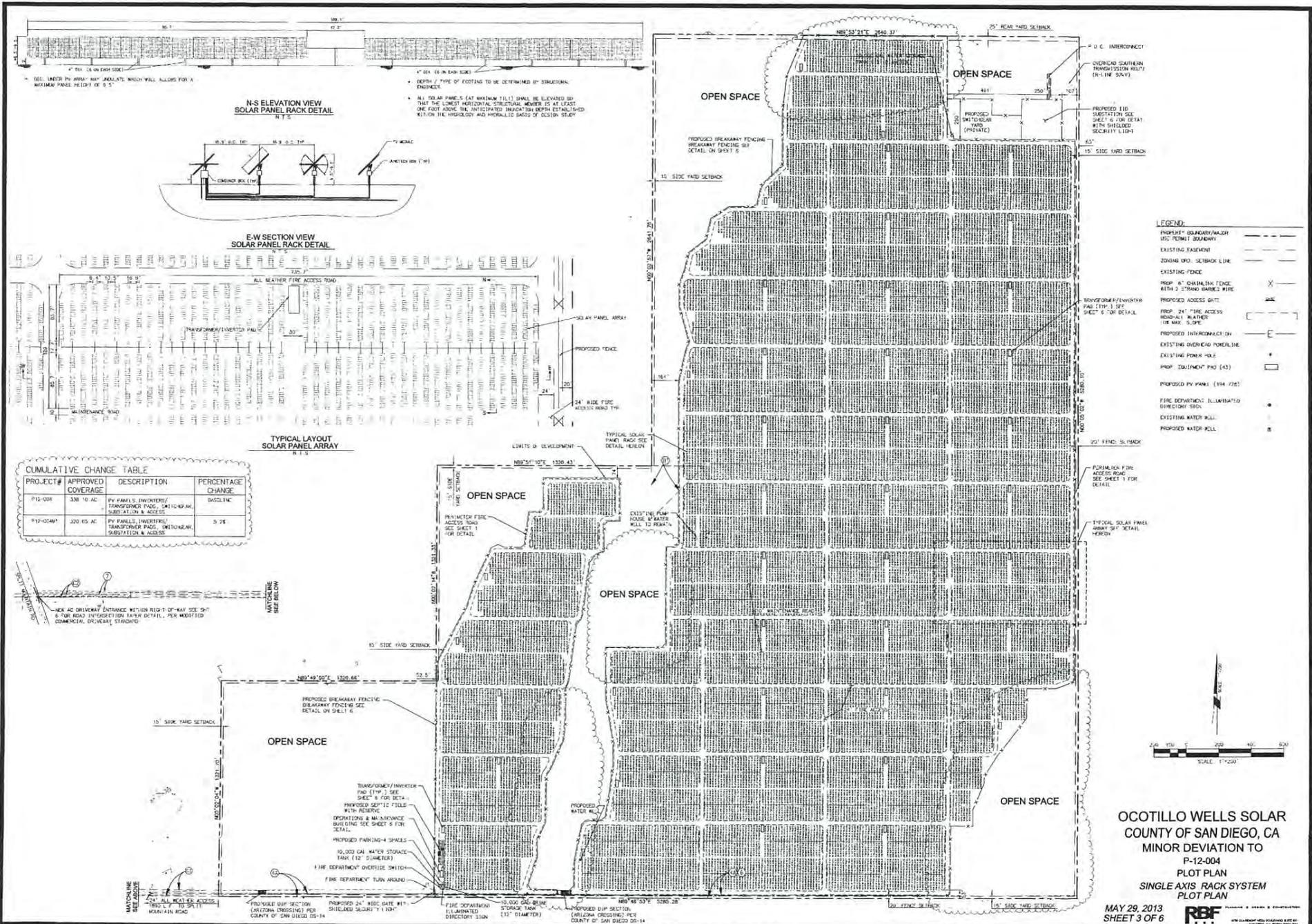
S92 - General Rural

Imperial
County

	Roads
	Site
	Parcels
	Zoning



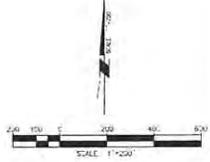
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CUMULATIVE CHANGE TABLE

PROJECT#	APPROVED COVERAGE	DESCRIPTION	PERCENTAGE CHANGE
P12-001	338 10 AC	PV PANELS, INVERTER/ TRANSFORMER PAD, SUBSTATION & ACCESS	BASIS LINE
P12-004M	300 65 AC	PV PANELS, INVERTER/ TRANSFORMER PAD, SUBSTATION & ACCESS	5.2%

- LEGEND:**
- PROPOSED BOUNDARY/MAJOR EUC TOWEL BOUNDARY
 - EXISTING EASEMENT
 - ZONING ORD. SETBACK LINE
 - EXISTING FENCE
 - PROP. 4" CHAINLINK FENCE WITH 2 STRAND BARBED WIRE
 - PROPOSED ACCESS GATE
 - PROP. 24" FIRE ACCESS ROAD-ALL WEATHER (10% MAX. SLOPE)
 - PROPOSED INTERCONNECT OR
 - EXISTING OVERHEAD POWERLINE
 - EXISTING POWER POLE
 - PROP. EQUIPMENT PAD (43)
 - PROPOSED PV PANEL (114 720)
 - FIRE DEPARTMENT ILLUMINATED DIRECTION SIGN
 - EXISTING WATER WELL
 - PROPOSED WATER WELL

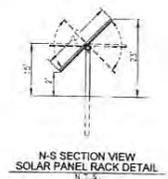
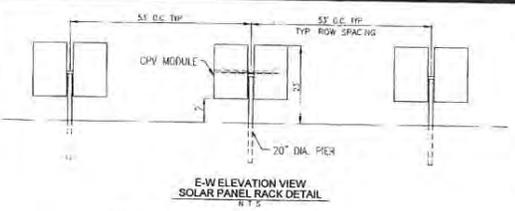


OCOTILLO WELLS SOLAR
 COUNTY OF SAN DIEGO, CA
 MINOR DEVIATION TO
 P-12-004
 PLOT PLAN
 SINGLE AXIS RACK SYSTEM
 PLOT PLAN

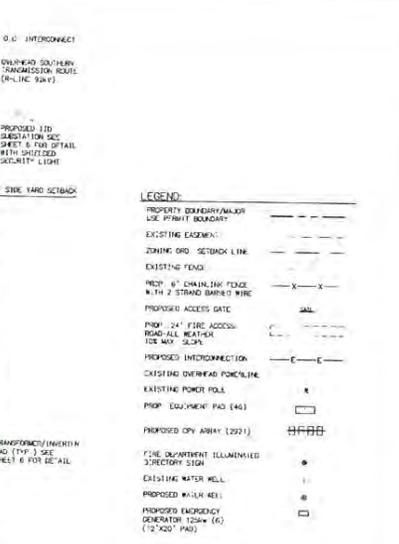
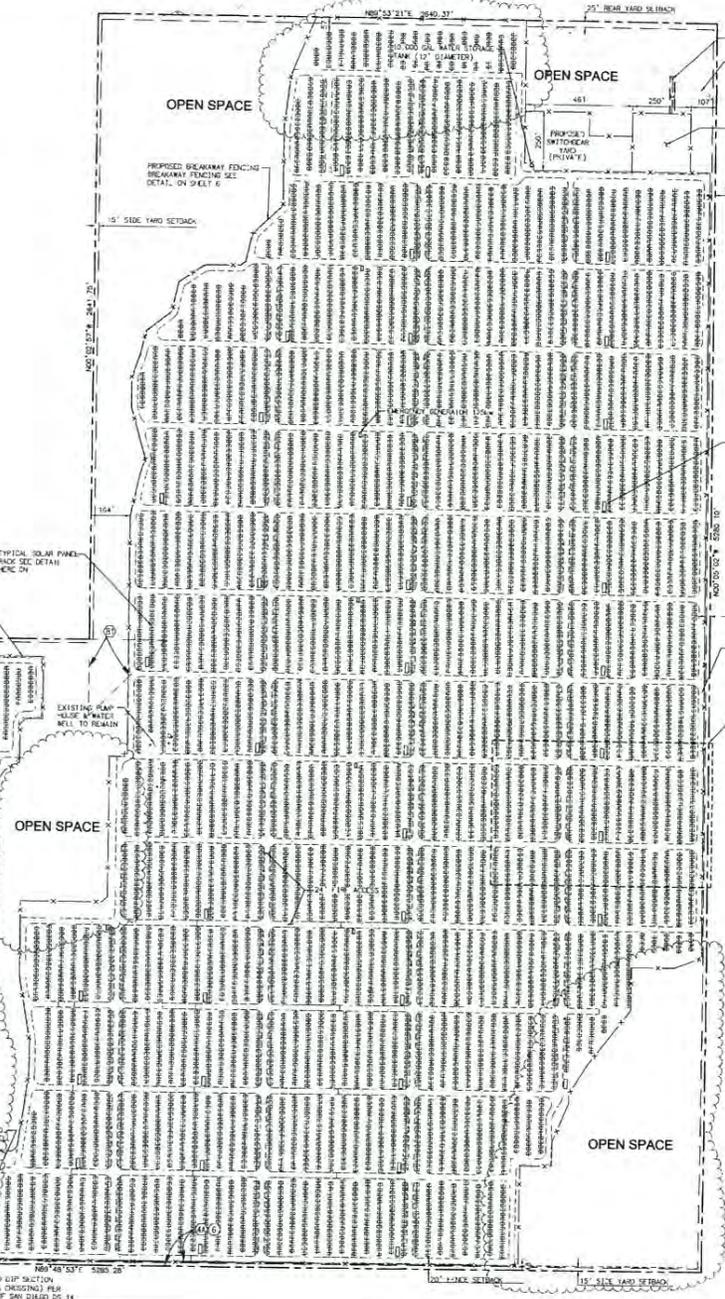
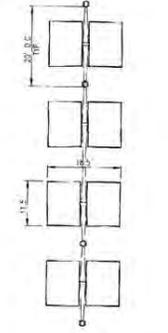
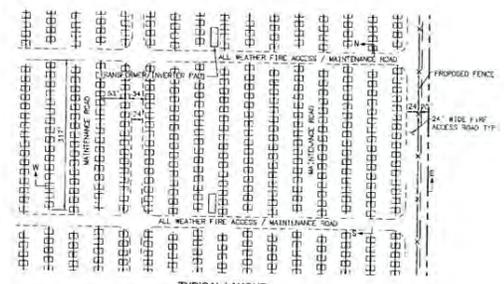
MAY 29, 2013
 SHEET 3 OF 6

RBF
 CONSULTING

MUP12-004M1



- DEPTH / TYPE OF FOOTING TO BE DETERMINED BY STRUCTURAL ENGINEER.
- ALL SOLAR PANELS (AT MAXIMUM 11.1%) SHALL BE ORIENTED SO THAT THE LOWEST HORIZONTAL STRUTURAL MEMBER IS AT LEAST ONE FOOT ABOVE THE ANTICIPATED INUNDATION DEPTH ESTABLISHED WITHIN THE HYDRA-BAY AND HYDRA-BAY SLOPE OF DESIGN STUDY.



