



*The County of San Diego*

# Planning Commission Hearing Report

<b>Date:</b>	May 20, 2016	<b>Case/File No.:</b>	Jacumba Solar PDS2014-MUP-14-041; PDS2014-ER-14-22-001
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Solar Energy Facility
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	South of Old Highway 80, Adjacent to the U.S.-Mexico Border
<b>Agenda Item:</b>	#1	<b>General Plan:</b>	Rural Lands (RL-80)
<b>Appeal Status:</b>	N/A	<b>Zoning:</b>	S92 (General Rural)
<b>Applicant/Owner:</b>	Jacumba Solar, LLC.	<b>Community:</b>	Mountain Empire Subregional Plan Area (Jacumba Community Plan Area)
<b>Environmental:</b>	Environmental Impact Report	<b>APNs:</b>	661-041-02, 661-041-03, 661- 080-01, 661-080-04, 661-080- 05, 661-080-08

## A. EXECUTIVE SUMMARY

### 1. Requested Actions

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

- a. Adopt the Environmental Findings included in Attachment D, which includes the certification of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines.
- b. Grant MUP PDS2014-MUP-14-041, which includes the requirements and conditions set forth in the MUP Form of Decision in Attachment B.
- c. Approve the Fire and Emergency Services Agreement (Agreement) between the County of San Diego and Jacumba Solar LLC and authorize the County Fire Warden or his designee to sign the Agreement for the County (Attachment F).

**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 Mountain Empire Subregional Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the project consistent with other applicable County regulations?
- e. Does the project comply with the CEQA?

**B. REPORT SUMMARY**

The applicant proposes a MUP for a 108-acre solar energy generating facility. Based on staff's analysis, Planning & Development Services (PDS) finds that the required findings can be made and PDS recommends approval of the MUP with the conditions noted in the attached Form of Decision (Attachment B).

**C. DEVELOPMENT PROPOSAL**

**1. Project Description**

The applicant requests a MUP for a solar energy generating facility under the use type "Major Impact Services and Utilities". This permit would authorize the construction and operation of a 108-acre solar energy facility on a 304-acre site with a production capacity of approximately 20 megawatts (MW) as shown on Figure 2. Primary access to the project site would be provided via an improved access road from Old Highway 80. The primary access driveway would be approximately 35-feet wide and provided off the existing paved East County (ECO) Substation driveway.

The design consists of photovoltaic (PV) solar panels mounted to a collection of fixed-tilt rack panels that would remain stationary on the support structures, as shown in Figure 1. The PV panels are aligned in rows and would be oriented along an east to west axis.

The project would consist of approximately 81,108 PV modules on 2,253 fixed-tilt rack panels. The fixed-tilt arrays would be constructed approximately 25 feet apart (centerline to centerline) in a north to south direction, with an east to west array spacing of approximately 12.5 feet. Each row of PV modules would measure approximately 144 feet in length and approximately six feet, six inches in width. The PV modules maximum height above the graded ground surface would not exceed nine feet in height.

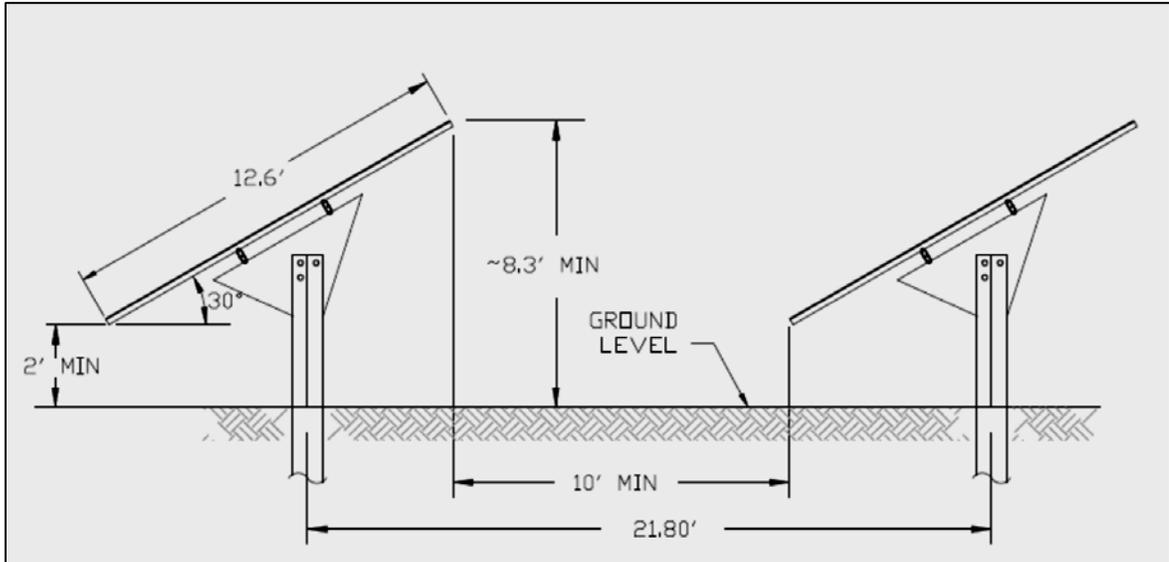


Figure 1 – PV Panels

The direct current (DC) power generated by the PV panels would be transmitted via a 1,000 to 1,500-volt DC underground collection system to the inverters, which would convert the DC generated by the PV module array into alternating current (AC) power that is compatible for use with the transmission network. In addition, transformers would step up the voltage to collection-level voltage (34.5 kV). The inverters, medium-voltage transformers and other electrical equipment are proposed to be located on skids throughout the project site, totaling approximately 28 units. An on-site substation would be located in the northeastern corner of the project site and would collect the power received from the collector lines and convert the voltage from 34.5 kV to 138 kV. In addition, the project also includes a 10 MW battery energy storage system within the project substation's fenced boundaries. The battery energy storage system consists of 10 enclosures that are similar to shipping containers and are approximately 45 feet long by 9 feet in height and 8 feet wide. The project would include an approximately 1,500 foot overhead transmission line (138 kV gen-tie) that would connect the project substation to the adjacent ECO Substation owned and operated by San Diego Gas and Electric (SDG&E). The 138 kV gen-tie would consist of up to three overhead steel poles that would be up to 150 feet in height.

A 24-foot wide fire access road would be improved around the perimeter of the project and 20-foot wide fire access roads would be improved between the panel blocks. The MUP area would be surrounded by an eight-foot-high chain link fence with three strands of barbed wire along the top for a total height of nine feet.

An approximately 184-acre Open Space Preserve would be dedicated onsite to conserve important resources in perpetuity.

Water necessary for the project, including water for construction and site preparation would be provided by the Jacumba Community Services District (JCSD) and recycled water from the Padre Dam Municipal Water District (PDMWD). Water for ongoing panel washing would be provided by JCSD.

Grading would consist of a balanced cut and fill of approximately 180,000 cubic yards of material. Figure 2 below indicates the proposed site layout.

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

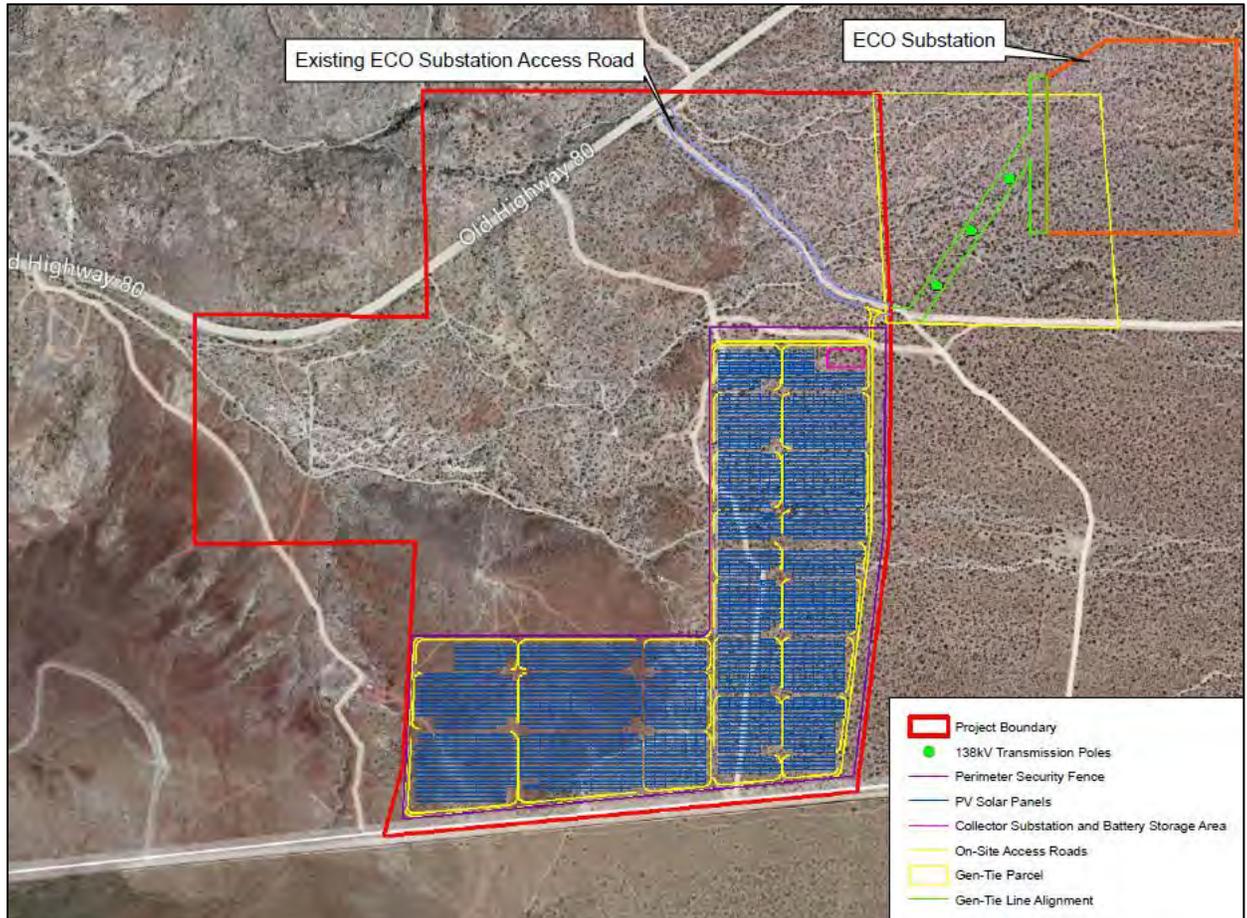


Figure 2 – Proposed Site Layout

## 2. Subject Property and Surrounding Land Uses

The project site contains undeveloped land located approximately two and one half miles east of Jacumba Hot Springs and adjacent to the U.S.-Mexico international border fence and the ECO Substation. The In-Ko-Pah and Jacumba mountains and Table Mountain lay to the north and west, respectively, and Sierra Juarez Mountains to the east. The topography of these mountain ranges and nearby hills generally encloses the landscape of the project site. The project site is characterized by generally gentle slopes and desert shrub. Figures 4 and 5 below show the project vicinity and an aerial view of the project site, respectively.

The project site is bordered on the north by Old Highway 80, the east by the ECO Substation and undeveloped lands, the south by the U.S.-Mexico international border fence, and to the west by a hill that reaches an elevation of approximately 3,600 feet above sea level, approximately 400 feet

above the project site (Figure 2 – Proposed Site Layout). Undeveloped lands, mixed with infrastructure facilities on gently rising, desert shrub-covered topography characterizes the landscape setting surrounding the site. The Jacumba Airport is located approximately 1 ½ miles west of the project site. The ECO Substation is located northeast of the project site and consists of a large substation owned and operated by SDG&E. Additional major infrastructure components in the area include the Sunrise Powerlink, which consists of a 500 kV electric transmission line supported by 150-foot-tall steel lattice structures, the Southwest Powerlink, which also consists of a 500 kV electric transmission line supported by 150-foot-tall steel lattice structures, the ESJ gen-tie, which consists of a 230 kV electric transmission line and the linear rust-colored U.S.-Mexico international border fence, as shown in Figure 3. Table C-1 provides a brief overview of the surrounding zoning and land use regulations.

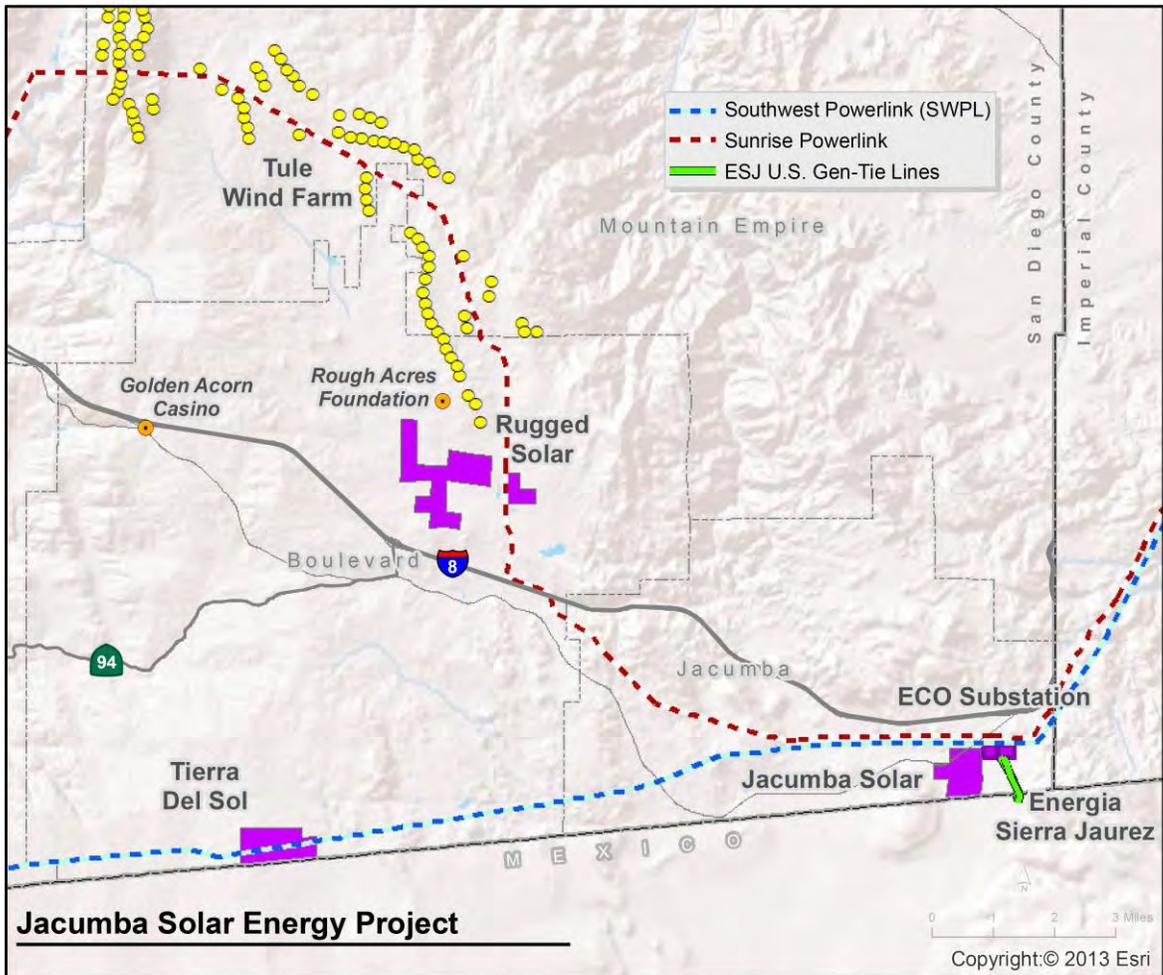


Figure 3 – Surrounding Projects and Infrastructure

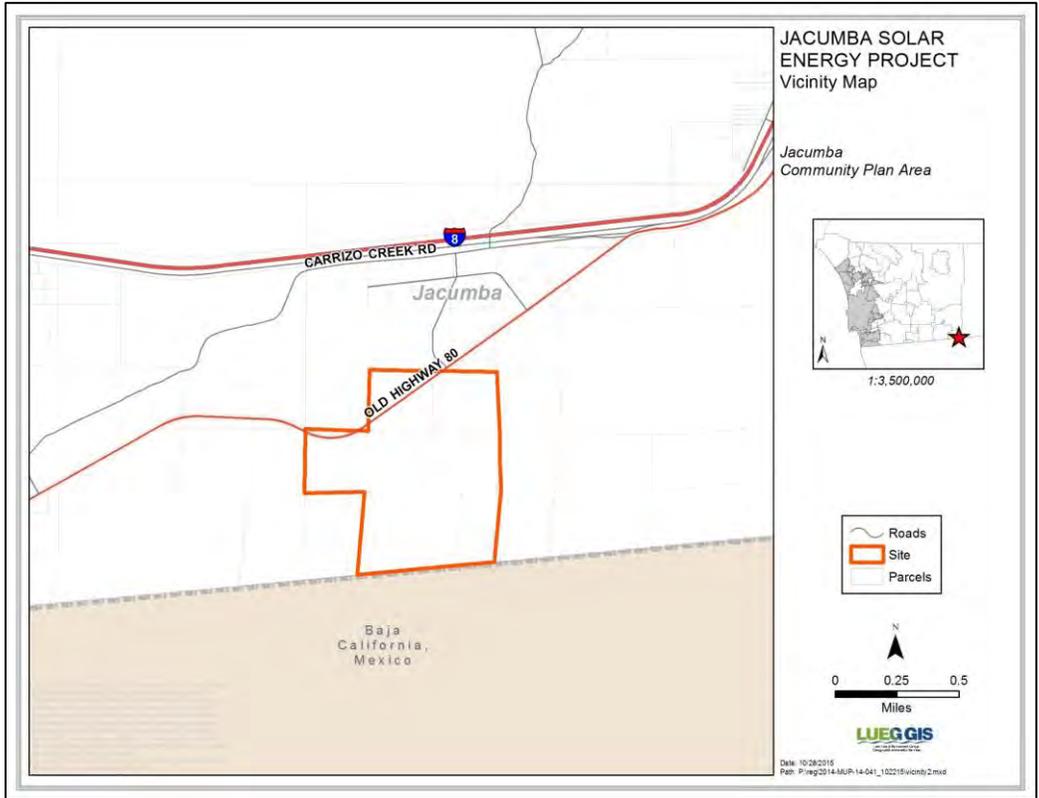


Figure 4 – Vicinity Map

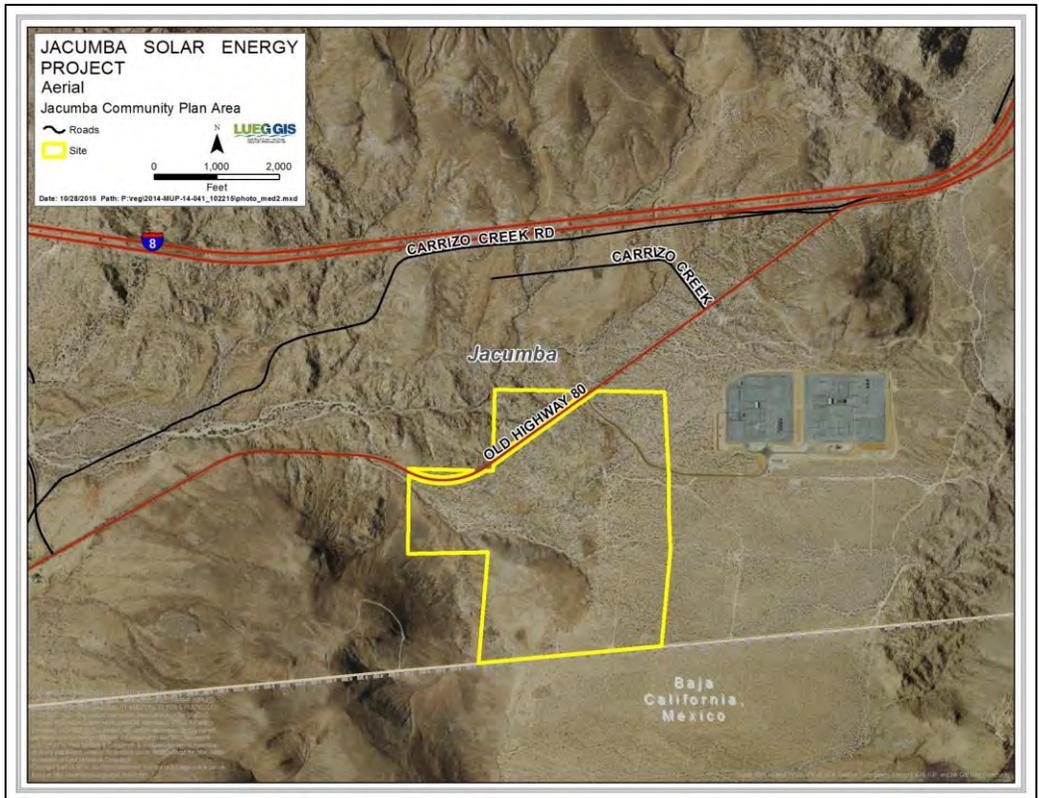


Figure 5 – Aerial Photo

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Public Agency Lands	S80	Interstate-8, Old Highway 80	Interstate-8 Vacant Lands
East	Public Agency Lands Rural Lands (RL-80)	S80, S92	Old Highway 80	Vacant Lands, ECO substation
South	N/A	N/A	N/A	Vacant Lands, U.S./Mexico International Border Fence
West	Public Agency Lands	S80, S92	N/A	Jacumba Airport, Vacant Lands

**D. ANALYSIS AND DISCUSSION**

The project has been reviewed to ensure it conforms to all relevant ordinances and guidelines, including the San Diego County General Plan, Mountain Empire Subregional Plan, the Zoning Ordinance, and CEQA Statutes and Guidelines. A detailed discussion of the project analysis, including groundwater resources, cultural resources, biological resources and aesthetics as well as consistency with applicable codes, policies, and ordinances follows.

**1. Project Analysis**

Groundwater Resources

The Jacumba Solar project is located within a groundwater dependent portion of the County. The total construction water demand for the project was determined to be approximately 59 acre-feet and the total operational water demand was determined to be approximately four acre-feet per year. The project has identified the Jacumba Community Services District (JCSD) and the Padre Dam Municipal Water District (PDMWD) as off-site water suppliers for this project.

Two groundwater investigations were completed for proposed JCSD well locations which determined that up to 59 acre-feet of groundwater could be utilized for construction water demand and up to four acre-feet per year could be utilized for operational water demand in compliance with the County significance thresholds for groundwater storage and well interference. The PDMWD is proposed to supply any of the water demand with imported recycled water if the balance cannot be provided by a JCSD well.

Groundwater Monitoring and Mitigation Plans (GMMPs) for the project detail establishment of groundwater thresholds for off-site well interference and groundwater dependent habitat. Although

groundwater investigations have shown that well interference and groundwater in storage impacts are not expected to be significant, the GMMPs would ensure that any unanticipated impacts to groundwater storage, from well interference, and/or groundwater dependent habitat are detected and reversed through curtailment or cessation of pumping.

With the conditioning of the MUP decision for the project to limit the amount of water from each of the identified groundwater sources as well as the conditioning for GMMPs, it has been concluded that there would be a less than significant impact to groundwater resources.

### Cultural Resources

The project was surveyed for cultural resources and evaluated for significance in 2012 and 2014. Twenty-seven cultural resources were identified. Twenty of the sites are outside of the area of direct impact and will be avoided by project design. The remaining seven sites were evaluated for significance as they are located within the project footprint. Five of the sites were determined not to be significant resources. Portions of the remaining two sites were determined to be Resource Protection Ordinance (RPO) significant. The RPO-significant portions of the sites will be placed into open space. An adequate open space buffer will also be provided and will include fencing during construction to protect the resources. Due to the potential for undiscovered archaeological deposits, the project is conditioned with an Archaeological Monitoring Program that includes a Luiseno Native American monitor.

In addition, as part of the cultural evaluation, a Sacred Lands Check with the Native American Heritage Commission (NAHC) was conducted (March 26, 2015). The NAHC identified a site and referred the County to the Ewiiapaayp Tribal Office for additional information (April 16, 2015). Robert Pinto of the Ewiiapaayp Tribal Office was contacted as part of the Tribal Outreach (June 17, 2015). To date, no response has been received from the Ewiiapaayp Tribal Office. A list of tribes to contact was provided by the NAHC. Staff contacted the listed tribes to request whether they had any information related to sacred sites that may be impacted by the project (June 17, 2015). To date, no response has been received from any of the tribes that were contacted.

Local tribes were notified of the public review period of the EIR (April 16, 2015). Comments were received from the Viejas Tribal Government and Frank J. Salazar III (Campo Band of Mission Indians). In addition, comments were also received from the San Diego County Archaeological Society.

The Viejas Band is concerned that the site contains many sacred sites to the Kumeyaay people. Both the Project Archaeologist and County staff conducted outreach with Viejas and to date no information related to the type of site(s) or their locations has been provided. In addition, Viejas requested (1) advance notice of any plans on mitigation measures; (2) active participation in the development of said mitigation measures; (3) that all NEPA/CEQA/NAGPRA/AB-52 laws be followed; (4) that qualified Kumeyaay cultural monitors be on site at all times; (5) that frequent updates to the tribes be provided, as well as a final report on the findings; and (6) to immediately contact Viejas on any changes or inadvertent discoveries. Mitigation measures were provided to Viejas during public review of the EIR and include archaeological monitoring (including a Kumeyaay Native American monitor), open space (included under biological resources), and

fencing. Viejas did not raise any issues related to the adequacy of the conditions. The archaeological monitoring condition was revised to include communication to Viejas of status of project grading and inadvertent finds, as well as a copy of the final report.

Comments were received from Frank J. Salazar III representing the Campo Band of Mission Indians. Mr. Salazar expressed that they were not included on the list provided by the NAHC and thus were not afforded the opportunity to consult under the Sacred Lands Check, cumulative impacts, and requested that any artifacts collected remain in the local region. Staff relies on the NAHC to provide a comprehensive list of tribes and groups that should be contacted. Outreach was conducted with Mr. Salazar, providing information as to why AB-52 and SB-18 consultations do not apply to the project and requesting whether he had any concerns or issues. In addition, County staff provided numerous days and times in which to meet. Mr. Salazar did not confirm any of the meeting dates or times. Furthermore, staff identified that cumulative impacts were analyzed in the EIR. As part of the outreach, staff identified that the Imperial Valley Desert Museum which Mr. Salazar is associated with would qualify as a culturally affiliated tribal curation facility. However, staff advised that curation of artifacts may be submitted to a repository meeting Federal standards 36 Code of Federal Regulations (CFR) Part 79 within San Diego County or at a culturally-affiliated tribal curation facility and that conditions do not specify the repository in which artifacts must be curated.

The San Diego County Archaeological Society requested that the temporary fencing condition include archaeological and Native American monitors during installation. The condition was revised to reflect the request.

### Biological Resources

Biological resources on the Jacumba Solar project site were evaluated through vegetation mapping of the site as well as various surveys including a focused botanical survey, a formal jurisdictional delineation, focused surveys for the federally listed endangered Quino checkerspot butterfly and a raptor habitat assessment. Concerns have been raised that the proposed project will result in adverse impacts to biological resources.

Based on the Biological Resources Reports prepared for the Jacumba Solar project, the project will result in potential impacts as follows:

- Impacts to the following habitats: Semi-desert chaparral, Sonoran mixed woody scrub, Upper Sonoran subshrub scrub and Peninsular juniper woodland and scrub.
- Impacts to the following County List A and B plant species: Pygmy lotus (*Acmispon haydonii*), Jacumba milk-vetch (*Astragalus douglasii* var. *perstrictus*), Tecate tarplant (*Deinandra floribunda*), Sticky geraea (*Geraea viscida*), Slender-leaved ipomopsis (*Ipomopsis tenuifolia*), Desert beauty (*Linanthus bellus*), Mountain Springs bush lupine (*Lupinus excubitus* var. *medius*), Southern jewel-flower (*Streptanthus campestris*), Parry's tetracoccus (*Tetracoccus dioicus*).
- Impacts to the following County Group I and II wildlife species: Sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperi*), Bell's sparrow (*Artemisiospiza belli*), Golden eagle (*Aquila chrysaetos*), Turkey vulture (*Cathartes aura*), Prairie falcon (*Falco mexicanus*), Loggerhead shrike (*Lanius ludovicianus*), Belding's orange-throated whiptail (*Aspidoscelis*

*hyperythra beldingi*), Coastal whiptail (*Aspidoscelis tigris stejnegeri*), Northern red-diamond rattlesnake (*Crotalus ruber ruber*), Rosy boa (*Lichanura trivirgata*), Blainville's horned lizard (*Phrynosoma blainvillii*), California horned lark (*Eremophila alpestris actia*), Western bluebird (*Sialia mexicana*), Barn owl (*Tyto alba*), Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), Mule deer (*Odocoileus hemionus*), Mountain lion (*Puma concolor*), Monarch (*Danaus plexippus*).

In order to mitigate for impacts of the project on biological resources, the following mitigation measures, as further detailed in the EIR, would become conditions of approval of the Major Use Permit:

- On-site preservation and preparation of a Resource Management Plan,
- Open space fencing,
- Biological monitoring,
- Resource avoidance,
- Restrictions on construction vehicle speed limits,
- Preparation of a biological monitoring report,
- Implementation of a Fugitive Dust Control Plan,
- Restrictions on operation and maintenance personnel activity,
- Implementation of a Fire Protection Plan,
- Implementation of recommendations by the Avian Power Line Interaction Committee,
- Obtaining necessary federal and state permits,
- Preparation of a Worker Response Reporting System (WRRS) to collect biological data.

With the implementation of the mitigation detailed above, the Jacumba Solar project would have a less than significant impact on biological resources.

## Aesthetics

Due to the anticipated change between existing and proposed visual quality as well as potential impacts including contrast with the existing visual character of the area, the Jacumba Solar project would result in moderate levels of visual contrast and would result in potentially significant visual impacts as they relate to the existing visual character and quality of the site and surroundings.

Figures 9 through 12 of the Visual Resources Report dated April, 2015 prepared by Dudek (Appendix 2.1-1 of the EIR), outlined four key views identifying publicly accessible vantage points including from Interstate 8 (I-8), Old Highway 80, Airport Mesa, and the mesa landform in the Table Mountain. The visual impact assessment uses visual simulations of the project from key view locations to analyze the level of visual change and overall effects to visual resources within the project viewshed. The Visual Resources Report determined that the proposed solar PV arrays would display a height visually consistent with that of the international border fence and single-

story rural residences in the project viewshed; however, the bulk, horizontal scale, and grayish to grayish-blue color of the solar facility would draw the attention of passing motorists (I-8 and Old Highway 80). From elevated vantage points, the characteristic visual pattern of light brown to tan soils and shrubby, stippled vegetation across the valley floor would be replaced by the dark, rectangular form of solar panels and underlying shadows and the horizontal, light grayish-colored lines displayed by on-site access roads. The change in color at the valley floor and abrupt break in the visual pattern of vegetation and soils would be noticeable and would detract from the vividness of panoramic views.

Furthermore, the rectangular form of inverters distributed across the project site would rise above the comparatively low horizontal form of solar modules and would be visible. The anticipated form, line, and color contrasts associated with the proposed water tanks, particularly the site atop the low, mounded hill at the western project boundary, would present an additional vertical disruption to the landscape.

The project would be viewed primarily from a distance and would be experienced in the larger landscape context that includes the ESJ gen-tie, ECO Substation, steel lattice towers associated with the Southwest Powerlink and Sunrise Powerlink, and wind turbines and steel lattice structures located in Mexico. The perceived intactness and unity of the landscape and project site as viewed from stationary and mobile locations would be diminished by the introduction of the uniformly dark-colored solar facility; tan-colored soils at project edges; and tall, light-colored monopoles.

The Visual Impact Report also reviewed the potential for the facility to create glare and concluded that while the use of highly reflective materials at the on-site substation would be limited and components of the 138 kV transmission line would feature non-reflective surfaces, the steel shells of the energy storage containers may produce glare that could be visible by passing motorists along I-8 and Old Highway 80, and to recreationists in the adjacent mountain areas.

To reduce the severity of the anticipated visual contrast, mitigation measures have been incorporated into the Jacumba Solar project to further reduce visual impacts to the extent feasible. These design features include:

- The project inverters shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding project components and the existing landscape. Alternatively, enclosure walls shall have a coarse texture (such as a split-face concrete block) to reduce reflectivity and blend with surrounding vegetation; flat building surfaces shall be avoided.
- Energy storage containers shall be painted a flat, non-reflective color to match the color of surrounding project components and the existing landscape.
- The installation of water tanks atop elevated landforms shall be avoided. If the installation of water tanks atop elevated landforms is required by the San Diego Rural Fire Protection District (SDRFPD), then water tanks shall be installed with the top of the tank no more than eight feet above the native terrain. Any remaining visible tank surface shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding project components and the existing landscape.
- The solar panels will include a non-reflective coating to reduce glare from the project.

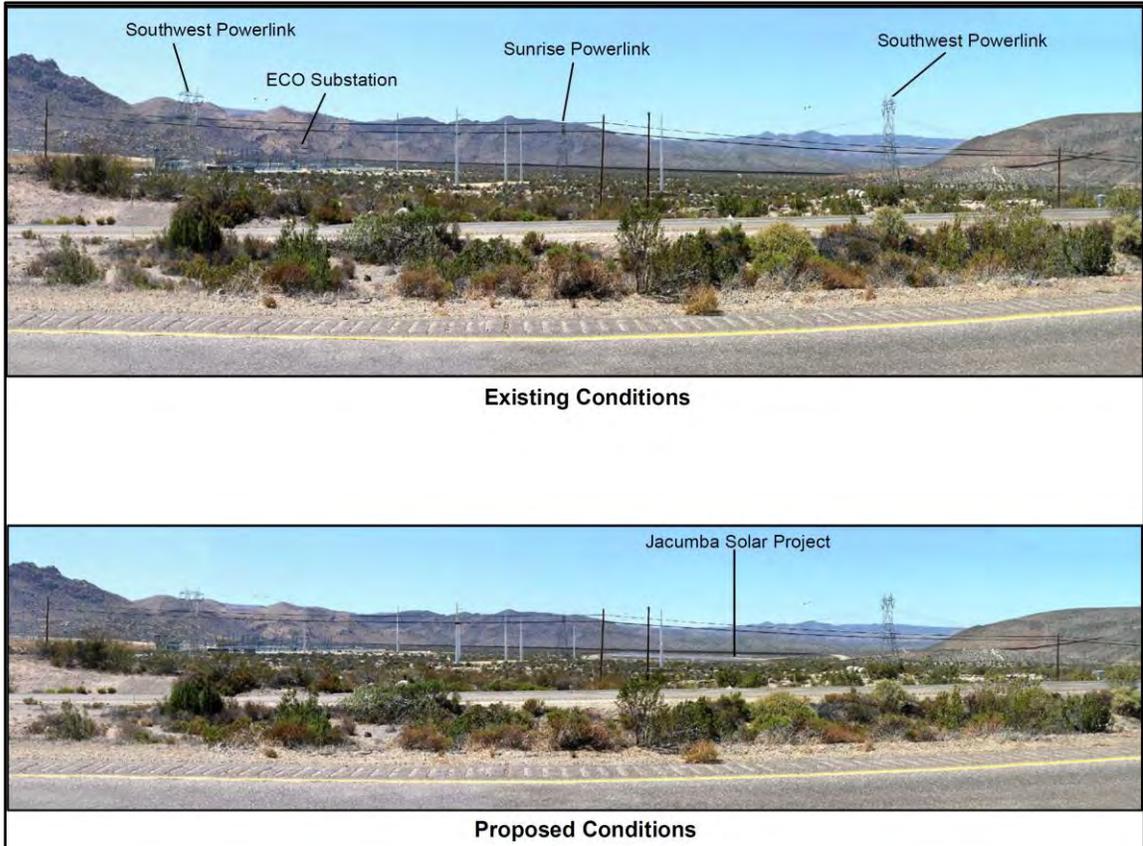


Figure 6 – Photo-simulation (Westbound Interstate 8)

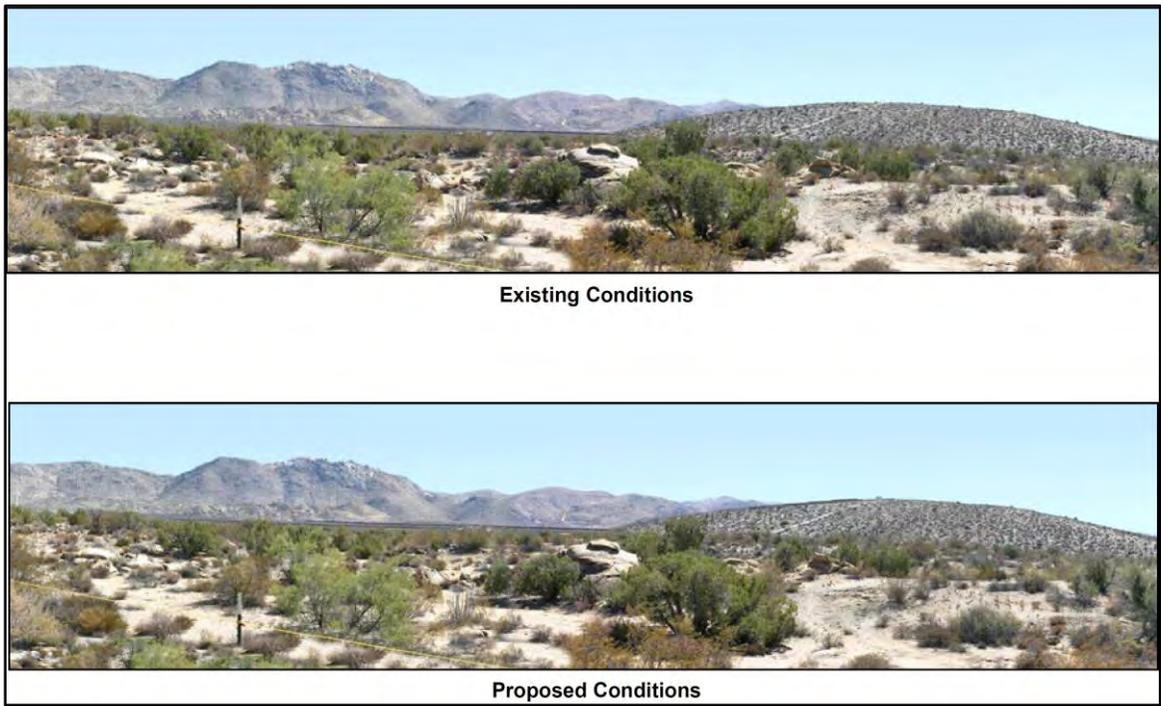


Figure 7 – Photo-simulation (Eastbound Old Highway 80)

In summary, the Visual Impact Analysis found that the project would not substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from I-8, Old Highway 80 or from the Jacumba Mountains or Table Mountain, as shown in Figures 6 and 7. However, the proposed project would create potentially significant visual contrasts in form, line, and color. Because feasible mitigation has not been identified that would reduce color contrast within the solar facility; line and color contrast at project edges associated with perimeter access roads; and form, line, and color contrasts associated with connector line monopoles and cumulative impacts, the project would remain significant and unavoidable.