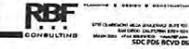
CUMULATIVE CHANGE TABLE

PROJECT #	APPROVED COVERAGE	DESCRIPTION	PERCENTAGE CHANGE
P12-004	330 TO AC	PV PANELS, INVERTERS/TRANSFORMER PADS, SUBSTATION, SUBSTITUTION & ACCESS	BASELINE
P12-004M	320.65 AC	PV PANELS, INVERTERS/TRANSFORMER PADS, SUBSTATION, SUBSTITUTION & ACCESS	5.28

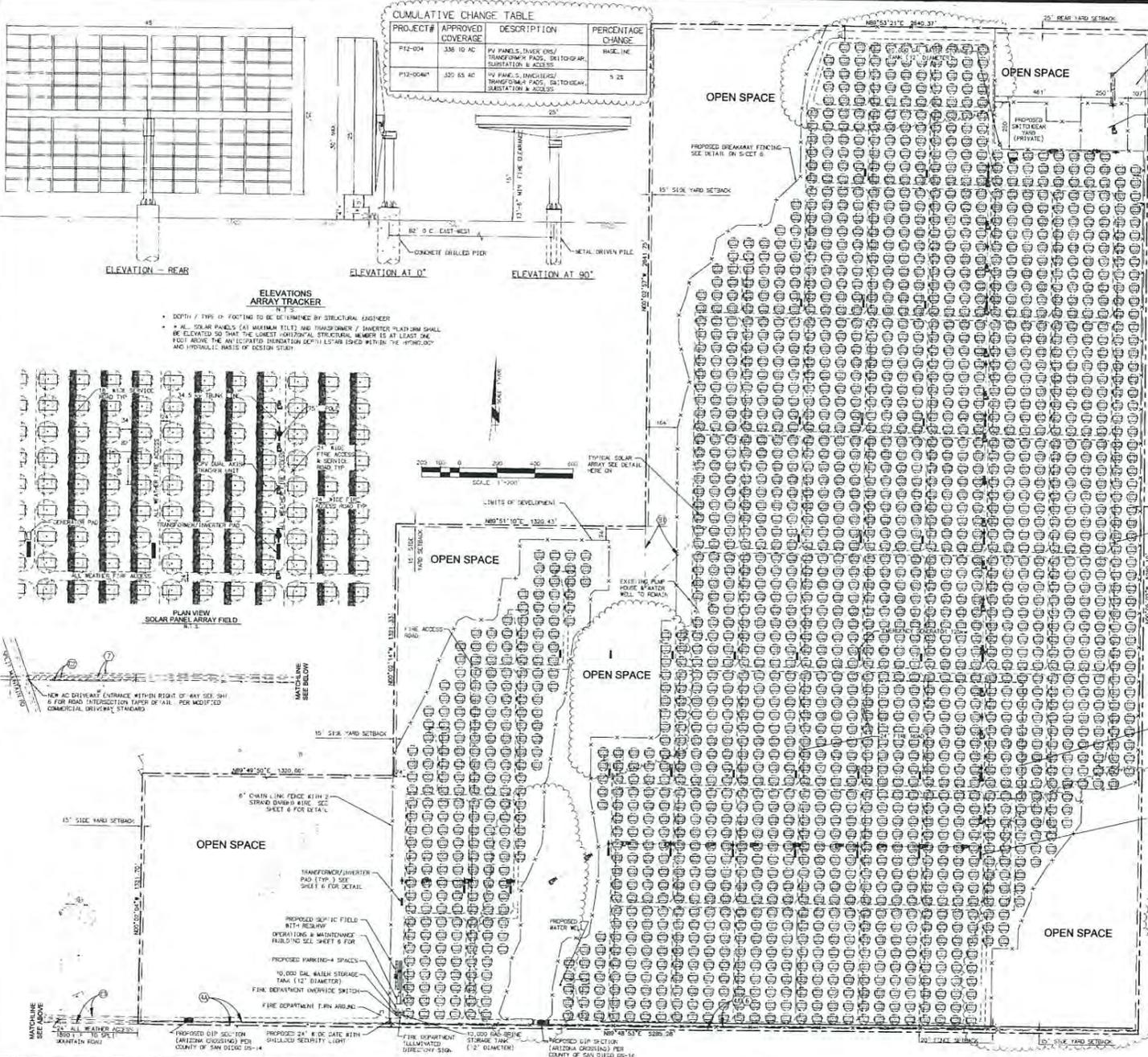


OCOTILLO WELLS SOLAR
COUNTY OF SAN DIEGO, CA
MINOR DEVIATION TO
P-12-004
PLOT PLAN
DUAL AXIS RACK SYSTEM
PLOT PLAN

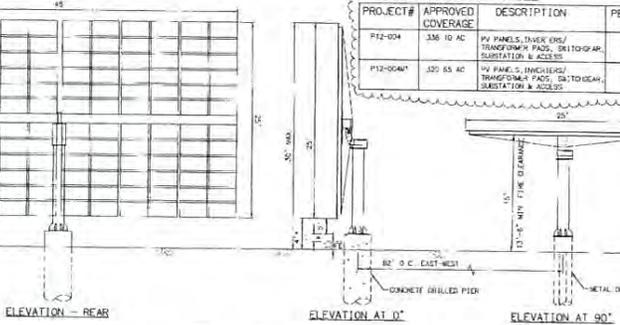
MAY 29, 2013
SHEET 4 OF 6



MUP12-004M1

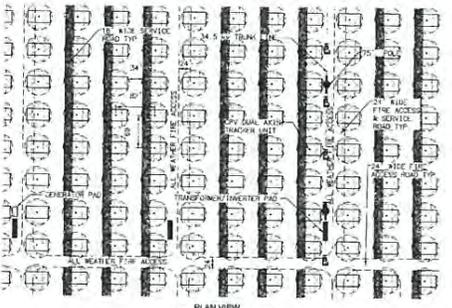


PROJECT#	APPROVED COVERAGE	DESCRIPTION	PERCENTAGE CHANGE
P12-004	336 TO AC	PV PANELS, INVERTER/TRANSFORMER PADS, SKIDSTEER, SUBSTATION & ACCESS	BASE LINE
P12-004M	330 TO AC	PV PANELS, INVERTER/TRANSFORMER PADS, SKIDSTEER, SUBSTATION & ACCESS	5.2%

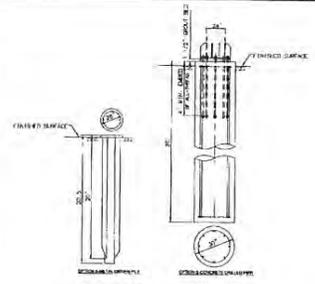
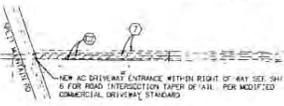


ELEVATIONS ARRAY TRACKER

- DEPTH / TYPE OF FOOTING TO BE DETERMINED BY STRUCTURAL ENGINEER
- ALL SOLAR PANELS (AT MAXIMUM TILT) AND TRANSFORMER / INVERTER PLATFORM SHALL BE ELEVATED SO THAT THE LOWEST HORIZONTAL STRUCTURAL MEMBER IS AT LEAST ONE FOOT ABOVE THE ANTICIPATED INUNDATION DEPTH LISTED (SHOWN IN THE HYDROLOGIC AND HYDRAULIC ANALYSIS OF DESIGN STUDY)

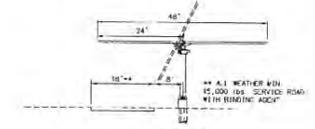


PLAN VIEW SOLAR PANEL ARRAY FIELD

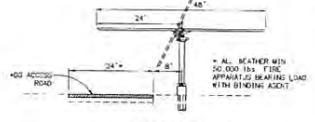


PRELIMINARY FOUNDATION DETAILS

- DEPTH / TYPE OF FOOTING TO BE DETERMINED BY STRUCTURAL ENGINEER
- ALL SOLAR PANELS (AT MAXIMUM TILT) AND TRANSFORMER / INVERTER PLATFORM SHALL BE ELEVATED SO THAT THE LOWEST HORIZONTAL STRUCTURAL MEMBER IS AT LEAST ONE FOOT ABOVE THE ANTICIPATED INUNDATION DEPTH ESTABLISHED BETWEEN THE HYDROLOGIC AND HYDRAULIC ANALYSIS OF DESIGN STUDY



TYPICAL SECTION - B 18' SERVICE ROAD



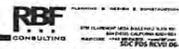
TYPICAL SECTION - A 24' INTERIOR ACCESS ROAD (FIRE) WITH SERVICE ROAD

LEGEND

- PROPERTY BOUNDARY/MINOR USE PERMIT BOUNDARY
- EXISTING EASEMENT
- JOINING ORD. SETBACK LINE
- EXISTING FENCE
- PROP. 6" CHAIN-LINK FENCE WITH 2 STRAND BARBED WIRE
- PROP. 24" FIRE ACCESS ROAD-ALL WEATHER (10' MAX. SLOPE)
- PROPOSED INTERCONNECTION
- EXISTING OVERHEAD POWERLINE
- EXISTING POWER POLE
- TRANSFORMER/INVERTER PLATFORM (40')
- PROPOSED DUAL AXIS TRACKER UNIT (2269')
- FIRE DEPARTMENT ILLUMINATED DIRECTORY SIGN
- EXISTING WATER WELL
- PROPOSED WATER WELL
- PROPOSED 24" SW TRUNKLINE
- PROPOSED 75' POLE (26')
- PROPOSED EMERGENCY GENERATOR 125kw (6) (12' X 20' PAD)

OCOTILLO WELLS SOLAR
 COUNTY OF SAN DIEGO, CA
 MINOR DEVIATION TO
 P-12-004
 PLOT PLAN
 DUAL AXIS TRACKER UNITS
 PLOT PLAN

MAY 29, 2013
 SHEET 5 OF 6



**Attachment B – Form of Decision
Approving PDS2015-MUP-12-004TE**



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

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

January 24, 2014 April 22, 2016

PERMITTEE: OCOTILLO SOLAR LLC
MAJOR USE PERMIT: PDS2012-3300-12-004 PDS2015-MUP-12-004TE
E.R. NUMBER: PDS2012-3910-1212001
PROPERTY: EAST OF SPLIT MOUNTAIN ROAD, NEAR OCOTILLO WELLS
APN(s): 253-390-57, 58

DECISION OF THE PLANNING COMMISSION

Grant, a Time Extension pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego to extend the expiration date for which construction or use in reliance on this Major Use Permit must commence. The expiration date is extended to **January 24, 2018** at 4:00 p.m. (or such longer period as may be approved to said expiration date).

Grant, this Major Use Permit (MUP) for the construction and operation of an approximately 336-acre photovoltaic (PV) or concentrated photovoltaic (CPV) solar farm on an approximately 440-acre property (plus 1.74 acres of off-site disturbance for access improvements), implementing one of four technology variations [(1) Fixed-Axis Rack System; (2) Single-Axis Rack System; (3) Dual-Axis Rack System; (4) Dual-Axis Tracker Units], but using generally the same development footprint, internal road layout, and perimeter fencing design for all variations, consisting of six (6) sheets including plot plans (for each solar technology considered) and elevations/details, dated December 10, 2013. This permit authorizes a Major Impact Service and Utility pursuant to Sections 1350 and 2926 of the Zoning Ordinance of the County of San Diego.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 10, 2013 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 ~~January 24, 2016~~ January 24, 2018 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: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO]**
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 a receipt to Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit 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 discretionary deposit accounts shall be paid. **MONITORING:** The PDS Zoning Counter shall review the receipts and verify that all PDS, DPW, DEH, and DPR deposit accounts have been paid.

2. **GEN#2–RECORDATION OF DECISION: [PDS], [GP, CP, BP, UO]**
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. **GEN#3–SALES AND USE TAX: [PDS, PCC] [UO]**
INTENT: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County

of San Diego. **DESCRIPTION OF REQUIREMENT:** A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would ensure the receipt of sales and use tax could include, but not be limited to, the following:

- a. Make a good-faith effort to have all transactions that will generate sales and use taxes, including transactions of applicant's contractors, occur in the unincorporated area of the County;
- b. Encourage the contractors to establish a business location and tax resale account, and take other reasonable steps, to maximize receipt of sales and use tax revenues for the County;
- c. Include in a master contract and any other contract for construction, language ensuring that the County will receive the benefit of any sales and use tax generated by the Project to the fullest extent permitted by law;
- d. Include the following provision from California Board of Equalization, Regulation 1806(b), in all construction contracts:

The jobsite is regarded as a place of business of a construction contractor or subcontractor and is the place of sale of "fixtures" furnished and installed by contractors or subcontractors. The place of use of "materials" is the jobsite. Accordingly, if the jobsite is in a county having a state administrated local tax, the sales tax applies to the sale of the fixtures, and the use tax applies to the use of the materials unless purchased in a county having a state-administrated local tax and not purchased under a resale certificate.

- e. In all agreements related to the Project, identify the jobsite as the project address, which is located within the unincorporated area of the County of San Diego;
- f. If the applicant enters into a joint venture or other relationship with a contractor, supplier, or designer, the applicant shall either establish a buying company within San Diego County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales and use taxes are applicable but are not defined by Regulation 1806 and shall include in its their requests for bids, procurement contracts, bid documents, and any other agreement whereby California Sales and Use Taxes may be incurred, that the sale occurs at that place of business in the unincorporated area of San Diego County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish its own place of business within the unincorporated area of San Diego County where delivery is ultimately made to the applicant; principle negotiations for all such sales shall be carried on in San Diego County;

- g. Provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Diego County is the jurisdiction where the first functional use of the property is made.

DOCUMENTATION: The applicant shall provide a signed and notarized statement from someone authorized to sign on behalf of the company, with language acceptable to the company and the Director of Planning and Development Services [PDS, PCC] specifying the terms related to sales and use taxes, when feasible. **TIMING:** Within 30 days after this permit becomes effective and prior to establishment of use in reliance of this permit, this condition shall be satisfied. **MONITORING:** The [PDS, PCC] shall review the evidence for compliance to this condition.

4. **BIO#1–BIOLOGICAL EASEMENT: [PDS, PCC] [DPR, TC] [DGS, RP] [BP, GP, CP, UO] [PDS, FEE X 2]. INTENT:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and County of San Diego Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, an open space easement, or grant to the California Department of Fish and Wildlife a conservation easement, as shown on the approved Plot Plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works or Department of Parks and Recreation.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, Real Property Division], and pay all applicable fees associated with preparation of the

documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [PDS, PCC] for approval. **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, Real Property Division] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

5. **BIO#2-OFF-SITE MITIGATION: [PDS, PCC] [BP, GP, CP, UO] [DPR, GPM] [PDS,FEE X2] INTENT:** In order to mitigate for the impacts to Sonoran Creosote Bush Scrub, which is a sensitive biological resource pursuant to Resource Protection Ordinance (RPO) and County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 227.6 acres of Sonoran Creosote Bush Scrub, located in north eastern San Diego County as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in San Diego County, subject to the requirements in the Interim Project Processing section of the County's MSCP East Planning Agreement (Section 6.6) or within the Desert Renewable Energy Conservation Plan area, subject to the requirements in the Interim Project Processing section in the NCCP Planning Agreement (Section 8.9) as indicated below:

1. Prior to providing the land for the proposed mitigation, the location should be pre-approved by [PDS].
2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the off-site-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall acquire the off-site mitigation credits or land and provide the evidence to the [PDS, PCC] for review and approval. If the off-site mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **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 mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, REG] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

6. **BIO#3–OPEN SPACE SIGNAGE: [PDS, PCC] [BP, GP, CP, UO] [PDS, FEE].**
INTENT: In order to protect the proposed on-site open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary at 400-foot intervals. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2012-3300-12-004

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easements. **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 open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

7. **BIO#4-RESOURCE MANAGEMENT PLAN: [PDS, REG] [DPR, GPM] [BP, GP, CP, UO] INTENT:** In order to provide for the long-term management of the proposed on-site and off-site open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of Planning & Development Services, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of Sonoran Creosote Bush Scrub. The RMP shall be consistent with the conceptual RMP on file with the as Environmental Review Number PDS2012-3910-1212001. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:
- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
 - b. The habitat land to be managed shall be completely purchased.
 - c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
 - d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager
 - e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
 - f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **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

RMP shall be approved. **MONITORING:** The [PDS, REG] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

8. **CULT#1–ARTIFACT CURATION: [PDS, PCC] [BP, GP, CP, UO] [PDS, FEE]**
INTENT: In order to ensure that all cultural resource artifacts that were discovered during the survey, testing and evaluation phase are curated for future research and study, the artifacts shall be delivered and accepted by a County approved curation facility. **DESCRIPTION OF REQUIREMENT:** All archaeological materials recovered by Micah Hale with ASM & Associates during the work reported in: “*Archaeological Significance Testing of Four Sites for the Gildred Solar Project San Diego County, California*”, prepared by Micah Hale and Chad Willis, dated March 2013, have been curated at a San Diego 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 shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. **DOCUMENTATION:** The applicant shall provide a letter from the curation facility, which identifies that the archaeological materials referenced in the final report have been received and that all fees have been paid. **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 artifacts shall be curated. **MONITORING:** The [PDS, PCC] shall review the letter from the curation facility for compliance with this condition.
9. **GRNDWTR#1–GROUNDWATER USE REDUCTION MEASURES: [PDS, PCC] [DGS, RP] [UO] [PDS, FEE X 2].** **INTENT:** In order to offset groundwater impacts and protect long term groundwater resources in the Borrego Valley aquifer, groundwater use reduction measures shall be provided as described in Section 67.720.B. of the Groundwater Ordinance. **DESCRIPTION OF REQUIREMENT:** One of the following groundwater use reduction measures shall be used to permanently stop the withdrawal of at least 2 acre-feet of water annually from the Borrego Valley aquifer:
- **Option 1:** In accordance with the following provisions, grant an easement to the County of San Diego on off-site land within the Borrego Valley Exemption area that is being irrigated with at least 2 acre-feet of water annually from the Borrego Valley aquifer:
 - a) The easement shall permanently and completely prohibit the use, extraction, storage, distribution or diversion of groundwater on the property subject to the easement, except for the use of a maximum of one acre-foot of groundwater for a single-family residence.
 - b) The amount and evidence of historic groundwater use and the terms and conditions of the easement shall be subject to approval of the Director of PDS. Evidence of historic groundwater use on the land subject to the easement may include, but is not limited to, a survey by a California Professional Land Surveyor or Professional Engineer, historical aerial photographs, and a written description of the historical water use.

- c) The quantity of water available for offset shall be based on the total groundwater consumptive use for each vegetation type on the land subject to the easement as determined by the values in the following table:

Vegetation Type	Groundwater Consumptive Use Per Acre (acre-feet/acre/year)
Citrus (all types)	4.9
Nursery plants	4.5
Palms (all types)	3.7
Tamarisk	1.7
Turf (warm season)	5.1
Turf (winter cool/ summer warm)	5.6
Potatoes	0.8

To determine the groundwater consumptive use for each vegetation type within the easement area, the acreage of irrigated land for a particular vegetation type is multiplied by the "Groundwater Consumptive Use Per Acre" as listed in the table above. The "Groundwater Consumptive Use Per Acre" value for any vegetation types not listed in the table above shall be determined by the Director.

- **Option 2:** Obtain water credits issued by the Borrego Water District equivalent to permanently stopping the withdrawal of at least 2 acre-feet of water annually from the Borrego Valley aquifer. Credits issued by the Borrego Water District must comply with the Memorandum of Agreement between the Borrego Water District and the County of San Diego regarding Water Credits dated January 9, 2013, and any amendments thereto, on file with the Clerk of the Board of Supervisors.

DOCUMENTATION: Option 1: The applicant shall prepare the draft plats and legal description of the easement, submit them to [DGS, Real Property Division], and pay all applicable fees associated with preparation of the documents. The applicant shall also provide [DGS, Real Property Division] with evidence of historic groundwater use, for review and approval by [PDS, PCC and PDS Groundwater Geologist]. Upon recordation of the easement, the applicant shall provide copies of the recorded easement documents to [PDS, PCC and PDS Groundwater Geologist] for final approval. **Option 2:** The applicant shall provide a copy of the water credits issued by the Borrego Water District to [PDS, PCC and PDS Groundwater Geologist] for approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, one of the following is required to be completed: **Option 1:** The easement shall be recorded. **Option 2:** Water credits shall be approved by PDS. **MONITORING: Option 1:** The [DGS, RP] shall prepare the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the documents, location of the easement, and the historic water usage information before the documents are released to the applicant for signature and

subsequent recordation. Upon recordation of the easements [DGS, Real Property Division], shall forward a copy of the recorded documents to [PDS, PCC and PDS, Groundwater Geologist] for satisfaction of the condition. **Option 2:** A copy of the water credits shall be submitted to [PDS, PCC and PDS, Groundwater Geologist] for satisfaction of the condition.

10. **BIO#5–BURROWING OWL PRE GRADING SURVEY: [PDS, PCC] [DPW, LDR] [GP, IP, MA] [PDS, FEE X2]. Intent:** In order to prevent inadvertent disturbance to Burrowing Owls, pre grading surveys shall be conducted prior to initiating grading on the site. **Description of Requirement:** Pre-grading surveys must be completed no more than 30 days before initiating brushing, clearing, grubbing, or grading of the project site. One pre-grading survey shall be conducted consistent with Section 3.1 of the Burrowing Owl Strategy. The results of the pre-grading survey must be immediately reported to the County Mitigation Monitoring Coordinator, CDFW and USFWS prior to grading and must be provided in writing (as by e-mail). The written and signed pre-grading survey report must follow within 14 days of the survey or burrowing owl eviction and include maps of the project site and burrowing owl locations on aerial photos and in the format described in the mapping guidelines of the County's Report Format and Content Requirements – Biological Resources.

No grading may occur within occupied burrowing owl habitat during the burrowing owl breeding season (February 1 through August 31).

If burrowing owls are not detected during pre-grading surveys, based on Section 3.4.1.1 of the Burrowing Owl Strategy, the following shall be required:

- a. Following the initial pre-grading survey, the site must be monitored for new burrows each week until grading is complete.
- b. If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site occasionally for roosting or foraging, they should be allowed to do so with no changes in the grading or grading schedule.
- c. If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site repeatedly for roosting or foraging, the County's mitigation monitor should be notified and the portion of the site that has not been graded should be searched for burrows. If no burrow is found, only notification of the County's mitigation monitor is needed. If an active burrow is found, the procedures in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
- d. If a burrowing owl begins using a burrow on the site at any time after the initial pre-grading survey grading begins, procedures described in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.
- e. Any actions other than these require the approval of the County, USFWS and CDFW.
- f. Burrowing owls may not be injured or killed.

If owls are present, based on Section 3.4.1.2 of the Burrowing Owl Strategy, the following shall be required:

- g. If one or more burrowing owls are using burrows on or within 300 feet of the proposed grading, the County Mitigation Monitoring Coordinator shall be contacted. The County Mitigation Monitoring Coordinator will contact the USFWS and CDFW regarding the eviction of the owls and collapse of the burrows, and will enlist the help of a County staff biologist to continue with the coordination with the wildlife agencies and a qualified burrowing owl biologist regarding the burrowing owls. No grading shall occur within 300 feet of an active burrow.
- h. If the owl is using a burrow on the site and it is not the breeding season, the owl may be evicted as described in section 4.5.4 of the Burrowing Owl Strategy after a qualified burrowing owl biologist has ensured, by using a fiber optic camera or other appropriate device that no eggs or young are in the burrow. Eviction requires written concurrence from the USFWS and CDFW prior to implementation.
- i. If a burrow is being used and it is the breeding season, grading shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires written concurrence from the USFWS and CDFW prior to implementation.
- j. Grading closer than 300 feet may occur with concurrence from the USFWS, CDFW, and County Mitigation Monitoring Coordinator. This distance will depend on the burrow's location in relation to the site's topography and other physical and biological considerations.
- k. Burrowing owls may not be injured or killed.
- l. Burrowing owls are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Therefore, measures should be taken to discourage colonization or recolonization at the construction site by burrowing owls. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

Documentation: The applicant shall provide a copy of the pre grading survey report, cost estimate, and MOU to the [PDS, PCC]. **Timing:** Prior to the approval of any plan and issuance of any permit, the requirement shall be completed. **Monitoring:** The [PDS, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring and surveys to the grading bond costs.