While the Jacumba Solar project will result in significant and unmitigable impacts to visual resources, as described above, all achievable measures have been taken to reduce the impacts to the extent feasible.

**2. General Plan Consistency**

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

*Table D-1: General Plan Conformance*

<b>General Plan Policy</b>	<b>Explanation of Project Conformance</b>
LU-2.8 Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or are detrimental to human health and safety.	Implementation of mitigation measures discussed throughout the EIR would reduce project-generated impacts to the extent feasible. Generally, wherever a potentially significant impact has been identified for the project, the EIR discusses and requires implementation of relevant and appropriate mitigation to minimize the identified impact to the extent feasible. Mitigation would be provided to ensure that noise and vibratory impacts would be less than significant. Mitigation also would be provided to ensure air quality impacts, including dust, have been reduced to the extent feasible. The project would not result in impacts from odors and, therefore, no mitigation is required. While the project will result in significant and unmitigated impacts to aesthetics, mitigation measures have been applied to the project, as detailed in the EIR and Form of Decision.

General Plan Policy	Explanation of Project Conformance
<p>LU-4.6 Planning for Adequate Energy Facilities. Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.</p>	<p>The project is an energy facility that will generate 20 MW of power which will be transmitted to the East County (ECO) Substation. As designed, the project is consistent with the General Plan and Mountain Empire Subregional Plan and all impacts from the proposed solar facility are mitigated to the extent feasible. The project includes adequate mitigation and design measures to ensure community compatibility, including dedication of onsite open space, requirements for particular paint colors and building textures and locating criteria for water tanks.</p>
<p>LU-6.6 Integration of Natural Features into Project Design. Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.</p>	<p>The project includes a 184-acre open space preserve onsite that would be placed in a permanent open space easement. The open space would enable wildlife movement across the private lands to adjoining federal lands in an area where cross-border movement is possible. Based on vegetation mapping, elevation ranges, soils, and location of the open space, it contains suitable habitat to compensate for the loss of special-status plant and wildlife species that would potentially be impacted by the project. The dedication of this open space will preserve important biological and cultural resources in the area.</p>
<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>Grading required for the project would be consistent with the requirements of the County of San Diego Grading Ordinance. While the Jacumba project site is gently to moderately sloping, the projects do not propose major grading that would create major landform modifications. Based on the Preliminary Grading Plan prepared for the Jacumba Solar project, it will require approximately 180,000 cubic yards of cut and is expected to be balanced and redistributed across the site. During construction, implementation of required erosion control plans, stormwater management plans, and best management practices (BMPs) would minimize potential erosion and sedimentation impacts.</p>

General Plan Policy	Explanation of Project Conformance
<p>LU-8.2 Require development to identify adequate groundwater resources in groundwater-dependent areas, as follows:</p> <ul style="list-style-type: none"> <li>• In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions.</li> <li>• Encourage programs to alleviate overdraft conditions in Boulevard.</li> </ul> <p>In areas without current overdraft groundwater conditions, prohibit new groundwater-dependent development where overdraft conditions are foreseeable.</p>	<p>The Jacumba Solar project is located within a groundwater-dependent portion of the County. The project will utilize groundwater from the Jacumba Community Services District (JCSD) and recycled water from the Padre Dam Municipal Water District (PDMWD) in order to meet project construction and operational water demands. JCSD intends to supply water from an off-site well, well 6, located in Jacumba Hot Springs. A Groundwater Investigation was prepared for the project which analyzes use of groundwater from the JCSD by the proposed project. The EIR discusses potential impacts to groundwater resources and concludes that impacts would be less than significant.</p>
<p>M-4.4 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>Primary access to the project site would be provided via an improved access road from Old Highway 80. The primary access driveway would be approximately 35-feet wide and provided off the existing paved ECO Substation driveway. An additional point of emergency access would be provided along the project's southern property line to facilitate U.S. Customs and Border Protection access and to provide an alternate fire access point. Fire access roads would be oriented in a north-south direction and would have east-west connections and designed to support the weight of fire apparatus.</p>
<p>COS-5.2 Require development to minimize the use of directly connected impervious surfaces and to retain stormwater run-off caused from the development footprint at or near the site of generation.</p>	<p>The only impervious surface on the project site is the concrete pad for the substation equipment and the operations and maintenance (O&amp;M) facility; however, the majority of the project site would remain permeable and allow water to percolate. A Stormwater Pollution Prevention Plan (SWPPP) would also be required and would incorporate low-impact development features into the project design to ensure that existing drainage patterns are not significantly altered.</p>

<b>General Plan Policy</b>	<b>Explanation of Project Conformance</b>
COS-18.1 Alternate Energy Systems Design. Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.	The project has been designed to be consistent with the community character of the surrounding area by incorporating design measures to minimize views of the facility from the surrounding area. Design measures also include painting inverter enclosures with a flat, non-reflective grayish or dark-green color, painting of the energy storage containers with a flat, non-reflective color and avoiding the installation of water tanks atop elevated landforms.

General Plan Policy	Explanation of Project Conformance
<p>S-3.6 Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.</p>	<p>An Emergency Services Capabilities Assessment prepared for the project found that the current fire response capabilities, including primary response from San Diego County Fire Authority Boulevard Fire Station, would be adequate to meet the County standard for response time. Additional response would be provided from San Diego Rural Fire Protection District (SDRFPD) Lake Morena Fire Station, the Jacumba Volunteer Fire Station, and Cal Fire Campo Station. The project would not result in the need for increased fire protection facilities or services in the area. The implementation of the Fire Protection Plan (FPP), including clear delineation of access routes and response methods, will be beneficial to fire response in the surrounding community, as well as to the project site. In addition, the project will contribute specific equipment and funds to the local fire and emergency response capabilities, one of which is funding of a paramedic. The net benefit of the improved advanced life support medical response by adding paramedic equipment for a new paramedic position provides an on-going benefit to the community/region long after the construction phase is complete. With regard to suppressing any potential electrical fires, firefighters are trained to put the fires out including staying back a safe distance and use of a “fog stream”. This includes using Class A foam, a dry extinguisher, or water to cool burning material below ignition temperatures. Fire extinguishers will be mounted at the inverter enclosures and medium voltage transformer units throughout the project site. All battery storage components would be on concrete, within an enclosed structure, avoiding contact with ignition sources and would not include liquids that could spill. The enclosed structure would be equipped with a fire suppression system.</p>

3. Subregional Plan Consistency

The proposed project is consistent with the following relevant Mountain Empire Subregional Plan goals, policies, and actions as described in Table D-2.

Table D-2: Mountain Empire Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
<p><b>Land Use (Policy and Recommendation 1).</b> The landforms of the Subregion are an important environmental resource that should be respected in new development. Hillside grading shall be minimized and designed to blend in with the existing natural contours.</p>	<p>Grading required for the project would not significantly alter the site topography and would be required to comply with the County of San Diego Grading Ordinance. While the project site is gently to moderately sloping, the project does not propose major grading that would create major landform modifications. Based on the Preliminary Grading Plan prepared for the Jacumba Solar project, it will require approximately 180,000 cubic yards of cut and is expected to be balanced and redistributed across the site. During construction, the implementation of required erosion control plans, stormwater management plans, and best management practices (BMPs) would minimize potential erosion and sedimentation impacts.</p>
<p><b>Land Use (Policy and Recommendation 4).</b> Ensure that all development be planned in a manner that provides adequate public facilities prior to or concurrent with need.</p>	<p>There are several fire stations that are owned and staffed by San Diego County Fire Authority (SDCFA), CalFire and the San Diego Rural Fire Protection District (SDRFPD) within the project area. Law enforcement in the project area is served by the San Diego County Sheriff's Department, California Highway Patrol, and U.S. Customs and Border Protection. The Mountain Empire Unified School District serves the project area, and includes six elementary schools, one senior high school, and three alternative education schools. Based on the existing services as well as the contribution of funding toward appropriate fire and emergency protection services, the project would not result in the need for additional fire or emergency protection facilities or services nor would it cause the need for expanded facilities.</p>
<p><b>Energy Conservation (Policy and Recommendation 8.1).</b> New development should utilize alternative energy technologies, especially active and passive solar energy systems.</p>	<p>The proposed project is a solar facility and therefore, by its use, complies with this policy.</p>

Subregional Plan Policy	Explanation of Project Conformance
<p><b>Environmental Resources (Policy and Recommendation 4).</b> The dark night sky is a significant resource for the Subregion and appropriate steps shall be taken to preserve it.</p>	<p>Nighttime lighting during operations would be restricted to on-going maintenance and security lighting and all project lighting would comply with the County Light Pollution Code. In addition, proposed security lighting at the solar facility would be directed downward and shielded to minimize light spillover and potential lighting impacts to adjacent properties and the night sky.</p>
<p><b>Environmental Resources (Policy and Recommendation 5).</b> Development shall not adversely affect the habitat of sensitive plant and wildlife species or those areas of significant scenic value.</p>	<p>A Biological Resources Report has been prepared to analyze project impacts to biological resources. On-site mitigation is proposed and includes a 184-acre open space preserve within a permanent open space easement which would conserve important resources in perpetuity. The open space would enable wildlife access across the private lands to adjoining federal lands in an area where cross-border movement is possible. The dedication of this open space will preserve important biological and cultural resources in the area.</p>

**4. Zoning Ordinance Consistency**

The proposed project complies with all applicable zoning requirements of the S92 (General Rural) zone with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

*Table D-3: Zoning Ordinance Development Regulations*

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	S92	Yes, upon approval of a MUP.
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:	C	Yes
Open Space:	-	N/A
Special Area Regulations:	C	Yes

Development Standard	Proposed/Provided	Complies?
Sections 2926.b of the Zoning Ordinance allow for Major Impact Services and Utilities upon issuance of a MUP.	The Jacumba Solar project is a solar energy facility which is classified in the Zoning Ordinance as a Major Impact Service and Utility.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of a MUP.
Section 4600 of the Zoning Ordinance set the maximum height requirements. This parcel has a "G" height designator, which requires that structures be no more than 35 feet in height.	The proposed solar panels will be a maximum height of nine feet. The project does propose a 138kV gen-tie consisting of up to three overhead steel poles of up to 150 feet in height.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon granting of an exception pursuant to Section 4620g. of the Zoning Ordinance.
Section 4800 of the Zoning Ordinance sets minimum setback requirements. The project site contains a "C" setback designator. This setback designator requires a minimum 60-foot front yard setback (from centerline), a minimum 15-foot interior side yard setback, 35-foot exterior side yard setback, and 25-foot rear yard setback.	The proposed structures meet the required setbacks.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4830 requires a 90 foot open space corridor for any parcels within the Mountain Empire Subregional Plan Area in the vicinity of the International Border (in addition to the 60' Public Reserve Area immediately proximate to the Border).	The project maintains the 150 feet open space corridor and has located the proposed solar panels approximately 175 feet from the southern boundary of the International Border. Therefore no waiver request is required.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 5250 of the Zoning Ordinance sets forth requirements for the "C" Airport Land use Compatibility Plan area regulations. In summary, these regulations are to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional	The project is located within the Airport Influence Area (AIA) of the Jacumba Airport, for which the County Regional Airport Authority has adopted the Jacumba ALUCP, and is therefore subject to Sections 5250 through 5260 of the County Zoning Ordinance. The project would be required to file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Development Standard	Proposed/Provided	Complies?
Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP).	Based on the information provided in Form 7460-1, the FAA determined that the proposed project would not present a hazard to airspace or navigation.	
Section 7358 of the Zoning Ordinance requires that findings be made for the Major Use Permit. Among other things, these findings require 1) neighborhood compatibility; 2) harmony in scale, bulk and coverage; and 3) consistency with the General Plan.	The project has been found to be compatible with the harmony of the surrounding area and existing structures due to the similarity with other similarly sized facilities including the ECO Substation and U.S.-Mexico Border Fence. As previously demonstrated in section D-1 of this report, the project has been found to be consistent with the San Diego County General Plan. A complete analysis of the MUP Findings can be found in the MUP Form of Decision (Attachment B).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of a MUP.

**5. Applicable County Regulations**

*Table D-4: Applicable County Regulations*

County Regulation Policy	Explanation of Project Conformance
1 Resource Protection Ordinance (RPO)	The project has been found to comply with the RPO because it would not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands. RPO significant cultural resources have been avoided and archeological monitoring is proposed to ensure archeological resources are not impacted. Therefore it has been found that the proposed project complies with the RPO.
2 County Consolidated Fire Code	A Fire Protection Plan (FPP) was prepared by a County approved Specialist and accepted by the San Diego County Fire Authority. The project has been conditioned to comply with this FPP for the life of the project. Conformance with the FPP would ensure that the project remains in compliance with the San Diego County Consolidated Fire Code.

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

**6. California Environmental Quality Act (CEQA) Compliance**

The project complies with the requirements of the CEQA because a Draft EIR dated April 2015, Environmental Review Number PDS2014-ER-14-22-001, was prepared for the project that complies with the State and County CEQA Guidelines. The Draft EIR was advertised for a 45-day public review commencing on April 16, 2015 and closing on June 3, 2015. Comments were received that required minor changes to the EIR. This new information clarified or amplified information already found in the Draft EIR, and did not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Final EIR, including Responses to Comments dated April 2016 is on file with PDS as Environmental Review Number PDS2014-ER-14-22-001.

**E. COMMUNITY SPONSOR GROUP**

Throughout the process of the MUP, the Jacumba Community Sponsor Group discussed the project at several of its meetings. Below is a summary of these meetings:

- On, September 23, 2014 the Jacumba Community Sponsor Group discussed the project during the Notice of Preparation (NOP) meeting and did not make a recommendation.
- On April 28, 2015, a meeting was held with PDS staff during the EIR public review.
- On October 27, 2015, the Jacumba Community Sponsor Group discussed the project but was not on the agenda and no formal vote was carried out.
- On November 24, 2015, by a vote of 5 Ayes- 0 Noes- 0 Absent- 0 Recused, the Jacumba Community Sponsor Group voted to recommend approval of the project. It was later determined that the agenda for the November 24, 2015 meeting did not include an adequate description of the item under the Brown Act and that the project should be re-advertised and noticed with an adequate description for a future meeting.

- On February 23, 2016, by a vote of 5 Ayes- 0 Noes- 0 Absent- 0 Recused, the Jacumba Community Sponsor Group voted to rescind their November 24, 2015 vote to recommend approval of the project and rescind their December 4, 2015 letter to the County. Also on February 23, 2016, the Jacumba Community Sponsor Group voted 4 Ayes- 0 Noes- 0 Absent- 1 Recused to recommend approval of the project. A letter dated March 12, 2016 was submitted to the County documenting the group's support of the project.

The Community Sponsor Group minutes are included in Attachment E.

**F. PUBLIC INPUT**

The project was noticed to the surrounding property owners upon submittal. Several comments were received during the NOP of the EIR. In addition, during the public review period of the EIR, a total of 30 comment letters were received. The concerns raised in the comments pertain primarily to potential impacts to groundwater resources, biological resources, cultural resources and aesthetics. Responses to the public comments received during the public review period can be found in the Final EIR on file under PDS2014-ER-14-22-001.

**G. RECOMMENDATIONS**

Staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:

- Adopt the Environmental Findings included in Attachment D, which includes the certification of an EIR pursuant to the CEQA Guidelines.
- Grant MUP PDS2014-MUP-14-041, which includes the requirements and conditions set forth in the MUP Form of Decision in Attachment B.
- Approve the Fire and Emergency Services Agreement between the County of San Diego and Jacumba Solar LLC and authorize the County Fire Warden or his designee to sign the Agreement for the County (Attachment F).

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**Report Prepared By:**  
 Ashley Smith, Project Manager  
 858-495-5375  
[Ashley.Smith2@sdcounty.ca.gov](mailto:Ashley.Smith2@sdcounty.ca.gov)

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**Report Approved By:**  
 Mark Wardlaw, Director  
 858-694-2962  
[Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)

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AUTHORIZED REPRESENTATIVE: 

MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation

Attachment B – Form of Decision Approving PDS2014-MUP-14-041

Attachment C – Environmental Documentation

Attachment D – Environmental Findings

Attachment E – Public Documentation

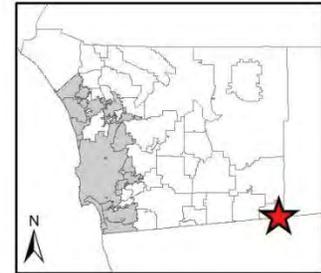
Attachment F – Fire and Emergency Services Agreement

Attachment G – Ownership Disclosure

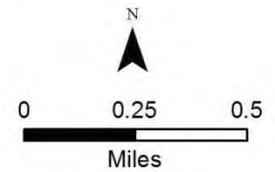
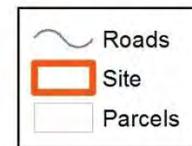
## **Attachment A – Planning Documentation**

# JACUMBA SOLAR ENERGY PROJECT Vicinity Map

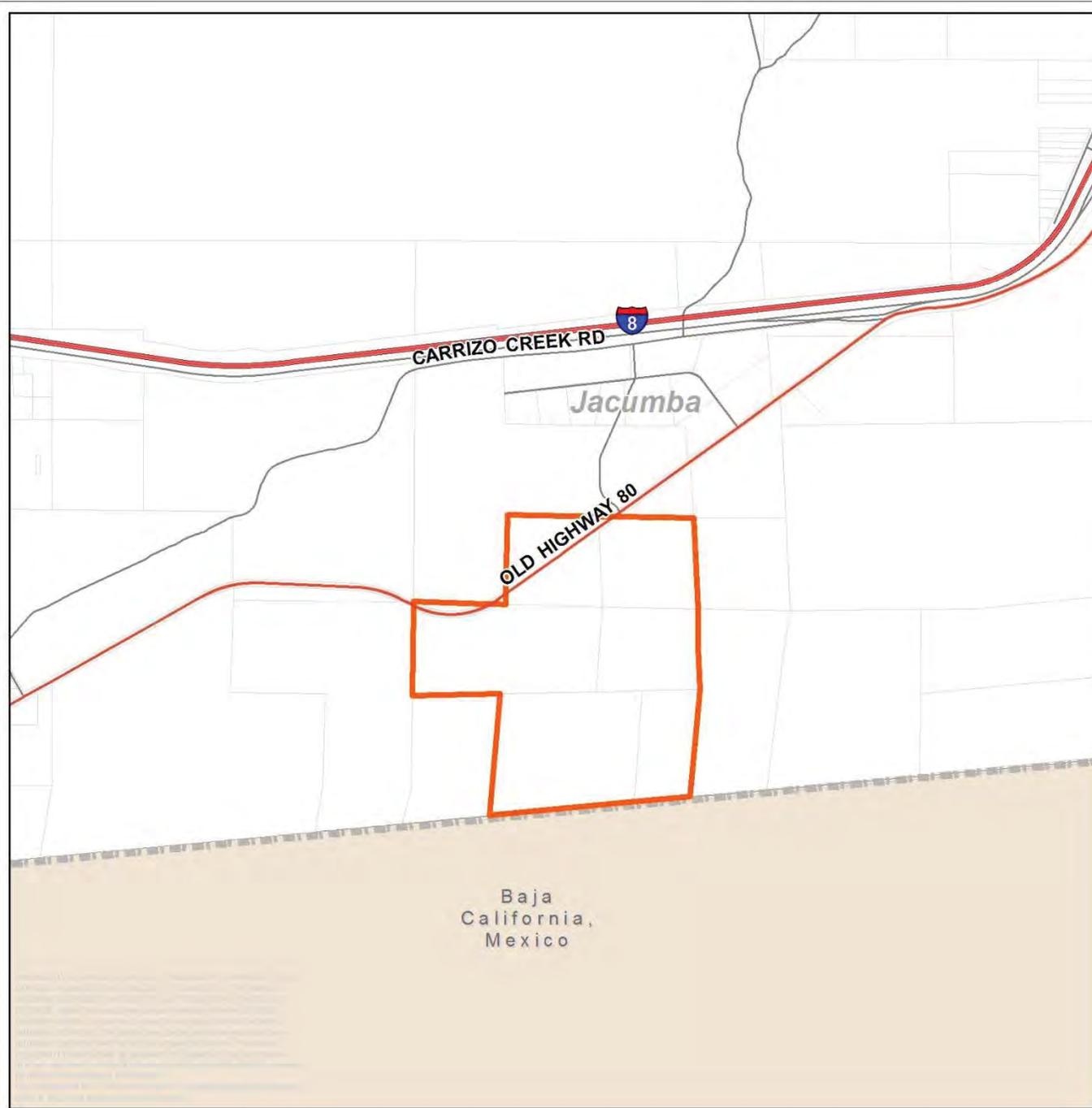
Jacumba  
Community Plan Area



1:3,500,000



Date: 10/28/2015  
Path: P:\reg\2014-MUP-14-041\_102215\vicinity2.mxd



# JACUMBA SOLAR ENERGY PROJECT

Aerial

Jacumba Community Plan Area

~ Roads

Site

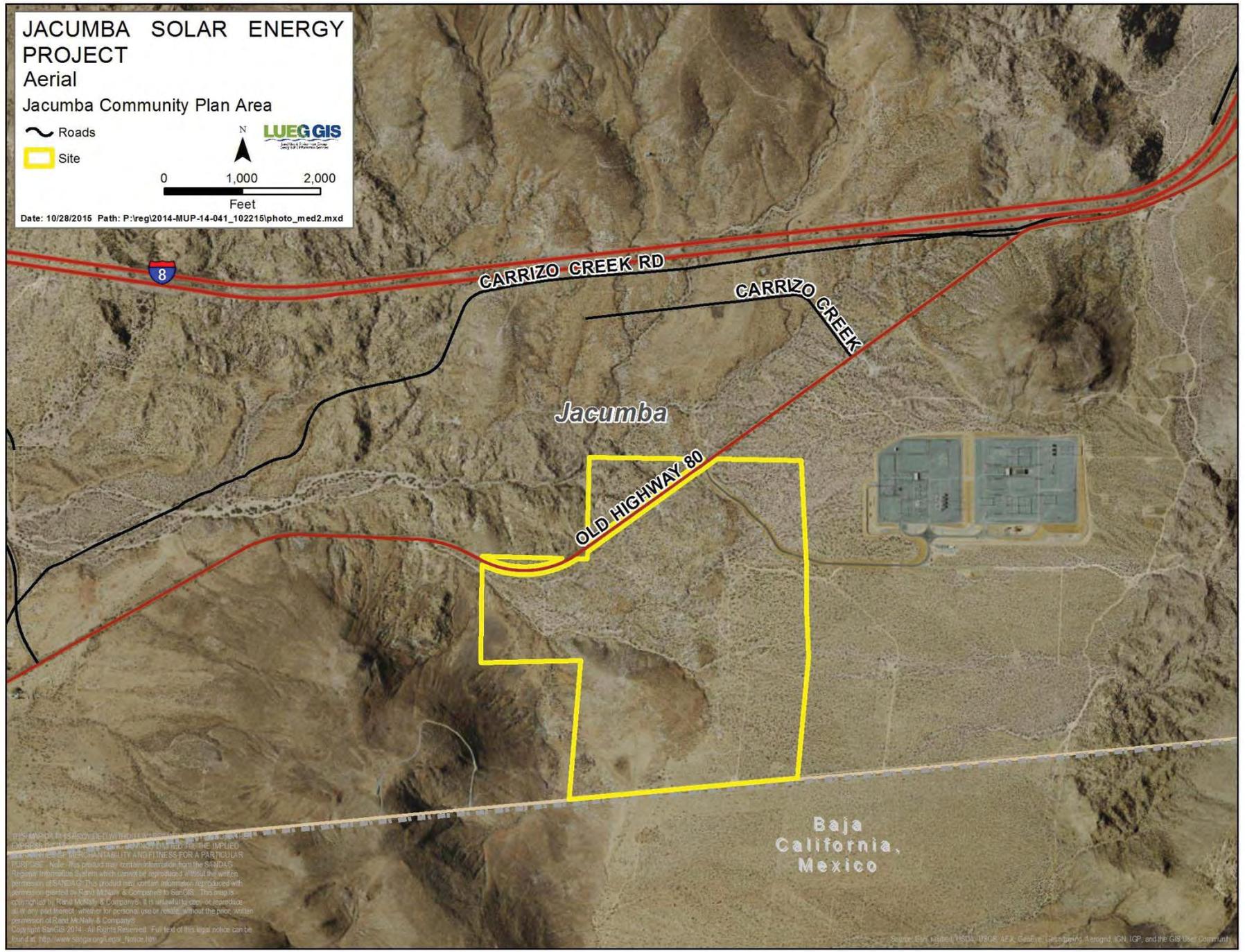
N

LUEGGIS

0 1,000 2,000

Feet

Date: 10/28/2015 Path: P:\regl2014-MUP-14-041\_102215\photo\_med2.mxd



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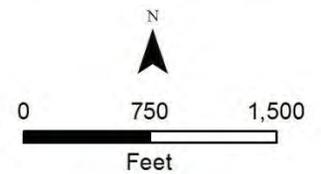
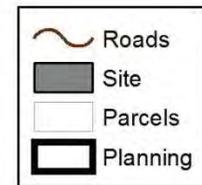
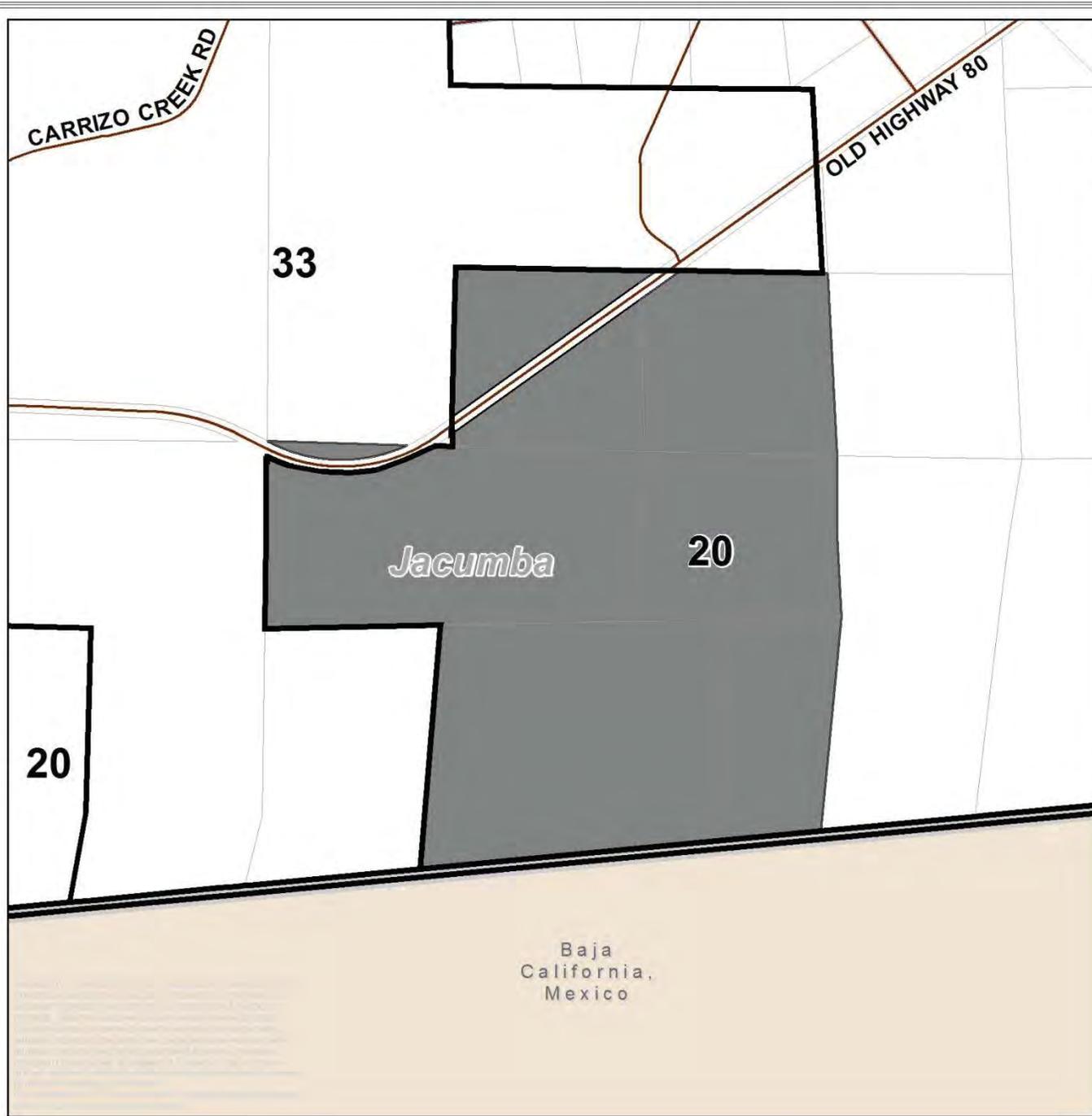
Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, AeroGRID, IGN, IGP, and the GIS User Community

# JACUMBA SOLAR ENERGY PROJECT General Plan Map

Jacumba  
Community Plan Area

(20) Rural Lands (RL-80)

(33) Public Agency Lands



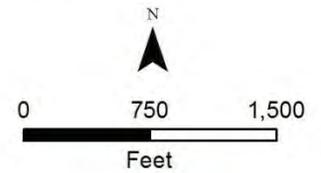
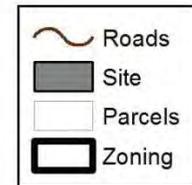
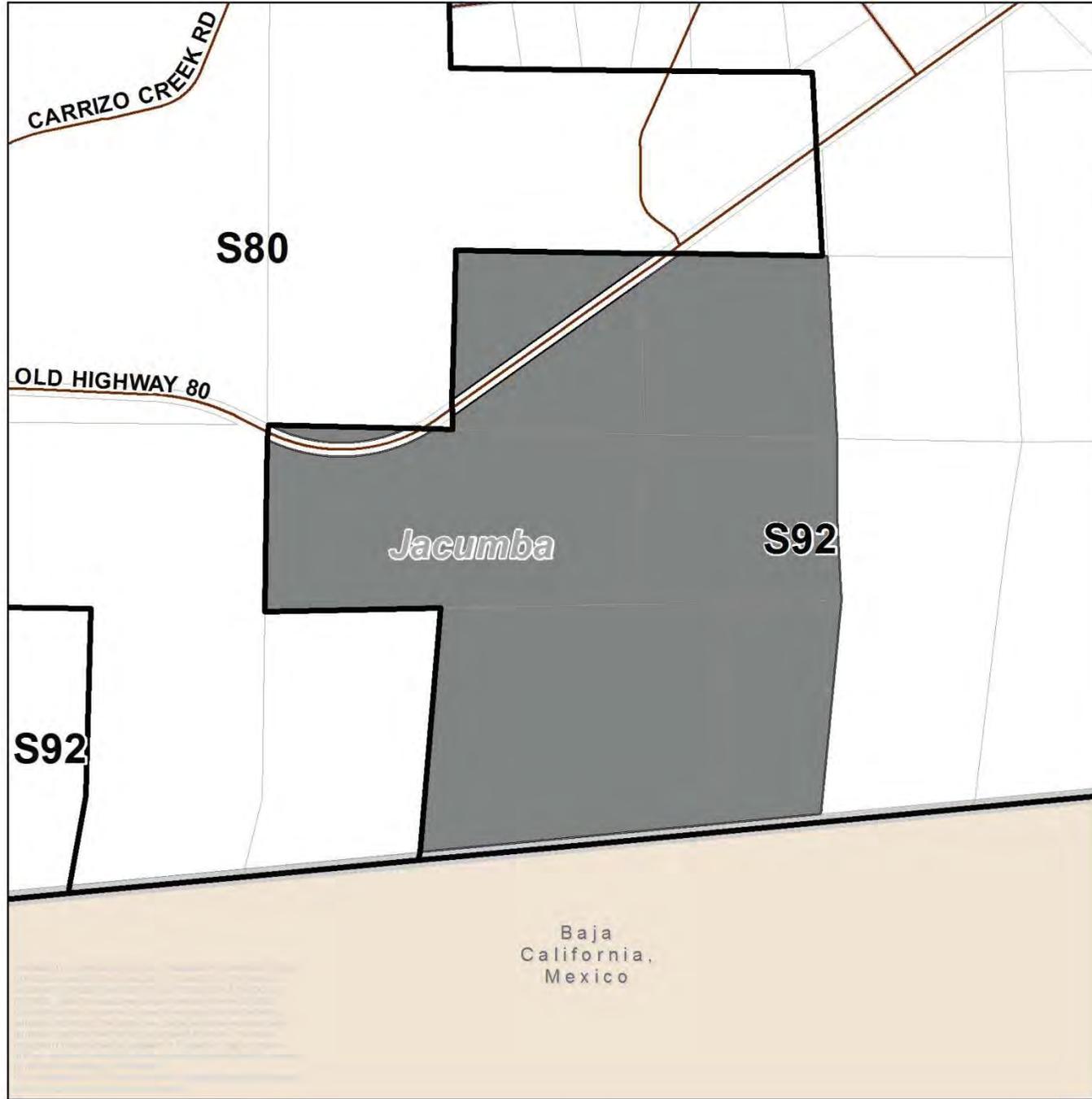
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# JACUMBA SOLAR ENERGY PROJECT Zoning Map

Jacumba  
Community Plan Area

S80 - Open Space

S92 - General Rural



Date: 10/28/2015  
Path: P:\reg\2014-MUP-14-041\_102215\zoning2.mxd

VICINITY MAP



VICINITY MAP  
NOT TO SCALE

# PRELIMINARY GRADING PLANS FOR JACUMBA SOLAR ENERGY PROJECT SAN DIEGO COUNTY, CA



REGIONAL MAP  
NOT TO SCALE

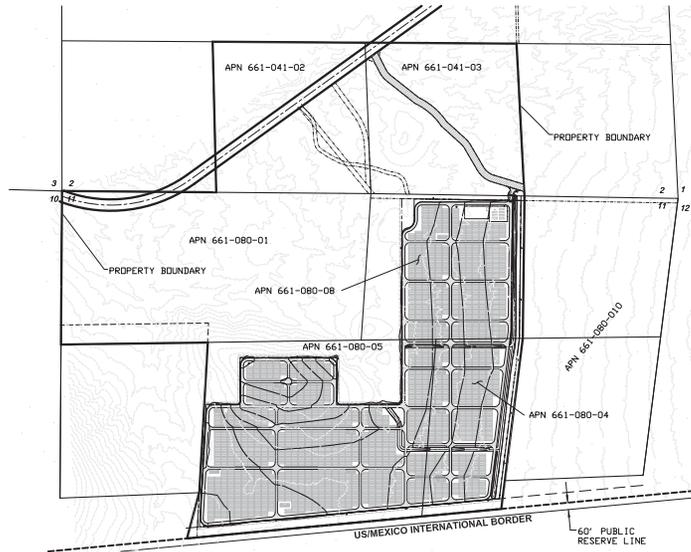
SYSTEM SUMMARY	
MODULE	YINGLI Y63SP-350
MODULE STC RATING	345W*
NO. OF MODULES	81,108
MODULES PER STRING	30
DC/AC RATIO	1.2
TOTAL STC AC SYSTEM SIZE	28 MW
TOTAL STC DC SYSTEM SIZE	20 MW
DC SYSTEM VOLTAGE	1500VDC**
NO. OF INVERTERS	24,759kW
	4,108kW
INVERTER SPECIFICATIONS	SMA SUNNY CENTRAL 750kW, 1500VDC SMA SUNNY CENTRAL 500kW, 1500VDC
NO. OF FIXED TILT RACKS	2,253
FIXED TILT RACK	UNIRAC 1975 GROUND MOUNT
MODULE TILT	25 DEGREES
GCR	55%

\*MODULE IS BASED ON THE YINGLI 310P-350, 310W MODEL; IT IS ANTICIPATED THAT A SIMILAR 350W PANEL WILL BE AVAILABLE WHEN THIS PROJECT IS UNDER CONSTRUCTION.