11. ROADS#1–SIGHT DISTANCE: [PDS, LDR] [UO]

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, Table 5, of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:** A registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that: "Physically, there is a minimum unobstructed sight distance based upon prevailing traffic speeds in both directions along **Split Mountain Road** from the project driveway opening." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "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 the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

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

12. PLN#1–PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]

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: biological monitoring, temporary fencing, resource avoidance, archaeological monitoring, easement avoidance. 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 or a minor deviation 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, Environmental Services Unit Division, DPR, TC, or PDS, Building Division 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.

13. ROADS#2–TRAFFIC CONTROL PLAN: [PDS, LDR] [GP, IP, UO]

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: A Traffic Control Plan (TCP) shall be prepared that addresses the following, but is not only limited to: haul routes, number of trips per day, and destination.

- a. The implementation of the TCP shall be a condition of any grading, construction, or excavation permit issued by the County. Any additional County Traffic Control Permits shall be obtained as required and any CALTRANS Encroachment Permits for work within the State of California Rights of Way as identified in the

TCP. The applicant is responsible for the maintenance and repair of any damage caused by them to the on-site and off-site private 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 an agreement is to include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphaltic overlay requirements on the route identified. The specific roads are identified as follows: **Split Mountain Road.**

DOCUMENTATION: The applicant shall have the TCP prepared by a licensed Traffic Engineer and submit it to [PDS, LDR] for review. 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 [PDS, LDR]. The applicant is responsible for obtaining any additional permits as identified in the TCP. **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, and require any additional traffic or encroachment permits before any approval of the TCP. The TCP shall be implemented and made a condition of any associated County Construction, Grading or Encroachment Permit.

14. **BIO#6–BIOLOGICAL MONITORING: [PDS, PCC] [DPW, LDR] [GP, CP, UO] [PDS, FEE X2]. INTENT:** In order to prevent inadvertent disturbance to sensitive biological habitat and sensitive plant and wildlife species, all grading shall be monitored by a biologist. The biological monitor will be present during the different phases of the project and the varying fencing sections. **DESCRIPTION OF REQUIREMENT:** A County approved biologist “Project Biologist” shall be contracted to perform biological monitoring during all grading, clearing, grubbing, and trenching. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Biological Report Format and Requirement Guidelines and this permit. The contract provided to the county shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with Planning & Development Services.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [PDS, PCC]. 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, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

15. **BIO#7–LIZARD SURVEY, FENCING, AND REMOVAL STRATEGY: [PDS, PCC] [GP, BP, UO] [MITIGATION]. INTENT:** In order to mitigate any potential inadvertent disturbance to the Flat Tailed Horned Lizard and Colorado Desert Fringe Toed Lizard, a lizard survey, fencing and removal strategy shall be implemented. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall complete the following duties as specified in the Flat Tailed Horned Lizard rangewide management strategy.
- a. **Fencing Protocol:** Install lizard barrier fencing for the exclusion of the lizards prior to surveying the parcels during construction as follows:
1. The barrier fence shall be constructed along the perimeter of the phased construction area, and be inset sufficiently from the perimeter of the parcel to allow for construction and maintenance.
 2. Barrier material shall be 0.25" mesh hardware cloth and 36" in height.
 3. Barrier material shall be buried 6" deep, providing 30" above the surface.
 4. Barrier material shall be securely attached to t-posts or fence posts and barbed wire strung at heights of 15" and 30" (A third barbed wire shall be strung above the FTHL-proof fencing, using metal clips or wire.
 5. Additional t-posts or fence posts shall be placed at any junctions between rolls of hardware cloth to discourage the formation of gaps.
- b. **Removal Survey Protocol:** Once the barrier fencing has been installed, the project biologist shall conduct the lizard removal surveys. The surveys shall follow the following guidelines:
1. Surveys shall be conducted by experienced biological monitors.
 2. Surveys shall occur only during appropriate survey conditions as described in Appendix 6 of the plan (generally April - September under optimal temperature conditions, etc.)
 3. Minimum survey effort shall be 0.5 hour per acre, unless otherwise required by the County of San Diego.
 4. Survey methods shall be designed to achieve a maximal capture rate and shall include but not be limited to the following: strip transects, tracking, and raking around shrubs.

5. Survey methods shall incorporate a systematic component to ensure that the entire fenced project site is surveyed. A modification of the Population Monitoring Protocol (Appendix 7 of the rangewide management strategy plan) may be used.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] a report that details the installation of the barrier fencing and the results of the surveys. Along with the narrative, the report shall have photographs of the fencing and any lizards that are removed from the project site. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the condition shall be implemented. **MONITORING:** The [PDS, PCC] shall review the lizard removal strategy report and fencing plan implementation for compliance with this condition.

16. ~~BIO#8~~–PRE-CONSTRUCTION SURVEYS FOR DESERT KIT FOX [PDS, PCC] [GP, BP, UO]

INTENT: In order to mitigate any potential inadvertent disturbance to the desert kit fox, preconstruction surveys shall be conducted. **DESCRIPTION OF REQUIREMENT:** Preconstruction surveys for desert kit fox shall be conducted in the project area prior to implementation of any ground-disturbing construction activities. Preconstruction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed. The preconstruction surveys shall cover the project area and a 200- foot buffer around the project area. A County approved biologist shall complete the following duties:

- a. If a natal/pupping den is discovered within the project site or within 200 feet of the project boundary, the CDFW shall be notified. A natal/pupping den shall not be disturbed or destroyed while occupied.
- b. If avoidance of den destruction is not feasible or practicable, destruction of the den shall be accomplished by careful excavation until it is certain that no kit foxes are inside. The den shall be fully excavated, filled with dirt, and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den will be conducted as described below. Destruction of the den may be completed when in the judgment of the qualified biologist the animal has escaped, without further disturbance, from the partially destroyed den. Occupied natal/pupping dens shall not be destroyed until vacated by kit foxes and only after consultation with the DFW. Only when the den is determined to be unoccupied will the den be excavated under the direction of the qualified biologist. Use of spotting scopes and game cameras are encouraged to confirm presence/absence.
- c. Because kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will either be

caped or covered such that no animal can enter, or be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the DFW has been consulted. If necessary, and under the direct supervision of the qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the kit fox has escaped.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] a report that details the kit fox preconstruction surveys. Along with the narrative, the report shall have photographs of any dens that are located on-site and any kit fox that are removed from the project site. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the condition shall be implemented. **MONITORING:** The [PDS, PCC] shall review the kit fox preconstruction survey report for compliance with this condition.

17. BIO#9–WETLAND PERMITS [PDS, FEE X2]

INTENT: In order to comply with the State and Federal Regulations, the following agency permits, or verification that they are not required shall be obtained.

DESCRIPTION OF REQUIREMENT: The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project related disturbances of any streambed.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

18. CULT#2–ARCHAEOLOGICAL GRADING MONITORING: [PDS, PCC] [DPW, ESU]

[GP, IP, UO] [PDS, FEE X 2] INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading 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 California Environmental Quality Act (CEQA) Sections 15064.5 and 15064.7.

DESCRIPTION OF REQUIREMENT: A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing,

grubbing, trenching, and construction activities that include additional grading and trenching. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, 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 contract 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 shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Development Services.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate to the [PDS, PCC]. 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, PCC] shall review the contract and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

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

19. **GEN#4-DECOMMISSIONING PLAN: [PDS, PCC] [BP, UO] [PDS, FEE]**
INTENT: In order to ensure the removal of the Solar Energy System 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 and Development Services that ensures 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 System 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 for compliance with this condition. Upon approval of the form of security, the [PDS, PCC] will provide the securities to the PDS Developer Deposit Section safekeeping.

20. ROADS#3–PRIVATE ROAD IMPROVEMENTS: [PDS, LDR], [GP, CP, BP, UO]

INTENT: In order to promote orderly development and to comply with the San Diego County Standards for Private Roads, Section 3.1(C), project access roads shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve the off-site **private easement road**, from Split Mountain Road easterly to the southwesterly corner of the project site, to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with an all-weather paving material capable to support up to 50,000 pounds.

All plans and improvements shall be completed pursuant to the County of San Diego County Standards for Private Roads and the DPW Land Development Improvement Plan Checking Manual. The design and construction of all driveways, turnarounds, and private easement road improvements shall be to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].

DOCUMENTATION: The applicant shall complete the following:

- b. Process and obtain approval of Improvement Plans to improve private easement road.
- c. Pay all applicable inspection fees with [DPW, PDC].
- d. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].

TIMING: Prior to approval of any building plans and the issuance of any building permits, the private road and driveway improvements shall be completed.

MONITORING: The [PDS, LDR] shall review the plans for consistency with these condition and County Standards.

21. GEN#5–ANTI-REFLECTIVE SURFACES: [PDS, BPPR] [BP, UO]

INTENT: In order to reduce solar panel glare or any other reflective surface pursuant to §6952.b.3.c.iv of the Zoning Ordinance, the project components shall be designed with anti-reflective surfaces. **DESCRIPTION OF REQUIREMENT:** Any structure that is built shall have non-reflective surfaces and antiglare coatings to any reflective surfaces, unless waived specifically by the Director of PDS. **DOCUMENTATION:** The applicant shall provide notes and documentation on the building plans to demonstrate that the solar panels and any other reflective surface will be treated with an anti-reflective coating, which would reduce glare. The applicant shall provide the evidence to [PDS, Building Division] for review and approval. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, this requirement shall be met. **MONITORING:** The [PDS, Building Div.] shall review the plans in accordance with this condition.

22. ROADS#4–TRANSPORTATION IMPACT FEE: [PDS, LDR] [PDS, BD] [BP, UO]

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant,

and to comply with the Transportation Impact Fee (TIF) Ordinance Number 77.201-77.219, the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The Transportation Impact Fee (TIF) shall be paid pursuant to the County TIF Ordinance number 77.201-77.223 . The TIF payment will be based on the Non-Village Select Industrial Uses for the Desert Subregional Planning Area based on 10 Average Daily Trips (ADT). The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, ZONING] and provide a copy of the receipt to the [PDS, Building Division Technician] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the TIF shall be paid. **MONITORING:** The [PDS, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, Building Division] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

23. **NOISE#1–NOISE REQUIREMENT: [PDS, BPPR] [BP] [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: All proposed generator units shall be located at a minimum distance of 1,200 feet from the southern and eastern property line. This condition only applies to the concentrated photovoltaic solar technology option. **DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, Building Division Plan Pre-review (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).*

24. **GEN#6–INSPECTION FEE: [PDS, ZONING][PDS, PCO] [UO][DPR, TC, PP].**
INTENT: In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the Discretionary Permit Inspection Fee at the [PDS, Zoning Counter] 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, Zoning Counter] shall process an invoice and collect the fee

for the Use Permit Compliance Inspection Fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

25. **PLN#2–SITE PLAN IMPLEMENTATION: [PDS, BI] [UO] [DPR, TC, PP].**
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 parking areas, driveways, installing all required design features, 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, Building Inspector*] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.
26. **GEN#7–SALES AND USE TAX: [PDS, PCC] [UO]**
INTENT: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **DESCRIPTION OF REQUIREMENT:** Provide documentation that demonstrates the equipment, labor, supplies, etc. for the project that were paid for and received in the unincorporated area of the County of San Diego. **DOCUMENTATION:** The applicant shall provide at a minimum an organized summary to demonstrate the total estimated amount of sales tax and use revenue the project produced. The evidence shall be provided to the [PDS, PCC] for approval to the satisfaction of the Director of PDS. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final evidence and or report shall be provided to the County. **MONITORING:** The [PDS, PCC] shall review the evidence for compliance to this condition.
27. **ROADS#5–ACCESS IMPROVEMENTS: [PDS, LDR] [DPR, TC] [GP, CP, BP, UO]**
INTENT: In order to promote orderly development and to comply with the Centerline Ordinance Sec. 51.500 et. al., the project driveway shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:
- a. The **project driveway** shall be designed and constructed to the satisfaction of the Director of the Department Public Works and the Director of the Department of Planning and Development Services.
 - b. Provide **taper area** from the ultimate right of way line to the existing edge of pavement with asphalt concrete to the satisfaction of the Director of the Department Public Works and the Director of the Department of Planning and Development Services.

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards and the DPW Land Development Improvement Plan Checking

Manual. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- c. Process and obtain approval of Improvement Plans to improve the driveway on **Split Mountain Road**.
- d. Provide Secured agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- e. Pay all applicable inspection fees with [DPW, PDC].
- f. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- g. Obtain approval for the design and construction of driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the County of San Diego Fire Authority and the [PDS, LDR].
- h. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, 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.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the plans shall be approved and securities must be provided. **MONITORING:** The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of the Department of Public Works before any work can commence.

28. FIRE#1–FIRE PROTECTION PLAN : [PDS, PCC] [UO] [PDS, FEE]

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 shall be implemented and maintained:

- a. **Access:** The driveway entrances (fire apparatus entrance points) leading from Split Mountain Road and all internal roadways shall have an unobstructed improved width of 24-feet of all weather paving. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus weighing not less than 50,000 lbs. and shall be provided with an approved surface for all weather driving capabilities.

- b. **Gates:** Any gates, new or existing, must meet County Fire Code. Gate installation must include a Knox key-operated switch.
- c. **CFD:** Participate in the Community Facilities District currently being created by the San Diego County Fire Authority or enter into a developer agreement to the satisfaction of the San Diego County Fire Authority.

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.

29. **BIO#10--"BIOLOGICAL MONITORING: [PDS, PCC] [UO, FG] [PDS, FEE X2]. INTENT:** In order to ensure that the biological monitoring occurred during the grading phase of the project, a final Biological Monitoring Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** The "Project Biologist" shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading activities, and state that grading or construction activities did not impact any additional areas of sensitive habitat or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:
- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
 - b. Monitoring logs showing the date and time that the monitor was on site.
 - c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

30. **NOISE#2--NOISE CONTROL DESIGN MEASURES: [PDS, BPPR] [PDS, PCC [BP] [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. This condition only applies to concentrated photovoltaic solar technology. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans: All proposed

generator units shall be located at a minimum distance of 1,200 feet from the southern and eastern property line. **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: *(Upon establishment of use The following conditions shall apply during the term of this permit).*

31. PLN#3–SITE CONFORMANCE: [PDS, PCO] [OG] [DPR, TC, PP].

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 building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, driveways areas, 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 Compliance Division] is responsible for enforcement of this permit.

32. GEN#8–DECOMMISSIONING: [PDS, CODES] [OG].

INTENT: In order to ensure the removal of the Solar Energy System and to comply with 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 photovoltaic solar farm 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 discontinuance 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 enforcement of this permit.

33. GRNDWTR#2–GROUNDWATER COMPLIANCE: [PDS, CODES] [OG].

INTENT: In order to ensure impacts to off-site wells remain less than significant, the project shall have an on-site annual groundwater usage limitation of a maximum of 5 acre feet as evaluated in the County Groundwater Guidelines for Determining Significance. **DESCRIPTION OF REQUIREMENT:** The project shall not use more than 5 acre feet of groundwater annually from on-site wells. **DOCUMENTATION:** The applicant shall comply with the maximum water usage allotment. The following is required:

- a. Groundwater production shall be monitored at all on-site pumping wells for a total groundwater production limit of 5 acre-feet per each calendar year. Groundwater production data shall be collected on a monthly basis.
- b. Groundwater production data shall be reported to [PDS Groundwater Geologist] by January 31st of each year summarizing the past calendar year's monthly and total annual groundwater production.
- c. If the project exceeds 5 acre-feet of on-site groundwater usage at any time throughout the monitoring year, on-site groundwater production shall cease until the next calendar year.

Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

Grading Plan Notes

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

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

34. BIO#11--"BIOLOGICAL MONITORING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE X3]. INTENT: In order to prevent inadvertent disturbance to sensitive habitat or sensitive plant and wildlife species, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, and trenching. "The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and Major Use Permit:

- a. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the PDS Permit Compliance Section.

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

35. BIO#12--"TEMPORARY FENCING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE]. INTENT: In order to prevent inadvertent disturbance to sensitive habitat outside of the project footprint and within the proposed open space easements, 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 all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. 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.”

36. BIO#13--“RESOURCE AVOIDANCE: [PDS, PCC] [DPW, PDCI] PDS, FEE X2].

INTENT: In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory birds within Resource Avoidance Area (RAA) as indicated on these plans. The breeding season is defined as occurring between February 15th and August 31st. The Director of Planning and Development Services [PDS, PCC] may waive this condition, provided that no migratory birds 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. **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.”

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

37. BIO#14--“BIOLOGICAL MONITORING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE X3].

INTENT: In order to prevent inadvertent disturbance to sensitive habitat and sensitive plant and wildlife species, all grading located shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, and trenching. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The

monitor(s) shall be on site during all grading and clearing activities. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties: [PDS, FEE]

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- c. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- d. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- e. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and PDS Permit Compliance Section within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the PDS (final report will release bond);
- f. Attend construction meetings and other meetings as necessary.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

38. **CULT#3-ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PDS, FEE X2] INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3300 12-004(MUP), and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources, Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site

improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be on-site 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 Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
- b. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the 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, 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. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods."
- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the PDS Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."

DOCUMENTATION: The applicant shall implement the grading 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, PCC] if the Project Archeologist or applicant fails to comply with this condition.

39. AIR#1–AIR QUALITY: [DPW, PDCI].

INTENT: In order to reduce construction related impacts to a level below significance.

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures:

- a. Apply water during grading/grubbing activities to all active disturbed areas at least two times daily and use magnesium chloride or another County approved dust suppression additive to reduce dust.

- b. Apply water to all on-site roadways at least two times daily or use of magnesium chloride or other County approved dust suppression additives and apply water one-time daily.
- c. Reduce all construction related traffic speeds on-site to below 15 miles per hour (MPH).
- d. Install Wheel Shakers at all egress locations on-site as necessary to remove mud from water trucks traveling to and from the project site.

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.

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

40. BIO#15--“EASEMENT AVOIDANCE: [PDS, PCC] [DPW, PDCI] [PDS, FEE]. INTENT: In order to protect sensitive resources, pursuant to County Grading Ordinance Section 87.112 the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the County Grading Ordinance Section 87.112 and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Development Services or the Director of Public Works or Department of Parks and Recreation.

- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.”

41. CULT#4-ARCHAEOLOGICAL MONITORING REPORT: [PDS, PCC] [RG, BP] [PDS, FEE].

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3300 12-004 (MUP), and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading 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 grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego 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 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 archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant shall submit the report to the [PDS, PCC] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of 3300 12-004, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3), the final report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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): 4 - 10, 13-18, 29, 30, 33-41
.....

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 of 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*

Scale and bulk:

The Project would involve installation of solar panels over approximately 336 acres of the 440-acre site. Depending on the type of technology chosen, the maximum height of the solar panels would range from approximately 9.5 feet to 30 feet, as measured from the ground surface. Additional project facilities would include three 10,000-gallon water storage tanks (two for fire and one for brine storage), an operations and maintenance building (approx. 1,040 s.f. footprint, height of 15-16 feet), a substation (approx. 62,500 s.f. footprint, max. height of 35 feet), a private switchgear yard (approx. 96,750 s.f. footprint) with a control house, breakers/transformers installed on as many as 46 equipment pads approximately 600 s.f. in size, six (6) 125kW emergency generators located on approximately 240 s.f. concrete pads within the interior of the development area (Dual-Axis Tracker System and the Dual-Axis Tracker Units only), and a central overhead 34kV collection line. North-south and east-west fire roads of minimum 24-foot width and unsurfaced (covered with a binding agent) would run between the panel rows at distances of between approximately 300 and 700 feet, depending on the type of technology installed.

Of the four solar technologies considered, the Dual-Axis Tracker Units would be considered to have the greatest potential for impact on the existing visual setting, due to the height and width of the solar panels. Accordingly, the following analysis and findings focus on the Dual-Axis Tracker Unit technology, but are equally applicable to the other three technologies, which would be considered to have a lesser potential for impact on the existing visual setting.

For the Dual-Axis Tracker Unit technology, a series of CPV solar trackers would be installed on driven 24 to 30-inch pier footings/concrete foundation systems. Each tracker would measure approximately 25 feet wide and 48 feet in length, with a maximum height of 30 feet, as measured from ground surface to the top of the unit. The trackers would be aligned in north-south rows and would track the sun from east in the morning to west in the evening along both the horizontal and vertical axes to maximize absorption during daylight hours. These CPV trackers would be spaced approximately 82 feet on-center east/west, and 69 feet on-center north/south. An estimated 40 individual equipment pads (approximately 15 feet by 40 feet, or 600 s.f.) would be constructed within the solar array field to support the required inverters/transformers. In this variation, as well as the Dual-Axis Rack System (but not the Fixed-Axis or Single-Axis Rack Systems), six 125kW emergency generators would also be constructed on 12-foot by 20-foot building pads to provide a reserve power source in the case of a power failure during an emergency or high winds to return the trackers to the stow position.

The project site, zoned S92 (General Rural), is in remote San Diego County, approximately 4.4 miles to the southeast of the community of Ocotillo Wells, a rural desert community offering limited residential and commercial uses. Nearby land uses are varied, and include: (1) recreational uses, including the Anza Borrego Desert State Park, Anza Borrego Desert State Wilderness Area, and the

Ocotillo State Vehicular Recreation Area (OSVRA); (2) industrial uses, including the United States Gypsum Company Mine Quarry (U.S. Gypsum) and associated narrow-gauge railway, located approximately 3.5 miles south of the project site on Split Mountain Road, encompassing approximately 1,640 acres of private lands and 380 acres of claims on federal lands currently administered by the United States Bureau of Land Management (BLM) and 28 acres of mill sites; (3) commercial uses, including trailer parks and small-scale commercial facilities (i.e., restaurant, convenience store, off-highway vehicle rental facility, etc.); (4) residential uses, including limited rural residential including single-family residences and mobile homes, and limited storage facilities/barns; (5) agricultural uses, including a small agricultural facility along Split Mountain Road and a larger facility on SR 78; (6) utility and communications uses, including the San Diego Gas & Electric (SDG&E) San Felipe Substation on Split Mountain Road, the Imperial Irrigation District (IID) 92 kV R-Line transmission line that passes along the northern boundary of the project site whose terminus is the SDGE San Felipe substation, and a multiple story communications tower on SR 78; (7) the Ocotillo Airport approximately 4.5 miles to the northwest of the Project site; and (8) undeveloped private land, characterized by a variety of temporary structures including recreational vehicle (RV) trailers and shipping containers.

The solar panels would be generally low-lying within the landscape and would be compatible with the scale of existing uses in the area. While the Dual-Axis Tracking Units would be taller than residential and commercial uses in the area, they would be shorter than existing uses at the U.S. Gypsum mine, and utility/communications uses bordering the Project site and along Split Mountain Road and SR 78.