\*\*INVERTERS ARE BASED ON THE SMA SUNNY CENTRAL 750kW AND 500kW, 1500VDC MODELS; IT IS ANTICIPATED THAT A SIMILAR 1500VDC INVERTERS WILL BE AVAILABLE WHEN THIS PROJECT IS UNDER CONSTRUCTION.

CONCEPTUAL  
ENGINEERING PLANS

**NOT FOR CONSTRUCTION  
FOR PERMITTING ONLY**



PLAN VIEW

SCALE: 1" = 500'

SHEET INDEX		
SHEET NO.	DRAWING NO.	TITLE
1	JSEP-2-DW-112-000-001	COVER SHEET
2	JSEP-2-DW-112-002-001	PLDT PLAN
3	JSEP-2-DW-112-735-001	PRELIMINARY GRADING PLAN
4	JSEP-2-DW-112-735-002	GRADING SECTIONS AND DETAILS
5	JSEP-2-DW-112-735-003	FENCE, PANEL AND RACKING DETAILS
6	JSEP-2-DW-112-717-001	EROSION CONTROL PLAN
7	JSEP-2-DW-601-206-010	CONCEPTUAL ONE LINE DIAGRAM

GRADING NOTES

- ALL GRADING SHALL CONFORM TO THE REQUIREMENTS OF THE GRADING ORDINANCE SECTIONS 91.011 THROUGH 91.034 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES.
- A REGISTERED CIVIL ENGINEER IS REQUIRED TO SUPERVISE INSTALLATION OF THE FILL KEYWAY AND ALL FILL BENCHING AND COMPACTION. A SOILS REPORT WITH COMPACTION TESTS IS REQUIRED FOR ALL FILL THAT IS OVER 12" IN DEPTH. FORM PDS 073, MINOR GRADING CERTIFICATION, AND THREE (3) COPIES OF THE COMPACTION REPORT COMPLETED BY A SOILS ENGINEER SHALL BE SUBMITTED PRIOR TO ROUGH GRADE APPROVAL.
- ALL FILL MATERIAL SHALL BE COMPACTED TO AT LEAST 90% MAXIMUM DRY DENSITY.
- NATURAL DRAINAGE SHALL NOT BE DIVERTED OR CONCENTRATED ONTO ADJACENT PROPERTY.
- MAINTAIN 1% (MINIMUM) SLOPE AWAY FROM ALL BUILDINGS FOR AT LEAST 5'.
- ALL GRADING DETAILS SHALL BE IN CONFORMANCE WITH THE FOLLOWING SAN DIEGO COUNTY DESIGN STANDARDS OR REGIONAL STANDARD DRAWINGS:
  - A. DS-8 LOT GRADING
  - B. DS-10 GRADING OF SLOPES
  - C. DS-11 REQUIRED SETBACKS
  - D. D-40 RIP RAP ENERGY DISSIPATOR
  - E. D-75 DRAINAGE DITCHES
- BERMS SHALL BE REQUIRED AT THE TOP OF ALL FILL SLOPES AND SWALES OR BROW DITCHES SHALL BE REQUIRED AT THE TOP OF ALL CUT SLOPES. ALL BERMS, SWALES, OR BROW DITCHES SHALL CONFORM TO THE DESIGN STANDARDS OR REGIONAL STANDARD DRAWINGS LISTED ABOVE.
- REGARDLESS OF WHICH BMP'S ARE IMPLEMENTED THE FACE OF ALL CUT AND FILL SLOPES IN EXCESS OF 3' VERTICAL HEIGHT SHALL BE PLANTED AND MAINTAINED WITH A GROUND COVER OR OTHER PLANTING TO PROTECT THE SLOPES AGAINST EROSION AND INSTABILITY. PLANTING SHALL COMMENCE AS SOON AS SLOPES ARE COMPLETED. ALL PLANTING MUST HAVE A PERMANENTLY INSTALLED IRRIGATION SYSTEM.
- REQUIRED SLOPE RATIOS ARE AS FOLLOWS:
  - A. CUTS - 3:1 FOR MINOR SLOPES (UP TO 15' VERTICAL HEIGHT)
  - B. CUTS - 2:1 FOR MAJOR SLOPES (OVER 15' VERTICAL HEIGHT)
  - C. FILLS - 2:1 (MAXIMUM) FOR ALL FILL SLOPES
- NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE GRADING ORDINANCE AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, THE OWNER AND PERMITEE ARE RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO ADJACENT PROPERTIES. NO PERSON SHALL EXCAVATE SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY ADJACENT PUBLIC STREET OR SIDEWALK, OR THE FUNCTION OF ANY SEWAGE DISPOSAL SYSTEM OR ANY OTHER PUBLIC OR PRIVATE PROPERTY.
- THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES MAY IMPOSE CONDITIONS THAT ARE REASONABLY NECESSARY TO PREVENT THE CREATION OF A NUISANCE OR HAZARD TO PERSONS OR TO PUBLIC OR PRIVATE PROPERTY. THE DIRECTOR MAY ALSO MODIFY OR ADD CONDITIONS TO ANY VALID GRADING PERMIT WHEN SUCH MODIFICATIONS OR ADDITIONS ARE REASONABLY NECESSARY TO PREVENT THE CREATION OF A NUISANCE OR HAZARD TO PERSONS OR TO PUBLIC OR PRIVATE PROPERTY. SUCH CONDITIONS MAY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:
  - A. IMPROVEMENT OF EXISTING GRADING TO CONFORM WITH THE GRADING ORDINANCE; AND
  - B. REQUIREMENTS FOR FENCING OF EXCAVATIONS OR FILLS THAT WOULD OTHERWISE BE HAZARDOUS; AND
  - C. ADEQUATE DUST CONTROL MEASURES.
- ALL OPERATIONS CONDUCTED ON THE PREMISES, INCLUDING THE WARMING UP, REPAIR, ARRIVAL, DEPARTURE OR RUNNING OF TRUCKS, EARTH MOVING EQUIPMENT, CONSTRUCTION EQUIPMENT OR ANY OTHER ASSOCIATED GRADING EQUIPMENT SHALL BE LIMITED TO THE PERIOD BETWEEN 7:00AM AND 6:00PM MONDAY THROUGH SATURDAY. NO EARTH MOVING OR GRADING SHALL BE CONDUCTED ON SUNDAYS OR HOLIDAYS.
- THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF THE PROPOSED WORK SHALL BE PROVIDED TO THE FOLLOWING AGENCIES:
  - A. SAN DIEGO GAS AND ELECTRIC (800) 422-4133
  - B. PACIFIC BELL (800) 422-4133
  - C. CITY (800) 422-4133
  - D. WATER UTILITY (800) 422-4133
  - E. SEWER UTILITY (800) 422-4133
- APPROVAL OF THESE PLANS BY THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES DOES NOT AUTHORIZE ANY WORK OR GRADING TO BE PERFORMED UNTIL THE PROPERTY OWNER'S PERMISSION IS OBTAINED, RIGHT TO ENTRY FORM COMPLETED AND VALID GRADING PERMIT ISSUED.
- THE ISSUANCE OF A GRADING PERMIT SHALL CONSTITUTE AN AUTHORIZATION TO PERFORM ONLY THAT WORK WHICH IS DESCRIBED OR SHOWN ON THE GRADING PERMIT APPLICATION AND APPROVED GRADING PLANS. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ANY CONDITIONS IMPOSED BY THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES AND IN ACCORDANCE WITH THE GRADING ORDINANCE.
- EARTHWORK QUANTITIES:
 

EXCAVATION:	180,000	CUBIC YARDS
FILL:	180,000	CUBIC YARDS
IMPORT:	0	CUBIC YARDS
EXPORT:	0	CUBIC YARDS

GRADING LEGEND

ITEM	SYMBOL	ITEM	SYMBOL
CUT SLOPE:		CUT/FILL LINE:	
FILL SLOPE:		PROPERTY BOUNDARY:	
EXISTING CONTOUR:		EASEMENT LINE:	
PROPOSED CONTOUR:			

PROPERTY OWNER INFORMATION
NAME: JACUMBA SOLAR, LLC.
ADDRESS: 700 UNIVERSE BLVD JUNO BEACH, FL 33408
TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER) 661-041-02, 661-041-03, 661-080-01, 661-080-04 SITE A.P.N. NUMBER: 661-080-05, 661-080-08 SITE ADDRESS: xxx OLD HWY 80 JACUMBA, CA 91934

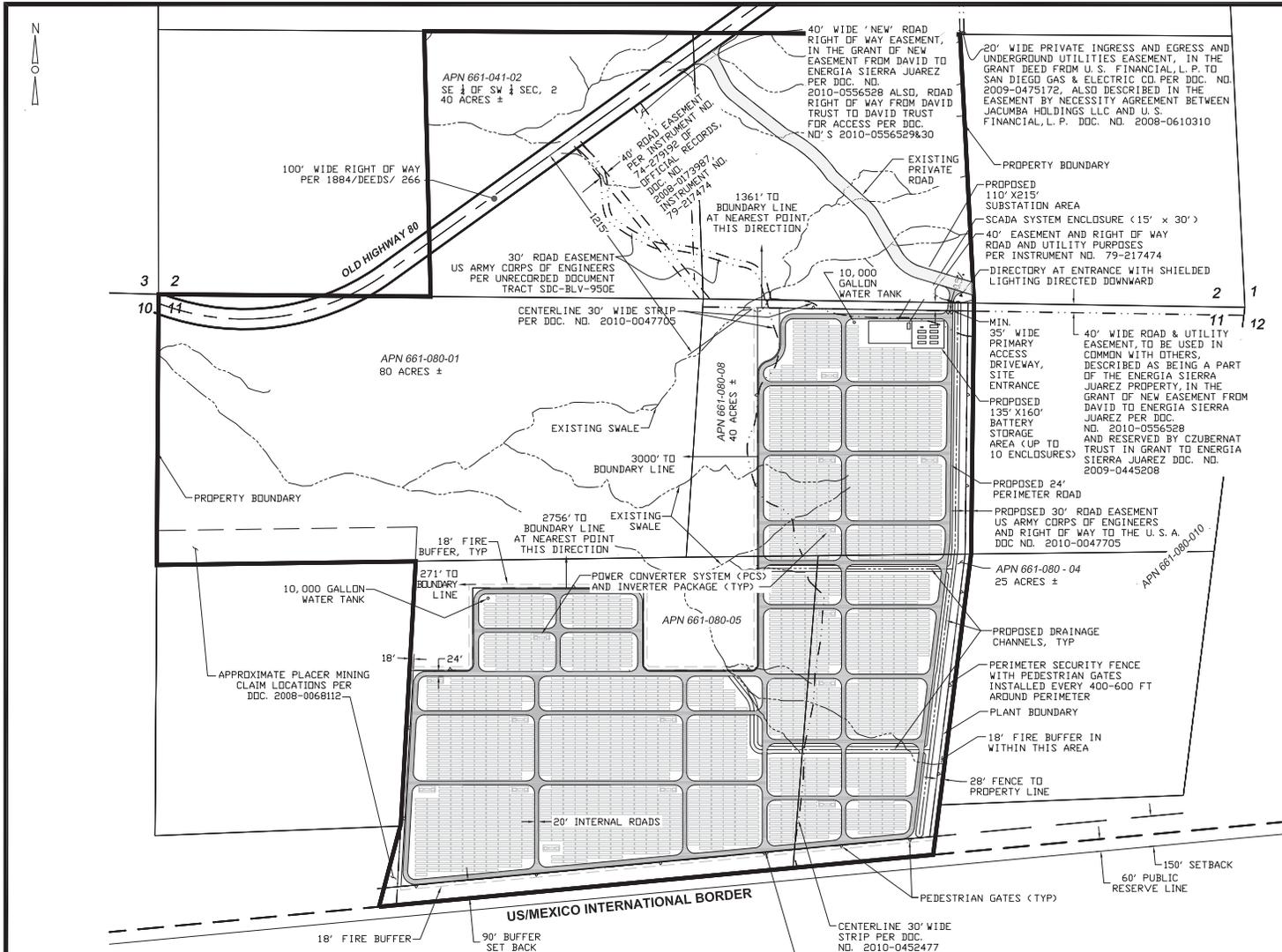
GRADING ON ADJACENT PARCELS
LIST ANY ADJACENT PARCELS UNDER THE SAME OWNERSHIP AS THIS PARCEL FOR WHICH A GRADING PLAN HAS BEEN SUBMITTED OR A GRADING PERMIT ISSUED: APN(s):
PROPERTY OWNER CERTIFICATION
I CERTIFY THAT I HAVE READ AND UNDERSTAND THE STORMWATER MANAGEMENT NOTES AND THE GRADING NOTES: OWNER'S SIGNATURE (REQUIRED): DATE:

DISTURBED AREA CALCS
PAD + SLOPES: _____ SF
DRIVEWAY: _____ SF
PRIMARY SEPTIC: _____ SF
FIRE CLEARING: _____ SF
TOTAL: _____ SF
IF ≥ 1 AC, PROVIDE WIDTH: _____

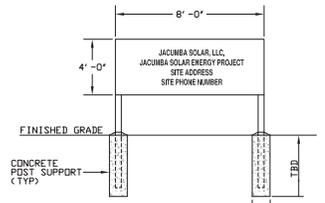
PLAN CHECK/PERMITS
BUILDING RECORD ID: _____
PARCEL MAP NUMBER: _____
ENGINEER OF WORK
I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT. NAME: JUAN BRAVO DATE: _____ RCE NO: _____ EXPIRES: _____

COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES
MINOR GRADING PLAN FOR: JACUMBA SOLAR, LLC. JACUMBA SOLAR ENERGY PROJECT 20MW PV COVER SHEET OF SHEETS: 7
APPROVED: DIRECTOR OF PLANNING & DEVELOPMENT SERVICES DATE: _____ SHEET: 1 OF SHEETS: 7 GRADING RECORD ID: JSEP-2-DW-112-101-000

ENGINEER WORLEYPARSONS  
2330 E. BIDWELL ST., SUITE 150  
FOLSOM, CA 95630  
(916) 817-3920



VICINITY MAP  
NOT TO SCALE



PLANT ENTRANCE SIGN  
NOT TO SCALE

EARROWK QUANTITIES:

EXCAVATION:	180,000	CUBIC YARDS
FILL:	180,000	CUBIC YARDS
IMPORT:	0	CUBIC YARDS
EXPORT:	0	CUBIC YARDS

SHEET LEGEND:

	PROPERTY BOUNDARY
	PLANT BOUNDARY/FENCE
	PCS/INVERTER PACKAGE
	SECTION LINE
	FIXED TILT RACK
	DRAINAGE CHANNEL (TBD PER DRAINAGE STUDY)
	DRAINAGE FLOWLINE (TBD PER DRAINAGE STUDY)
	PEDESTRIAN GATE

CONCEPTUAL  
ENGINEERING PLANS

**NOT FOR CONSTRUCTION  
FOR PERMITTING ONLY**

**PROPERTY OWNER INFORMATION**

NAME: JACUMBA SOLAR, LLC  
 ADDRESS: 700 UNIVERSE BLVD  
 JUNO BEACH, FL 33408

TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER)  
 661-041-02, 661-041-03, 661-080-01, 661-080-04  
 SITE A.P.N. NUMBER: 661-080-05, 661-080-08  
 SITE ADDRESS: XXX OLD HWY 80  
 JACUMBA, CA 91934

REFERENCE DRAWINGS:

JSEP-2-DW-112-000-001	COVER SHEET
JSEP-2-DW-112-735-001	PRELIMINARY GRADING PLAN
JSEP-2-DW-112-735-002	GRADING SECTIONS AND DETAILS
JSEP-2-DW-112-735-003	FENCE DETAILS
JSEP-2-DW-112-717-001	EROSION CONTROL PLAN
JSEP-2-DW-601-206-010	CONCEPTUAL ONE LINE DIAGRAM



**PLAN CHECK/PERMITS**

BUILDING RECORD ID: \_\_\_\_\_  
 PARCEL MAP NUMBER: \_\_\_\_\_

**ENGINEER OF WORK**

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

NAME: JUAN BRAVO DATE: \_\_\_\_\_  
 RCE NO: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

COUNTY OF SAN DIEGO  
 PLANNING & DEVELOPMENT SERVICES

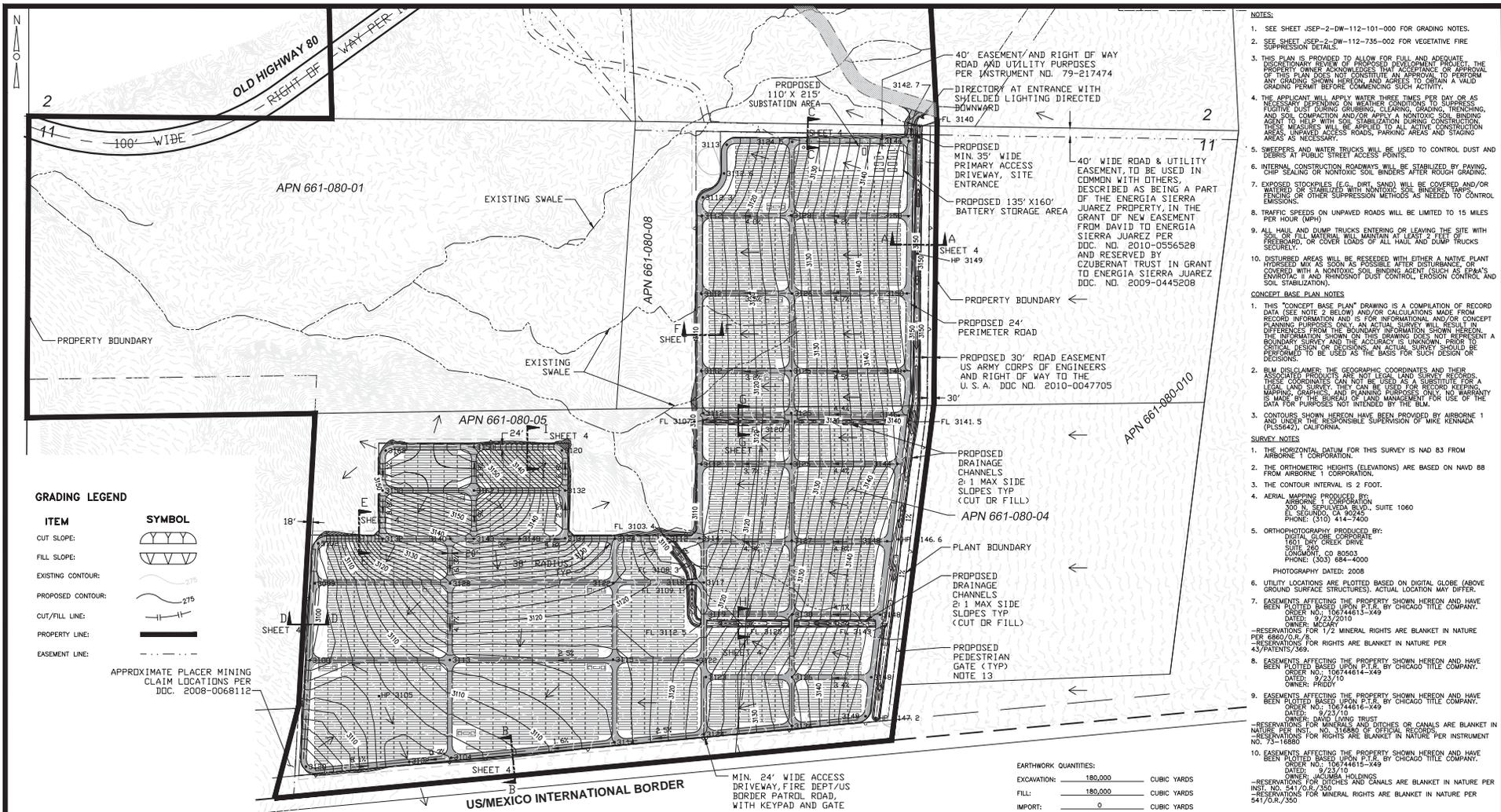
MINOR GRADING PLAN FOR:  
 JACUMBA SOLAR, LLC  
 JACUMBA SOLAR ENERGY PROJECT  
 20MW PV  
 PLOT PLAN

SHEET: 2 OF SHEETS: 7

APPROVED: \_\_\_\_\_  
 DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

GRADING RECORD ID:  
 JSEP-2-DW-112-002-001

ENGINEER WORLEYPARSONS  
 2330 E. BOWELL ST., SUITE 150  
 FOLSOM, CA 95630  
 (916) 817-3920



**GRADING LEGEND**

ITEM	SYMBOL
CUT SLOPE:	
FILL SLOPE:	
EXISTING CONTOUR:	
PROPOSED CONTOUR:	
CUT/FILL LINE:	
PROPERTY LINE:	
EASEMENT LINE:	

APPROXIMATE PLACER MINING CLAIM LOCATIONS PER DDC. 2008-0068112

**EARTHWORK QUANTITIES:**

EXCAVATION:	180,000	CUBIC YARDS
FILL:	180,000	CUBIC YARDS
IMPORT:	0	CUBIC YARDS
EXPORT:	0	CUBIC YARDS

- NOTES:**
- SEE SHEET JSEP-2-DW-112-101-000 FOR GRADING NOTES.
  - SEE SHEET JSEP-2-DW-112-735-002 FOR VEGETATIVE FIRE SUPPRESSION DETAILS.
  - THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW BY THE LOCAL AGENCIES. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF ANY GRADING SHOWN HEREON AND AGREES TO OBTAIN A VALID GRADING PERMIT FROM THE LOCAL AGENCIES PRIOR TO ANY GRADING.
  - THE APPLICANT WILL APPLY WATER THREE TIMES PER DAY OR AS NECESSARY DEPENDING ON WEATHER CONDITIONS TO SUPPRESS DUST AND SOIL BINDING. WATER SHALL BE APPLIED TO ALL ACTIVE CONSTRUCTION AREAS, UNPAVED ACCESS ROADS, PARKING AREAS AND STAGING AREAS AS NECESSARY.
  - SWEEPERS AND WATER TRUCKS WILL BE USED TO CONTROL DUST AND DEBRIS AT PUBLIC STREET ACCESS POINTS.
  - INTERNAL CONSTRUCTION ROADWAYS WILL BE STABILIZED BY PAVING, CHIP SEALING OR MONTONIC SOIL BINDERS AFTER ROUGH GRADING.
  - EXPOSED STOCKPILES (E.G., DIRT, SAND) WILL BE COVERED AND/OR WATERED OR STABILIZED WITH MONTONIC SOIL BINDERS TO CONTROL EMISSIONS OR OTHER SUPPRESSION METHODS AS NEEDED TO CONTROL EMISSIONS.
  - TRAFFIC SPEEDS ON UNPAVED ROADS WILL BE LIMITED TO 15 MPH PER HOUR (MPH).
  - ALL HAUL AND DUMP TRUCKS ENTERING OR LEAVING THE SITE WITH SOIL OR FILL MATERIAL WILL MAINTAIN AT LEAST 2 FEET OF FREEBOARD, OR COVER LOADS OF ALL HAUL AND DUMP TRUCKS SECURELY.
  - DISTURBED AREAS WILL BE RESEED WITH EITHER A NATIVE PLANT HYBRID OR AS SOON AS POSSIBLE AFTER RESTORATION OR COVERED WITH A MONTONIC SOIL BINDING AGENT SUCH AS ERMAS ENVIRONMENTAL AND MINING/DUST CONTROL, EROSION CONTROL AND SOIL STABILIZATION.

**CONCEPT BASE PLAN NOTES:**

1. THIS "CONCEPT BASE PLAN" DRAWING IS A COMPILATION OF RECORD DATA (SEE NOTE 2 BELOW) AND/OR CALCULATIONS MADE FROM RECORD INFORMATION AND IS FOR INFORMATIONAL AND/OR CONCEPT PLANNING PURPOSES ONLY. THE INFORMATION SHOWN ON THIS DRAWING IS NOT A BOUNDARY SURVEY AND THE ACCURACY IS UNKNOWN. PRIOR TO CRITICAL DESIGN OR CONSTRUCTION, AN ACTUAL SURVEY SHOULD BE PERFORMED TO BE USED AS THE BASIS FOR SUCH DESIGN OR DECISIONS.

2. **BUM DISCLAIMER:** THE GEOGRAPHIC COORDINATES AND THEIR ASSOCIATED PROJECTIONS AND NOT LEGAL LAND SURVEY RECORDS. THESE COORDINATES CAN NOT BE USED AS A SUBSTITUTE FOR A LEGAL SURVEY. THIS DRAWING IS NOT TO BE USED FOR RECORD KEEPING, MAPPING, GRAPHICS, AND PLANNING PURPOSES ONLY. NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY THE BLM.

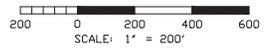
3. CONTOURS SHOWN HEREON HAVE BEEN PROVIDED BY AIRBORNE 1 AND UNDER THE RESPONSIBLE SUPERVISION OF MIKE KENWALD (PL35642), CALIFORNIA.

- SURVEY NOTES:**
- THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD 83 FROM AIRBORNE 1 CORPORATION.
  - THE ORTHOMETRIC HEIGHTS (ELEVATIONS) ARE BASED ON NAVD 88 FROM AIRBORNE 1 CORPORATION.
  - THE CONTOUR INTERVAL IS 2 FOOT.
  - AERIAL MAPPING PRODUCED BY: AIRBORNE 1 CORPORATION, 2008 N. SEPULVEDA BLVD., SUITE 1060, LOS ANGELES, CA 90048. PHONE: (310) 414-7400.
  - ORTHOPHOTOGRAPHY PRODUCED BY: DIGITAL GLOBE CORPORATION, 1701 DRY CREEK DRIVE, LONGMONT, CO 80503. PHONE: (303) 684-6000. PHOTOGRAPHY DATED: 2008.
  - UTILITY LOCATIONS ARE PLOTTED BASED ON DIGITAL GLOBE (ABOVE GROUND SURFACE STRUCTURES). ACTUAL LOCATION MAY DIFFER.
  - EASEMENTS AFFECTING THE PROPERTY SHOWN HEREON AND HAVE BEEN PLOTTED BASED UPON P.T.B. BY CHICAGO TITLE COMPANY. ORDER NO.: 198744813-X49. DATED: 9/23/2010. OWNER: MEXCO.
    - RESERVATIONS FOR 1/2 MINERAL RIGHTS ARE BLANKET IN NATURE PER 680 C.E.C.
    - RESERVATIONS FOR RIGHTS ARE BLANKET IN NATURE PER 43/PATENTS/569.
  - EASEMENTS AFFECTING THE PROPERTY SHOWN HEREON AND HAVE BEEN PLOTTED BASED UPON P.T.B. BY CHICAGO TITLE COMPANY. ORDER NO.: 198744813-X49. DATED: 9/23/10. OWNER: PROUD.
    - RESERVATIONS FOR MINERALS AND DITCHES OR CANALS ARE BLANKET IN NATURE PER INST. NO. 316880 OF OFFICIAL RECORDS.
    - RESERVATIONS FOR RIGHTS ARE BLANKET IN NATURE PER INSTRUMENT NO. 73-16880.
  - EASEMENTS AFFECTING THE PROPERTY SHOWN HEREON AND HAVE BEEN PLOTTED BASED UPON P.T.B. BY CHICAGO TITLE COMPANY. ORDER NO.: 198744813-X49. DATED: 9/23/10. OWNER: MEXCO.
    - RESERVATIONS FOR MINERALS AND DITCHES OR CANALS ARE BLANKET IN NATURE PER INST. NO. 541 C.E.C. 150.
    - RESERVATIONS FOR MINERAL RIGHTS ARE BLANKET IN NATURE PER 541/G.R./350.



**VICINITY MAP**  
 MEXICO  
 LATITUDE 32° 37' 16" NORTH  
 LONGITUDE 116° 7' 52" WEST  
 NOT TO SCALE

**PRELIMINARY GRADING PLAN**



**CONCEPTUAL ENGINEERING PLANS**

**NOT FOR CONSTRUCTION FOR PERMITTING ONLY**

**PROPERTY OWNER INFORMATION**

NAME: JACUMBA SOLAR, LLC.  
 ADDRESS: 700 UNIVERSE BLVD JUNO BEACH, FL 33408  
 TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER) 661-041-02, 661-041-03, 661-080-01, 661-080-04  
 SITE A.P.N. NUMBER: 661-080-05, 661-080-08  
 SITE ADDRESS: XXX OLD HWY 80 JACUMBA, CA 91934

**PLAN CHECK/PERMITS**

BUILDING RECORD ID: \_\_\_\_\_  
 PARCEL MAP NUMBER: \_\_\_\_\_

**ENGINEER OF WORK**

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

NAME: JUAN BRAVO DATE: \_\_\_\_\_  
 RCE NO: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

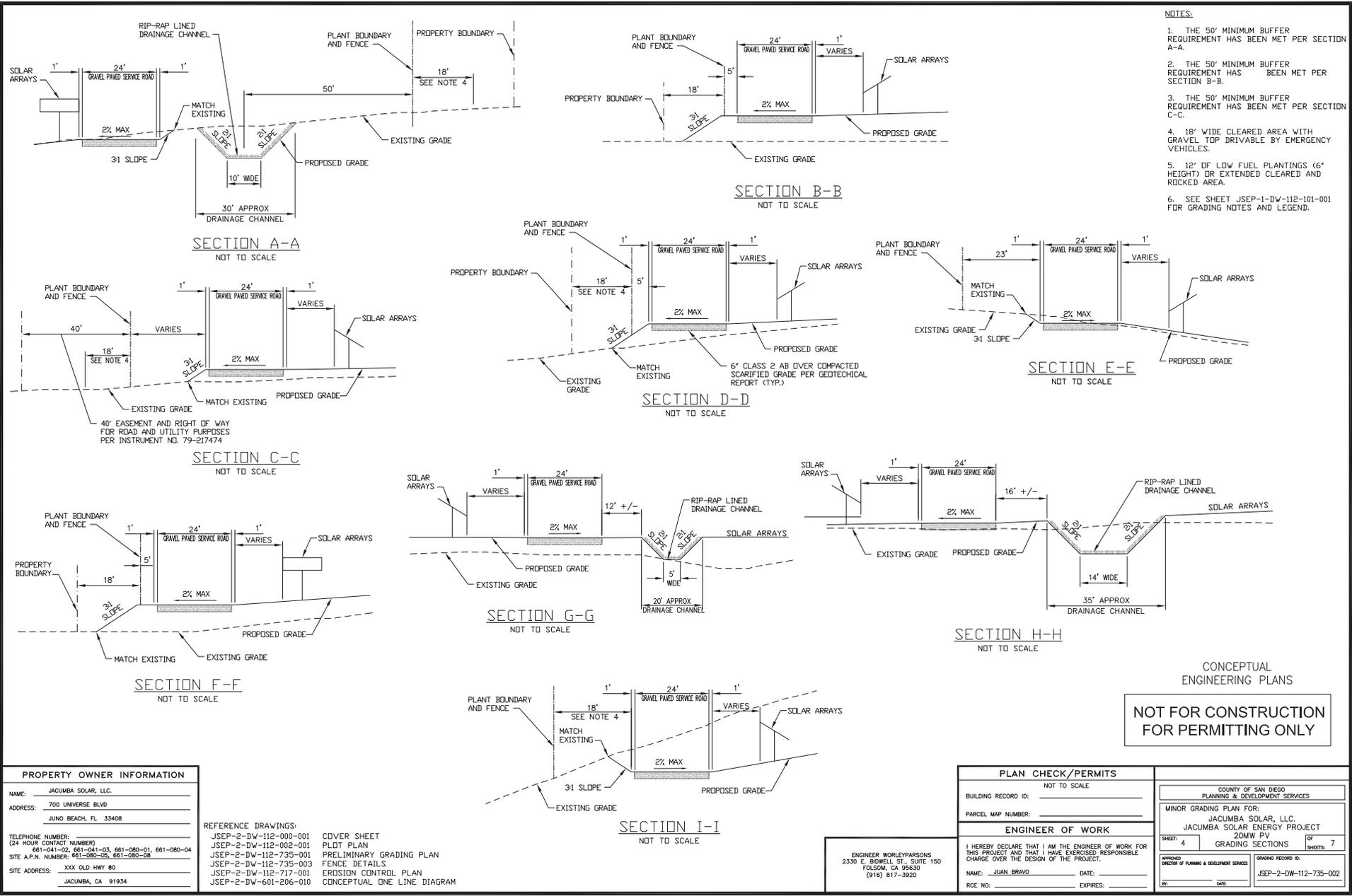
COUNTY OF SAN DIEGO  
 PLANNING & DEVELOPMENT SERVICES

MINOR GRADING PLAN FOR:  
 JACUMBA SOLAR, LLC.  
 JACUMBA SOLAR ENERGY PROJECT  
 28MW PV

SHEET: 3 OF 7  
 PRELIMINARY GRADING PLAN

APPROVED: [Signature] DATE: \_\_\_\_\_  
 GRADING RECORD ID: JSEP-2-DW-112-735-002

ENGINEER WORLEYPARSONS  
 2330 E. BOWELL ST., SUITE 150  
 FOLSOM, CA 95630  
 (916) 817-3920



- NOTES:**
1. THE 50' MINIMUM BUFFER REQUIREMENT HAS BEEN MET PER SECTION A-A.
  2. THE 50' MINIMUM BUFFER REQUIREMENT HAS BEEN MET PER SECTION B-B.
  3. THE 50' MINIMUM BUFFER REQUIREMENT HAS BEEN MET PER SECTION C-C.
  4. 18' WIDE CLEARED AREA WITH GRAVEL TOP DRIVABLE BY EMERGENCY VEHICLES.
  5. 12" OF LOW FUEL PLANTINGS (6' HEIGHT) OR EXTENDED CLEARED AND ROCKED AREA.
  6. SEE SHEET JSEP-1-DW-112-101-001 FOR GRADING NOTES AND LEGEND.