Similarly, the Dual-Axis Tracking Units would not represent elements of significant bulk because they would be of a minimal thickness and would support the mechanisms required for collection of energy from the sun. The Dual-Axis Tracking Units would be compatible with all existing uses in terms of bulk because they would have similar or lesser bulk than existing uses.

In addition, the structural elements (substation, inverter/transformer enclosures, storage operations/maintenance building, control house) would be dispersed within the overall acreage of the parcels. The substation would reach an approximate height of 35 feet at its apex, with the other proposed structures ranging between approximately 10-16 feet 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 project's solar panels and structural elements would not be of significant visual bulk, due to their function and utilitarian design. The project components would therefore not represent elements that would substantially detract from the existing visual character or quality of the site, or that would significantly dominate the surrounding visual 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 Project site from potential public vantage points in the surrounding area. The scale and bulk of the Project would therefore be consistent with rural zoning, and the varied uses in the area.

Lot Coverage:

Although the Project would involve installation of solar panels over approximately 336 acres of the 440-acre site, only a very small percentage of that area would involve coverage by project components. The proposed panels would be one of the four variations of solar technology (Fixed-Axis Rack System, Single-Axis Rack System, Dual-Axis Rack System, or Dual-Axis Tracker Units). With installation of the Dual-Axis Tracker Units, the project design would include construction of one substation, a switchgear yard, up to 46 supporting equipment pads, 6 emergency generators, and an operations/maintenance building within the project area. Combined, these project components would result in approximately 87,766 s.f. of lot coverage. The land area affected by the project would be approximately 338 acres (or 14.7 million s.f.) of the total 440 acres. Accordingly, overall lot coverage within the Project area would generally be approximately one percent or less for any of the four technologies considered.

Existing land uses immediately surrounding the project site consist of undeveloped privately-owned land and single-family residential uses. These uses have lot coverage of less than one percent, which is generally consistent with the project components. (RBF Community Character Analysis 2013.) Therefore, the project's lot coverage would be compatible with existing uses immediately surrounding the Project site.

Density:

As density generally pertains to the number of allowable residential units per acre, the project would not conflict with allowable residential densities because the project is an unmanned solar energy system that does not propose any habitable or residential structures.

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

The project would be conditioned to participate in the Community Facilities District (CFD) that is currently being created by the San Diego County Fire Authority (SDCFA). Joining the CFD for fire protection services and payment of the required fees will ensure that fire protection services will be adequate to serve the project. Because the project is unmanned, it will not require connection to a public sewer system. A septic system will, however, be installed to allow for a restroom in the operations and maintenance building for the benefit of maintenance workers. Electric service is presently provided to the project site. There is no natural gas service, and none will be required. Water for construction of the project would be provided by the proposed on-site well; alternatively, water for construction may be provided via the existing on-site well or via water truck that would be filled at an off-site location and trucked to the site on an as-needed basis. The project would comply with groundwater reduction measures that would result in a "no net increase" of groundwater extraction from Borrego Valley. Water for operations will be sourced from a proposed on-site well (alternatively,

via water truck if necessary). The project will generate minimal storm water runoff, which will be treated with on-site Best Management Practices (BMPs) and will not require changes to existing off-site storm drain facilities. Therefore, necessary public services and utilities would be available for the project. Therefore, the project would be compatible with available public facilities, services, and utilities.

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

Through design, the project would be compatible with the existing uses and character of the Ocotillo Wells community, including the variety of residential, industrial, commercial, airport, agricultural, utility, and recreational uses, which create a neighborhood character of mixed and varied uses.

Views. 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 vegetation. The project site and off-site areas affected by the project for access purposes do not 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.

Design and Color. Architectural design of structures within the area surrounding the project is varied, due to a mixture of use types. The limited number of residential uses typically are ranch-style (wooden exteriors and roofing), Spanish style (stucco exteriors and tile roofing), and mobile homes. Commercial, utility/communications, and industrial uses exhibit more utilitarian features with minimal architectural design features or decoration (e.g., restaurants, retail store, San Felipe Substation, IID R-Line, U.S. Gypsum mine, etc.). Project components would be utilitarian in nature and would not significantly contrast with the visual character of other uses found in the surrounding area.

Furthermore, project components would be colored black or grey (solar panels), earth tones (substation), or weatherized metal. These colors would be compatible with the utilitarian coloration of existing commercial, utility/communications, and industrial uses in the area, and would not clash with metal, wood, stucco, and concrete block for the limited residential and commercial uses.

Height and Lot Coverage. Refer to the discussion of scale, bulk, and coverage in Finding 1.a., above.

Lighting/Glare. 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 gate, switchgear yard and substation entrances, control room, and

operation buildings to facilitate safety and access. Lighting would be placed on entrance gates or attached directly to the substation components and would be 100 watts or less (total combined per each location). 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 project lighting would be operated manually or activated via motion sensors. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent ownerships and/or public lands. All lighting would conform to County of San Diego outdoor lighting requirements.

Project lighting is consistent with lighting for the surrounding community, which is characterized by “dark sky” outdoor lighting similar in scale and nature to the Project. Accordingly, project lighting would not conflict with existing neighborhood character.

Depending on the technology selected, the project has the potential to contribute varying degrees of glare that could result in glare effects that would detract from or contrast with the existing community character. All solar panels would be designed to minimize the potential for glare and/or reflection of sunlight, would be highly absorptive in nature, and would be coated with an anti-reflective coating. Glare studies for the different types of solar panel technology were prepared to evaluate the potential for the project to contribute glare to public key observation points and adjacent uses. (POWER Engineers, 2013) For the Single-Axis Rack, Dual-Axis Rack, and Dual-Axis Tracker panels, these studies identified no glare effects to key observation points or adjacent uses. If the Fixed-Axis Rack System technology is selected, limited and brief occurrences of glare would occur in the morning hours when the sun is lowest in the sky relative to the south facing panel angle, as this technology does not track the sun. Potential glare would occur for less than 15 minutes in the early morning only around the time of the spring and fall equinox and summer solstice. As such, the study determined that glare resulting from the proposed Fixed-Axis Rack System, if selected, would have a low overall impact to nearby residential structures because of the limited length of exposure and distance of at least 1,650 feet (nearest residence) from the project site. Further, the site is located approximately three miles from the OSVRA, and similar minimal glare effects are expected to occur on any recreational occupants of the State Park. Therefore, no significant glare impacts would occur with operation of the Fixed-Axis Rack System, and no mitigation measures are required.

Therefore, the project would comply 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 and would not create a harmful effect on neighborhood character.

Parking. The project does not propose the location of any designated on-site parking spaces; however, ample land area would be provided at the on-site substation and along the interior, on-site roadways to accommodate parking

needs for maintenance vehicles as they circulate within the MUP boundary. No off-site parking is required or proposed with the project, and the project would not result in parking impacts on surrounding land uses.

Construction. Limited grading and grubbing/clearing would be required to accommodate the solar panels and supporting facilities, thereby allowing existing on-site topography to remain largely in its natural state. Additionally, although the construction phase of the project would result in a minor increase in existing noise levels from operation of construction equipment and machinery, the increase would be temporary and would cease once construction is completed.

Project Operation. Minimal project maintenance would be required once the project is operational. 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, due to the operational characteristics of the solar facilities, operational noise would not result in significant noise impacts to adjacent uses. Project solar panels would not emit noise. Project inverters/transformers may emit low levels of noise during operation, however, the change in ambient noise levels as a result of operation of the transformers would be less than significant per the County's established noise thresholds for significance. (Noise Assessment 2013). The project site is already influenced by several existing noise sources, including the OSVRA, the U.S. Gypsum mine, and SR-78. The OSVRA is located approximately three miles to the north (adjacent to the north of SR-78). This park supports daily use of off-road vehicles for recreational purposes which contribute to existing noise levels within the community. In addition, vehicles traveling along SR-78, which runs through the community, also contribute to existing noise in the area.

Refer to Finding 4, below, regarding traffic.

The project addresses 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. Refer also to the discussions of Finding 1, above, and Finding 4, below. Therefore, no harmful effect upon desirable neighborhood character would occur with the project.

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

Trucks used for project construction and long-term operation would travel along portions of SR-78 as needed; however, the addition of project-related traffic on SR-78, or along Split Mountain Road, would not result in a substantial increase in traffic congestion or create unsafe conditions with regard to circulation or access, including for those entering or exiting the OSVRA. The project would require approval of a public right-of-way encroachment permit for minor improvements at

the private access easement from Split Mountain Road, and a Traffic Control Plan will be implemented to ensure that public safety is maintained. No existing legal access routes between the OSVRA and Superstition BLM OHV area would be disrupted with construction of the project.

At the peak of construction, the project would generate an estimated 92 average daily trips (ADT) for the fourteen-week grading phase. Operation/maintenance activities are estimated to generate up to 25 ADT when maintenance activities are ongoing. The addition of up to 92 ADT (construction) or 25 ADT (operations) would not represent a substantial increase in vehicle trips or congestion along SR 78 or Split Mountain Road, or create conditions that would affect public safety. Additionally, as the construction phase would occur over an estimated 11 months, construction traffic along the road would be temporary and short-term.

The project would therefore not generate a substantial amount of traffic, either during the construction period (short-term) or the operational period (long-term) that would adversely affect the capacity or physical character of the surrounding street system. The project would be compatible with the capacity and physical character of surrounding streets.

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

The project would include the construction and operation of solar panels on approximately 338 acres of the 440-acre site. The project site is located in an area that is generally characterized by a variety of existing uses, including residential, industrial, commercial, airport, agricultural, utility, and recreational uses.

The 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 S92 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 7358a of the County Zoning Ordinance.

The project site does not contain any steep slope areas as defined by the County of San Diego Resource Protection Ordinance and would be suitable for the type and intensity of development as only minor grading and removal/compaction activities are required within the development area to allow for installation of the solar panels and supporting equipment.

Additionally, to the south of the site, an alluvial fan landform exists where Fish Creek Wash descends from Split Mountain towards the Salton Sea. Although the majority of drainage currently flows away from the project site, the flow path of any major flood is uncertain anywhere on the alluvial fan and it is possible that flows during the 100-year storm event could flow into the Project site from the south. Alluvial fans typically occur in arid environments where steep mountains encounter a flat valley floor. These areas typically experience infrequent but

intense storms. This particular combination of topography and climate tends to produce flash floods yielding high sediment loads along the steep mountainside, while channel braiding and sediment deposition occur along the gentle slopes of the valley floor.

There are no existing storm drain facilities on or within the immediate vicinity of the project site. No drainage structures are proposed with the project, due to the rural nature of the area and the lack of existing storm drain facilities or open channels within the immediate project vicinity. 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 off-site.

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 off-site.

Additionally, breakaway fencing would be installed along portions of the perimeter of the project area to allow for sheet flow water to traverse the site and to eliminate any potential diversion. The project would not increase or contribute to any additional runoff, or divert any waters from the site, thus complying with the requirements of the Borrego Valley Flood Management Report.

The project as designed would be a suitable land use ideal for the site due to the project's low-intensity type of development (solar energy system), compatibility with other existing adjacent land uses, and non-residential use that would comply with the requirements of the Borrego Valley Flood Management Report.

Furthermore, the project site is located in an area ideally suited for solar energy generation due to the prevalence of sunny days, high direct normal irradiance at the site, capacity to deliver power to existing transmission lines due to the project site's proximity to the IID R-line, without the need to construct any new transmission line build out or upgrades, and the need for a local source of electricity generation in the Ocotillo Wells community.

The project would not conflict with any land use plan or policy adopted, and would be compatible with surrounding existing uses with regard to site suitability. Therefore, the project would be suitable for the site based on the type and intensity of use proposed.

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 RL-80 (Rural Lands) General Plan Land Use designation. No community plan or subregional plan covers the Ocotillo Wells area, and therefore, the project is limited to demonstrating conformance with the General Plan.