CONCEPTUAL  
ENGINEERING PLANS

**NOT FOR CONSTRUCTION  
FOR PERMITTING ONLY**

**PROPERTY OWNER INFORMATION**

NAME: JACUMBA SOLAR, LLC.  
 ADDRESS: 700 UNIVERSE BLVD  
 JUNO BEACH, FL 33408

TELEPHONE NUMBER:  
 (24 HOUR CONTACT NUMBER)  
 661-041-02, 661-041-03, 661-080-01, 661-080-04  
 SITE A.P.N. NUMBER: 661-080-05, 661-080-08  
 SITE ADDRESS: XXX OLD HWY 80  
 JACUMBA, CA 91934

- REFERENCE DRAWINGS:**
- JSEP-2-DW-112-000-001 COVER SHEET
  - JSEP-2-DW-112-002-001 PLDT PLAN
  - JSEP-2-DW-112-735-001 PRELIMINARY GRADING PLAN
  - JSEP-2-DW-112-735-003 FENCE DETAILS
  - JSEP-2-DW-112-717-001 EROSION CONTROL PLAN
  - JSEP-2-DW-601-206-010 CONCEPTUAL ONE LINE DIAGRAM

**PLAN CHECK/PERMITS**

NOT TO SCALE

BUILDING RECORD ID: \_\_\_\_\_

PARCEL MAP NUMBER: \_\_\_\_\_

**ENGINEER OF WORK**

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

NAME: JUAN BRAVO DATE: \_\_\_\_\_

RCE NO: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

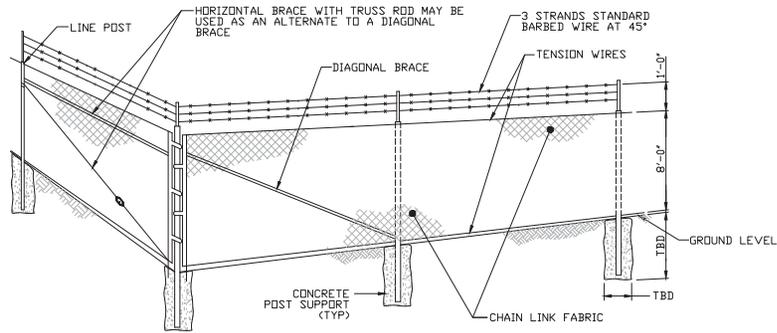
COUNTY OF SAN DIEGO  
PLANNING & DEVELOPMENT SERVICES

MINOR GRADING PLAN FOR:  
JACUMBA SOLAR ENERGY PROJECT  
20MW PV

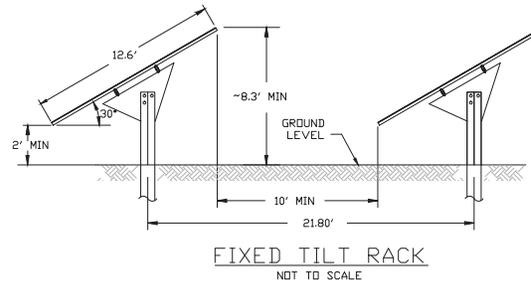
SHEET: 4 OF 7  
GRADING SECTIONS

GRADING RECORD ID: JSEP-2-DW-112-735-002

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DIRECTOR OF PLANNING & DEVELOPMENT SERVICES



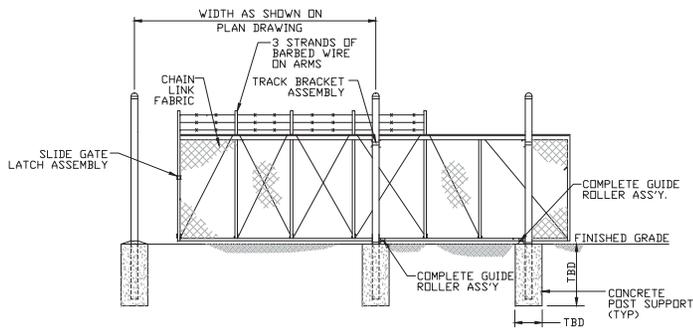
TYPICAL FENCE ELEVATION  
NOT TO SCALE



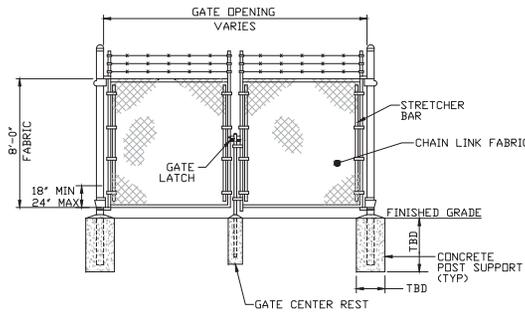
FIXED TILT RACK  
NOT TO SCALE

NOTES:

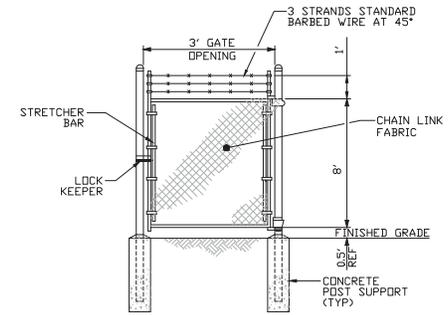
1. FENCING SETBACKS WILL BE DETERMINED DURING DETAILED DESIGN SO THAT ANY PONDING WILL BE WITHIN PROJECT BOUNDARY.
2. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.



TYPICAL CANTILEVER SLIDING GATE  
NOT TO SCALE



TYPICAL DOUBLE SWING GATE  
NOT TO SCALE



TYPICAL SINGLE SWING GATE  
NOT TO SCALE

CONCEPTUAL  
ENGINEERING PLANS

**NOT FOR CONSTRUCTION  
FOR PERMITTING ONLY**

PROPERTY OWNER INFORMATION

NAME: JACUMBA SOLAR, LLC.  
ADDRESS: 700 UNIVERSE BLVD  
JUNO BEACH, FL 33408  
TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER)  
661-041-02, 661-041-03, 661-080-01, 661-080-04  
SITE A.P.N. NUMBER: 661-080-05, 661-080-08  
SITE ADDRESS: XXX OLD HWY 80  
JACUMBA, CA 91934

REFERENCE DRAWINGS:

JSEP-2-DW-112-000-001 COVER SHEET  
JSEP-2-DW-112-002-001 PLOT PLAN  
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JSEP-2-DW-112-735-002 GRADING SECTIONS  
JSEP-2-DW-112-717-001 EROSION CONTROL PLAN  
JSEP-2-DW-601-206-010 CONCEPTUAL ONE LINE DIAGRAM

SHEET LEGEND:

TBD = TO BE DETERMINED  
(TYP) = TYPICAL

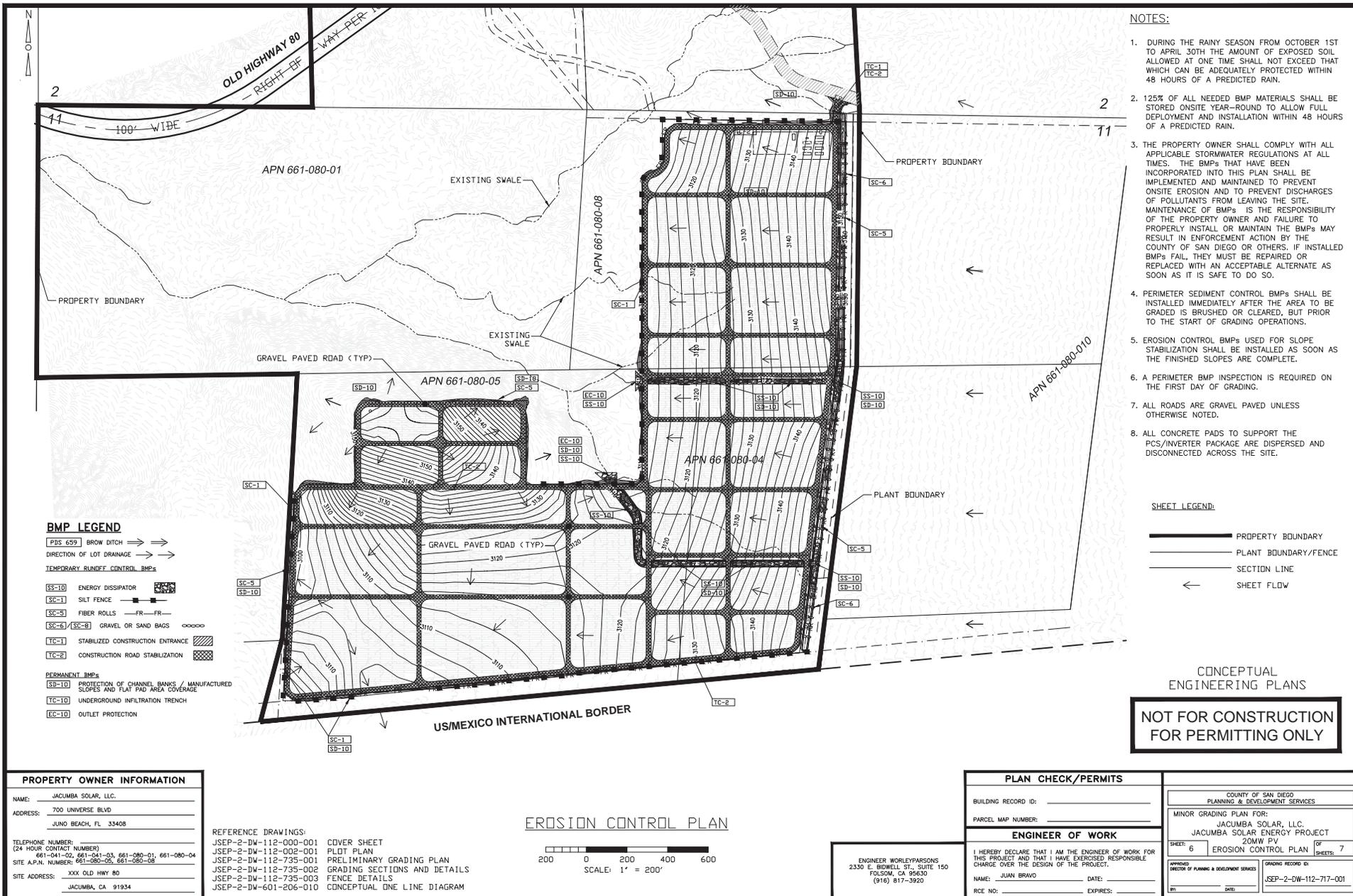
PLAN CHECK/PERMITS

BUILDING RECORD ID: \_\_\_\_\_  
PARCEL MAP NUMBER: \_\_\_\_\_

ENGINEER OF WORK

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.  
NAME: JUAN BRAVO DATE: \_\_\_\_\_  
RCE NO: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES	
MINOR GRADING PLAN FOR: JACUMBA SOLAR, LLC. JACUMBA SOLAR ENERGY PROJECT 20MW PV FENCE DETAILS	
SHEET: 5	OF SHEETS: 7
APPROVED: DIRECTOR OF PLANNING & DEVELOPMENT SERVICES	GRADING RECORD ID: JSEP-2-DW-112-735-003
DATE: _____	DATE: _____



- NOTES:**
1. DURING THE RAINY SEASON FROM OCTOBER 1ST TO APRIL 30TH THE AMOUNT OF EXPOSED SOIL ALLOWED AT ONE TIME SHALL NOT EXCEED THAT WHICH CAN BE ADEQUATELY PROTECTED WITHIN 48 HOURS OF A PREDICTED RAIN.
  2. 125% OF ALL NEEDED BMP MATERIALS SHALL BE STORED ONSITE YEAR-ROUND TO ALLOW FULL DEPLOYMENT AND INSTALLATION WITHIN 48 HOURS OF A PREDICTED RAIN.
  3. THE PROPERTY OWNER SHALL COMPLY WITH ALL APPLICABLE STORMWATER REGULATIONS AT ALL TIMES. THE BMPs THAT HAVE BEEN INCORPORATED INTO THIS PLAN SHALL BE IMPLEMENTED AND MAINTAINED TO PREVENT ONSITE EROSION AND TO PREVENT DISCHARGES OF POLLUTANTS FROM LEAVING THE SITE. MAINTENANCE OF BMPs IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND FAILURE TO PROPERLY INSTALL OR MAINTAIN THE BMPs MAY RESULT IN ENFORCEMENT ACTION BY THE COUNTY OF SAN DIEGO OR OTHERS. IF INSTALLED BMPs FAIL, THEY MUST BE REPAIRED OR REPLACED WITH AN ACCEPTABLE ALTERNATE AS SOON AS IT IS SAFE TO DO SO.
  4. PERIMETER SEDIMENT CONTROL BMPs SHALL BE INSTALLED IMMEDIATELY AFTER THE AREA TO BE GRADED IS BRUSHED OR CLEARED, BUT PRIOR TO THE START OF GRADING OPERATIONS.
  5. EROSION CONTROL BMPs USED FOR SLOPE STABILIZATION SHALL BE INSTALLED AS SOON AS THE FINISHED SLOPES ARE COMPLETE.
  6. A PERIMETER BMP INSPECTION IS REQUIRED ON THE FIRST DAY OF GRADING.
  7. ALL ROADS ARE GRAVEL PAVED UNLESS OTHERWISE NOTED.
  8. ALL CONCRETE PADS TO SUPPORT THE PCS/INVERTER PACKAGE ARE DISPERSED AND DISCONNECTED ACROSS THE SITE.

**BMP LEGEND**

- TEMPORARY RUNOFF CONTROL BMPs**
- SB-10 ENERGY DISSIPATOR
  - SC-1 SILT FENCE
  - SC-5 FIBER ROLLS
  - SC-6 / SC-8 GRAVEL OR SAND BAGS
  - TC-1 STABILIZED CONSTRUCTION ENTRANCE
  - TC-2 CONSTRUCTION ROAD STABILIZATION
- PERMANENT BMPs**
- SB-10 PROTECTION OF CHANNEL BANKS / MANUFACTURED SLOPES AND FLAT PAD AREA COVERAGE
  - TC-10 UNDERGROUND INFILTRATION TRENCH
  - EC-10 OUTLET PROTECTION

- SHEET LEGEND:**
- PROPERTY BOUNDARY
  - PLANT BOUNDARY/FENCE
  - SECTION LINE
  - SHEET FLOW

**CONCEPTUAL ENGINEERING PLANS**

**NOT FOR CONSTRUCTION FOR PERMITTING ONLY**

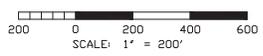
**PROPERTY OWNER INFORMATION**

NAME: JACUMBA SOLAR, LLC.  
 ADDRESS: 700 UNIVERSE BLVD  
 JUNO BEACH, FL 33408

TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER)  
 661-041-02, 661-041-03, 661-080-01, 661-080-04  
 SITE A.P.N. NUMBER: 661-080-05, 661-080-08  
 SITE ADDRESS: XXX OLD HWY 80  
 JACUMBA, CA 91934

- REFERENCE DRAWINGS:**
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  - JSEP-2-DW-112-002-001 PLOT PLAN
  - JSEP-2-DW-112-735-001 PRELIMINARY GRADING PLAN
  - JSEP-2-DW-112-735-002 GRADING SECTIONS AND DETAILS
  - JSEP-2-DW-112-735-003 FENCE DETAILS
  - JSEP-2-DW-601-206-010 CONCEPTUAL ONE LINE DIAGRAM

**EROSION CONTROL PLAN**



**PLAN CHECK/PERMITS**

BUILDING RECORD ID: \_\_\_\_\_  
 PARCEL MAP NUMBER: \_\_\_\_\_

**ENGINEER OF WORK**

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

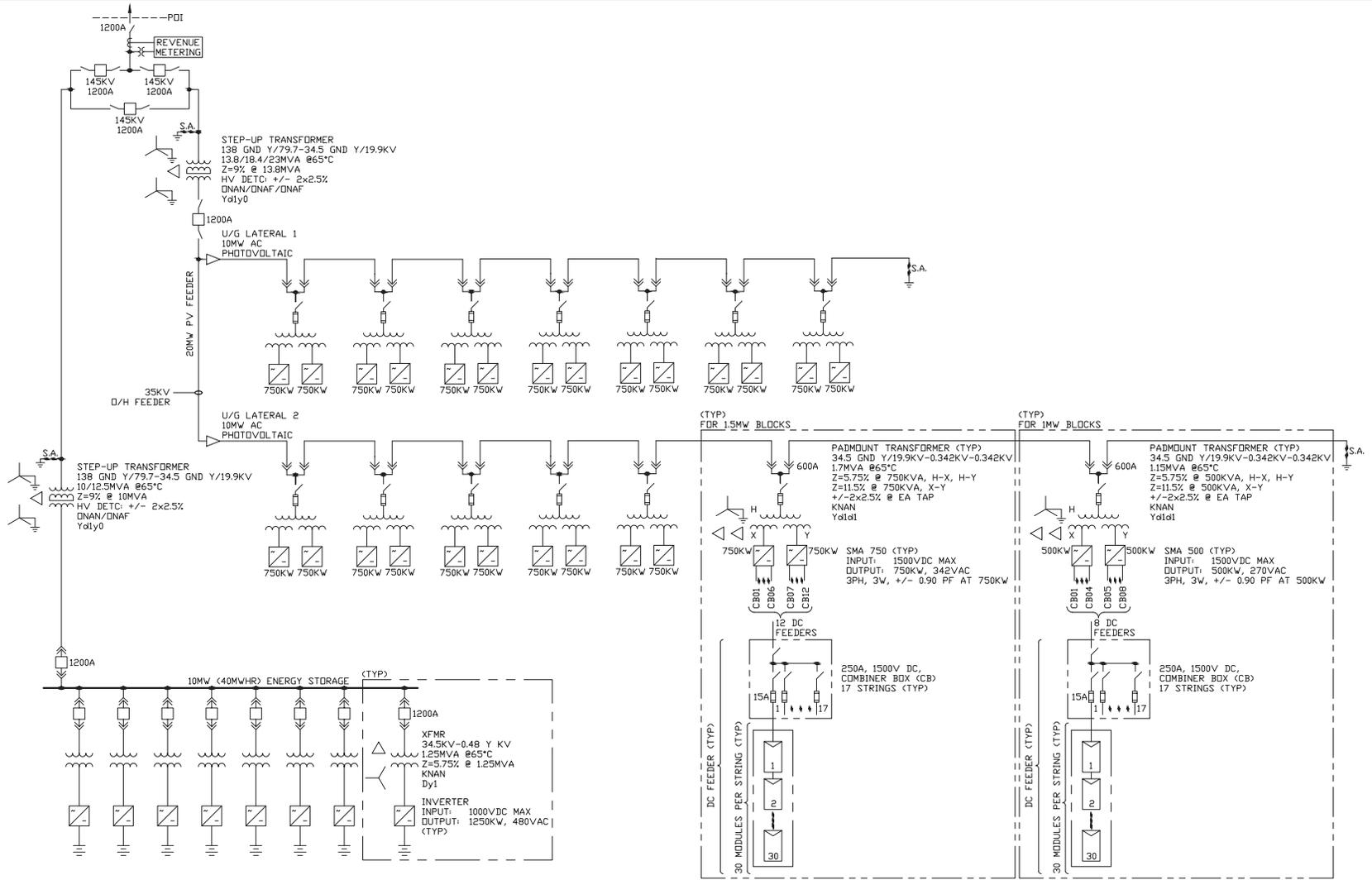
NAME: JUAN BRAVO DATE: \_\_\_\_\_  
 RCE NO: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

COUNTY OF SAN DIEGO  
 PLANNING & DEVELOPMENT SERVICES

MINOR GRADING PLAN FOR:  
 JACUMBA SOLAR, LLC.  
 JACUMBA SOLAR ENERGY PROJECT  
 20MW PV

SHEET: 6 OF 7  
 EROSION CONTROL PLAN

GRADING RECORD ID: JSEP-2-DW-112-717-001



PROPERTY OWNER INFORMATION	
NAME:	JACUMBA SOLAR, LLC.
ADDRESS:	700 UNIVERSE BLVD JUNO BEACH, FL 33408
TELEPHONE NUMBER: (24 HOUR CONTACT NUMBER)	661-041-02, 661-041-03, 661-080-01, 661-080-04 SITE A.P.N. NUMBER: 661-080-05, 661-080-08
SITE ADDRESS:	XXX OLD HWY 80 JACUMBA, CA 91934

REFERENCE DRAWINGS:	
JSEP-2-DW-112-000-001	COVER SHEET
JSEP-2-DW-112-002-001	PLDT PLAN
JSEP-2-DW-112-735-001	PRELIMINARY GRADING PLAN
JSEP-2-DW-112-735-002	GRADING SECTIONS
JSEP-2-DW-112-735-003	FENCE DETAILS
JSEP-2-DW-112-717-001	ERDSION CNTRL PLAN

CONCEPTUAL  
ENGINEERING PLANS

NOT FOR CONSTRUCTION  
FOR PERMITTING ONLY

ENGINEER WORLEYPARSONS  
2330 E. BOWELL ST., SUITE 150  
FOLSOM, CA 95630  
(916) 817-3920

PLAN CHECK/PERMITS	
BUILDING RECORD ID:	
PARCEL MAP NUMBER:	
ENGINEER OF WORK	
I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.	
NAME: P. SARNSEN	DATE:
RCE NO:	EXPIRES:

COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES	
MINOR GRADING PLAN FOR: JACUMBA SOLAR, LLC. JACUMBA SOLAR ENERGY PROJECT BATTERY STORAGE OPTION	
SHEET: 7	CONCEPTUAL ONE LINE DIAGRAM SHEETS: 7
APPROVED: DIRECTOR OF PLANNING & DEVELOPMENT SERVICES	GRADING RECORD ID: JSEP-2-DW-601-206-010
DATE:	DATE:

**Attachment B – Form of Decision  
Approving PDS2014-MUP-14-041**



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)  
Douglas Barnhart  
Peder Norby  
David Pallinger  
Michael Seiler  
Bryan Woods

May 20, 2016

**PERMITEE:** JACUMBA SOLAR PROJECT  
**MAJOR USE PERMIT:** PDS2014-MUP-14-041  
**E.R. NUMBER:** PDS2014-ER-14-22-001  
**PROPERTY:** OLD HIGHWAY 80, JACUMBA, CA  
**APN(s):** 661-080-4, 661-080-05, 661-080-08, 661-041-01, 661-041-02, AND 661-041-03

DECISION OF THE PLANNING COMMISSION

Grant, this Major Use Permit (MUP) for the construction and operation of a photovoltaic (PV) solar project consisting of seven sheets including plot plans and elevations. This permit authorizes a Major Impact Services and Utility pursuant to Section 2926b. of the Zoning Ordinance.

Grant, an exemption pursuant to Section 4620g. of the Zoning Ordinance to allow for a 138kV interconnection line consisting of up to three overhead steel poles of up to 150 feet in height.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan consisting of seven sheets. 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 **May 20, 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. COST RECOVERY**

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

**2. RECORDATION OF DECISION**

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

**3. SALES AND USE TAX**

**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 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. The terms of the statement shall be 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. **TRAFFIC CONTROL PLAN**

**INTENT:** In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

#### 5. **FIRE AND EMERGENCY PROTECTION SERVICES AGREEMENT (M-HZ-2)**

**INTENT:** As a condition of providing service and pursuant to the Safety Element of the General Plan, the applicant shall enter into a fire and emergency protection services agreement with the County of San Diego. **DESCRIPTION:** A Fire and Emergency Services Agreement or similar development agreement, through which a fair-share contribution toward local emergency services will be paid. **DOCUMENTATION:** The applicant shall provide a copy of an effective fire and emergency services agreement executed by the applicant. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, an effective fire and emergency services agreement shall be executed by the applicant. **MONITORING:** The [PDS, PCC] shall review the agreement for compliance with this condition.

#### 6. **HAUL ROUTE PLAN**

**INTENT:** In order to ensure the roads are not getting damage by heavy loads that loaded trucks place on the route identified during construction phase or subsequent operations. A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** An HRP shall be prepared that addresses the following, but is not only limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, and destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and off-site County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the route that are damaged by the heavy loads. An agreement shall be executed, which will include (1) a cash

- deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphaltic overlay requirements on the route identified.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

**DOCUMENTATION:** The applicant shall have the HRP prepared by a licensed Traffic Engineer or Registered Civil Engineer and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review.

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

## 7. PLAN CONFORMANCE

**INTENT:** In order to implement the required mitigation measures for the project, the required Grading Plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance.

**DESCRIPTION OF REQUIREMENT:** The Grading Plans shall substantially conform to the approved Conceptual Grading and Development Plan. 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.

**DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which substantially conform to the conceptual development plan for the project.

**TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, ESU, DPR, TC, or PDS, BD for Minor Grading] shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

## 8. AIR QUALITY NO<sub>x</sub> EMISSIONS

**INTENT:** To reduce already insignificant construction and decommissioning NO<sub>x</sub> emissions, emission-reducing measures applicable to construction equipment shall be implemented. **DESCRIPTION OF REQUIREMENTS:** The following shall be implemented by the applicant to reduce NO<sub>x</sub> emissions during construction and decommissioning:

- a. All construction equipment with engines shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- b. Construction equipment will employ electric motors when feasible.
- c. No mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 1 standards. All engines shall comply preferably with Tier 3 standards, but no less than Tier 2 at a minimum.

**DOCUMENTATION:** The applicant shall provide an equipment list of all the equipment to be used on the site to ensure compliance with the air quality requirements of this condition. Furthermore, this condition shall be a condition note added to the grading plan. **TIMING:** Prior to issuance of any Grading or Construction Permits and throughout the duration of grading, construction and decommissioning. **MONITORING:** The [DPW, PDC] shall ensure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDC] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

#### 9. **BIOLOGICAL HABITAT COMPENSATION (M-BI-4)**

**INTENT:** In order to comply with mitigation measure M-BI-4 to mitigate for the impacts or potential impacts to sensitive biological resources, onsite habitat compensation shall be provided. **DESCRIPTION:** The applicant will preserve in permanent open space 180.4 acres of native habitats., This will include preservation of 183.5 acres on-site, which includes 180.4 acres of native habitats, to mitigate for Project impacts to 99.9 acres of special-status upland vegetation communities, thereby preserving compensatory habitat that provides equal or greater benefit to plant and wildlife species. This will mitigate for project impacts to upland scrub and chaparral communities in accordance with Table 2.2-7 of the Jacumba Solar Project Environmental Impact Report (EIR) as well as habitat loss of special-status plant and wildlife species Mitigation for the loss of special-status plant species shall be a minimum of 2:1 mitigation to impact ratio for any County A listed species identified and 1:1 mitigation to impact ratio for any County B listed species. The assessment of the number of individuals of these species supported within the impact and mitigation areas shall be conducted in comparable survey years to appropriately account for potential annual variation in the number of individuals. **DOCUMENTATION:** In order to provide for the long-term management of the proposed Open Space Preserve, a Resource Management Plan (RMP) will be prepared and implemented. The final RMP will be completed to the satisfaction of the Director of PDS or Department of Parks and Recreation (DPR), consistent with the following standards: (1) the plan will be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements; (2) the habitat land to be managed will be owned by a land conservancy or equivalent; (3) open space easements will be dedicated in perpetuity; (4) a resource manager will be selected and approved, with evidence provided demonstrating acceptance of this responsibility; (5) the RMP funding mechanism will be identified and adequate to fund annual costs for implementation; and (6) a contract between the Applicant and County will be executed for the implementation of the RMP, and funding

will be established with the County as the third party beneficiary. **TIMING:** Prior to issuance of a grading permit, the mitigation shall occur. **MONITORING:** PDS shall accept an application for an RMP, and PDS and DPR shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

**10. BIOLOGICAL MONITOR (M-BI-1, M-BI-2, M-BI-3, M-BI-5)**

**INTENT:** In order to mitigate in accordance with mitigation measures M-BI-1, 2, 3, and 5 for inadvertent disturbances to areas outside the limits of grading, all construction and decommissioning activities shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County-approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, construction and decommissioning activities. The project biologist shall supervise and monitor all grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The Project Biologist shall perform the monitoring duties before, occasionally during, and after construction and decommissioning pursuant to the most current version of the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*, 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 [PDS] shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the County of San Diego Report Format and Content Requirements, Biological Resources, the Project Biologist also will perform the following duties:

- a. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species.;
- c. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- d. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- f. Be present during initial vegetation clearing, grubbing, and grading;

- g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-1);
- h. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Storm Water Permit, State Water Resources Control Board Order No. 2009-0009-DWQ, and all amendments thereto (see M-BI-2 for required best management practices (BMPs)).
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-2**:
  - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the Project region will be permitted.
  - 2. Location and details will be provided for any necessary dust-control fencing.
  - 3. Construction activity will not be permitted in jurisdictional waters of the United States/state except as authorized by applicable law and permit(s), including permits and authorizations approved by the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB).
  - 4. Silt settling basins installed during the construction process will be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes.
  - 5. Temporary structures, staging, and storage areas for construction equipment and/or materials will not be located in jurisdictional waters, including wetlands and riparian areas.
  - 6. Any equipment or vehicles driven and/or operated within a jurisdictional waters of the United States/state will be checked and maintained by the operator daily to prevent leaks of oil or other petroleum products that could be deleterious to aquatic life if introduced to the watercourse.
  - 7. No stationary equipment, such as motors, pumps, generators, and welders, or fuel storage tanks will be located within jurisdictional waters of the United States/state.

8. No debris, bark, slash sawdust, rubbish, cement, or concrete, or washing thereof, oil, or petroleum products will be stored where it may be washed by rainfall or runoff into jurisdictional waters of the United States/state.
  9. When construction operations are completed, any excess materials or debris will be removed from the work area.
  10. No equipment maintenance will be performed within or near jurisdictional waters of the United States/state where petroleum products or other pollutants from the equipment may enter these areas.
  11. Fully covered trash receptacles that are animal-proof and weather-proof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and require removal of trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  12. Worker pets on or adjacent to construction sites will not be permitted by the permittee.
  13. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- j. As outlined in Mitigation Measure **M-BI-5**, construction, decommissioning, operation, and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on or adjacent to the project area;
  4. Littering on or adjacent to the project area; and
  5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding nighttime operational noise or lighting limits.

**DOCUMENTATION:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to PDS. 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:** PDS shall review the contract, MOU, and cost

estimate or separate bonds for compliance with this condition. The cost estimate shall be forwarded to the project manager for inclusion in the grading bond cost estimate and grading bonds. DPW shall add the cost of the monitoring to the grading bond costs.

**11. FUGITIVE DUST CONTROL PLAN (M-BI-8)**

**INTENT:** In order to comply with Mitigation Measure M-BI-8 and the San Diego County Air Pollution Control District regulations to reduce particulate matter less than 10 microns (PM<sub>10</sub>) and fine particulate matter less than 2.5 microns (PM<sub>2.5</sub>) emissions during construction and decommissioning, the applicant shall develop a Fugitive Dust Control Plan. **DESCRIPTION OF REQUIREMENT:** A Fugitive Dust Control Plan shall be prepared and include the following:

- a. The name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
- b. A description of and location of operation(s).
- c. A listing of all fugitive dust emissions sources included in the operation.
- d. The following dust control measures shall be implemented:
  1. The road leading to the facility entrance shall be paved.
  2. All other on-site unpaved roads shall be effectively stabilized using non-toxic soil stabilizers that can be determined to be as efficient, or more efficient for fugitive dust control than California Air Resources Board–approved soil stabilizers.
  3. All material excavated or graded will be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles are watered hourly for the duration of construction or covered with temporary coverings.
  4. Construction activities that occur on unpaved surfaces will be discontinued when winds exceed 25 miles per hour and when those activities cause visible dust plumes. All grading activities shall be suspended when wind speeds are greater than 30 miles per hour.
  5. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.
  6. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
  7. Soil loads shall be kept below 18 inches of the freeboard of the truck.

8. Drop heights shall be minimized when loaders dump soil into trucks.
9. Daytime traffic speeds on unpaved roads shall be limited to 15 miles per hour.
10. Disturbed areas shall be minimized.
11. Disturbed areas shall be revegetated or stabilized using non-toxic soil binders that can be determined to be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers, as soon as possible after disturbance.

**DOCUMENTATION:** The applicant shall provide the Fugitive Dust Control Plan to County [PDS] for review and shall comply with the requirements of this condition.

**TIMING:** Prior to approval of any grading and or improvement plans and issuance of any grading, demolition, or construction permits. **MONITORING:** The [PDS, PCC] shall monitor construction and decommissioning activities to ensure that dust control measures are implemented and maintained.

**12. BIRD AND BAT DATA (MMRP Measure M-BI-15)**

**INTENT:** In order to collect data regarding avian collisions, the applicant shall prepare a Worker Response Reporting System (WRRS) as a public benefit (not mitigation of a significant impact)(measure M-BI-15). **DESCRIPTION:** The WRRS should include the following:

- a. Implement a Worker Response Reporting System (WRRS). A WRRS will provide a means of recording and collecting information on incidental bird and bat species found dead or injured within the Project area by site personnel. The WRRS will be used by site personnel who discover bird and bat carcasses during construction and routine maintenance activities. Site personnel will be provided a set of standardized instructions to follow in response to wildlife incidents in the Project.
- b. In accordance with the WRRS, during construction, site personnel will notify the Project's biologist to assist in collecting the following data on incidentally detected avian wildlife: species, date, time, location (e.g., nearest Project structure), and how the animal died or was injured, if known. Results will be reported to the CDFW and PDS on a quarterly basis unless listed species are involved. During operations, site personnel will collect the same data with the assistance of the Project Biologist, take photographs, and notify the Project's environmental manager, who will then notify CDFW and PDS on a quarterly basis unless listed species are involved. In the event of an injury, CDFW will be contacted for instruction on how to handle the situation. Workers will be trained on the WRRS during the Worker Environmental Awareness Program. The WRRS will be utilized for the life of the Project through decommissioning. In order to accommodate these requirements, a Project biologist will be on retainer throughout the construction period and one should be available during the life of

the project to assist in avian identifications, data collection, identification of causation of death or injury, and implementing the WRRS. The avian species shall not be touched or moved except by personnel with permits required to do so.

**DOCUMENTATION:** The WRRS shall be submitted to the County for final approval of the elements of this condition. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits the WRRS shall be submitted to the County for review and approval for compliance with the elements of this condition. **MONITORING:** The [PDS, PCC] shall review the WRRS for compliance with this condition.

**13. RESOURCE AVOIDANCE (M-BI-6)**

**INTENT:** In order to comply with Mitigation Measure M-BI-6 to avoid impacts to raptors and migratory nesting birds all construction and decommissioning activities shall be in compliance with the this condition. **DESCRIPTION OF REQUIREMENT:**

- a. If construction or decommissioning work (i.e., grading, fence installation, trenching, auguring, lifting and setting in place panels using tractors or other similar equipment, and building construction) must occur during the avian nesting season (February 1 to August 31, and as early as January 1 for some raptors), the applicant shall have surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the impact area or within 300 feet (500 feet for raptors) of the impact area.
- b. If active nests are found, clearing and construction/decommissioning within 300 feet of the nest (500 feet for raptors) shall be halted by the Project biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers in consultation with CDFW, and construction personnel shall be instructed on the sensitivity of nest areas. A biological monitor shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no harm harassment or take of the protected species occurs. Results of the surveys shall be provided to CDFW in the annual mitigation status report.

**DOCUMENTATION:** The applicant shall comply with the requirements of this condition. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, and throughout the duration of the grading, construction, and decommissioning compliance with this condition is mandatory during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). **MONITORING:** The [PDS, PCC] shall monitor construction and decommissioning activities to ensure that this measure is followed during the breeding season.

**14. NON-WETLAND WATERS PERMITTING (M-BI-14)**

**INTENT:** In order to comply with Mitigation Measure M-BI-14 and the state and federal regulations for impacts to “waters of the United States and state”, the following agency permits, or verification that they are not required shall be obtained. **DESCRIPTION:** Provide evidence of 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 for constructing the Project:

- a. A Clean Water Act, Section 401/404 or Nationwide permit issued by the California Regional Water Quality Control Board (RWQCB) and the U.S. Army Corps of Engineers (ACOE) for all project-related disturbances of waters of the United States and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the CDFW 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 [PDS] for compliance. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading, demolition, or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Any conditions of these permits shall be implemented on the grading, construction, and decommissioning plans.

**15. PRE-CONSTRUCTION GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE: [PDS, PCC] [UO] [PDS, FEE]**

**INTENT:** In order to protect groundwater resources a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement a GMMP. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Prior to usage of Well 6, submit the *GMMP – Boundary Creek Watershed, Jacumba Community Services District* for County review and acceptance.
- b. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction from Well 6 and/or the Park Well/New Well in the immediate vicinity of the Highlands Center and up to the date extraction commences. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well) and Jacumba Valley Ranch Well Km. If the Soitec Rugged Solar Project, Soitec Tierra Del Sol Solar Project or any other County-approved project already has performed baseline groundwater level monitoring, the baseline conditions as estimated for any other County approved project shall apply to this project.

**DOCUMENTATION:** The applicant shall complete the following:

- c. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- d. Submit the GMMP at [PDS, ZONING].
- e. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- f. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from the five Jacumba Community Services District wells and Well Km shall be submitted to the [PDS, Groundwater Geologist]. A proposed baseline groundwater level in each of the wells shall be established by the PDS Groundwater Geologist in coordination with the project Hydrogeologist(s). Groundwater pumping from Well 6 and/or Park Well/New Well in the immediate vicinity of the Highlands Center shall not commence until baseline groundwater levels are established.

**TIMING:** Prior to any activities that utilize groundwater from on-site, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, the GMMP shall be accepted by [PDS Groundwater Geologist], the preconstruction baseline evaluations and monitoring network infrastructure shall be completed. **MONITORING:** [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment and baseline groundwater levels. The [PDS Groundwater Geologist] shall contact the applicant to set up future submittal dates of GMMP documents.

**16. ARCHAEOLOGICAL MONITORING (M-CR-1)**

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

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction, and decommissioning, 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

- or Letter of Acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has also been contracted to perform Native American Monitoring for the project.
  - c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

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

**17. CONSTRUCTION FIRE PREVENTION PLAN (M-HZ-1)**

**INTENT:** In order to comply with mitigation measure M-HZ-1 and to reduce the risk of fire during construction and decommissioning a construction fire prevention plan shall be prepared. **DESCRIPTION:** The applicant shall prepare a Construction Fire Prevention Plan (CFPP), pursuant to the San Diego County Consolidated Fire Code Section 4903 and OSHA Regulation 1926.24, Fire Protection and Prevention. The CFPP will identify potential sources of ignition and fuel during construction and decommissioning, and will detail the specific fire-prevention measures that will be employed during construction and decommissioning. Appendix 2.4-2 of the Final EIR provides a conceptual outline for preparation of the CFPP within the categories of issues the CFPP must address. **DOCUMENTATION:** The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval by the County of San Diego Fire Authority (SDCFA). **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading, Demolition, or Construction Permits. **MONITORING:** The [PDS, PCC] and the SDCFA shall review the plan in compliance with this condition.

**18. PALEONTOLOGICAL MONITORING (M-PR-1)**

**INTENT:** In order to mitigate for potential impacts to paleontological resources on the project site, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to

the County of San Diego Guidelines for Determining Significance for Paleontological Resources. **DESCRIPTION OF REQUIREMENT:** A County approved Paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons. The following shall be completed:

- a. A County approved Paleontologist shall perform the monitoring duties pursuant to the most current version of the County of San Diego Guidelines for Determining Significance for Paleontological Resources, and this permit. The contract provided to the county shall include an agreement that the grading/trenching/excavation monitoring will be completed, and a Memorandum of Understanding (MOU) between the approved Paleontologist 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 or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Grading 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 [PDS, LDR], for inclusion in the grading bond cost estimate and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

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

#### 19. DECOMMISSIONING FEE (M-AE-3)

**INTENT:** In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 6954(b)(3)(d) and mitigation measure M-AE-3, a decommissioning security shall be appropriated. **DESCRIPTION OF REQUIREMENT:** A decommissioning security shall be provided to the satisfaction of the Director of Planning and Development Services that ensures the availability of funds adequate to cover removal of the solar energy system and is consistent with the requirements of decommissioning described in mitigation measure M-AE-3 and the FEIR. The security shall be in a 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 then applicable land use regulations. **DOCUMENTATION:** The applicant shall provide the security, financial mechanism, and agreement to the [PDS, PCC] for review. **TIMING:** Prior issuance of the building permit, security shall be provided in accordance with Zoning Ordinance section 6954(b)(3)(d), and shall be adjusted if necessary upon completion of the Decommissioning Plan. **MONITORING:** The [PDS, PCC] shall review the 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. PRIVATE ROAD IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the San Diego County Standards for Private Roads, Section 3.1.C, the existing private easement road shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. The onsite and offsite unnamed private easement roads, from the merge of the onsite driveways and the onsite unnamed private roads in the vicinity of the northeasterly boundary, northwesterly to Old Highway 80, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with six inches (6") of disintegrated granite (DG). Where grades are less than 1% or exceed 8%, asphalt concrete shall be required in lieu of disintegrated granite. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred (100) or less trips shall apply to the satisfaction of the local Fire Protection District and Director of PDS.
- b. The project driveway shall be designed and constructed per Regional Standard Drawing G-14A or County Standard Drawing DS-7 and shall provide an asphalt concrete taper transition area from the driveway to the existing edge of pavement, to the satisfaction of the local Fire Protection District and Director of PDS.
- c. All plans and improvements shall be completed pursuant to the County of San Diego Standards for Private Roads and the Land Development Improvement Plan Checking Manual.

**DOCUMENTATION:** The applicant shall complete the following:

- d. Process and obtain approval of Improvement Plans to improve the aforementioned private easement road.
- e. Pay all applicable inspection fees with [DPW, PDCI].
- f. Obtain approval for the design and construction of all driveways, turnarounds, and private road easement improvements to the satisfaction of the local Fire Protection District and [PDS, LDR].

**TIMING:** Prior to approval of any building plan and the issuance of any building permit, the private road and driveway improvements shall be completed. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards.

## 21. DRAINAGE IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11), County Watershed Protection Ordinance (WPO)

No.10385, County Code Section 67.801 et. seq., and the County Resource Protection Ordinance (RPO) No. 9842, Community Trails Master Plan and Section 810.105 (c) of the Parkland Dedication Ordinance, the drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for swale crossings and associated drainage improvements shall be completed. All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and current standards: San Diego County Drainage Design Manual, San Diego County Hydrology Manual, County of San Diego Grading Ordinance, Zoning Ordinance Sections 5300 through 5500, County Resource Protection Ordinance (RPO) No. 9842, and County Flood Damage Protection Ordinance (Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the 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. No Building permit can receive final approval or occupancy until these improvements are completed. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to construct the swale crossings and associated drainage improvements
- b. Provide Secured agreements require posting security in accordance with Section 7613 of the Zoning Ordinance.
- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. 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.

**TIMING:** Prior to issuance of any permit, and prior to use of the premises in reliance of this permit the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with this 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 DPW before any work can commence.

## 22. LINES OF INUNDATION COMPLIANCE

**INTENT:** In order to provide protection from flood damage for the structures and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11 Sec 501 (c)(2)), County Watershed Protection Ordinance (WPO) No.10385, County Code Section 67.801 et. seq., all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). **DESCRIPTION OF REQUIREMENT:** The building plans shall indicate that all proposed on-site structures located within the inundation area, including the solar panels at maximum tilt and the inverter pads will be raised one-foot above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the

requirement above has been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

### 23. FLOODPLAIN COMPLIANCE

**INTENT:** In order to provide protection from flood damage for the structure from flows coming from the Coyote Creek Alluvial Fan and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11 Sec 501 (c)(2)), County Watershed Protection Ordinance (WPO) No.10385, County Code Section 67.801 et. seq., all structures on-site shall be elevated one foot above the Federal Emergency Management Agency (FEMA) base flood depth and/or comply with Guideline letter dated April 28, 2011 (see attached). **DESCRIPTION OF REQUIREMENT:**

a. The building plans shall indicate that the inverter room structures, substation components, substation buildings, 12kV switchgear and scada/relay protection skid, battery storage/inverter skid and maintenance sheds shall be constructed on stilts as indicated on the approved plot plan. The structure's lowest horizontal structural member shall be elevated at least one-foot above the base flood depth to ensure that there will be no changes to the base flood depths or floodplain boundary.

Or

b. The placement of inverters and transformers units at grade or the use of fill, to elevate the inverter and transformer units shall be done such that the placement and distribution of the inverter and transformer units shall be one (1) unit per five (5) acres and located a sufficient distance from the project property lines. The maximum width, perpendicular to the flow of each unit, or of the top of fill (if fill issued) shall be 4 feet. The length dimension shall be to the satisfaction of the Director of Planning & Development Services and shall be parallel to flow of water.

**DOCUMENTATION:** The applicant shall indicate on the building plans that the requirements of either a or b above have been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

### 24. INVERTERS, BATTERY STORAGE AND WATER TANK DESIGN (M-AE-1, M-AE-2, M-AE-4)

**INTENT:** In order to comply with M-AE-1, 2 & 4 and to reduce the anticipated visual contrast with the surrounding landscape, the project inverters and battery storage containers shall be painted with flat and non-reflective colors to match surrounding landscape or project components and installation of water tanks atop elevated landforms shall be avoided. **DESCRIPTION:** Inverter enclosures shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding Project components and the existing landscape. Alternatively, enclosure walls shall have a

coarse texture (such as a split-face concrete block) to reduce reflectivity and blend with surrounding vegetation; flat building surfaces should be avoided. Energy storage containers shall be painted a flat, non-reflective color to match the color of surrounding Project components and the existing landscape. The installation of water tanks atop elevated landforms shall be avoided. If the installation of water tanks atop elevated landforms is required by San Diego Rural Fire Protection, then water tanks shall be installed with the top of the tank no more than 8 feet above the native terrain. Any remaining visible tank surface shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding Project components and the existing landscape. **DOCUMENTATION:** The applicant shall ensure that the site conforms to condition by indicating on the building plans the details described above. **TIMING:** Prior to approval of any building plan and the issuance of any building permit. **MONITORING:** The [PDS, PCC] shall review the building plans for compliance with this condition.

## 25. OUTDOOR LIGHTING

**INTENT:** In order to comply with County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements to protect nighttime views and dark sky environments. **DESCRIPTION:** Zone A standards shall be applicable for all Class I (i.e., lighting for assembly areas where color rendition is important) and Class II (i.e., lighting for general illumination and security) lighting at the solar facility site and all outdoor lighting fixtures shall be fully shielded and directed downward. Furthermore, fully shielded motion sensor lighting shall be installed at the on-site private substation yard, next to the entrance door to the substation control house, and mounted atop entrance gates and shall be turned off when no one is on site. **DOCUMENTATION:** Lighting specifications shall be included on the Building Plans. **TIMING:** Prior to approval of any building plan and the issuance of any building permit. **MONITORING:** The [PDS, PCC] shall review the building plans for compliance with this condition.

## 26. TRANSMISSION TOWER & LINE CONFORMANCE (M-BI-13)

**INTENT:** In order to comply with mitigation measure M-BI-13 and to conform to the Avian Power Line Interaction Committee (APLIC) standards, all transmission and distribution towers and lines shall be designed as appropriate to protect raptors and other birds from electrocution. **DESCRIPTION:** The project shall implement sufficient measures to protect even the largest birds that may perch or roost on transmission lines or towers from electrocution. Specifically, these measures will include guidance on proper pole and cross member dimensions, phasing, and insulator design and dimensions to preclude wire-to-wire contact by providing at least 150 centimeters (59 inches) of separation between energized conductors and energized hardware and ground wire. **DOCUMENTATION:** The applicant shall ensure that the site conforms to this condition by indicating on the building plans the details described above. **TIMING:** Prior to approval of any building plan and the issuance of any building permit. **MONITORING:** The [PDS, PCC] shall review the building plans for compliance with this condition.

**27. NOISE ATTENUATION FOR INVERTERS AND HVAC SYSTEMS (M-N-1)**

**INTENT:** In order to comply with mitigation measure M-N-1 for operational noise from inverters and HVAC systems, to comply with the County Noise Ordinance standards, inverters and HVAC units associated with storage batteries will be quieter models than those proposed, located away from the property boundary and/or oriented such that other project components between those facilities and the project boundary provide noise shielding. **DESCRIPTION:** The following shall be implemented on the final building plan design:

- a. For the PV inverters within 1,200 feet of the property lines: Selection of PV inverters that do not exceed 45 dBA  $L_{eq}$  emission level at the property boundary, such as the GE 4 MVA 1500V inverter, which according to the product engineers produces a noise level of 61.5 dB(A) at a distance of 1 meter, or equivalent device / technology producing this noise level or lower. The proposed inverters shall be located at a distance no closer than shown on the approved plot plan.
- b. The Project applicant shall not install an HVAC system that exceeds 60 dBA at 30 feet.
- c. The enclosures containing the storage batteries shall be configured in a north-south direction, to provide acoustical barrier shielding to the boundary on the east side of the Proposed Project site. The HVAC units, step-up transformers, and power inverters shall be located on the west side of the enclosures at ground level so as to be completely shielded from a direct line of site to the eastern Project boundary.
- d. If new information is provided to prove and certify that the equipment being used is different than what is proposed currently (due to updates in solar technology and the associated equipment choices), then a new analysis which addresses these proposed changes may be prepared and reviewed to the satisfaction of the [PDS, PCC]. The supplemental analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements of the County of San Diego. Any proposed alternative methods, and/or the addition, modification, reduction of the noise measures may be approved if the activities will not result in noise levels greater than 45 dB at the property line (N.O. 36.404).

**DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. The location of non-enclosed and enclosed inverters shall be noted on building plans.

**TIMING:** Prior to approval of any building plan and the issuance of any building permit for any structure that can have operational noise. **MONITORING:** The [PDS, PCC] shall review the noise report and building plans for compliance with this condition.

**28. TRANSPORTATION IMPACT FEE**

**INTENT:** In order to comply with the Transportation Impact Fee (TIF) Ordinance Number 77.201-77.219, the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The TIF shall be paid pursuant to the County TIF Ordinance number 77.201-77.223 and will be based on the Average Daily Trips (ADT) generated by this project per the Select Industrial Uses Category for a Power Generation Plant in the Mountain Empire TIF Region. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the TIF shall be paid. **MONITORING:** The [PDS, LD Counter] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, BD] 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.

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

**29. GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE, WELL 6 (BOUNDARY CREEK WATERSHED) INTENT:**

In order to enable continuation of existing groundwater monitoring and to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved *GMMP – Boundary Creek Watershed, JCSD* for use of groundwater at Well 6. The GMMP includes establishing baseline conditions, ongoing construction monitoring, post construction monitoring, and monitoring during decommissioning. Implementation for the construction period shall include the following:

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at pumping Well 6 with production limited to a sum total of 44 acre-feet during the construction period, which is up to 100,000 gpd.
- b. The total combined groundwater use for this project from the JCSD shall not exceed 59 acre-feet.
- c. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well 4, Well 7, Well 8, and Park Monitoring Well. If a water level threshold is exceeded, pumping at Well 6 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- d. Construction Groundwater Level Thresholds, Well 4: In addition to the water level thresholds in Description of Requirement b., a water level threshold of 23 feet below the ground surface shall be enforced in offsite Well 4. If the water level threshold is exceeded, pumping at Well 6 will cease until the water level at Well 4

- has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- e. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater dependent habitat monitoring would be required to commence in accordance to the requirements specified in the GMMP. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
  - f. If clear evidence of project related deterioration of groundwater dependent habitat continues to persist after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
  - g. Flow rate and volume measurements from Well 6 will be recorded daily during project construction.
  - h. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Jacumba Community Services District or the County of San Diego.
  - i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
  - j. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed.

**DOCUMENTATION:** Groundwater production data and water level data shall be reported to [PDS, Groundwater Geologist] on a monthly basis during the construction phase of the project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well 6 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The Jacumba Community Services District is the water service agency providing this water to the project and is responsible for ensuring its

water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Jacumba Community Services District is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

- 30. GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE, PARK WELL/NEW WELL IN THE IMMEDIATE VICINITY OF THE HIGHLANDS CENTER (FLAT CREEK WATERSHED) INTENT:** In order to enable continuation of existing groundwater monitoring, to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved *GMMP – Flat Creek Watershed, Jacumba Community Services District* dated April 2015 for use of groundwater at the Park Well/New Well in the immediate vicinity of the Highlands Center. The GMMP includes establishing baseline conditions, ongoing construction monitoring, post construction monitoring, and monitoring during decommissioning. Implementation for the construction period shall include the following:
- a. Construction Production Limitations: Groundwater production shall be metered and monitored at the Park Well/New Well in the immediate vicinity of the Highlands Center with production limited to a sum total of 15 acre-feet during the construction period, which is up to 288,000 gpd.
  - b. The total combined groundwater use for this project from the JCSD shall not exceed 59 acre-feet.
  - c. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well Km. If Well Km is not accessible, than the well interference threshold will be 3.85 feet at Well 2 and 3.93 feet at Well 4 in order to ensure Well Km does not exceed the maximum drawdown of 5 feet. If a water level threshold is exceeded, pumping at the Park Well/New Well in the immediate vicinity of the Highlands Center will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
  - d. Construction Groundwater Level Thresholds, Well 4: In addition to the water level thresholds in Description of Requirement b., a water level threshold of 23 feet below the ground surface shall be enforced in offsite Well 4. If the water level threshold is exceeded, pumping at Park Well/New Well in the immediate vicinity of the Highlands Center will cease until the water level at Well 4 has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
  - e. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater

- dependent habitat monitoring would be required to commence in accordance to the requirements specified in the GMMP. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- f. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
  - g. Flow rate and volume measurements from the Park Well/New Well in the immediate vicinity of the Highlands Center will be recorded daily during project construction.
  - h. Groundwater pumped from the Park Well/New Well in the immediate vicinity of the Highlands Center requires water quality sampling prior to use. Sampling shall be conducted in accordance with the list of constituents and sampling procedures outlined in the Section 3.3.1. of the GMMP. If Groundwater pumped from Well 6 and/or the Park Well/new well near the Highlands Center requires treatment, it shall be used only after treatment via carbon filter. If treatment is required, a formal wellhead treatment design and ongoing water quality sampling plan will be required to be submitted to [*PDS, Groundwater Geologist*] for review and approval prior commencement of groundwater extraction.
  - i. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well) and Jacumba Valley Ranch Well Km. Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Jacumba Community Services District or the County of San Diego.
  - j. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
  - k. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed.

**DOCUMENTATION:** Groundwater production data and water level data shall be reported to [*PDS, Groundwater Geologist*] on a monthly basis during the construction phase of the project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from the Park Well/New Well in the immediate vicinity of the Highlands Center shall cease and the [*PDS Groundwater Geologist*] will be notified via letter and electronic mail within one working day of the exceedance. If water quality sampling indicates wellhead treatment is necessary, a

formal wellhead treatment design and ongoing water quality sampling plan will be required to be submitted to [PDS, Groundwater Geologist]. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The Jacumba Community Services District is the water service agency providing this water to the project and is responsible for ensuring its water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Jacumba Community Services District is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

### 31. CONSTRUCTION NOTIFICATION PLAN

**INTENT:** In order to inform property owners of the location and duration of construction/decommissioning, the applicant or construction contractor will prepare a construction notification plan. **DESCRIPTION:** The approved construction notification plan shall be implemented and shall contain at minimum the following two components:

- a. **Public notice mailer.** A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction/decommissioning. The notice would identify construction/decommissioning activities that would restrict, block, remove parking, or require a detour to access existing residential properties, and would provide alternative access, if required. The notice would state the type of construction/ decommissioning activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction/ decommissioning contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction/decommissioning delays of more than 7 days occur, an additional notice would be prepared and distributed.
- b. **Public liaison person and toll-free information hotline.** The project applicant or construction contractor would identify and provide a public liaison person before and during construction/decommissioning to respond to concerns of neighboring property owners about noise, dust, and other construction/decommissioning disturbance. Procedures for reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction/decommissioning and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.

**DOCUMENTATION :** The applicant shall comply with the requirements of the approved construction notification plan and provide adequate access for residents. **TIMING:** The following actions shall occur throughout the duration of grading. construction and

decommissioning. **MONITORING:** The County DPW, PDCI and PDS, BI shall ensure that the contractors comply with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

### 32. PROPERTY ACCESS DURING CONSTRUCTION

**INTENT:** In order to ensure that residents near the project construction/decommissioning are not unduly impacted during construction/decommissioning activities, access to residential properties shall be provided and maintained. **DESCRIPTION:** To facilitate access to properties that might be obstructed by construction/decommissioning activities, the project applicant or construction/decommissioning contractor would notify property owners and tenants at least 24 hours in advance of construction/decommissioning activities and would provide alternative access if required. **DOCUMENTATION:** Copies of notification to property owners shall be submitted to [DPS, PCC] for verification. **TIMING:** The following actions shall occur throughout the duration of construction/decommissioning. **MONITORING:** The DPW, PDCI shall ensure that the construction/decommissioning contractor complies with the requirements of this condition. The [DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

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

### 33. INSPECTION FEE

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

### 34. SITE PLAN IMPLEMENTATION

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall substantially conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, 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 substantially conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the

site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for substantial compliance with the approved Building Plans.

**35. 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.

**36. DECOMMISSIONING PLAN (M-AE-3)**

**INTENT:** In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 6954(b)(3)(d) and mitigation measure M-AE-3, 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 and is consistent with the requirements of decommissioning described in mitigation measure M-AE-3 and the FEIR. The plan shall ensure removal of the Solar Energy System and conversion of the site back into a use that is compatible with then applicable land use regulations. **DOCUMENTATION:** The applicant shall provide the plan to the [PDS, PCC] for review. **TIMING:** Prior to occupancy, the decommissioning plan shall be completed in accordance with Zoning Ordinance section 6954(b)(3)(d). **MONITORING:** The [PDS, PCC] shall review the plan 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.

**37. BIOLOGICAL MONITORING (M-BI-1, M-BI-2, M-BI-3, M-BI-5)**

**INTENT** In order to comply with Mitigation Measures M-BI-1, 2, 3, and 5 to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor and 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, construction, or decommissioning activities did not impact any additional areas outside the project area or beyond the limits of disturbance 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 fencing or temporary flagging 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.
- d. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- e. The preconstruction meeting was attended with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction/decommissioning activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- f. Documentation of Meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- g. Procedures for minimizing harm to or harassment of wildlife encountered during construction/decommissioning with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- h. Indicate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- i. Evidence of a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- j. Proof of being present during initial vegetation clearing, grubbing, and grading;
- k. Indicate whether special-status species (i.e., avian or other mobile species) were flushed from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species;
- l. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-2 for required best management practices (BMPs)) to address hydrology impacts.
- m. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-2**:
  1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.

2. When construction/decommissioning operations are completed, any excess materials or debris will be removed from the work area.
  3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and require removal of trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  4. Worker pets on or adjacent to construction sites will not be permitted by the permittee.
  5. Enforced speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- n. As outlined in mitigation measure **M-BI-5**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on or adjacent to the project area; and
  4. Littering on or adjacent to the project area.
  5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding nighttime operational noise or lighting limits.

**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 with this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

### 38. FIRE PROTECTION PLAN (M-BI-10)

**INTENT:** In order to assure fire safety in compliance with the County Fire Code Sections 96.1.4903 and 96.1.4907, the site shall be maintained in conformance with the approved Fire Protection Plan, which has been prepared in accordance with the most

current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement: Wildland Fire and Fire Protection and County Fire Code Section 96.1.4903. **DESCRIPTION:** The specific project design features shall be implemented in accordance with the approved Fire Protection Plan. **DOCUMENTATION:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the Fire Protection Plan (FPP). **TIMING:** Prior to the occupancy of the first structures built in association of this permit, the Fire Protection Plan requirements shall be implemented for the phase or portion of the project that it is associated with. **MONITORING:** The [PDS, PCC] and County of San Diego Fire Authority (SDCFA) shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

### 39. CULTURAL RESOURCES REPORT (M-CR-1)

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing phase of the project, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared pursuant to the County of San Diego Guidelines for Determining Significance and Report Format Requirements for Cultural Resources: Archeological and Historic Resources. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the survey, testing, and archaeological monitoring program have been curated as follows:
  1. All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
  2. Historic materials shall be curated at a San Diego curation facility as described above, and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

#### 40. SIGHT DISTANCE

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions from the proposed private access road along Old Highway 80 in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of\_\_\_\_as described in Table 5 based on a speed of\_\_\_\_\_,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to 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.

#### 41. PALEO RESOURCES REPORT (M-PR-1)

**INTENT:** In order to ensure that the Grading Monitoring occurred during the grading, trenching or other excavation phase of the project pursuant to condition 18 a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Paleontological

Resource Mitigation Report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program shall be prepared. The report shall and include the following items:

- a. If **no** paleontological resources were discovered, submit a Negative letter report, which states that the monitoring has been completed and that no paleontological resources were discovered.
- b. If resources **were** discovered and recovered during grading, a detailed report shall be prepared by the Project Paleontologist. The report shall comply with the County of San Diego's Guidelines for Determining Significance for Paleontological Resources. The report shall identify which accredited institution has agreed to accept the curated fossils and include proof of the Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution."

**DOCUMENTATION:** The Project Paleontologist shall prepare the final report and submit it to the [PDS, PCC] for approval. If resources were discovered then the applicant shall complete the following:

- a. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and
- b. The applicant shall Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the [PDS, PCC] for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.

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

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

**42. 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 facility is discontinued for a period of time pursuant to Section 7372 of the Zoning Ordinance as determined by the Director of PDS. **DOCUMENTATION:** The plan shall be implemented by the landowner and or applicant upon 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.

**43. ONGOING ACTIVITY RESTRICTIONS (M-BI-5 and M-BI-11)**

**INTENT:** In order to comply with the requirements of specific Mitigation Measures that are part of the Project Environmental Impact Report the following shall be complied with during the operations of the project. **DESCRIPTION OF REQUIREMENT:** The following shall be complied with:

- a. In order to comply with **Mitigation Measure M-BI-5**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on the project area; and
  4. Littering on the project area.
  5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding normal nighttime operational noise or lighting.
- b. In order to comply with **Mitigation Measure M-BI-11**: Weed control treatments shall include any legally permitted chemical, manual, and mechanical methods applied with the authorization of the San Diego County agriculture commissioner. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a licensed pest control advisor (PCA) and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the San Diego County agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the PCA, the San Diego County agriculture commissioner, and Cal-IPC in order to control populations before they start producing seeds.

**DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the following conditions shall apply during the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

**44. AVIAN AND BAT MONITORING AND REPORTING (M-BI-15)**

**INTENT:** In order comply with the avian and bat self-monitoring and reporting condition of approval and to further reduce the Project's already less than significant impacts for avian and bat mortality resulting from construction, operations, and decommissioning, a Worker Response Reporting System (WRRS) shall be implemented. **DESCRIPTION:** The applicant shall comply with the following:

- a. Perform self-monitoring of the project sites for avian and bat mortality;
- b. Coordinate self-monitoring efforts with a County approved biologist for identification, mapping and further analysis;
- c. Detail weekly monitoring and quarterly reporting.
- d. Specify steps that shall be taken to assist with other regional data collection efforts regarding avian and bat mortality with solar facilities.

The applicant will contract a County approved biologist to train site O&M staff and assist with monitoring of the project site per the WRRS. O&M staff will walk down every east-west corridor between solar panels to search for carcasses in and around each tracker and all facilities. Data collected during monitoring will be sent to the County approved biologist identification, mapping and further analysis to be included in the quarterly reported submitted to the County PDS. The quarterly report will include the following sections: 1. Introduction; 2. Site Assessment Review and Summary of Background Information; 3. Post Construction Monitoring Methods and Results. **DOCUMENTATION:** The applicant shall submit quarterly reports to County DPS for review and to assist in regional data collection efforts. **TIMING:** Reports shall be prepared quarterly. **MONITORING:** County PDS shall review quarterly reports once completed and submitted. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

**45. ACCESS ROAD MAINTENANCE**

**INTENT:** In order to ensure that the transmission line is maintained safely, reliably, and protects the public health and safety, access is required on a 24-hour basis to all SDG&E facilities and structures for patrol, maintenance and emergency vehicles. **DESCRIPTION OF REQUIREMENT:** Access is required on a 24-hour basis to all SDG&E facilities and structures. Access road maintenance typically consists of activities such as inspection, spot repair of rills, tree trimming along access roads, removal of vegetation along access roads, maintenance of drainage structures and associated energy dissipaters, and/or minor earthwork to remove ruts and re-establish the original grade. In addition, minor blading of the surface may be necessary to control vegetation. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **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.

**46. POST-CONSTRUCTION GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE INTENT:** In order to protect groundwater and resources and to protect groundwater dependent habitat ongoing monitoring shall be required. **DESCRIPTION OF REQUIREMENT:** Groundwater monitoring for the operational water use requirements following the post-construction period shall include the following:

- a. Ongoing Production Limitations: For ongoing operational water use, groundwater production shall be metered and monitored at pumping well 6 and/or Park Well/New Well in the immediate vicinity of the Highlands Center with production limited to a sum total of 4 acre-feet extraction per year.
- b. Post-Construction Groundwater Level Thresholds: During groundwater extraction for the first five years of water use Well 6, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well 4, Well 7, Well 8, and Park Monitoring Well. If a water level threshold is exceeded, pumping at Well 6 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.

During groundwater extraction for the first five years of water use Well 6 at Park Well/New Well in the immediate vicinity of Highlands Center, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well Km. If Well Km is not accessible, than the well interference threshold will be 3.85 feet at Well 2 and 3.93 feet at Well 4 in order to ensure Well Km does not exceed the maximum drawdown of 5 feet. If a water level threshold is exceeded, pumping at the Park Well/New Well in the immediate vicinity of the Highlands Center will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.

- c. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater dependent habit monitoring would be required to commence in accordance to the requirements specified in the GMMP. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- d. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.

- e. Flow rate and volume measurements from Well 6 and/or Park Well/New Well will be recorded monthly during ongoing project operation. These measurements shall continue for the life of the project.
- f. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well) and Jacumba Valley Ranch Well Km. Transducer data will be downloaded on at least a quarterly basis during ongoing project operations. Groundwater level monitoring will be conducted for the first five years of the project. If after five years groundwater impacts are shown to be minimal from project pumping, offsite groundwater level monitoring may cease.
- g. The property owner and permittee shall comply with the requirements of the two GMMPs and this condition. Minor alterations to the GMMPs may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- h. The applicant shall setup and maintain a deposit account with the County to pay for County staff time in review of groundwater monitoring reports, and any other enforcement related activities for the life of the permit.

**DOCUMENTATION:** The following are reporting requirements:

- i. Groundwater production data and water level data shall be reported on an annual basis after the construction phase is completed. If required, an appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- j. If the baseline water levels at any off-site monitoring wells exceed established thresholds, the [*PDS, Groundwater Geologist*] will be notified via letter and electronic mail within five working days of the exceedance.
- k. If production or water level thresholds at any of the monitoring wells are exceeded pursuant to Description of Requirement a. or b. above, pumping of Well 6 or Park Well/New Well in the immediate vicinity of the Highlands Center shall cease and the [*PDS Groundwater Geologist*] will be notified via letter and electronic mail within one working day of the exceedance.
- l. After five years of groundwater monitoring, PDS shall review whether groundwater monitoring can cease at offsite well locations.

**TIMING:** Upon establishment of the use, the GMMP shall be complied with for the term of this permit. **MONITORING:** The [*PDS, Groundwater Geologist*] shall review all GMMP reports shall ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [*PDS, Code Enforcement Division*] is responsible for enforcement of this permit.

**GRADING PLAN NOTES:**

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

**(BIOLOGICAL RESOURCES)****GP1. BIOLOGICAL MONITORING (M-BI-1, M-BI-2, M-BI-3, M-BI-5)**

**INTENT:** In order to comply with Mitigation Measures M-BI-1, 2, 3, & 5 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, 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, trenching, construction and decommissioning activities pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources, and this permit. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

- a. Supervise and verify placement of fencing and temporary flagging. The placement of such fencing shall be approved by the *[PDS, PCC]*.
- b. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- c. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species;
- d. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- e. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- f. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- g. Be present during initial vegetation clearing, grubbing, and grading;
- h. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth moving activities take place within the bird breeding

- season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-6);
- i. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-2 for required best management practices (BMPs)).
  - j. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-2**:
    1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
    2. When construction and decommissioning operations are completed, any excess materials or debris will be removed from the work area.
    3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and require removal of trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
    4. Worker pets on or adjacent to construction sites will not be permitted by the operator.
    5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
  - k. As outlined in mitigation measure **M-BI-5**, construction, decommissioning, operation, and maintenance personnel will be prohibited from engaging in the following activities:
    1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
    2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
    3. Bringing pets on or adjacent to the project area; and
    4. Littering on or adjacent to the project area.
    5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding nighttime operational noise or lighting limits.

**DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the fencing and flagging has been installed and that all construction and decommissioning 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, or grading this condition shall be completed. **MONITORING:** The [DPW, PDC] 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 fencing and flagging and approve the training documentation prepared by the biologist.

#### **GP2. FENCING (M-BI-1)**

**INTENT:** In order to prevent inadvertent disturbance to sensitive biological habitat, permanent fencing and temporary flagging shall be installed around limits of disturbance. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, fencing or temporary flagging shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an existing open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. **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 of the solar site, 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 fencing, or review the certification and pictures provided by the applicant.”

#### **(CULTURAL RESOURCES)**

#### **GP3. ARCHAEOLOGICAL MONITORING (M-CR-1)**

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION:** The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist shall communicate the status of the project to the Viejas Tribal Government. The Project Archaeologist and the Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the

monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, decommissioning or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall advise the [PDS, PPD] that the preconstruction conference has taken place and that the Project Archaeologist and Kumeyaay Native American monitor were in attendance.

#### **GP4. TEMPORARY FENCING (M-CR-2)**

**INTENT:** In order to prevent inadvertent disturbance to archaeological sites within the avoidance areas (open space) and to the sites outside of the Major Use Permit boundaries, temporary construction fencing shall be installed. **DESCRIPTION:** Prior to commencement of any earth-disturbing activities, temporary orange construction fencing shall be placed to protect from inadvertent disturbance archaeological sites within the avoidance areas (open space) and to the unimpacted portions of sites outside of the Major Use Permit boundaries. Temporary fencing shall include but is not limited to the following:

- a. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of any archaeological site within avoidance areas (open space) or the unimpacted portions of sites outside of the Major Use Permit boundaries.
- b. If earth-disturbing activities are required for the installation of the temporary fencing, both the Project Archaeologist and Kumeyaay Native American monitor shall be present to monitor those activities.
- c. The placement of such fencing shall be approved by the PDS, Project Planning. Upon approval, the fencing shall remain in place until the conclusion of earth-disturbing activities after which the fencing shall be removed.

**DOCUMENTATION:** The applicant shall have a California licensed surveyor install and certify the installation of the temporary fencing in consultation with the Project Archaeologist. The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PPD] for approval. **TIMING:** Prior to the preconstruction meeting, 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 earth-disturbing activities. **MONITORING:** The [PDS, PPD] shall review the certification and pictures provided by the applicant's surveyor.