The project would be consistent with the (RL-80) Rural Lands Land Use Designation of the General Plan because it proposes a solar energy system that is designed to blend with the natural landscape. The Rural Lands category is applied to large open space and very-low-density private and publicly owned lands that provide for agriculture, managed resource production, conservation, and recreation. Rural areas are not appropriate for intensive residential or commercial uses due to significant topographical or environmental constraints, limited access, and the lack of public services or facilities.

Potential impacts, as described in Finding "a" above, and the location of the proposed use would be consistent with the San Diego County General Plan. Refer to the discussion under paragraph "a," above. The project is considered to be consistent with this finding.

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

A Mitigated Negative Declaration has been prepared for this project and is on file at the Department of Planning & Development Services as Environmental Review Number PDS2012-3910-1212001.

.....
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:

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 on-site 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.

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 the property owner keep additional and updated information on-site concerning stormwater runoff. 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.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf>.

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 87.202 (a) of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, 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.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: Obtain an excavation permit from the County Department of Public Works for undergrounding and/or relocation of utilities within the County right-of-way.

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.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: Fish and Wildlife Fees have been paid in the amount of \$2,206.25 for the review of the Mitigated Negative Declaration, Receipt number 442357 dated April 18, 2013.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on April 22, 2016.

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. 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.

COUNTY OF SAN DIEGO PLANNING COMMISSION
MARK WARDLAW, SECRETARY

BY:

Jarrett Ramaiya, Chief
Departmental Operations
Planning & Development Services

cc: J. Whalen Associates, Inc., Attn: Jim Whalen, 1660 Hotel Circle N, Suite 725, San Diego, CA 92108
RBF Consulting, Attn: Steve Wragg, 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
Ocotillo Solar LLC, 550 West C Street, Suite 1820, San Diego, CA 92101

email cc:

Ken Brazell, Team Leader, PDS
David Sibbet, Planning Manager, Project Planning, PDS
Jeff Smyser, Project Manager, Planning & Development Services

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

April 22, 2016

Environmental Review Update Checklist Form For Projects With Previously Approved Environmental Documents

**FOR PURPOSES OF CONSIDERATION OF
OCOTILLO SOLAR LLC TIME EXTENSION,
PDS2015-MUP-12-004TE, PDS2015-ER-12-12-001A**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously adopted ND or previously certified EIR:

A Mitigated Negative Declaration (MND) for Ocotillo Wells Solar Major Use Permit, PDS2012-3300-12-004, PDS2012-3910-12-12-001, was adopted by the Planning Commission on January 24, 2014. The adopted MND found the project would have potentially significant effects to air quality, biological resources, cultural resources, groundwater, noise and transportation that were clearly mitigated. These potentially significant effects that were clearly mitigated consisted of the following: air quality effects from construction activity dust; biological effects on sensitive habitats and wildlife; effects on archaeological resources; effects from use of groundwater; noise from construction, and indirect effects on mobility element roadways.

2. Lead agency name and address:

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

- a. Contact Jeff Smyser, Project Manager
- b. Phone number: (858) 495-5438

c. E-mail: jeffrey.smyser@sdcounty.ca.gov

3. Project applicant's name and address:

Ocotillo Solar LLC, 550 West C Street, Suite 1820, San Diego, CA 92101

4. Summary of the activities authorized by present permit/entitlement application:

The Time Extension application is for a 2-year extension of the deadline by which construction or use is required. An MUP for a solar farm was granted January 24, 2014. This Major Use Permit (MUP) would expire on January 24, 2016 unless construction or use in reliance on the MUP has commenced prior to the expiration date. Section 7376 of the Zoning Ordinance provides for extending the deadline for an MUP if an application for an extension is filed prior to the expiration date. With the Time Extension, the deadline would be extended to January 24, 2018.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

NO

If yes, describe ALL differences.

The time extension is the only change to the project.

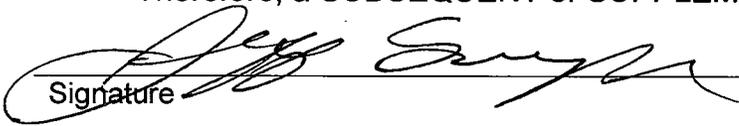
6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> NONE | | |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Haz Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted MND or previously certified EIR is adequate.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.


Signature

March 18, 2016
Date

Jeff Smyser
Printed Name

Project Manager
Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

NO

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

NO

III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; 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; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

NO

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

NO

Since the adopted MND, a wildlife species that has been observed onsite was added to the state Endangered Species list by the California Fish and Game Commission. This species was discussed in the MND and mitigation measures were included. There will be no new significant environmental effects or increase in the severity of effects that were identified in the MND.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

NO

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having 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?

YES

NO

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

NO

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location 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; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of 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?

YES

NO

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; 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; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows 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; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES
NO

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
NO

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES
NO

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: 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; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects 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, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES
NO

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES
NO

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse

physical impacts associated with the provision of new or physically altered governmental facilities or the 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 objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

NO

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in 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; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

NO

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

NO

Since the previous EIR was certified or previous ND was adopted, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in an adopted planning document, as referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing Mobility Element roadway network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded

by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TransNet, state, and federal funding to improve freeways to projected level of service objectives in the RTP.

The proposed project generates 10 average daily trips (ADTs). There is no change in circumstance regarding the scope of the project that would warrant additional traffic analysis. These trips will be distributed on circulation element roadways in the unincorporated county that were analyzed by the TIF program, some of which currently or are projected to operate at inadequate levels of service. In addition, the potential growth represented by this project was included in the growth projections upon which the TIF program is based. Therefore, with the inclusion into and payment of the TIF, which will be required at issuance of building permits, in combination with other components of the program described above, there will be a less than significant impact.

XVII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

NO

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project 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?

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)?

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

YES

NO

XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

Biological Resources Letter Report, Cummings and Associates, June 10, 2014

Focused Traffic Impact Study, Darnell & Associates, March 21, 2014

Cultural Resource Survey and Evaluation, Sue A. Wade, June 10, 2014

Acoustical Analysis Report, Arcadis, April 16, 2014

Drainage Study, Coffey Engineering, May 22, 2015

Major Storm Water Management Plan, Coffey Engineering, November 21, 2014

Hydromodification Study, Tory Walker Engineering, November 21, 2014

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biology and Traffic.

County of San Diego Public Facility Conservation/Open Space Element of the General Plan (Section 6-Solid Waste, XII-6-1Goal COS-17: Solid Waste Management)

County of San Diego Scenic Highway Conservation/Open Space Element of the General Plan

Ocotillo Wells Solar Time Extension - 12 -
PDS2015-MUP-12-004TE
PDS2015-ER-12-12-001A

April 22, 2016

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego
Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control
Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.)

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of
Land Resource Protection

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board,
San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances
relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall
1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control
Board, San Diego Region

NOTICE OF DETERMINATION

TO: Recorder/County Clerk
 Attn: James Scott
 1600 Pacific Highway, M.S. A33
 San Diego, CA 92101

FROM: County of San Diego
 Planning & Development Services, M.S. 0650
 Attn: Project Planning Section Secretary
 5510 Overland Avenue, Suite 110
 San Diego, CA 92123

Office of Planning and Research
 P.O. Box 3044
 Sacramento, CA 95812

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name and Number(s): Ocotillo Solar LLC Time Extension, PDS2015-MUP-12-004TE

State Clearinghouse No.: 2013041078

Project Location: East of Split Mountain Road, Near Ocotillo Wells in the Desert Subregional Plan Area

Project Applicant: Address: Ocotillo Solar LLC, 550 West C Street, Suite 1820, San Diego, CA 92101
 Telephone Number: (619)232-6361

Project Description: The Time Extension will extend the deadline by which construction or use in reliance on the Major Use Permit commences. The Time Extension proposes no changes to the project approved with Major Use Permit PDS2012-3300-12-004. The Time Extension would not involve substantial changes in the magnitude of impacts identified in the Ocotillo Wells Solar Major Use Permit Mitigated Negative Declaration PDS2012-3910-12-12-001(ER) and would not create new potentially significant impacts that would require mitigation. The project will still be required to implement all mitigation measures identified in the Major Use Permit and Mitigated Negative Declaration.

Agency Approving Project: County of San Diego

County Contact Person: Jeff Smyser, AICP, (858)495-5438, jeffrey.smyser@sdcounty.ca.gov

Date Form Completed: April 22, 2016

This is to advise that the County of San Diego Planning Commission has approved the above described project on April 22, 2016 Item #3) and has made the following determinations:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of the CEQA.
 A Negative Declaration or Mitigated Negative Declaration was adopted for this project pursuant to the provisions of the CEQA.
 An Addendum to a previously certified Environmental Impact Report, or to a previously adopted Negative Declaration or Mitigated Negative Declaration, was prepared and considered for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Mitigation reporting or monitoring plan was was not adopted for this project.

Project status under Fish and Wildlife Code Section 711.4 (Department of Fish and Wildlife Fees):

Certificate of Fee Exemption (attached)

Proof of Payment of Fees (attached)

Fish and Wildlife Code Section 711.4 compliance for the subject project is covered by a previous payment of fees associated with the environmental review conducted for

Ocotillo Wells Solar Major Use Permit Mitigated Negative Declaration PDS2012-3910-12-12-001(ER) for

Ocotillo Wells Solar Farm Major Use Permit PDS2012-3300-12-004

The Environmental Impact Report or Negative Declaration with any comments and responses and record of project approval may be examined at the County of San Diego, Planning & Development Services, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California.

Date received for filing and posting at OPR: _____

Signature: _____ Telephone: (858) _____

Name (Print): _____ Title: _____

This notice must be filed with the Recorder/County Clerk within five working days after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15075 or 15094.



County of San Diego

Planning & Development Services
 5510 Overland Avenue, Suite 110
 San Diego, CA 92123
 Phone: (858) 565-5920

Receipt #: 3144905
Date: 04/18/2013
Cashier: CTRIEU

Receipt

Record Information

Record ID	Record Name	Site Address	City	APN	Contact
PDS2012-3300-12-004	GILDRED BUILDING COMPANY	0 NO ADDRESS		253-390-57-00	

Fee Information

Invoice Date	Invoice Number	Record Number	Fee Code	Description	Amount
04/18/2013	1238574	PDS2012-3300-12-004	9FSHGMFEE0	Fish & Wildlife Fee- Processing	\$50.00
04/18/2013	1238574	PDS2012-3300-12-004	9FSHGAMNDO	Fish & Wildlife Fee- Negative Declaration	\$2,156.25

Payment Information

Pymt Method	Reference #	Amount Paid
Check	014361	\$2,206.25

Amount Received: \$2,206.25

Change: \$0.00

Attachment D – Environmental Findings

**ENVIRONMENTAL FINDINGS
OCOTILLO SOLAR LLC TIME EXTENSION
PDS2015-MUP-12-004TE
APNS 253-390-57, 253-390-58**

April 22, 2016

- 1) Find that the Mitigated Negative Declaration on file with Planning & Development Services as Environmental Review Number PDS2012-3910-12-12-001 was adopted on January 24, 2014 in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and
- 2) Find that the Time Extension PDS2015-MUP-12-004TE will not have any new significant environmental effects nor will any previously identified effects have a substantial increase in severity either due to a change in the project, change in circumstances or new information of substantial importance; and
- 3) Find that the previous environmental document, the Mitigated Negative Declaration PDS2012-3910-12-12-001, is adequate to fulfill the environmental review requirements of the Time Extension PDS2015-MUP-12-004TE pursuant to the CEQA Guidelines §15162 and the Time Extension does not require any additional environmental documentation, based on the Environmental Review Update Checklist Form for Projects With Previously Approved Environmental Documents.
- 4) Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).