#### **(PALEONTOLOGICAL RESOURCES)**

##### **GP5. PALEONTOLOGICAL MONITORING (M-PR-1)**

**INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2014-MUP-14-041, a Paleontological Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Paleontologist, and [PDS PCC], shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Paleontologist shall monitor during the original cutting of

previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Paleontologist attend the preconstruction meeting to explain the monitoring requirements. **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 Paleontological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

***DURING CONTRUCTION/DECOMMISSIONING:*** *(The following actions shall occur throughout the duration of the grading construction and any decommissioning grading).*

### **(BIOLOGICAL RESOURCES)**

#### **GP6. BIOLOGICAL MONITORING (M-BI-1, M-BI-2, M-BI-3, M-BI-5, M-BI-7, M-BI-12)**

**INTENT:** In order to comply with Mitigation Measure M-BI-1, 2, 3, 5, 7, and 12 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, 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, trenching, decommissioning, and construction activities. The Project Biologist or designated monitor(s) shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The Project Biologist or designated monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive Biological open space areas or habitats. If there are disturbances of open space, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

- 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 monitoring of the work area for any 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 and the conservation measures that should be implemented during project construction;

- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the PDS (final report will release bond);
- g. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours if protected habitat or species are being harmed or harassed by construction;
- h. Attend construction meetings and other meetings as necessary.
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-2**:
  - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  - 2. When construction or decommissioning operations are completed, any excess materials or debris will be removed from the work area.
  - 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and require removal of trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  - 4. Worker pets on or adjacent to construction sites will not be permitted by the permittee.
  - 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- j. As required by Mitigation Measure **M-BI-5**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  - 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;

2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on or adjacent to the project area;
  4. Littering on or adjacent to the project area.
  5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding nighttime operational noise or lighting limits.
- k. As required by Mitigation Measure **M-BI-7**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction/decommissioning shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.
- l. As required by Mitigation Measure **M-BI-12**: Minimize night construction/decommissioning lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination, selectively placed, and directed/shielded appropriately, consistent with Class II lighting types in Zone A established by the County's light pollution code SEC. 51.204, to minimize lighting in adjacent native habitats.

**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. The Project Biologist can designate on-site monitors duties and shall retain responsibility for the actions and compliance requirements outlined herein.

**TIMING:** The following actions shall occur throughout the duration of the grading, construction, and decommissioning. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading, construction, and decommissioning 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.

**(CULTURAL RESOURCES)****GP7. ARCHAEOLOGICAL MONITORING (M-CR-1)**

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

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Kumeyaay 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 shall communicate that a discovery has been identified to the Viejas Tribal Government. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American monitor, shall determine the significance of the discovered resources. Construction/decommissioning activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) avoidance of Traditional Cultural Properties, (2) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites (3) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible,

- and (4) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance). Traditional Cultural Properties shall be avoided.
- c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. The Project Archaeologist shall communicate that a discovery has been identified to the Viejas Tribal Government. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.
  - d. The Project Archaeologist shall submit monthly status reports to Planning and Development Services, Project Planning starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

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

## (PALEONTOLOGICAL RESOURCES)

### GP8. PALEONTOLOGICAL MONITORING (M-PR-1)

**INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2014-MUP-14-041, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall monitor During the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:
  1. The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
  2. The Qualified Monitor shall immediately contact the Qualified Paleontologist.
  3. The Qualified Paleontologist shall contact the [PDS, PCC] immediately.
  4. The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume.”
- b. If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:
  1. Salvage unearthened fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
  2. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
  3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

**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 Paleontologist or applicant fails to comply with this condition.

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

**GP9. BIOLOGICAL MONITORING (M-BI-1, M-BI-2, M-BI-3, M-BI-5, M-BI-7, M-BI-12)**

**INTENT:** In order to comply with Mitigation Measure **M-BI-1, 2, 3, 5, 7, and 12** to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF**

**REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact any areas outside the limits of disturbance. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources. It shall also include but not be limited to the following items:

- a. Photos of the fencing or temporary flagging 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.
- d. The following design requirements for compliance with **M-BI-2**:
  1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  2. When construction/decommissioning operations are completed, any excess materials or debris will be removed from the work area.
  3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and require removal of trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  4. Worker pets on or adjacent to construction sites will not be permitted by the permittee.
  5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- e. As required by mitigation measure **M-BI-5**, operation and maintenance, construction, or decommissioning personnel will be prohibited from engaging in the following activities:

1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on or adjacent to the project area; and
  4. Littering on or adjacent to the project area.
  5. Allowing persons not employed at the facility to remain on site after daylight hours or exceeding nighttime operational noise or lighting limits.
- f. As required by mitigation measure **M-BI-7**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction/decommissioning shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by the Project Biologist to monitor for wildlife entrapment. Excavations shall provide a ramp to allow for a wildlife escape route.
- g. As required by mitigation measure **M-BI-12**: Minimize night construction/decommissioning lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination, selectively placed, and directed/shielded appropriately, consistent with Class II lighting types in Zone A established by the County's light pollution code SEC. 51.204, to minimize lighting in adjacent native habitats.

**DOCUMENTATION:** The applicant shall submit the final biological monitoring report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed.

## (CULTURAL RESOURCES)

### GP10. ARCHAEOLOGICAL MONITORING (M-CR-1)

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF**

**REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

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

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring report to the [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

## (PALEONTOLOGICAL RESOURCES)

### GP11. PALEONTOLOGICAL MONITORING (M-PR-1)

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2014-MUP-14-041, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If **no** paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to the [PDS, PCC] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.

- b. If Paleontological **resources were encountered** during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the letter report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the letter report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed.

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

#### GP12. AIR QUALITY

**INTENT:** In order to comply with the grading ordinance within County Code Section 87.428, the project will implement several construction-related measures to reduce air emissions even though there are no significant air quality impacts. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 18 inches of freeboard or cover loads of all haul/dump trucks securely.
- b. The applicants will apply water three times per day or as necessary depending on weather conditions to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or apply a nontoxic soil binding agent to help with soil stabilization during construction. These measures will be applied to all active construction areas, unpaved access roads, parking areas, and staging areas.
- c. Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
- d. Grading is to be terminated in winds exceeding 25 mph (unnumbered design measure).
- e. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- f. Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.

- g. Disturbed areas will be covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).
- h. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph) during the day and 10 mph during the night.
- i. Provide any of the following or equally effective track out/carryout and erosion control measures to minimize transfer of soil or other materials to public roads: 1. track out grates or 2. gravel beds at each egress point and wheel washing at each egress during muddy conditions.
- j. The following shall be implemented by the applicant to reduce NOx emissions during construction:
  - 1. All construction equipment with engines shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
  - 2. Construction equipment will employ electric motors when feasible.
  - 3. No mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 1 standards. All engines shall comply preferably with Tier 3 standards, but no less than Tier 2 at a minimum.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The actions shall occur throughout the duration of the grading construction and decommissioning. **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).*

### **GP13. ARCHAEOLOGICAL MONITORING (M-CR-1)**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements - Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF**

**REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. 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 materials have been curated as follows:
1. Evidence that all prehistoric materials collected during the survey, testing, and the archaeological monitoring program have been submitted to a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
  2. Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Archaeological Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.
- e. The Project Archaeologist shall communicate the status of the Project to the Viejas Tribal Government.

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

**(PALEONTOLOGICAL RESOURCES)****GP14. PALEONTOLOGICAL MONITORING (M-PR-1)**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2014-MUP-14-041, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the Following tasks shall be completed by or under the supervision of the Project Paleontologist:
  1. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
  2. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
  3. Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.
  4. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution."
- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of PDS by the Project Paleontologist.

**DOCUMENTATION:** The applicant shall submit the letter 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 PDS2014-MUP-14-041, 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.

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

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

Section 21081(b) further states:

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

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

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

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

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

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

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

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

Conditions: 5, 9, 10 through 19, 24, 26, 27, 29, 30, 36 through 39, 41, 43

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**MAJOR USE PERMIT FINDINGS**

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made and are based on the entire administrative record, including County experts trained in land use planning and environmental analysis:

(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*

Bulk and Scale:

Existing Setting and Surrounding Uses

The Jacumba Solar site is undeveloped land located approximately 2.5 miles east of Jacumba Hot Springs and adjacent to the U.S./Mexico international border fence and the East County (ECO) Substation. The area is characterized by chaparral hills dotted with granitic boulders. The In-Ko-Pah and Jacumba Mountains and Table Mountain lay to the north and west, and Sierra Juarez Mountains to the east. The topography of these mountain ranges and nearby hills generally encloses the landscape of the Jacumba site. The project site is characterized by generally gentle slopes in the north to steeper slopes in the south and desert shrub.

The Jacumba site is bordered on the north by Old Highway 80, the east by the ECO Substation and open undeveloped lands, the south by the U.S./Mexico international border fence, and the west by a hill that reaches an elevation of approximately 3,600 feet above sea level, approximately 400 feet above the project site. Undeveloped lands, mixed with substantial infrastructure facilities and occasional rural residential structures on the generally gently rising, desert shrub-covered topography characterizes the landscape setting surrounding the site. The Jacumba Airport is located approximately 1.5 miles west of the project site. The Jacumba Airport contains no fueling capacity and generally used infrequently by light aircraft and gliders. The ECO Substation is located adjacent to the northeast portion of the project site and consists of a substantial upgraded substation owned and operated by SDG&E. Additional major infrastructure components in the area include the Sunrise Powerlink, which consists of a 500 kV electric transmission line supported by 150-foot-tall steel lattice structures and the Southwest Powerlink, which also consists of a 500 kV electric transmission line supported by 150-foot-tall steel lattice structures and the linear rust-colored U.S./Mexico international border fence.

### Existing and Proposed Energy Facilities in the Project Vicinity

The ECO Substation and 138kV Transmission line project is located less than half a mile northeast of the project site. The ECO Substation consists of a new substation on approximately 58 acres with numerous insulated electrical buses, steel support structures, transformers, capacitors, reactors, circuit breakers, disconnect switches, communication equipment, control equipment, and protective relays. The tallest structures in the substation are the steel lattice tower/steel monopoles associated with the ESJ Gen-Tie project along with the 500 kV line and transformer dead-end structures and new communication tower. The maximum height for the steel lattice towers and steel monopoles associated with the ESJ Gen-Tie is 150 and 170 feet, respectively. A 138kV Transmission line extends approximately 14 miles between the ECO Substation and the Boulevard Rebuild Substation.

Traversing the area north of the project site and flanking the south side of I-8, running east to west are the Sunrise Powerlink and Southwest Powerlink. The Sunrise Powerlink consists of 160-foot tall, 500 kV steel lattice towers with three sets of transmission lines and insulators attached. Each tower is connected to the next by a graded access road, and a cleared area around each tower base is provided for fire management. The 500 kV Southwest Powerlink is supported by steel lattice towers (approximately 150-feet in height) and features three sets of transmission lines with attached insulators. To the east of the project site these two powerlinks diverge with Southwest continuing west and Sunrise extending south, both culminate in the greater San Diego urban areas.

The Energia Sierra Juarez (ESJ) Gen-Tie has the capacity to import up to 1,250 MW of renewable energy generated in northern Baja California, Mexico as part of the ESJ Wind Phase I Project, to the existing Southwest Powerlink Transmission Line in southeastern San Diego County. The proposed route interconnects to the ECO Substation and includes three 150-foot lattice towers extending south from the point of interconnection for less than one mile to the U.S./Mexico international border. The U.S portion of the ESJ Gen-Tie Project is located entirely within San Diego County to the east of Jacumba.

Located on the Campo Native American reservation, the 50 MW Kumeyaay Wind Farm consists of 25 wind turbines situated on the western rim of McCain Valley and approximately 12.25 miles northwest of the Jacumba site. Each turbine is approximately 400 feet tall measured from the ground surface to the tip of the blade.

To the west of Jacumba in the Boulevard area several electrical facilities are proposed, including the Tierra Del Sol Solar and Rugged Solar projects.

### Bulk and Scale of Proposed Project

The Jacumba solar facility will consist of approximately 81,108 PV modules on 2,253 fixed-tilt mounted panels on approximately 108 acres. The maximum height of each mounted panel would not exceed 8 feet above grade. Each PV module array "row" would measure approximately 144 feet in total combined length and approximately 6.5 feet in width. Panels would be installed in parallel rows, oriented east-west with an estimated spacing of approximately 25 feet apart (centerline to centerline) in a north to south direction, with an east-west array spacing of approximately 12.5 feet. PV modules would be electrically connected to adjacent modules to form module "strings" using wiring attached to the support structures. PV module strings would be electrically connected to each other via underground wiring. Wire depths would be in accordance with local, state, and federal codes. String wiring terminates at PV module array combiner boxes, which are lockable electrical boxes mounted on an array's support structure. Output wires from combiner boxes would be routed along an underground trench system approximately 3.5 feet deep and 1 foot wide, including trench and disturbed area, to the inverters and transformers.

Inverters are a key component of solar PV power-generating facilities because they convert the DC generated by the PV module array into AC that is compatible for use with the transmission network. A 110-foot by 215-foot on-site private collector substation site is proposed, encompassing a fenced pad area at a maximum height of 35 feet to surround approximately 15,000 square feet of equipment, including 600 square feet of metal-clad switch gear.

A battery energy storage system that would be located on approximately 14,400 square feet (120-foot by 120-foot pad) and consist of 10 enclosures equipped with batteries capable of delivering approximately 10 MW AC of energy. Each enclosure would include an air conditioning unit for cooling purposes and a self-extinguishing fire system.

The project would interconnect to the ECO Substation which is owned and operated by San Diego Gas & Electric (SDG&E). A 138 kV line interconnecting the ECO Substation project to the Jacumba Solar Energy Project would be constructed above-grade.

The 138 kV interconnection line would be strung across up to three steel poles that would be up to 150 feet in height. The vertical distance between the cross-arms on the steel case riser would be 20 feet. The distance between the ground and the lowest conductor would be at least 30 feet and the distance between conductors would be 18 feet horizontally and 12 feet vertically. Although span lengths between poles would be dependent on terrain, lengths would generally be between 400 and 800 feet. Components used to construct the proposed 138 kV transmission line would all feature non-reflective surfaces. For instance, the insulators would be constructed of gray polymer, the conductors would be made

from aluminum-wrapped steel, and the transmission poles and associated hardware would be composed of galvanized steel.

### Bulk and Scale Analysis

As described above, while the project site is located in a generally rural setting, the immediately surrounding area is developed with a number of civic and energy uses and the border facilities. The ECO Substation occupies approximately 32 acres and includes multiple transformer and capacitor banks and structures (monopoles or lattice towers) to hold 500 kV line would be approximately 135 feet. The project footprint has been sited adjacent to the existing ECO Substation infrastructure to minimize gen-tie facilities and length. The southwestern most portions of the subject properties are largely shielded from public view by existing topography. The character of the Jacumba community has been singularly rural in the past; however, recent developments have resulted in a variable physical setting that includes both rural and civic elements. The character of the community is evolving into a mix of rural, civic, and infrastructure uses and facilities as evidenced by the ECO Substation adjacent to the proposed project site, the SWPL, Boulevard Substation, Sunrise Power Link and other renewable energy projects such as ESJ.

The 9-foot maximum height of the proposed panels would be consistent with the surrounding energy facilities and private and public structures. From scenic vantage points in the area, views of the project site are reduced with distance and topography, allowing the bulk and scale of the project to be reduced and blend into the horizon. The color of the panels and the fact that the panels are directed south, away from views, furthers the blending of the project with the surrounding area, reducing the contrast of the project and the appearance of greater bulk.

Solar projects are permitted on lands zoned General Rural (S92) per the County Zoning Ordinance, subject to the issuance of a Major Use Permit (MUP). Upon approval of a MUP, the project would be consistent with the Zoning Ordinance. The applicable setbacks associated with the underlying S92 zone are 60 feet (front yard), 15 feet (interior side yard), 35 feet (exterior side yard), and 25 feet (rear yard). On the west side of the project site, solar panels would be set back approximately 48 feet from the property boundary. Along the northern boundary, solar panels would be set back approximately 1,361 feet. Along the eastern boundary, solar panels would be set back approximately 155 feet and along the southern property boundary, solar panels would be setback approximately 174 feet. As such, setbacks provided by the Project would be greater than those required by the County Zoning Ordinance for the underlying S92 zone.

Therefore, the proposed project would be consistent with the scale and bulk of existing uses in the surrounding area.

**Coverage:** Coverage for parcels adjacent to and in the immediate vicinity of the project site was calculated using GIS. A total of twelve parcels were assessed. Lot coverage of the parcels ranges from less than 1% (APN 661-041-04) to as much as 8% (APN 661-080-01) with an average lot coverage of 1.7%. Improvements on the parcels include dirt roads, graded areas, and structures.

The majority of coverage (or graded area) on the project site would result from construction of 2,253 fixed-tilt solar panels. As described above the solar facility would be constructed in compliance with all the setback requirements, would be less than 200 ft. in height and complies with FAA safety height requirements, in accordance with the Zoning Ordinance.

In addition to the panels, additional coverage would result from construction of the inverter pads, substation, and battery storage. Including all project components, the proposed project would result in a maximum total coverage of approximately 35% (portions of APNs 661-080-04, 661-080-05, 661-080-08, 661-041-01, 661-041-02 and 661-041-03). The remainder of the project property approximately 65% will be placed in an open space easement on APNs 661-080-01, and portions of APNs 661-080-04, 661-080-05, 661-080-08, 661-041-01, 661-041-02 and 661-041-03.

Panels would be installed in parallel rows, oriented north-southeast-west with an estimated spacing of approximately 25 feet apart (centerline to centerline) in a north to south direction, with an east-west array spacing of approximately 12.5 feet. As such, the area of open land surrounding each tracker will be greater than the area covered by the panel. The panels will be a dark-gray color that from a distance will blend with the surrounding colored vegetation and border fence beyond.

Therefore, while the project will generally result in a higher total lot coverage during the maximum coverage scenario than the parcels in the surrounding project vicinity, tracker spacing and color, as well as the fact that the panels will face away from viewers will reduce the overall appearance of coverage on the project site and result in a project that is compatible with surrounding uses.

**Density:** The project meets the density finding because the project is an unmanned photovoltaic solar energy system that does not propose any habitable or residential structures.

The project is demonstrably harmonious with the scale, bulk, coverage and density of the area as described above. This is not at odds with the finding that there are significant unmitigable impacts to a visual character. The manner in which the property is to be developed and the open space preserved within the context of the land development plans and controls in combination with the changing nature of the area and the existing adjacent infrastructure components makes the proposed project harmonious. While, the perceived intactness and unity of the landscape and project site as viewed from stationary and mobile

locations would be diminished by the introduction of the uniformly dark-colored solar facility, tan-colored soils at project edges, and tall, light-colored monopoles such that the perceived visual character of the area is significantly impacted. The County does not find a contradiction in these findings because the differences are a consequence of the differences in the intent and parameters for determining harmonious development compared to determining an affect to visual character.

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

Fire Services/Emergency Medical Services

An Emergency Services Capabilities Assessment prepared for the project found that the current fire response capabilities, including primary response from San Diego County Fire Authority Boulevard Fire Station, would be adequate to meet the County standard for response time. Any additional response would be provided from San Diego Rural Fire Protection District Lake Morena Fire Station, the Jacumba Volunteer Fire Station, and Cal Fire Campo Station. The project would not result in the need for increased fire protection facilities or services in the area. First responders to emergency medical responses are usually fire response units. The implementation of the Fire Protection Plans (FPPs), including clear delineation of access routes and response methods, will be beneficial to fire response in the surrounding community, as well as to the project sites. In addition, the project will contribute specific equipment and funds to the local fire and emergency response capabilities, one of which is funding of a paramedic. The net benefit of the improved advanced life support medical response by adding paramedic equipment for a new paramedic position provides an on-going benefit to the community/region long after the construction phase is complete. With regard to suppressing any potential electrical fires, firefighters are trained to put the fires out including staying back a safe distance and use a "fog stream". Firefighters will use Class A foam, a Dry extinguisher, or water to cool burning material below ignition temperatures. Fire extinguishers will be mounted at the inverter enclosures and medium voltage transformer units throughout the project sites.

Police Services

Police protection services would be primarily provided by a nearby San Diego County Sheriff's Department office. The increased numbers of construction and operational workers for the project will not substantially increase the number of police protection service calls such that new or expanded police facilities or staff would be required to maintain acceptable service ratios and response times.

Water Supply

The project would require approximately 58.6-acre feet of water over the 6 month construction period, including a peak water demand of approximately 320,000

gpd during mass grading of the project site. The annual operational water use is estimated to be approximately 3.5 acre-feet per year. The project is conditioned to obtain water service prior to issuance of a construction permit from an area water purveyor. The project would obtain non-potable water for construction and decommissioning from the Jacumba Community Services District (JCSD) and/or Padre Dam Municipal Water District (PDMWD). The JCSD is expected to provide up to the maximum of approximately 100,000 gallons per day from Well 6 during the 28-day peak construction period (Dudek 2013b). The remaining water during peak construction is expected to be trucked in from PDMWD, and /or potentially the JCSD Park Well/new well near the Highlands Center if available in time. During the non-peak construction periods JCSD Well 6 is expected to provide the total necessary daily non-potable water needs for construction.

### Wastewater

The project will not have an on-site private septic system or require sewer services. No bathroom facilities are proposed as part of the project and port-a-potties will be used during construction.

### Solid Waste

The project would generate minimal solid waste. The project site is to be a balanced site, i.e. equivalent cut and fill volumes. Solid waste may result from components or materials packaging. Solid waste that could not be recycled would be sent to a local landfill. Waste from the construction, operation, and decommissioning of the project would not significantly affect the capacity of local landfills.

### Schools

Due to the fact that the project does not include any on-site permanent workers, the project would not require new or expanded school facilities or result in an increase in demand for other services.

All necessary public facilities, services, and utilities are available for the project.

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

The character of the surrounding neighborhood and the potential for the project to have a harmful effect on this character is based on several factors: the existing character of the neighborhood, the project site and surrounding land uses, uses allowable under land use plans, visual impacts, noise generation, traffic generation, lighting, and landscaping.

As described above, the Jacumba community can be characterized as a community in transition. The area which originally was predominantly rural in nature with large homesteads, and a once popular resort, is becoming

increasingly developed with private facilities, civic uses, and energy infrastructure. The community surrounding the project includes a range of different land uses, such that the neighborhood character is varied. The main Jacumba Hot Springs community is located over 2 miles to the west of the project area, separated by topography and the Jacumba Airport.

North of Old Highway 80, in the vicinity of the project, there are scattered rural residences, undeveloped land, and Interstate-8. There are a variety of energy uses existing in the immediate area of the project. The Sunrise Powerlink consists of steel lattice towers with a 500 kV transmission line and the Kumeyaay Wind Farm with 25 wind turbines is an existing use. There is also undeveloped federal and tribal land in the area designated and planned for renewable energy development.

The Mountain Empire Subregional Plan provides guidance and policies to shape the future character of the community. The project is consistent with policies of the San Diego County General Plan and the Mountain Empire Subregional Plan, which specifically states that solar projects are not “industrial-scale projects or facilities,” and therefore, not categorized in the class of projects which are identified to detract from or degrade groundwater resources, water and air quality, visual and natural resources, wildlife, and the historic rural character of Jacumba. In addition, the project is consistent with the policies of the Plan which aim to protect the natural environment, including protection of dark skies (6.4), preservation of native and riparian habitat (6.5), and protection of historic sites (LU 3.3.1). In addition, the project will provide funding towards improved emergency response equipment and personnel (LU 5.1.1 and S 1.1.1). Furthermore, in order to satisfy the Plan’s Energy Conservation Goal to ensure that the conservation of non-renewal energy resources is pursued in a way that is *not detrimental to the rural lifestyle*, Policy 8.1 states that “New development should utilize alternative energy technologies, especially active and passive solar energy systems.” The purpose of the project is to install an active solar energy system.

The project has been designed to minimize impacts on the natural and developed environment on the project site and within the vicinity. Tracker arrangement on the project site was designed to avoid cultural resources, riparian and sensitive habitat areas, and to minimize impacts to steep slopes and reduce the need for grading. Biological impacts will be mitigated by an on-site Open Space Preserve area.

Mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction of fencing and paint treatments, as well as buffering, will reduce the visibility trackers during operation.

Night lighting will be minimal and will be limited to security lighting around the operations and maintenance (O&M) facility. No impacts to dark skies will result.

Noise impacts will be primarily temporary and related to construction activities; all noise impacts will be mitigated. Short-term construction traffic would be managed by a traffic control plan and would not decrease level of service on the local roadways. Operation of the project would result in the addition of approximately 20 trips per day maximum, assuming a 'worst-case' whereby inspection, repair and panel washing crews visit the site on the same day, and would not affect roadway service levels.

Water use for operation would be provided by JCSD and/or PDMWD. Operational water use would be minimal (3.5 acre-feet per year) and limited primarily to tracker washing, and application of soil binders.

Additionally, Policy 4 of the Public Facilities and Services section of the Mountain Empire Subregional Plan requires uses proposed for properties adjacent to substations or transmission line right-of-ways to be reviewed for possible impacts to the power facilities and vice versa. An energy generation site is a highly compatible use near a substation and review of the project has been coordinated with the owner of the ECO Substation to assure that encroachments, drainage patterns and other project operations are consistent with the continued safe operation of the substation. Furthermore, by locating the project adjacent to the ECO Substation, potential impacts associated with the construction of a long transmission line through established communities to connect the project site have been avoided.

As such the project would not have a harmful effect upon desirable neighborhood character as described above. This is not at odds with the finding that there are significant unmitigable impacts to a visual character. The no harmful effect upon desirable neighborhood character is based upon the multitude of parameters that could contribute, which include visual effects but also include, traffic, noise, allowable under land use plans, lighting and landscaping. The County has determined that the project does not result adverse effects to each of these without mitigation except for noise and visual effects. The County has determined that the noise effects can be mitigated and with the distance of existing and potential likely sensitive receptors to noise, noise effects would not be harmful. Leaving the perceived intactness and unity of the landscape and project site as viewed from stationary and mobile locations would be diminished by the introduction of the uniformly dark-colored solar facility, tan-colored soils at Project edges, and tall, light-colored monopoles such that the perceived visual character of the area is significantly impacted. The County does not find a contradiction in these findings because the differences are a consequence of the differences in the broader intent and inclusive parameters for determining harmful effect upon desirable neighborhood character and determining the more narrow effect on visual character.

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

The project would not alter the physical character of Old Highway 80, because the project is an unmanned facility that proposes up to 20 daily trips during operation of the project for worker commutes, including occasional trips for panel washing. An increase in traffic would occur during the approximate 6-month construction period, with a peak average of 298 daily trips, but this effect would be temporary. The construction and operational increases in traffic would not cause the level of service (LOS) of affected roads (currently operating at LOS A) to fall below the County's acceptable LOS (LOS D) or affect existing intersection operations and delay. Nor would the project cause affected roads to exceed their assumed design capacity. A traffic control plan would be implemented to ensure safe and efficient traffic flow in the area and on the project site during construction. A construction notification plan would be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access could be impacted would be specifically notified in advance and provided alternative access.

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

A number of factors contribute to the suitability of the project site for a PV solar development. These include:

Compatibility with Land Use Designations and Planning Documents

The project site is designated RL-80, Rural Lands, in the General Plan and zoned S92 (General Rural). A solar facility is defined as a "Civic Use Type" (Major Impact Services and Utilities) which is allowed within the S92 zone upon approval of a Major Use Permit. The General Plan Analysis shows that the project is consistent with all applicable General Plan policies, as well as the Mountain Empire Subregional Plan.

Additionally, Policy 4 of the Public Facilities and Services section of the Mountain Empire Subregional Plan requires uses proposed for properties adjacent to substations or transmission line right-of-ways to be reviewed for possible impacts to the power facilities and vice versa. An energy generation site is a highly compatible use near a substation and review of the Project has been coordinated with the owner of the ECO Substation to assure that encroachments, drainage patterns and other project operations are consistent with the continued safe operation of the substation. Furthermore, by locating the project adjacent to the ECO Substation, potential impacts associated with the construction of a long transmission line through established communities to connect the project site have been avoided.

Finally, the Project, once constructed, would generally be a passive use that would require minimal maintenance activities and generate few traffic trips.

#### Environmental Suitability

The project site is located in an area of high direct normal irradiance (DNI) (i.e., the amount of solar radiation received per unit area by a surface that is always held perpendicular (or normal) to the rays that come in a straight line from the direction of the sun at its current position in the sky). Therefore, it is particularly suited to use for a solar facility which requires a high DNI to maximize efficiency.

In addition, the project site is located in an area where no federal or state threatened or endangered species will be affected. All biological impacts can be avoided or mitigated.

The project site provides sufficient flat terrain such that no steep slopes will be graded or constructed upon.

#### Shared Facilities

The project site is located such that transmission line will be approximately 1,500 feet due to the project site's proximity to the ECO Substation.

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

The project has been subjected to conditions in the MUP and/or MMRP to be compatible with other relevant impacts of the proposed solar energy generation use.

The project generates minimal glare at certain places in the surrounding area and times of the year that will be received by recreationalists (see Chapter 2.1, Aesthetics (Section 2.1.3.4, Light and Glare) of the DEIR). The intensity of glare produced by PV panels will be lower than that of glare produced by man-made surfaces (metal roofs, glass etc.) and water. The generated reflection values are not considered hazardous to vision.

The project generates minimal glare that will be received by recreationalists at sunrise on Airport Mesa and ridgelines within the Jacumba Mountains at sundown, but poor trail conditions, parking, and signage suggest that the area is not widely used.

Due to the intermittency, brevity, and lack of severe intensity of anticipated glare impacts, the project is compatible with adjacent uses.

The project is located in southeastern San Diego County, which, based on information compiled by the County of San Diego, has a very low background risk of coccidioidomycosis ("Valley Fever") (County of San Diego 2008).

According to the County of San Diego Health and Human Services Agency (HHSA), 144, 138, 159, 160, and 121 confirmed cases of coccidioidomycosis were reported in San Diego County during a five-year period from 2009 to 2013 (County of San Diego 2014a). Furthermore, according to County of San Diego HHSA, there were no cases of coccidioidomycosis from 2008 to 2014 reported in zip codes 91905 (Boulevard), 91934 (Jacumba Hot Springs), 91906 (Campo), and 91962 (Pine Valley) (County of San Diego 2014b, 2014c). In addition, according to the California Department of Public Health, the number of cases in San Diego County has declined each year since 2011 through 2014 [<http://www.cdph.ca.gov/data/statistics/Documents/YearlySummaryReportsOfSelectedGeneralCommDiseasesinCA2011-2014.pdf#page=29>]. Accordingly, there is no evidence that Valley Fever is a significant impact in the vicinity of the project. CEQA Guidelines 15143 states “[t]he EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” The evidence above demonstrates that there is no evidence that Valley Fever is a significant impact or is a significant health threat in the vicinity of the project. Therefore, in accordance with the CEQA Guidelines, it is appropriate for the County not to focus the EIR’s analysis on this issue. CEQA also does not require mitigation where there is no significant impact. CEQA Guidelines 15126.4(a)(3). The County finds there is no significant effect. Therefore, the County is not obligated to impose mitigation measures that either the California Department of Public Health or the commenter’s consultant at SWAPE recommends.

Nevertheless, the County has already required the applicant to perform air quality related mitigation measures that incidentally are consistent with some of the mitigation measures that have been recommended. A 2013 Hazard Evaluation System and Information Service (HESIS) Fact Sheet entitled, “Preventing Work-Related Coccidioidomycosis (Valley Fever)”, prepared by the California Department of Public Health recommends implementation of dust control measures including regular application of water during soil disturbance activities to reduce worker exposure to Valley Fever (California Department of Public Health 2013). The Proposed Project is already required to comply with SDAPCD Rule 55 (fugitive dust abatement measures including watering the site three or more times per day) and County Code Section 87.428 (and would implement measures recommended under Clearing and Grading in Section 1.2.1), which regulate construction activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site, thereby controlling dust that the commenter claims has the potential to spread Valley Fever.

In addition, applicable regulations regarding hazards (including Valley Fever) protection and exposure are already included in Title 8 of the California Code of Regulations. For example, Section 342 requires employers to immediately report to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of

employment or in connection with any employment (8 CCR 342). Furthermore, Section 3203 requires that every employer establish, implement and maintain an effective Injury and Illness Prevention Program (Program) (8 CCR 3203(a)). The Program must include procedures for identifying and evaluating workplace hazards including scheduled periodic inspections to identify unsafe conditions and work practices (8 CCR 3203(a)(4)). Section 5144 requires that respirators shall be used and provided by the employer when such equipment is necessary to protect the health of the employee (8 CCR 5144(a)(2)). The primary purpose of Section 5144 is to prevent atmospheric contamination and control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors. When such measures are necessary to protect the health of an employee, the employer shall be responsible for the establishment and maintenance of a respiratory protection program (8 CCR 5144(a)(2)). The requirements of the respiratory protection program are outlined on California Code of Regulation Title 8, Section 5144 (c). Accordingly, even if there was a potentially significant impact from Valley Fever, the project must comply with the law and the state's regulatory system would adequately address any impact from Valley Fever that could occur.

It should also be noted that Valley Fever does not present a serious health risk to most people. Most people who contract Valley Fever experience mild flu-like symptoms or no symptoms at all. In most cases, the body's immune response is effective and no specific course of treatment is necessary. About 5% of cases of Valley Fever result in pneumonia (infection of the lungs), while another 5% of patients develop lung cavities after their initial infection with Valley Fever. These cavities occur most often in older adults and about 50% of them disappear within two years. Only 1%–2% of those exposed to Valley Fever who seek medical attention would develop a disease that disseminates (spreads) to other parts of the body other than the lungs. Valley Fever is not contagious. (Valley Fever Center for Excellence, 2010c).

Accordingly, the County finds there is no credible evidence that Valley Fever is a significant impact in the vicinity of the project, the EIR properly focuses on analyzing and mitigating impacts that are significant, and even if there were a potentially significant impact, mitigation measures related to dust control and regulatory structures to protect worker safety are already required. There is substantial evidence demonstrating the Project does not present a significant air quality impact as it relates to Valley Fever.

- (b) *The impacts, as described in Findings (a)(1) through (6) above, and the location of the proposed use will be consistent with the San Diego County General Plan*

The County's analysis of the project determined that the project is consistent with the Rural General Plan Regional Category and Rural Lands General Plan Land Use Designation. The analysis also found that the project is consistent with all applicable policies of the Mountain Empire Subregional Plan.

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

The project complies with the requirements of the California Environmental Quality Act (CEQA) because a Draft Environmental Impact Report (EIR) dated April, 2015, Environmental Review Number PDS2014-ER-14-22-001, was prepared for the project that complies with the State and County CEQA Guidelines. The DEIR was advertised for a 45-day public review commencing on April 16, 2015 and closing on June 3, 2015. Comments were received that required minor changes to the EIR. This new information clarified or amplified information already found in the DEIR, and did not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Final Environmental Impact Report, including Responses to Comments and dated April 2016 is on file with PDS as Environmental Review Number PDS2014-ER-14-22-001.

Findings related under CEQA Guidelines sections 15091 and 15093 have been prepared for the project, in accordance with CEQA. The FEIR is hereby adopted for the reasons set forth in the CEQA Findings for the project.

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

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

the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

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

**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. 10385 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

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

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/docs/sd\\_permit/r9\\_20014\\_0001/20014\\_0001final.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_20014_0001/20014_0001final.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.

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

**GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of movement of material or eight feet (8') of cut/fill per criteria of Section 87.201 of Grading Ordinance (Ordin. #10224).

**CONSTRUCTION PERMIT REQUIRED:** A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County 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 is required for any and all proposed/existing facilities within the County right-of-way. Old Highway 80 (SC 1883) is shown as a Light Collector Road on the Mobility Element of the County General Plan. 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:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**ENCROACHMENT PERMIT/FRANCHISE AGREEMENT REQUIRED:** An encroachment Permit or Franchise Agreement is required for any generation tie line (gen-tie line) work within the County right-of-way. Contact Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate department requirements.

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. 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 at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

**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 subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 6010 Hidden Valley Rd, Carlsbad, CA 92011-4219, (760) 431-9440, <http://www.fws.gov/>.

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

**NOTICE:** The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on May 20, 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 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.

<b>EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS</b>			
<b>Planning &amp; Development Services (PDS)</b>			
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		
<b>Department of Public Works (DPW)</b>			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
<b>Department of Environmental Health (DEH)</b>			

Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
<b>Department of Parks and Recreation (DPR)</b>			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
<b>Department of General Service (DGS)</b>			
Real Property Division	RP		

COUNTY OF SAN DIEGO PLANNING COMMISSION  
 MARK WARDLAW, SECRETARY

BY:

Cara Lacey, Chief  
 Project Planning Division  
 Planning & Development Services

cc: Dudek, 605 Third Street, Encinitas, CA 92024  
 NextEra- Jacumba Solar LLC, 700 Universe Boulevard, Juno Beach, Florida 33408

email cc:

Ed Sinsay, Team Leader, Land Development, PDS  
 Darin Neufeld, Planning Manager, Project Planning, PDS

## **Attachment C – Environmental Documentation**

The Final Environmental Impact Report has been distributed separately to the Planning Commission. A copy of the Final Environmental Impact Report is available for public review at Planning & Development Services or online at:

[http://www.sandiegocounty.gov/content/sdc/pds/Current\\_Projects/jacumba\\_solar/Final\\_EIR.html](http://www.sandiegocounty.gov/content/sdc/pds/Current_Projects/jacumba_solar/Final_EIR.html)

## **Attachment D – Environmental Findings**

**DRAFT FINDINGS REGARDING SIGNIFICANT EFFECTS  
PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15090,  
15091 AND 15093**

**JACUMBA SOLAR ENERGY PROJECT**

**PDS2014-MUP-14-041**

**SCH No. 2014-091-034**

**May 2, 2016**

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**CEQA Findings and Statement of Overriding Considerations**

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**I. INTRODUCTION**

The Final Environmental Impact Report (FEIR), dated April 2016 for the Jacumba Solar Energy Project provides a project level analysis for the Jacumba Solar Energy Project (the “Proposed Project”) pursuant to the California Environmental Quality Act (“CEQA”).

The Proposed Project area is approximately 304 acres within the Mountain Empire Subregional Plan Area in unincorporated San Diego County. The solar facility composing the Proposed Project would use photovoltaic (PV) fixed tilt rack electric generation system technology to produce solar energy at the utility scale on approximately 108 acres. The Proposed Project is designed to produce up to 20 megawatts (MW) of alternating current (AC) generating capacity, an approximately 10 MW battery energy storage system and would include a 138 kV overhead transmission line (gen-tie) to connect to the existing adjacent East County (ECO) Substation. The Proposed Project also includes an approximately 184-acre Open Space Preserve dedicated to conserve important resources in perpetuity.

The FEIR analyzes 2 alternatives to the Proposed Project, the Reduced 15 MW Project Alternative and the North Layout Project Alternative, as well as the No Project alternative. Findings associated with the alternatives are provided herein in Section VI.

The Proposed Project is intended to accomplish the objectives set out below.

**Underlying Fundamental Project Objectives**

1. Develop approximately 20 megawatts (MW) of renewable solar energy that can operate during on-peak power periods to indirectly reduce the need to emit greenhouse gases (GHGs) caused by the generation of similar quantities of electricity from either existing or future non-renewable sources to meet existing and future electricity demands.
2. Develop a solar energy project that can meet the criteria to achieve the maximum federal solar Investment Tax Credit which is intended to decrease the cost of renewable energy generation and delivery, promote the diversity of energy supply, decrease dependence of the United States on foreign energy supplies and improve United States security.
3. Balance the development of the solar energy facility with the protection of resources, which may include preservation of on-site biological and cultural resources and the establishment of a wildlife movement corridor.
4. Develop a utility-scale solar energy Project that improves local electrical reliability for the San Diego region by providing a source of local generation as near as possible to the East County (ECO) Substation and other recent regional transmission improvements.
5. Provide a new source of energy storage that assists the state in achieving or exceeding the energy storage target of 1.3 gigawatts of energy by 2020, consistent with the terms of Assembly Bill (AB) 2514.

## CEQA Findings and Statement of Overriding Considerations

### Other Basic Project Objectives

6. Assist in directly achieving or exceeding<sup>1</sup> the state's Renewable Portfolio Standard (RPS) and greenhouse gas emissions reduction objectives by developing and constructing California RPS-qualified solar generation, approved under Senate Bill (SB) X1 2, which established renewable energy targets of 20% total electricity sold to retail customers by the end of 2013, 25% by the end of 2016, and 33% of total electricity sold to retail customers by 2020.
7. Site solar power plant facilities in areas within the County of San Diego (County) that have excellent solar attributes, including but not limited to high direct normal irradiance (DNI), in order to maximize productivity.
8. Develop a utility-scale solar facility within San Diego County supporting the economy by investing in the local community, creating local construction jobs, and increasing property tax revenue.

Pursuant to CEQA Guidelines section 15367, the County of San Diego is the "lead agency" for the purpose of preparing the environmental review required by CEQA for the Proposed Project.

Pursuant to the CEQA Guidelines (Section 15375), the County prepared a Notice of Preparation (NOP) for the EIR. The NOP was publicly circulated for 30 days beginning September 11, 2014. The County held a public scoping meeting on September 23, 2014, in conjunction with a Jacumba Planning Group meeting at the Jacumba Library to provide responsible agencies and members of the public with information about the CEQA process and to provide further opportunities to identify environmental issues and alternatives for consideration in the EIR. Public comments received during the NOP scoping process are provided in Appendix 1-1 of the EIR.

The County released a Notice of Availability of the Draft EIR on April 16, 2015 to commence the 45-day public review period, in compliance with CEQA Guidelines section 15087, which ended on June 3, 2015. Comments received and responses to those comments have been included in Section 9 of the FEIR as required by CEQA Guidelines sections 15088 and 15132.

All materials that constitute the record of proceedings, including documents related to the EIR and review process are available from the County of San Diego Planning & Development Services and on their website at: [http://www.sandiegocounty.gov/content/sdc/pds/regulatory/docs/jacumba\\_solar.html](http://www.sandiegocounty.gov/content/sdc/pds/regulatory/docs/jacumba_solar.html)

The County adopts the Proposed Project, for the reasons explained in these findings.

## **II. POTENTIALLY SIGNIFICANT EFFECTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(A)(1))**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that, for each of the

<sup>1</sup> Since the release of the Draft EIR the State has enacted Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015, legislation with an even more aggressive target of using 50 percent renewables for electricity generation by the end of 2030.

## CEQA Findings and Statement of Overriding Considerations

following significant effects identified in the FEIR, changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potentially significant effects on the environment. The potentially significant effects and mitigation measures are stated fully in the FEIR. These findings are explained below and are supported by substantial evidence in the record of proceedings.

To the extent these findings conclude that mitigation measures identified in the FEIR are feasible, the County hereby binds itself to implement those measures. These findings are not merely informational, but constitute a binding set of obligations upon the County, Project applicant, and responsible agencies that take effect upon the County's adoption of the resolutions certifying the FEIR and approving the Proposed Project.

In adopting these findings, the County concurrently adopts a Mitigation, Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code section 21081.6. This MMRP is designed to ensure the Proposed Project complies with the feasible mitigation measures identified below during implementation of the Proposed Project and is incorporated herein by this reference.

### **A. Aesthetics**

- 1) **Significant Effect: Impact AE-2** – Solar reflectance off the steel shell of the Proposed Project's battery energy storage containers may produce glare that could be visible by passing motorists along Interstate 8 (I-8) and Old Highway 80, and to recreationists in the adjacent mountain areas. (See, FEIR, p. 2.1-31 through 34; 2.1-42)

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-AE-4 requires that the energy storage containers shall be painted a flat, non-reflective color to match the color of surrounding Project components and the existing landscape (FEIR, p. 2.1-43). For the reasons stated in Section 2.1.7 of the FEIR, mitigation measure M-AE-4 reduces the potentially significant effect of Impact AE-2 to a less than significant level by treating energy storage containers with non-reflective material to reduce potential glare that might otherwise be visible to passing motorists and recreationists.

**Reference:** EIR, Section 2.1; aesthetic related response to comments (RTCs) Section 9; and all other aesthetics related evidence in the administrative record.

### **B. Biological Resources**

- 2) **Significant Effect: Impact BI-SP-1** – As discussed in Chapter 2.2 of the FEIR, potentially significant short-term, construction-related, or temporary direct impacts to suitable habitat for the following County List A, B and C plant species would primarily result from construction activities: Jacumba milk-vetch, pygmy lotus, Mountain Springs bush lupine, Parry's

## CEQA Findings and Statement of Overriding Considerations

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tetracoccus, southern jewelflower, Tecate tarplant, sticky geraea, slender-leaved ipomopsis, desert beauty, pink fairy-duster, Parish's desert-thorn, and Fremont barberry. In particular, clearing, trampling, or grading of suitable habitat for these special-status plants outside designated construction zones could occur in the absence of avoidance and mitigation measures. Potential short-term impacts to the foregoing named County List A, B and C plant species on site would be significant, absent mitigation. (FEIR, pp. 2.2-50 through 52).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur; implementation of a SWPPP and BMPs, as appropriate, which will restrict plantings, equipment staging and storage, construction vehicle speed limit, and planting of invasive species that can compete with native plants for native resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-SP-1, mitigation measures M-BI-1, M-BI-2, and M-BI-3 will reduce the potentially significant short term direct impacts to special status plants to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 3) **Significant Effect: Impact BI-SP-2** - Suitable habitat for six County List A plant species that have a high to moderate potential to occur on site—Jacumba milk-vetch, pygmy lotus, Mountain Springs bush lupine, Parry's tetracoccus, southern jewel-flower, and Tecate tarplant—and five County List B plant species that have a high to moderate potential to occur on site—sticky geraea, slender-leaved ipomopsis, desert beauty, pink fairy-duster, and Parish's desert-thorn—and one County List C plant species, the Fremont barberry—and would experience potentially significant long-term direct impacts from the Proposed Project (see FEIR, 2.2-51 through 52).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve that preserves its biological value and protects the open space from the threat of invasive plants and unauthorized trails and ATV use that exists without an actively managed preserve. Also, M-BI-16 requires that rare plant surveys be undertaken prior to construction for all of plant species that have a high to moderate potential to occur on site, including the following six County

## CEQA Findings and Statement of Overriding Considerations

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List A species Jacumba milk-vetch, pygmy lotus, Mountain Springs bush lupine, Parry's tetracoccus, southern jewel-flower, and Tecate tarplant, and the five County List B plant species that have a high to moderate potential to occur on site, specifically sticky geraea, slender-leaved ipomopsis, desert beauty, pink fairy-duster, and Parish's desert-thorn. Further, if specimens are identified, mitigation measure M-BI-16 requires the preparation of a relocation plan to move the specimen(s) to the open space preservation area. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-SP-2, mitigation Measures M-BI-4 and M-BI-16 will mitigate the potentially significant long term direct impacts to special status plants to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 4) **Significant Effect: Impact BI-W-1** – As described on FEIR pp. 2.2-51 and 2.2-52, the five County Group 1 and/or California Species of Special Concern (SSC) animal species were detected within the Project area: Bell's sparrow (*Artemisiospiza belli*), turkey vulture, loggerhead shrike, San Diego black-tailed jackrabbit, and potentially San Diego desert woodrat. In addition, four County Group 1 and/or state SSC wildlife species have high potential to occur within the Project area: Blainville's horned lizard, Belding's orange-throated whiptail, northern red diamond rattlesnake, and Northwestern San Diego pocket mouse. The following County Group 1 and/or state SSC wildlife species have a high potential to forage in the Project area, but not nest or roost: Cooper's hawk, prairie falcon, and golden eagle. Loss of these special-status wildlife species (County Group 1 or state SSC animals), including individual reptiles and small mammals, as a result of short-term construction-related activities would be significant, absent mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur, and, as appropriate, implementation of a SWPPP and BMPs which will restrict equipment staging and storage, construction vehicle speed limits to protect open space habitat and reduce potential vehicle collisions with wildlife. Mitigation Measures M-BI-5 and M-BI-6 establish construction practices to avoid harassment of wildlife and conduct surveys for active bird nests if construction or decommissioning activities commence during the breeding season (February 1 to August 31, and as early as January 1 for some raptors), avoidance of any activities within 300 feet of any discovered nests (500 feet for raptors), and monitoring by a qualified biologist. Mitigation measure M-BI-7 requires the Project Biologist to cover trenches and holes and monitor excavated areas and soil piles to ensure animals do not access or become trapped in construction areas overnight. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-W-1, Mitigation Measure M-BI-1, M-BI-2, M-BI-3, M-BI-5, M-BI-6, and M-BI-7 shall be implemented during construction and

## CEQA Findings and Statement of Overriding Considerations

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operation and will reduce potentially significant short term direct impacts to special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 5) **Significant Effect: Impact BI-W-2** – As described in FEIR, p. 2.2-52, based on the Migratory Bird Treaty Act (MBTA), if any active nests or the young of nesting special-status bird species (County Group 1 or state SSC animals) are impacted through direct grading, these impacts would be significant, absent mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-6 requires that the applicant conduct preconstruction surveys for active bird nests if construction or decommissioning activities commence during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). M-BI-6 further requires that for any discovered nests, project-related activities are kept 300 feet away (500 feet for raptors), and that monitoring of the nests and construction activities be conducted by a qualified biologist.. For the reasons described in Section 2.2.7 of the DEIR, with regard to Impact BI-W-2, Mitigation Measure M-BI-6 will reduce the potentially significant direct and indirect impacts to active nests or the young of special-status bird species.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 6) **Significant Effect: Impact BI-W-3** – As described in FEIR p. 2.2-52, potential long-term, permanent direct impacts from the Proposed Project to suitable nesting and/or foraging habitat for the five County Group 1 and/or state SSC animal species detected within the Project area (Bell's sparrow (*Artemisiospiza belli*), turkey vulture, loggerhead shrike, San Diego black-tailed jackrabbit, and potentially San Diego desert woodrat), the four County Group 1 and/or state SSC wildlife species that have high potential to occur within the Proposed Project area (Blainville's horned lizard, Belding's orange-throated whiptail, northern red diamond rattlesnake, and Northwestern San Diego pocket mouse), the County Group 1 and/or state SSC wildlife species that have a high potential to forage in the Project area, but not nest or roost (Cooper's hawk, prairie falcon, and golden eagle). Impacts to Suitable Habitat for Group 1 and/or SSC Wildlife Species and loss of suitable nesting/foraging habitat would be significant, absent mitigation (FEIR p. 2.2-52).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

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**CEQA Findings and Statement of Overriding Considerations**


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**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-W-3, Mitigation Measure M-BI-4 will reduce potentially significant long term direct impacts to suitable habitat for special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 7) **Significant Effect: Impact BI-W-4** – As set forth in FEIR p. 2.2-53, the following four County Group 2 wildlife species have high potential to occur within the Project area: coastal whiptail (*Aspidoscelis tigris stejnegeri*), rosy boa, mule deer (*Odocoileus hemionus*), and mountain lion (*Puma concolor*). Four additional Group 2 species have high potential to occur and are analyzed under Guideline A because they are state SSC animals: Belding’s orange-throated whiptail, Blainville’s horned lizard, northwestern San Diego pocket mouse, and northern red-diamond rattlesnake. Loss of individual County Group 2 special-status species as a result of short-term, construction-related activities would be significant, absent mitigation (FEIR pp. 2.2-53 and 2.2-54).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur, and, as appropriate, implementation of a SWPPP and BMPs which will restrict equipment staging and storage, construction vehicle speed limits to protect open space habitat and reduce potential vehicle collisions with wildlife, and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-7 requires the Project Biologist to cover trenches and holes and monitor excavated areas and soil piles to ensure animals do not access or become trapped in construction areas overnight. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-W-4, Mitigation Measures M-BI-1, M-BI-2, M-BI-3, and M-BI-7 will reduce potentially significant short term direct impacts to special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 8) **Significant Effect: Impact BI-W-5** – As described in FEIR, p. 2.2-54, under the MBTA, if any active nests or young of nesting special-status bird species (County Group 2) are impacted through direct grading, these impacts would be significant, absent mitigation.

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**CEQA Findings and Statement of Overriding Considerations**

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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-6 requires that the applicant conduct preconstruction surveys for active bird nests if construction or decommissioning activities commence during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). M-BI-6 further requires that for any discovered nests, project-related activities are kept 300 feet away (500 feet for raptors), and that monitoring of the nests and construction activities be conducted by a qualified biologist. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-W-5, Mitigation Measure M-BI-6 will reduce potentially significant long term direct impacts to special status bird species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 9) **Significant Effect: Impact BI-W-6** – As discussed at FEIR pp. 2.2-54, foraging habitat for raptors, including golden eagle, is present throughout portions of the Project area. Approximately 111.5 acres of vegetation communities and land covers will be impacted by the Proposed Project. Many of these habitats would be considered suitable foraging habitat for raptors. Therefore, impacts to raptor foraging habitat would be significant, absent mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR, with regard to Impact BI-W-6, Mitigation Measure M-BI-4 will reduce potentially significant long term direct impacts to raptor foraging habitat to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 10) **Significant Effect: Impact BI-W-7** – The solar site is included within a Core Wildlife Area (a large block of habitat that supports multiple wildlife species), even though the property is bordered by the U.S./Mexico international border fence which may exclude some larger wildlife from moving directly through the Proposed Project area. The Project would impact 111.5 acres of land. This impact to viable populations of multiple wildlife species would be significant, absent mitigation, as discussed at FEIR p. 2.2-55.

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**CEQA Findings and Statement of Overriding Considerations**


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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR, Mitigation Measure M-BI-4 will reduce potentially significant long term indirect impacts to wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 11) Significant Effect: Impact BI-SP-3** – Short-term indirect impacts to the aforementioned County List A and B plant species (and one County List C: Fremont barberry, [California Native Plant Society California Rare Plant Rank] CRPR 2.3) as a result of the Proposed Project are described above and include construction-related or temporary indirect impacts resulting in generation of fugitive dust, altered natural drainage (i.e., changes in hydrology due to construction), and the introduction of chemical pollutants. The potential short-term indirect impacts to County List A and B plant species (and Fremont barberry) would be significant, absent mitigation, as more fully described in FEIR p. 2.2-55.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur; implementation of a SWPPP and BMPs, as appropriate, which will restrict plantings, equipment staging and storage, construction vehicle speed limit, and planting of invasive species that can compete with native plants for native resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-SP-3, Mitigation Measures M-BI-1, M-BI-2, M-BI-3, and M-BI-8 will reduce the potentially significant short term indirect impacts to special status plants to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 12) Significant Effect: Impact BI-SP-4** – Potential long-term or permanent indirect impacts to the aforementioned County List A and B plant species (and Fremont barberry) as result of the Proposed Project include generation

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of fugitive dust, habitat fragmentation, chemical pollutants (herbicides), increased or introduction of non-native, invasive species, increased human access/activity, and alteration of the natural fire regime, which are described in more detail in FEIR, Section 2.2.3.1, Definition of Impacts. Shading and/or nighttime lighting are expected to be contained within the Proposed Project impact footprint, and long-term indirect impacts associated with shading and/or nighttime lighting are not expected. These potential long-term indirect impacts would be significant, absent mitigation, as further described in FEIR, p. 2.2-55.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will be required to implement Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, and M-BI-11. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-5 prevents operation and maintenance personnel from collecting plants and from traveling beyond the Project footprint. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-9 requires the use of native plants for any landscaping. Mitigation measure M-BI-10 requires compliance with the Projects' Fire Protection Plan and mitigation measure M-BI-11 requires weed control by a licensed pest control advisor. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-SP-4, Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, and M-BI-11 will reduce potentially significant long term indirect impacts to special status plants to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 13) Significant Effect: Impact BI-W-8** – Short-term indirect impacts to special-status wildlife species as a result of the Proposed Project are described above and include construction-related, or temporary indirect impacts that could result in generation of fugitive dust, noise, chemical pollutants, increased human access/activity, and increased predation and/or competition from non-native or domestic animal species. Short-term indirect impacts to special-status wildlife species would be significant, absent mitigation, as further described in FEIR pp. 2.2-55 and 2.2-56.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will be required to implement mitigation measures M-BI-1, M-BI-2, M-BI-3, M-BI-6, M-BI-8, and M-BI-12 to reduce

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Impact BI-W-8 to a level of less than significant. Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur, and, as appropriate, implementation of a SWPPP and BMPs which will restrict equipment staging and storage, construction vehicle speed limits to protect open space habitat and reduce potential vehicle collisions with wildlife, and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-6 requires that the applicant conduct preconstruction surveys for active bird nests if construction or decommissioning activities commence during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). M-BI-6 further requires that for any discovered nests, project-related activities are kept 300 feet away (500 feet for raptors), and that monitoring of the nests and construction activities be conducted by a qualified biologist. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-12 requires low illumination during construction and decommissioning, consistent with Class II lighting types in Zone A of the County's light pollution code SEC. 51.204, to minimize lighting in adjacent native habitats. For the reasons described in Section 2.2.7 of the DEIR relating to Impact BI-W-8, Mitigation Measure M-BI-1, M-BI-2, M-BI-3, M-BI-6, M-BI-8, and M-BI-12 will reduce potentially significant short term indirect impacts to special status wildlife to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 14) Significant Effect: Impact BI-W-9** – Potential long-term or permanent indirect impacts to special-status wildlife species include generation of fugitive dust; domestic or non-native, invasive plant and animal species; habitat fragmentation; increased human access/activity; noise; collision hazard; altered hydrology; and alteration of the natural fire regime. Potential long-term indirect impacts to special-status wildlife species would be significant, absent mitigation, as described in FEIR p. 2.2-56.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will be required to implement mitigation measures M-BI-1, M-BI-2, M-BI-3, M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, and M-BI-13 to reduce Impact BI-W-9 to a level of less than significant. Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur, and, as appropriate, implementation of a SWPPP and BMPs which will restrict equipment staging and storage, construction vehicle speed limits to protect open space habitat and reduce potential vehicle collisions with wildlife, and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open

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space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-5 establishes construction practices to avoid harassment of wildlife. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-9 requires the use of native plants for any landscaping. Mitigation measure M-BI-10 requires compliance with the Projects' Fire Protection Plan, and mitigation measure M-BI-13 requires all transmission towers and lines to be designed to conform to Avian Power Line Interaction Committee (APLIC) standards. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-W-9, Mitigation Measures M-BI-1, M-BI-2, M-BI-3, M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, and M-BI-13 will reduce potentially significant long term indirect impacts to special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 15) Significant Effect: Impact BI-V-1** – Short-term, construction-related, or temporary direct impacts to special-status upland vegetation communities would primarily result from construction activities. Clearing, trampling, or grading of special-status vegetation communities outside designated construction zones could occur in the absence of avoidance and mitigation measures. Potential temporary direct impacts to special-status vegetation communities on site would be significant, absent mitigation, as more fully discussed in FEIR p. 2.2-59.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur; implementation of a SWPPP and BMPs, as appropriate, which will restrict plantings, equipment staging and storage, construction vehicle speed limit, and planting of invasive species that can compete with native plants for native resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-1, Mitigation Measure M-BI-1, M-BI-2, and M-BI-3 will reduce potentially significant short-term direct impacts to special status upland vegetation communities to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 16) Significant Effect: Impact BI-V-2** –Permanent direct impacts to 103.2 acres of special-status upland vegetation communities would occur as a result of the Proposed Project and would be significant, absent mitigation, as more fully discussed in FEIR, p. 2.2-60.

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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-2, Mitigation Measure M-BI-4 will reduce potentially significant long term direct impacts to special status upland vegetation communities to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 17) Significant Effect: Impact BI-V-3** – The Proposed Project has been designed to avoid non-wetland waters to the maximum extent practicable. There will be direct impacts to 0.21 acre (4,261 linear feet) of non-wetland ephemeral waters under the jurisdiction of ACOE/RWQCB/CDFW. Impacts to 0.21 acre of non-wetland waters would be significant, absent mitigation, as discussed in FEIR, p. 2.2-61.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will implement mitigation measures M-BI-4 and M-BI-14 to reduce the environmental effects of Impact BI-V-3 to a level of less than significant. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-14 requires that the necessary permits for impacting jurisdictional non-wetland waters are obtained.

For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-2, implementation of Mitigation Measure M-BI-4 and M-BI-14 will reduce potentially significant long term direct impacts to jurisdictional non-wetland waters to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 18) Significant Effect: Impact BI-V-4** – Short-term, construction-related, or temporary indirect impacts to jurisdictional non-wetlands waters would primarily result from construction activities. Indirect impacts could include the generation of fugitive dust; changes in hydrology resulting from construction, including sedimentation and erosion; and the introduction of chemical pollutants (including herbicides). Potential temporary indirect impacts to jurisdictional waters on site would be significant, absent mitigation, as further discussed in FEIR, p. 2.2-61.

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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will implement mitigation measures M-BI-1, M-BI-2, and M-BI-3 to reduce the significance of Impact BI-V-4 to a level of less than significant. Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas outside the limits of grading, including jurisdictional resources; implementation of a SWPPP and BMPs, as appropriate, which will avoid indirect impacts to jurisdictional resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-4, implementation of Mitigation Measures M-BI-1, M-BI-2, and M-BI-3 will reduce potentially significant short term indirect impacts to jurisdictional non-wetland waters to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 19) Significant Effect: Impact BI-V-5** – Potential long-term indirect impacts to jurisdictional non-wetlands waterways primarily result from impacts related to operation and maintenance activities, including chemical pollutants, altered hydrology, non-native invasive species, increased human activity, and alteration of the natural fire regime. These indirect impacts would be significant, absent mitigation, as discussed at FEIR, p. 2.2-61.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will be required to implement mitigation measures M-BI-4, M-BI-5, M-BI-8, M-BI-10, M-BI-11, and M-BI-14. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-5 establishes construction practices to avoid harassment of wildlife. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-10 requires compliance with the Projects' Fire Protection Plan and mitigation measure M-BI-11 requires weed control by a licensed pest control advisor. Mitigation measure M-BI-14 requires that the necessary permits for impacting jurisdictional non-wetland waters are obtained. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-5, implementation of Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-10, M-BI-11, and M-BI-14 will reduce potentially significant long term indirect impacts to jurisdictional non-wetland waters to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

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- 20) Significant Effect: Impact BI-V-6** – Short-term, indirect impacts to special-status upland vegetation communities as a result of the Proposed Project include short-term; construction-related; or temporary, indirect impacts, and include generation of fugitive dust, changes in hydrology resulting from construction, and the introduction of chemical pollutants (including herbicides). Short-term, indirect impacts to special-status upland vegetation communities would be significant, absent mitigation, as further discussed at FEIR, p. 2.2-62.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur; implementation of a SWPPP and BMPs, as appropriate, which will restrict plantings, equipment staging and storage, construction vehicle speed limit, and planting of invasive species that can compete with native plants for native resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-6, implementation of Mitigation Measures M-BI-1, M-BI-2, M-BI-3, and M-BI-8 will reduce potentially significant short term indirect impacts to special status upland vegetation communities to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 21) Significant Effect: Impact BI-V-7** – Potential long-term or permanent indirect impacts to special-status upland vegetation communities as a result of the Proposed Project include generation of fugitive dust, habitat fragmentation, chemical pollutants (herbicides), non-native invasive species, increased human activity, and alteration of the natural fire regime. Potential long-term, indirect impacts to special-status upland vegetation communities would be significant, absent mitigation, as discussed in FEIR p. 2.2-62.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, M-BI-11 will be imposed to reduce Impact BI-V-7 to a level of less than significant. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-5 establishes construction practices to avoid harassment of wildlife. Mitigation measure M-BI-8 identifies dust

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control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-9 requires the use of native plants for any landscaping. Mitigation measure M-BI-10 requires compliance with the Projects' Fire Protection Plan and mitigation measure M-BI-11 requires weed control by a licensed pest control advisor. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-7, implementation of Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-9, M-BI-10, M-BI-11 will reduce long term indirect impacts to special status upland vegetation communities to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 22) Significant Effect: Impact BI-WM-1** – Short-term, construction-related, or temporary direct impacts to potential foraging and breeding habitat for species that use the Project area (e.g., special-status birds) would primarily result from construction activities. Clearing, trampling, or grading of foraging and breeding habitat outside designated construction zones could occur in the absence of avoidance and mitigation measures. Potential temporary direct impacts to foraging and breeding habitat on site would be significant, absent mitigation, as discussed in FEIR pp. 2.2-64 and 2.2-65.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** The Proposed Project will implement Mitigation Measures M-BI-1, M-BI-2, and M-BI-3 to reduce Impact BI-WM-1 to a level of less than significant. Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur, and, as appropriate, implementation of a SWPPP and BMPs which will restrict equipment staging and storage, construction vehicle speed limits to protect open space habitat and reduce potential vehicle collisions with wildlife, and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-WM-1, implementation of Mitigation Measure M-BI-1, M-BI-2, and M-BI-3 will reduce potentially significant short term direct impacts to special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 23) Significant Effect: Impact BI-WM-2** – Permanent direct impacts to approximately 111.5 acres of potential foraging and breeding habitat for species that use the Project area (e.g., special-status birds) would occur as a result of the Proposed Project. Permanent direct impacts to foraging and breeding habitat would be significant, absent mitigation, as discussed in FEIR p. 2.2-65.

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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-WM-2, implementation of Mitigation Measure M-BI-4 will reduce long term direct impacts to the foraging and breeding habitat for special status wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 24) Significant Effect: Impact BI-WM-3** – Short-term and long-term indirect impacts to wildlife access to foraging and breeding habitat for small and mid-sized animals would be significant, absent mitigation, as discussed in FEIR, p. 2.2-65.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Additionally, mitigation measure M-N-1 (FEIR 2.5-17) requires that Proposed Project-generated noise from the PV inverters, HVAC systems, and power inverters associated with the energy storage facilities comply with the County's Noise Ordinance. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-WM-3, implementation of Mitigation Measures M-BI-4 and M-N-1 will reduce potentially significant long term and short term indirect impacts to small and mid-sized wildlife accessing foraging and breeding habitat to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 25) Significant Effect: Impact BI-WM-4** – Smaller wildlife species (e.g., lizards and small mammals) will be able to access the site through openings in the fence; however, vegetation within the solar site would be maintained at a maximum height of 4-inches above ground, thereby removing suitable on-site habitat. Smaller wildlife species would not be able to navigate through the site to access habitat on the far side because the size of the site would be insurmountable for small wildlife. While larger animals can travel over large distances and go around the Project fence, because the distance for small sized wildlife to cross the solar facility is relatively large and absent suitable habitat, the site would present a considerable area of

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unsuitable terrain. Therefore, impacts to movement of small and mid-sized wildlife would be significant, absent mitigation, as discussed at FEIR, pp. 2.2-66 and 2.2-67.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the DEIR relating to Impact BI-WM-4, implementation of Mitigation Measure M-BI-4 will reduce potentially significant long term indirect impacts to movement of small wildlife to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 26) Significant Effect: Impact BI-WM-5** – The utility poles associated with the gen-tie alignment would provide perches from which avian species may forage, thereby increasing the potential risk of fatality associated with collisions and electrocutions. Therefore, impacts resulting from collision and electrocution would be significant, absent mitigation as discussed in FEIR, p. 2.2-72.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-13 requires all transmission towers and lines to be designed to conform to Avian Power Line Interaction Committee (APLIC) standards. For the reasons described in Section 2.2.7 of the DEIR and in RTC F1-2, S2-2, O5-82 relating to Impact BI-WM-5, implementation of Mitigation Measure M-BI-13 will reduce potentially significant long term direct impacts to avian species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 27) Significant Effect: Impact BI-P-1** – Short-term, temporary, or construction-related impacts to migratory birds and active migratory bird nests and/or eggs protected under the MBTA would be significant, absent mitigation, as described in FEIR, p. 2.2-72.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-6 requires that the applicant

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conduct preconstruction surveys for active bird nests if construction or decommissioning activities commence during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). M-BI-6 further requires that for any discovered nests, project-related activities are kept 300 feet away (500 feet for raptors), and that monitoring of the nests and construction activities be conducted by a qualified biologist. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-P-1, implementation of Mitigation Measure M-BI-6 will reduce potentially significant short term direct impacts to migratory birds to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 28) Significant Effect: Impact BI-W-7 – Impacts to 111.5 acres of suitable foraging habitat for eagles would be significant, absent mitigation, as discussed in FEIR, p. 2.2-72.**

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the DEIR relating to Impact BI-W-7, implementation of Mitigation Measure M-BI-4 will reduce potentially significant long term indirect impacts to eagles to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 29) Significant Effect: Impact BI-C-1 – The Proposed Project’s specific impacts (111.5 acres) and contribution to cumulative impacts (2,578.2 acres) are less than 1 percent of the total study area. Although the impacts from the Proposed Project and reasonably foreseeable projects on suitable habitat for these species is not substantial relative to the amount of suitable habitat in the analysis area, the Proposed Project and the reasonably foreseeable projects are geographically oriented at or near the edge of the distribution of special status plants in the region such that the cumulative projects, including impact contributions from the Proposed Project, have the potential to result in a reduced distribution of the species in the region. The potential cumulative project impacts would be significant, absent mitigation (FEIR p. 2.2-75).**

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and

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subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the DEIR relating to Impact BI-C-1, implementation of Mitigation Measure M-BI-4 will reduce potentially significant cumulative indirect impacts to suitable habitat for sensitive wildlife species to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

- 30) Significant Effect: Impact BI-C-2** – The listed cumulative projects have the potential to result in impacts from the introduction and spread of invasive, non-native, or noxious plant species due to the cumulative increase in ground disturbance in undeveloped native vegetation communities (as discussed above, the total estimate of disturbance in the biological cumulative analysis study area to vegetation as a result of reasonably foreseeable cumulative projects was determined to be approximately 2,578.2 acres). If all of the reasonably foreseeable cumulative projects in close proximity to the Proposed Project were to be constructed simultaneously, substantial dust generation could degrade nearby vegetation. The potential cumulative indirect Project impacts would be significant, absent mitigation, as discussed in FEIR, p. 2.2-76.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas where special-status species may occur; implementation of a SWPPP and BMPs, as appropriate, which will restrict plantings, equipment staging and storage, construction vehicle speed limits, and planting of invasive species that can compete with native plants for native resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-C-2, implementation of Mitigation Measures M-BI-1, M-BI-2, M-BI-3, and M-BI-8 will reduce potentially significant cumulative term indirect impacts to native vegetation to a level of less than significant.

**Reference:** EIR, Section 2.2; biology related RTCs in Section 9; and all other biology related evidence in the administrative record.

### **C. Cultural Resources**

- 31) Significant Effect: Impact CR-1** – As described in FEIR, p. 2.3-13 through 2.3-15, discovery during construction of buried archaeological sites or resources previously undiscovered would be a potentially significant direct impact, absent mitigation (2.3-20).

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**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** As set forth in FEIR pp. 2.3-21 through 2.3-29, Mitigation Measures CR-1 and CR-2 require monitoring of all ground disturbing activities during construction and decommissioning by a qualified archaeologist and qualified Native American monitor to detect and curate any resource discoveries, and to require that temporary fencing be provided to prevent disturbance of archaeological sites. For the reasons set forth in FEIR p. 2.3-21 through 2.3-29, Mitigation Measure M-CR-1 will mitigate the significance of CR-1 by reducing the Proposed Project's potential short term direct impacts to undiscovered archaeological resources, to a level of less than significant and implementation of Mitigation Measure M-CR-2 will mitigate potential impacts to known archeological resources to a level of less than significant.

**Reference:** EIR, Section 2.3; cultural resources related RTCs in Section 9; and all other cultural resources related evidence in the administrative record.