Attachment E – Ownership Disclosure



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) _____

Assessor's Parcel Number(s) 253-390-57, 253-390-58

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

Ocotillo Solar LLC

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

OCOTILLO SOLAR LLC IS 100% OWNED BY GILDRED SOLAR LLC.
GILDRED SOLAR LLC IS OWNED 100% BY GILDRED BUILDING COMPANY.
GILDRED BUILDING COMPANY OWNERSHIP:

- 1) TOM GILDRED
- 2) ELIZABETH GILDRED
- 3) ANNE GILDRED SIMMONS
- 4) JULIE GILDRED CONNELLY
- 5) LEWIS GILDRED

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."



Signature of Applicant

Gregg Haggart

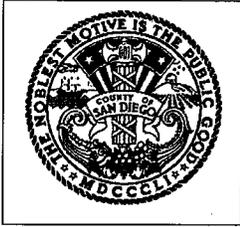
Print Name

March 16, 2016

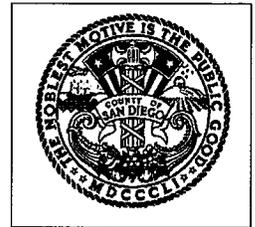
Date

--- OFFICIAL USE ONLY ---

Attachment F – Public Documentation



NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN that the Planning Commission of the County of San Diego will conduct a public hearing on a Major Use Permit Time Extension as follows:

HEARING INFORMATION:

Date: April 22, 2016
Time: 9:00 a.m.
Location: COC Campus Center Chambers, 5520 Overland Avenue, San Diego, CA 92123

APPLICANT: Ocotillo Solar LLC

PROJECT/CASE NUMBER: Ocotillo Wells Solar Major Use Permit Time Extension; PDS2015-MUP-12-004TE

PROJECT DESCRIPTION: The proposed Time Extension would extend the deadline by which construction or use in reliance on a Major Use Permit commences. The proposed extended expiration date is January 24, 2018. The Major Use Permit was approved in 2014 for the construction and operation of a photovoltaic or concentrator photovoltaic solar farm on an approximately 440-acre property and 1.74 acres of offsite disturbance for access improvements. No other previous conditions would be revised.

LOCATION: The project site is located approximately 0.4 mile east of Split Mountain Road and approximately three miles south of State Highway 78 (SR-78) in the Desert Subregional Plan area (APN 253-390-57, 58).

ENVIRONMENTAL STATUS: A CEQA Section 15164 addendum to the previously approved Mitigated Negative Declaration has been prepared.

GENERAL INFORMATION: This public hearing is accessible to individuals with disabilities. If interpreter services for the hearing impaired are needed, please call the hearing secretary at (858) 694-3816, or California Relay Service, if notifying by TDD, no later than seven days prior to the date of the hearing.

NOTE: If you challenge the action which may be taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the above public hearing, or in written correspondence delivered to the Hearing Body at or before the hearing. Rules of the Hearing Body may limit or impose requirements upon the submittal of such written correspondence.

For additional information regarding this proposal, contact Jeff Smyser at (858) 495-5438.

COUNTY OF SAN DIEGO PUBLIC HEARING INFORMATION

GENERAL HEARING PROCEDURES

HEARING REPORT AVAILABILITY

1. Hearing Reports are available at PDS offices and shall be available for inspection in the chambers during the hearing. Hearing Reports are also available on the PDS website at the following addresses:

Planning Commission Reports

http://www.sdcounty.ca.gov/pds/PC/sop/PCHearing_stream.html

Zoning Administrator Reports:

<http://www.sdcounty.ca.gov/pds/zanext.html>

2. Interested parties may watch and/or listen to previous and live Planning Commission Meetings by going to web address listed above for Planning Commission Reports.

SPEAKER GUIDELINES

1. If you wish to speak at the hearing, fill out a speaker slip based on your position on the project recommendation. Speaker slips are available in the hearing chambers and must be submitted no later than 10 minutes prior to the start of the hearing.

Green– Support

Pink – Oppose

White – Neutral

2. When speaking to the hearing body, use the following as a guideline for presenting your statement:
 - a. Clearly state your name and address and organization which you represent, if applicable.
 - b. Make a statement of the pertinent facts and reasons to support your position based on relevant subject matter.

Because of time constraints, be concise. Only discuss matters related to the public hearing and tie your discussion of the facts directly to the decision you wish the Commission or Zoning Administrator to reach.

3. The following time limits shall apply when addressing the hearing body:
 - a. Testimony shall be limited to two (2) or three (3) minutes as determined at the beginning of the hearing, unless expressly waived by the Hearing Body.
 - b. If the public hearing is of high interest throughout the community, consideration should be given to designating a group spokesperson in order to make a consolidated presentation. Requests for additional time must be negotiated with the Chairperson before you begin your testimony.
 - c. Once the public hearing is closed, no further testimony from the applicant or the audience shall be taken except to answer specific questions posed by the Hearing Body.

1. Item numbers printed on the agenda generally, with occasional exceptions, indicate the order in which items will be heard.
2. Unless otherwise directed by the Chairperson of the Planning Commission or Zoning Administrator, presentation of the project shall be as follows:
 - a. Staff presents the project, its location and staff recommendations.
 - b. The applicant or his /her authorized representative shall have the opportunity to testify second.
 - c. The Community Planning Group/Sponsor Group and/or Design Board Chair or his/her authorized representative shall have the opportunity to testify third.
 - d. Persons from the audience supporting the staff recommendation shall have the opportunity to testify fourth.
 - e. Persons from the audience opposing the staff recommendation shall have the opportunity to testify fifth.
 - f. The applicant or his /her authorized representative shall have the opportunity for a brief rebuttal.
 - g. The Commission/Zoning Administrator will then discuss and decide the case.

APPEALS

1. Appeal forms, appeal fee information and filing requirements are available at the Zoning Counter, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, CA 92123. Telephone: (858) 565-5981 or (888) 267-8770 or on the PDS website at <http://www.sdcounty.ca.gov/pds/zoning/appeals.html>.
2. Appeal Procedures for various permit types are available on the PDS Website at <http://www.sdcounty.ca.gov/pds/zoning/ZoningNumeric.html>. Refer to PDS Forms 157-163.
3. Not all decisions are appealable.
4. Planning Commission recommendations that will be decided by the Board of Supervisors are not appealable.
5. Appeals must be filed within **10 (ten) calendar days** of the date on which the decision being appealed was rendered. If the tenth day falls on a weekend or a County holiday, the appeal can be filed on the following work day.

PDS2015-MUP-12-004TE

I Certify that ___ notices
were mailed as indicated on
the Assessor's lists and the
District Mailing List

(Initials) _____
(Date)

253-360-29-00
JONES LINDA MAE LIVING TRUST
02-03-10
1228 S ALTA VISTA AVE
MONROVIA, CA 91016

253-360-30-00
DARRYL OVESEN
1847 VIA ISLA
PALM SPRINGS, CA 92264

253-360-31-00
GILDRED BUILDING CO
550 W C ST #1820
SAN DIEGO, CA 92101

253-360-32-00
RICKY L KARR
33841 CALLE BORREGO
SAN JUAN CAPISTRA, CA 92675

253-360-33-00
WESTERN ENVIRONMENTAL SYSTEMS
CO
3411 E ST
SAN DIEGO, CA 92102

253-360-34-01
ANDREW C & VALERIE G MCGUIRE
8665 MISSION GORGE RD #A3
SANTEE, CA 92071

253-360-35-00
JUDITH C ROSENSTIEL
10975 WHIPPLE ST
NORTH HOLLYWOOD, CA 91602

253-360-36-00
ALFREDO V & DEANA M DELGADO
351 E MCKINLEY AVE
POMONA, CA 91767

253-360-39-00
RAFAEL & STELLA M CARRIEDO
P O BOX 363
VALLEY CENTER, CA 92082

253-360-40-00
GORRILL B/B FAMILY TRUST 08-
05-94
8661 SALT LAKE DR
HUNTINGTON BEACH, CA 92646

253-390-36-00
DOHERTY JAMES J LIVING TRUST
10-01-02
2705 POPLAR LN
NORMAN, OK 73072

253-390-37-00
THOMAS M & SANDRA J
HARRINGTON
4843 WHIPPOORWILL LN
BONITA, CA 91902

253-390-38-00
VINCENT J & LARAINÉ BRUNO
857 EL TORO LN
SAN MARCOS, CA 92069

253-390-39-00
SHELDE ANDREW C & MARY E
LIVING TRUST
1215 OAKSIDE LN
GLENDALE, CA 91208

253-390-40-00
CASEY ANNE M FAMILY TRUST 05-
28-03
3159 JUNIPER ST
SAN DIEGO, CA 92104

253-390-41-00
SLIKE WALTER E & MARY J TRUST
09-15-82
938 2ND ST
MANHATTAN BEACH, CA 90266

253-390-56-00
JEFF MOHNHAUPT
1346 RAMONA VIEW CT
RAMONA, CA 92065

253-390-59-00
TERRELL FAMILY TRUST 07-27-98
59981 E ARROYO GRANDE DR
ORACLE, AZ 85623

253-390-60-00
OFF-ROAD CAMP FELLOWSHIP L L
C
39075 CORTE DE OLLAS
MURRIETA, CA 92562

253-390-62-00
5 STAR RESEARCH L L C
5551 E SR-78
OCOTILLO WELLS, CA 92004

018-170-022-000
U S A
22835 CALLE SAN JUAN DLL
MORENO VALLEY, CA 92553

018-170-034-000
GILDRED BUILDING COMPANY
550 W C *Suite 1820*
SAN DIEGO, CA 92101

033-010-001-000
~~STATE OF CALIFORNIA~~
~~PUBLIC AGENCY~~
~~BRAWLEY, CA 92227~~

033-010-002-000
~~U S A~~
~~PUBLIC AGENCY~~
~~BRAWLEY, CA 92227~~

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San Diego, CA 92108

RBF Consulting
9755 Clairemont Mesa Blvd., Suite 100
San Diego, CA 92124

Lozeau Drury, LLP
410 12th Street, Suite 250
Oakland CA 94607

**State of California, Department of Parks
and Recreation**
1416 9th Street
Sacramento, CA 95814

**Imperial County Air Pollution Control
District**
150 South Ninth Street
El Centro, CA 92243-2850

**San Diego County Archaeological
Society**
P.O. Box 81106
San Diego, CA 92138-1106

**State of California Native American
Heritage Commission**
915 Capitol Mall, Room 364
Sacramento, CA 95814

Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

Richard Lines
14914 Montana Serena
El Cajon, CA 92021

Tom Harrington
4843 Whippoorwill Lane
Bonita, CA 91902

Mary Jane Slike
938 2nd Street
Manhattan Beach, CA 90266

Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123

**Imperial County Planning &
Development Services**
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El Centro, CA 92243

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San Diego, CA 92104

Brian Pon
6 Bridgewater Drive
San Rafael, CA 94903

Mark Agee
2211 Vista Grande Terrace
Vista, CA 92084

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

IBEW, Micah Mitrosky
4545 Viewridge Avenue, Suite 100
San Diego, CA 92123

Gideon Kracov
801 S grand Avenue Ste 1100-2a
Los Angeles CA 90017

BOULEVARD CPG
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PO BOX 1275
BOULEVARD CA 91905-0375

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211 Chapalita Dr
Encinitas CA 92024

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402 W Broadway Ste 1000
San Diego CA 92101

Josh Harman
9191 Towne Center Dr
San Diego CA 92122

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Borrego Springs CA 92004

Robert Blum
425 Sun & Shadow Dr
Borrego Springs CA 92004

Al Garrett
1000 Pioneer Way
El Cajon CA 92020

Tom Harrington
7113 Split Mountain Rd
Borrego Springs CA 92004