**D. Hazards and Hazardous Materials**

- 32) Significant Effect: Impact HZ-1** – As discussed in FEIR, p. 2.4-24 through 2.4-28, an increase in the risk of wildland fire on the site would occur during construction when there would be the largest amount of fuel on the site, increased levels of activity, and a number of potential ignition sources on the site. Similarly, an increase in the risk of wildland fire would occur during decommissioning, when there would be increased activity and ignition sources on the site. Potential ignition sources during construction and related activities include chainsaws, wood chippers, grinders, torches, earthmoving equipment, and other vehicles that could create sparks, be a source of heat, or leak flammable materials, all of which would increase the possibility of fire. Because the details of the construction methods, approach, and responsibilities will not be determined until a contractor is awarded a contract, the final construction fire prevention plan (CFPP) cannot be included as a technical study. Therefore, the Proposed Project would result in potentially significant wildfire hazards impacts without the preparation of a CFPP that has been accepted by the County that either requires the Proposed Project comply with all applicable fire codes for construction, or incorporates site-specific modifications that (a) explain why the strict compliance is impractical, (b) complies with the intent and purpose of the code, and (c) do not lessen health, life and fire safety standards. The CFPP for operation of the Project does include a Conceptual CFPP, which contains the elements necessary for the CFPP to assess that the potential impact is mitigated to below a level of significance (FEIR pp. 2.4-24 and 2.4-25).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

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**Rationale/Mitigation Measures:** As set forth in FEIR, p. 2.4-39, M-HZ-1 requires preparation of a construction fire prevention plan (CFPP), and have the CFPP reviewed and approved by the San Diego County Fire Authority and the California Department of Forestry and Fire Protection a minimum of 45 days prior to issuance of the first construction permit, such as a grading permit. The CFPP must contain the elements described in the conceptual CFPP contained in Appendix 2.4.4 of the EIR which details specific fire-prevention measures that will be employed during construction. For the reasons described in Section 2.4.7.1 of the FEIR with respect to Impact HZ-1, mitigation Measure M-HZ-1 will reduce the potentially significant short term direct impacts to wildfire risk during construction and decommissioning to a level of less than significant by requiring preparation of a CFPP that is consistent with the conceptual CFPP set forth in Appendix 2.4.4 of the EIR, which have been determined to contain elements that are adequate to reduce the risk of ignition sources starting a fire to below a level of significance.

References: EIR, Section 2.4; hazards/wildfire related RTCs in Section 9; and all other hazard/wildfire related evidence in the administrative record.

#### **E. Noise**

- 33) Significant Effect: Impact N-1** – The primary sources for potential operational excessive noise would be the HVAC systems for the energy storage facilities at the northeastern portion of the Proposed Project site, while the inverter and transformers would be located throughout. The 1-hour average noise levels from all the noted equipment would range up to approximately 64 dBA along the eastern property line near the northeast corner of the Proposed Project site, 56 dBA along the eastern property line nearer the east-central portion of the Project site, and 47 dBA along the eastern property line near the southern side of the Project site. The primary noise source along the eastern property line would be the HVAC units and the power inverters associated with the energy storage facility. Additionally, the PV inverters nearest the Project property lines (within 1,200 feet) would also contribute to a significant noise impact unless mitigated. The noise levels would exceed the County’s Noise Ordinance criteria of 45 dBA  $L_{eq}$ . Operational noise would exceed the County’s Noise Ordinance; therefore, the Proposed Project would result in a direct significant noise impact, absent mitigation (FEIR p. 2.5-11).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** As set forth in FEIR pp. 2.5-17 and 2.5-18, Mitigation Measure M-N-1 ensures that the Proposed Project-generated noise from the PV inverters, HVAC systems and power inverters associated with the energy storage facilities comply with the County’s Noise Ordinance by requiring the use of inverters and HVAC systems meeting certain noise specifications and requiring enclosures for battery components be located in a manner specified to provide additional acoustical shielding for operational

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noise. Alternative methods or proposals may also be pursued if supported by certifications and analyses demonstrating that the alternative methods ensure that operational project noise levels will not exceed 45 dB at the property line. For the reasons described in Section 2.5.6 of the FEIR, Mitigation Measure M-N-1 will ensure that operational noise impacts do not exceed the requirements of the County Noise Ordinance and therefore reduces the Proposed Project's potentially significant operational noise impacts to a level of less than significant. Among other things, Mitigation Measure M-N-1 accomplishes this by requiring use of noise generating equipment that meets certain noise specifications and positioning energy storage facilities and other equipment in a manner that attenuates sound generated by the Proposed Project.

**References:** EIR, Section 2.5; noise related RTCs in Section 9; and all other noise related evidence in the administrative record.

### **F. Paleontological Resources**

- 34) Significant Effect: Impact PR-1** – Approximately 34 percent of the development footprint is underlain by a geologic unit of high sensitivity for paleontological resources. According to County Guidelines, because the proposed excavation is equal to or greater than 2,500 cubic yards in an area of high paleontological sensitivity, the impact is potentially significant (FEIR, p. 2.6-6) and services of a Project Paleontologist and a Paleontological Resources Monitor are required.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate to below the level of significance or avoid the significant effects on the environment.

**Rationale/Mitigation Measures:** As set forth in FEIR, pp. 2.6-7 and 2.6-8, M-PR-1 requires Paleontological Resources Monitoring during excavation activities by a qualified Project Paleontologist and/or Paleontological Resources Monitor who shall be authorized to direct, divert, or halt any grading activity, and to perform assessment of the significance of any find and, if the fossil is significant, to oversee the salvage program, including salvaging, cleaning, and curating the fossil(s), and documenting the find. As described in Section 2.6.7 of the FEIR, Mitigation Measure M-PR-1 will reduce the potentially significant impact relating to inadvertent loss of paleontological resources during excavation to a level of less than significant by requiring monitoring and recovery of any finds. Implementation of this mitigation measure ensures that any significant paleontological resources uncovered during excavation activities are properly identified and recovered.

**References:** EIR, Section 2.6; paleontological related RTCs in Section 9; and all other paleontological related evidence in the administrative record.

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**III. CEQA GUIDELINES § 15091 FINDINGS FOR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH FEASIBLE MITIGATION MEASURES OR ALTERNATIVES ARE NOT AVAILABLE**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that each of the following effects is significant and unavoidable and that there is no feasible mitigation measure or alternative that reduces the effect to below the level of significance. This Section III is focused on mitigation measures, Section VI below addresses alternatives. “Feasible” is defined in CEQA Guidelines section 15364 to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” The County may reject a mitigation measure or alternative if it finds it would be infeasible to implement because specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR. These findings are explained below and are supported by all the substantial evidence in the administrative record and these findings hereby adopt and incorporate by reference the facts and discussions of the administrative record, including the FEIR and the responses to comments contained therein as the basis for the decision to certify the FEIR whether or not each and every one of these rationales are explicitly stated herein.

In making its decision to certify the FEIR, the Board recognizes that the Proposed Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the DEIR, the comments received on the DEIR and the responses to those comments in the FEIR, as well as testimony, letters, and reports regarding the FEIR, and on its own experience and expertise in assessing those issues. This understanding has enabled the Board to make its decision after weighing and considering the various viewpoints on these important issues. The Board accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the FEIR, as well as the evidence and other information in the record addressing the FEIR and the Proposed Project.

**A. Aesthetics**

- 1) **Significant Effect: Impact AE-1** – As described in FEIR, pp. 2.1-20 to 26, the Proposed Project would result in a significant and unmitigable alteration of the visual landscape. Despite implementation of design and locational strategies to minimize the visual impacts associated with the Proposed Project, the introduction of solar facilities, the connector line and even the tall, light-colored monopoles (that would be similar to the existing ECO substation 138 kV transmission line monopoles), would create visual contrast in form, line, color and texture that would degrade the visual quality of the Proposed Project area landscape

**Finding:** Feasible mitigation measures will be implemented to substantially lessen Impact AE-1, but not to a level of less than significant. No other feasible mitigation

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measures have been identified or proposed that would mitigate Impact AE-1 to a level of less than significant. Specific economic, legal, social, technological, or other considerations make other mitigation measures or the project alternatives identified in the FEIR infeasible for the reasons set forth in Sections IV and VII below. Thus, the impact is considered to be significant and not mitigated. (FEIR, p. 2.1-44.) This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section IX, below.

**Mitigation Measures:** Mitigation Measures M-AE-1, M-AE-2 and M-AE-3, as set forth in FEIR pp. 2.1-42 and 2.1-43, would reduce Impact AE-1, but not to a level of less than significant.

Mitigation Measure M-AE-1 requires the project proponent to paint all inverter enclosures with a flat, non-reflective grayish or dark green color to match the color of surrounding Project components and the existing landscape. Alternatively, enclosure walls shall have a coarse texture (such as a split-face concrete block) to reduce reflectivity and blend with surrounding vegetation; flat building surfaces shall be avoided. (FEIR p. 2.1-42.)

Mitigation Measure M-AE-2 provides that the installation of water tanks atop elevated landforms shall be avoided. If the installation of water tanks atop elevated landforms is required by San Diego Rural Fire Protection or other fire agency having jurisdiction of the Proposed Project, then water tanks shall be installed with the top of the tank no more than 8 feet above the native terrain. Any remaining visible tank surface shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding Project components and the existing landscape.

In addition, Mitigation Measure M-AE-3 requires that prior to the end of one year from the date of building permit issuance, the Project Applicant shall submit a Decommissioning Plan that shall at a minimum identify removal of all above-grade structures (the majority of the components of the solar installation are made of materials that can be readily recycled) from the site and any non-shared transmission facilities, associated decompaction activities, recontouring, application of hydroseeding, and, if necessary, installation of any necessary permanent best management practices (BMPs) required by the Minor Stormwater Management Plan (SWMP) to prevent significant impacts to water quality. These include but are not limited to: erosion controls, sediment controls, off-site sediment tracking controls, general site and materials management, minimize impervious surfaces, and outlet protection. The Project shall comply with all requirements of the Colorado Regional Water Quality Control Board General Construction Permit for Notice of Termination filing associated with site stabilization. (FEIR p. 2.1-43)

**Rationale:** For the reasons described in FEIR pp. 2.1-43 and 2.1-44, Mitigation Measures M-AE-1, M-AE-2, and M-AE-3 will reduce the Proposed Project's significant effects on visual character and quality. For example, M-AE-1 will minimize the potential color contrasts associated with the installation of light-colored inverter enclosures within an otherwise dark-colored solar facility. M-AE-2 will reduce the anticipated form, line and

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color contrasts associated with water tanks on the Proposed Project site. M-AE-3 ensures that aboveground components of the Proposed Project are removed and the site is allowed to return to existing conditions as part of decommissioning, at which point visual impacts will be reduced to a level of less than significant. These mitigation measures, however, will not fully mitigate significant impacts because no other feasible mitigation has been identified that would reduce color contrast within the solar facility; line and color contrast at Proposed Project edges associated with perimeter access roads; and form, line and color contrasts associated with connector line poles. Because the Project requires exposure to sunlight and the characteristic vegetative cover in the area is low scrub shrubs, measures involving vegetation or landscape screening of the Project were determined to result in an increase in the Project visibility not a decrease. Measures associated with the poles for the gen-tie component, such as painting to match the sky, are infeasible because the light from the sky and coloring of the sky changes continuously and no technology is known that can emulate those characteristics. Other potential measures to reduce visual impacts involving project design alterations have been explored in alternatives analysis for the Project, as discussed in the alternatives analysis and in the record. .

**References:** EIR, Section 2.1; aesthetic related RTCs in Section 9; and all other aesthetic related evidence in the administrative record.

- 2) **Significant Effect: Impact AE-3 (cumulative)** – As described in FEIR pp. 2.1-37 through 2.1-39, in combination with other solar development and proposed wind development, the Proposed Project would contribute to an ongoing change in the visual character of the interstate and/or highway viewshed and change in scenic views available from recreational lands in the Jacumba area. Therefore, implementation and development of the Proposed Project and cumulative projects considered in this analysis would result in a cumulative long-term impact (AE-3) to the existing visual character and quality of the viewshed. The Proposed Project would contribute to a cumulatively considerable impact to the alteration of visual landscape. (FEIR, p. 2.1-41.)

**Finding:** Specific economic, legal, social, technological, or other considerations make other mitigation measures or the project alternatives identified in the FEIR infeasible for the reasons set forth in Sections VII, below. No other feasible alternative effective mitigation measures have been identified or proposed through the course of the evaluation and public review process. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section IX, below.

**Mitigation Measures:** Mitigation Measures M-AE-1, M-AE-2 and M-AE-3, as set forth in FEIR pp. 2.1-42 and 2.1-43, would reduce the Proposed Project's significant cumulative aesthetic impacts, but not to a level of less than significant. M-AE-1 requires the project proponent to paint all inverter enclosures with a flat, non-reflective grayish or dark green color to match the color of surrounding Project components and the existing landscape. Alternatively, enclosure walls shall have a coarse texture (such as a split-face concrete

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block) to reduce reflectivity and blend with surrounding vegetation; flat building surfaces shall be avoided. (FEIR pp. 2.1-42 and 2.1-43.) M-AE-2 provides that the installation of water tanks atop elevated landforms shall be avoided. If the installation of water tanks atop elevated landforms is required by San Diego Rural Fire Protection or other fire agency having jurisdiction of the Proposed Project, then water tanks shall be installed with the top of the tank no more than 8 feet above the native terrain. Any remaining visible tank surface shall be painted with a flat, non-reflective grayish or dark-green color to match the color of surrounding Project components and the existing landscape.

**Rationale:** For the reasons described in FEIR p. 2.1-43 and 2.1-44, each of mitigation measures M-AE-1, M-AE-2, and M-AE-3 will reduce the Proposed Project's significant cumulative effects on visual character and quality. For example, M-AE-1 will minimize the potential color contrasts associated with the installation of light-colored inverter enclosures within an otherwise dark-colored solar facility. M-AE-2 will reduce the anticipated form, line and color contrasts associated with water tanks on the Proposed Project site. M-AE-3 ensures that aboveground components of the Proposed Project are removed and the site is allowed to return to existing conditions as part of decommissioning, at which point the Proposed Project's visual impacts are reduced to a level of less than significant. These mitigation measures, however, will not fully mitigate significant cumulative impacts because no feasible mitigation has been identified that would reduce color contrast within the solar facility; line and color contrast at Proposed Project edges associated with perimeter access roads; and form, line and color contrasts associated with connector line poles.

**References:** EIR, Section 2.1; aesthetic related RTCs in Section 9; and all other aesthetic related evidence in the administrative record.

**Finding of No Significant Secondary Impacts:** Implementation of mitigation measure M-AE-3 involves the decommissioning of the Project associated with physical changes to the environment. The FEIR, pp. 2.1-45 through 2.1-51 clearly describes and evaluates the consequences of decommissioning when the Project implements M-AE-3. The FEIR properly concludes that, with the application of the FEIR's construction-related mitigation measures to the decommissioning activities, the secondary impacts from such decommissioning activities would not rise to the level of significance. The FEIR's construction-related mitigation measures have been clarified to remain applicable during the decommissioning activities.

#### **IV. FINDINGS REGARDING SPECIFIC MITIGATION MEASURES**

The FEIR does not identify mitigation measures that the County has determined to be infeasible. With the exception of those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program, discussed in the FEIR, and explained in these findings, the County of San Diego finds that there are no other feasible mitigation measures that would substantially lessen or avoid any significant effect that the project would have on the environment. In particular, because the Project requires exposure to sunlight and the characteristic vegetative cover in the area is low scrub shrubs, vegetation or landscape screening of the Project was determined to result in an increase in the Project visibility, not a decrease. Measures associated with the poles for the gen-tie

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component, such as painting to match the sky, are infeasible because the light from the sky and coloring of the sky changes continuously and no technology is known that can change with those changing characteristics as would be needed to substantially lessen this significant impact. Other potential measures to reduce visual impacts involving project design alterations have been explored in Alternatives analysis for the Project, as discussed in the alternatives analysis and in the record. . All of the mitigation measures identified in the FEIR are feasible and will be adopted. No alternative mitigation measures for impacts identified as significant in the DEIR were suggested during the public review of the DEIR. The resources agencies (USFWS and CDFW) provided comments that a Bird and Bat Monitoring Program (BBMP) should be included. The suggested BBMP would not address an identified significant impact for the solar facility and as such is not a suggested mitigation measure necessary to avoid or reduce to below a level of significance an identified significant impact. Accordingly, based on the findings set forth in sections III and VI regarding mitigation measures and alternatives, no further findings are required to demonstrate conformance with Section 21081(a) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines.

With the exception of those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program, discussed in the FEIR, and explained in these findings, the County of San Diego finds that there are no feasible mitigation measures that would substantially lessen or avoid any significant effect that the project would have on the environment.

### **V. FINDINGS REGARDING MEASURES NOT ASSOCIATED WITH A SIGNIFICANT EFFECT OR REQUIRED TO AVOID OR LESSEN A SIGNIFICANT EFFECT**

Specific measures are set forth in the adopted Mitigation Monitoring and Reporting Program, discussed in the FEIR, and explained in these findings, for which no significant effect is mitigated. These measures are precautionary to enable County tracking. The County of San Diego has included these measures in the Mitigation Monitoring and Reporting Program and made them conditions of approval of the project.

1. While no significant impact was identified in the EIR related to avian collisions with the solar facility, as a public benefit and at the request of the agencies, as well as for the purposes of the County tracking, M-BI-15 is included in the Mitigation Monitoring and Reporting Program (MMRP). M-BI-15 states that the project will conduct avian monitoring during construction and operations, implementing a Worker Response Reporting System (WRRS). The Applicant is committed to collecting data as part of project implementation per M-BI-15 and the County has identified it as a condition of approval. (FEIR pp. 2.2-91 and 2.2-92)
2. While no significant impact was identified in the EIR related to the sensitive species Quino checkerspot butterfly, for the purposes of the County tracking M-BI-17 is included in the Mitigation Monitoring and Reporting Program (MMRP) and states that pre-construction surveys for Quino checkerspot butterfly shall be conducted within one year of construction. In accordance with this measure, pre-construction surveys were conducted in 2015 following the most recent published protocol for this species, dated December 2014 (USFWS 2014), and were negative. If additional pre-construction surveys are required, these shall be conducted during the flight season within one year

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from the start of construction. If Quino checkerspot butterfly are found, the applicant shall consult with the USFWS to ensure there is no take of the species.

3. While no significant environmental impact is identified for the project's impact on emergency services in the FEIR, the DEIR did identify a potentially significant cumulative social impact to emergency medical services response times. Since the release of the DEIR the circumstances for the emergency services provision in the area has changed. The completed new fire station in Boulevard provides improved fire response services to the region and Mercy Medical Transportation, Inc. (Mercy) replaced AMR San Diego (AMR) in 2015 as the contracted provider of emergency medical response services and are providing additional resources that include additional ambulance coverage of the area. The previously identified impact would not result as adequate emergency response times would be maintained in the event that two or more calls are received during construction and decommissioning phases. The mitigation measure is no longer required to address an identified significant impact. It is not that the mitigation is determined to be infeasible. Furthermore, for the purposes of County tracking, M-HZ-2 is being carried forward and included in the MMRP and required by the County as a condition of approval.

### **VI. FINDINGS REGARDING ALTERNATIVES**

Section 15126.6(a) of the CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the

basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that the “range of alternatives in an EIR is necessary to permit a reasoned choice.” Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the Proposed Project, even if the alternative would impede the attainment of some project objectives, or would be more costly. Consistent with the California Supreme Court ruling in *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, however, the County's analysis of alternatives is limited to the consideration of projects that could achieve the Proposed Project's fundamental project objectives. (*In re Bay-Delta*, 43 Cal.4th 1143, 1165 “an EIR need not study in detail an alternative that is infeasible or that the lead agency has reasonably determined cannot achieve *the project's underlying fundamental purpose.*”]; see also, *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal. App. 4<sup>th</sup> 1, 14.)

Two alternatives to the Proposed Project were evaluated in detail in the FEIR. These alternatives are compared to the impacts of the Proposed Project as discussed in the FEIR, and are assessed relative to their ability to meet the underlying fundamental project objectives and other basic project objectives of the Proposed Project, as follows:

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**CEQA Findings and Statement of Overriding Considerations**


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**Underlying Fundamental Project Objectives**

1. Develop approximately 20 megawatts (MW) of renewable solar energy that can operate during on-peak power periods to indirectly reduce the need to emit greenhouse gases (GHGs) caused by the generation of similar quantities of electricity from either existing or future non-renewable sources to meet existing and future electricity demands.
2. Develop a solar energy project that can meet the criteria to achieve the maximum federal Solar Investment Tax Credit which is intended to decrease the cost of renewable energy generation and delivery, promote the diversity of energy supply, decrease dependence of the United States on foreign energy supplies and improve United States security.
3. Balance the development of the solar energy facility with the protection of resources, which may include preservation of on-site biological and cultural resources and the establishment of a wildlife movement corridor.
4. Develop a utility-scale solar energy project that improves local electrical reliability for the San Diego region by providing a source of local generation as near as possible to the East County (ECO) Substation and other recent regional transmission improvements.
5. Provide a new source of energy storage that assists the state in achieving or exceeding the energy storage target of 1.3 gigawatts of energy by 2020, consistent with the terms of Assembly Bill (AB) 2514.

**Other Basic Project Objectives**

6. Assist in directly achieving or exceeding<sup>2</sup> the state's Renewable Portfolio Standard (RPS) and GHG emissions reduction objectives by developing and constructing California RPS-qualified solar generation, approved under Senate Bill (SB) X1 2, which established renewable energy targets of 20 percent total electricity sold to retail customers by the end of 2013, 25 percent by the end of 2016, and 33 percent of total electricity sold to retail customers by 2020.
7. Site solar power plant facilities in areas within the County of San Diego (County) that have excellent solar attributes, including but not limited to high direct normal irradiance (DNI), in order to maximize productivity.
8. Develop a utility-scale solar facility within San Diego County supporting the economy by investing in the local community, creating local construction jobs, and increasing property tax revenue.

As noted in Section I, above, and for the reasons explained below, the County of San Diego finds that the "Proposed Project" with the incorporation of mitigation substantially lessens or avoids significant aesthetic impacts, while still achieving all of the objectives of the Proposed Project, although it does not reduce all environmentally significant effects below a level of

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<sup>2</sup> Since the release of the Draft EIR the State has enacted Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015, legislation with an even more aggressive target of using 50 percent renewables for electricity generation by the end of 2030.

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**CEQA Findings and Statement of Overriding Considerations**

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significance. As explained in the Statement of Overriding Considerations, however, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are not avoided by the Project, because of specific overriding considerations.

Therefore, the County adopts the Proposed Project as the Project. The County adopts and incorporates by reference herein the analysis in the FEIR, including analyses contained in the responses to comments, with regard to the Proposed Project and Project alternatives as identified by the FEIR.

**A. Reduced 15 MW Project Alternative Compared to the Proposed Project****1. Description**

The Reduced 15 MW Project Alternative (Alternative 1) would consist of approximately 61,000 PV modules fitted on 1,700 fixed-tilt rack panels. This is approximately 20,000 fewer PV modules and 550 fixed-tilt rack panels compared to the Proposed Project. This alternative would be developed on approximately 75 acres, at two distinct array sites: one in the eastern portion of the property and one in the western portion, with a collector line and road connecting the two array sites across the property. This alternative would generate approximately 15 MW of renewable solar energy. Battery storage for 5 MW would be included in this alternative adjacent to the substation site on the northeast portion of the solar facility site. The gen-tie line connection to the ECO Substation would be located below grade (underground), along the same alignment as the Proposed Project.

The length of project construction would essentially remain the same as the Proposed Project (6 months), as would site access and number of employees.

**2. Finding**

This alternative would reduce impacts related to aesthetics, biological resources, paleontological resources, and noise. However, any impacts would still require the same mitigation as the Proposed Project to reduce environmental effects to a level of less than significant. Like the Proposed Project, this alternative would also have a significant, unmitigable impact on visual character and quality (AE-1 and AE-3). Moreover, this alternative would not meet Underlying Fundamental Objectives 1 and 2, though it would generally meet Underlying Fundamental Objectives 4 and 5, although not to the degree that the Proposed Project would. For example, this alternative would assist the state in achieving its energy storage target (Underlying Fundamental Project Objective 5), though not to the same degree as the Proposed Project. In fact, the Reduced 15 MW Alternative would only provide half the energy storage that the Proposed Project would provide. This alternative would also develop utility scale solar in close proximity to the ECO Substation meeting Underlying Fundamental Project Objective 4, though again the reduced scale of this alternative reduces the degree to which this alternative achieves Underlying Fundamental Project Objective 4. This alternative would create more open space than the Proposed Project aiding in preserving biological and cultural resources, per Underlying Fundamental Objective 3.

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**CEQA Findings and Statement of Overriding Considerations**

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This alternative would also meet all of the Other Basic Project Objectives, including meeting the state's RPS and GHG reduction objectives (Other Basic Project Objective 6). Furthermore, since the release of the EIR the State has passed additional legislation (Senate Bill 350) asserting a more aggressive renewable energy use target of approximately about 50 percent by 2030, adding further importance of the Proposed Project and this objective. This alternative would also meet Other Basic Objectives 7 and 8 by siting the facility in an area of the County well-suited for solar, investing money into the local economy, and providing local construction jobs in a variety of trades. However, the reduced size would result in a reduction of the efficacy of the solar facility to meet each of these objectives.

This alternative does not meet Underlying Fundamental Objective 1 because it would not provide approximately 20 MW of renewable solar energy. The Reduced 15 MW Project would only generate 75 percent of the 20 MW goal of the project. While the goal does not require the project to produce exactly 20 MW, a reduction of 25 percent is not "approximately" 20 MW. Approximately is defined by Merriam-Webster's Dictionary to mean "located close together" or "nearly correct or exact." The Cambridge Dictionary defines approximately to mean "almost exact." It defines "almost" to mean "nearly, but not quite" and "exact" to mean "in perfect detail; complete and correct." The generation of 15 MW reduced from 20 MW, would result in a reduced capital expenditure and reduction in qualification for the federal solar Investment Tax Credit compared to the Proposed Project. This reduction compared to the Proposed Project results in a reduced efficacy of Fundamental Project Objective 2: Decreasing the cost of renewable energy generation and delivery; promoting the diversity of energy supply; decreasing dependence of the United States on foreign energy supplies; and improving United States security. This alternative would not meet the criteria to achieve the maximum federal solar Investment Tax Credit (Fundamental Project Objective 2) as the amount of that credit is proportional to the MW generated and thus the maximum feasible would be achieved with the generation of 20 MW rather than 15 MW.

This alternative has been designed to reduce the overall project footprint and specifically to reduce impacts to biological resources. Under this alternative, fewer sensitive habitat types would be disturbed. Although it reduces the severity of the biological impact by reducing the footprint, it does not change the conclusion regarding the level of significance and it does not meet Fundamental Project Objectives 1 and 2. Based on the foregoing and pursuant to CEQA Guidelines section 15091(a)(3), the County finds that specific economic, legal, social, technological or other considerations make this alternative infeasible and less desirable than the proposed project as explained further in the Statement of Overriding Considerations, Section IX below.

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**CEQA Findings and Statement of Overriding Considerations**

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**3. Facts Supporting Finding**

See above, FEIR pp. 4.0-8 to 4.0-11, and Section 9.2.1. In summary, while this alternative would meet most of the project objectives, it would not meet some of the Underlying Fundamental Project Objectives the County considers most important, specifically Fundamental Project Objectives 1 and 2. This alternative would also continue to result in significant and unmitigable impacts to visual character and quality. The significance of other environmental impacts would also remain generally the same.

**4. References.**

EIR Section 4 and Section 9.2.1; alternatives related RTCs; and all other alternatives related evidence in the administrative record.

**B. North Layout Project Alternative Compared to the Proposed Project****1. Description**

The North Layout Project Alternative (Alternative 2) would include reduced disturbance in the southern portion of the property and increased disturbance in the northern portion, with a modest overall footprint reduction of less than 10 acres compared to the Proposed Project. The reduced available footprint acreage under this alternative would prohibit the development of a battery storage facility. Battery storage would not be included in this alternative.

Under Alternative 2, approximately 100 acres would be disturbed and approximately 76,000 PV modules fitted on approximately 2,120 fixed-tilt rack panels would be developed. This is approximately 5,100 fewer PV modules and 133 fixed-tilt panels than the Proposed Project. The footprint or area of disturbance would be limited to the mid and the eastern portion of the property. The total number of solar arrays developed on site would be comparable to the Proposed Project. This alternative would generate 20 MW of renewable solar energy. This alternative would retain a 50-foot fuel modification zone along the edge of the perimeter solar arrays. Under this alternative, the total disturbed acreage would be approximately 100 acres and is designed to avoid the larger known cultural resources to the maximum extent feasible. The gen-tie connection to the ECO Substation would be constructed above grade under this alternative, along the same alignment as the Proposed Project.

The length of project construction would essentially remain the same as the Proposed Project (6 months), as would site access and number of employees.

**2. Finding**

The North Layout Project Alternative (Alternative 2) would generally result in similar or slightly reduced impacts to the environmental resource areas considered

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**CEQA Findings and Statement of Overriding Considerations**

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within this EIR compared to the Proposed Project, except for aesthetics where impacts would be increased. Impacts to visual character and quality would continue to be significant and unmitigable under this alternative. Impacts to non-wetland waters of the U.S. would increase under this alternative and a smaller open space preserve would be provided as well. Impacts related to all the other issue areas would be reduced but the same mitigation would nevertheless be required to reduce environmental effects to a less than significant level. This alternative reduces the potential impacts to larger known cultural resources sites and reduces overall severity of impacts to cultural resources, although it does not change the conclusion regarding the level of significance. Under this alternative, although there would be a reduction in cultural resource impacts, it would result in an increase in visual impacts from Old Highway 80 because the area of disturbance and the location of the project elements would be closer to Old Highway 80 and significantly more visible than the Proposed Project, increasing the severity and level of aesthetic impacts. As noted, impacts to biological resources, specifically non-wetland waters of the US would also be increased under this alternative compared to the Proposed Project.

This alternative would generally meet all the project objectives, with the exception of Underlying Fundamental Project Objectives 3 and 5, although not to the degree that the Proposed Project would.

This alternative would develop approximately 20 MW of renewable solar energy that can operate during on-peak power periods, indirectly reducing the need to emit GHGs caused by the generation of similar quantities of electricity from either existing or future non-renewable sources to meet existing and future electricity demands, consistent with Underlying Fundamental Project Objective 1. This alternative would meet the criteria to achieve the maximum federal solar Investment Tax Credit, consistent with Underlying Fundamental Project Objective 2. Similar to the Proposed Project, this alternative would develop a utility-scale solar energy project to improve local electrical reliability for the San Diego region by providing a source of local generation as near as possible to the ECO Substation and other recent regional transmission improvements, consistent with Underlying Fundamental Project Objective 4.

Consistent with Other Basic Project Objectives 6 and 7 this alternative would assist in achieving or exceeding the state's RPS and GHG reduction objectives by developing and constructing California RPS-qualified solar generation and would site a solar power plant facility in an area within the County that has excellent solar attributes. Under this alternative, there would be an investment in the local economy that would support jobs and create local construction jobs for a variety of trades, the same as the Proposed Project and consistent with Other Basic Project Objective 8.

However, this alternative would compromise the ability to preserve contiguous open space (Underlying Fundamental Project Objective 3), resulting in a smaller

## **CEQA Findings and Statement of Overriding Considerations**

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Open Space Preserve compared to the Proposed Project, and because it lacks a battery storage component, this alternative would not meet Underlying Fundamental Objective 5. Based on the foregoing and pursuant to CEQA Guidelines section 15091(a)(3), the County finds that specific economic, legal, social, technological or other considerations make this alternative infeasible and less desirable than the proposed project.

### **3. Facts Supporting Finding**

See above, DEIR pp. 4-11 to 4-16, FEIR, Section 9.2.1. In summary, while this alternative would meet most of the Other Basic Project Objectives (6-8), it would not meet some of the Underlying Fundamental Project Objectives the County considers most important, specifically Underlying Fundamental Project Objectives 3 and 5. This alternative would also continue to result in significant and unmitigable impacts to visual character and quality and would increase impacts to biological resources. The significance of other environmental impacts would also remain generally the same.

### **4. References.**

EIR Section 4 and Section 9.2.1; alternatives related RTCs; and all other alternatives related evidence in the administrative record.

## **C. No Project Alternative (Alternative 3)**

### **1. Description of Alternative**

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate a “no project” alternative to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project.

The No Project Alternative assumes that the Proposed Project would not be developed and the existing conditions at the site would remain. The No Project Alternative would avoid all significant environmental impacts that would occur in connection with the proposed project, however, because no solar development would occur on the Proposed Project site, this alternative would not meet any of the project objectives.

### **2. Finding**

The County finds that this alternative would avoid all significant environmental impacts identified in the FEIR. However, this alternative would not meet any of the Project objectives or fulfill the General Plan’s stated strategies, goals, and policies that call for the facilitation of the development of renewable energy in San Diego County. Based on the foregoing, the County finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained

**CEQA Findings and Statement of Overriding Considerations**

workers, make this alternative infeasible and less desirable than the Proposed Project as explained further in the Statement of Overriding Considerations. (Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).)

**3. Facts in Support of Finding**

As explained by the FEIR, the No Project Alternative would result in no impacts to the environmental resource areas as compared to the Project. However, this alternative would not meet any of the Project objectives because it would not be constructed.

**4. References.**

EIR Section 4 and Section 9.2.1; alternatives related RTC; and all other alternatives related evidence in the administrative record.

**D. Conclusion**

The County of San Diego finds that the Reduced 15 MW Alternative is the environmentally superior alternative (CEQA Guidelines § 15126.6(e)(2)). While it does not avoid the significant and unavoidable aesthetic impacts of the Proposed Project, it does substantially lessen or avoid significant effects with respect to aesthetics, biological resources, noise, and paleontological resources as compared to the Proposed Project, while still achieving most of the project objectives. Like the Proposed Project, however, the Reduced 15 MW Alternative would still require the same mitigation as the Proposed Project to reduce impacts to a level of less than significant. This alternative would continue to result in significant and unmitigable impacts to visual character and quality. Furthermore, the Reduced 15 MW Alternative does not meet Fundamental Project Objectives 1 and 2.

Therefore, the County is adopting the Proposed Project. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives as identified by the FEIR.

**Table 2  
Analysis for Alternatives to the Proposed Project**

Issue Areas	Significant Impacts of the Proposed Project	Alternatives to the Proposed Project		
	<i>Proposed Project</i>	<i>Reduced 15 MW(Alternative 1)</i>	<i>North Layout (Alternative 2)</i>	<i>No Project</i>
<i>2.1 Aesthetics</i>				
Scenic Vistas	NS	—	▲	▼
Visual Character or Quality	SU	▼	▲	▼
Light and Glare	LTS	—	▲	▼

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Table 2  
Analysis for Alternatives to the Proposed Project

Issue Areas	Significant Impacts of the Proposed Project	Alternatives to the Proposed Project		
	<i>Proposed Project</i>	<i>Reduced 15 MW(Alternative 1)</i>	<i>North Layout (Alternative 2)</i>	<i>No Project</i>
<b>2.2 Biological Resources</b>				
Candidate, Sensitive, or Special-Status Species	LTS	—	—	▼
Riparian Habitat or Sensitive Natural Community	LTS	▼	▲	▼
Federally Protected Wetlands	LTS	—	▲	▼
Wildlife Movement	LTS	—	▲	—
Local Policies, Ordinances, Adopted Plans	LTS	—	—	—
<b>2.3 Cultural Resources</b>				
Historical Resources	LTS	—	—	▼
Archaeological Resources	LTS	—	▼	▼
Human Remains	LTS	—	▼	▼
<b>2.4 Hazards and Hazardous Materials</b>				
Hazardous Materials	NS	—	▼	—
Airport Hazards	NS	—	—	—
Wildfire Hazards	LTS	—	▼	▼
Hazards Associated with Interference of Emergency Responses	LTS	—	—	▼
<b>2.5 Noise</b>				
Operational Noise	LTS	▼	▼	▼
Construction Noise	NS	▼	—	▼
Vibration	NS	▼	—	▼
Corona Noise	NS	—	—	—
<b>2.6 Paleontological Resources</b>				
Paleontological Resources	LTS	▼	▼	▼
<b>3.1.1 Air Quality</b>				
Conformance to the RAQS and SIP	NS	—	—	—
Conformance to Federal and State Air Quality Standards	NS	—	—	▼
Sensitive Receptors	NS	—	—	▼
Odors	NS	—	—	—
<b>3.1.2 Geology, Soils, and Seismicity</b>				
Fault Rupture	NS	—	—	—
Ground Shaking	NS	—	—	—
Liquefaction	NS	—	—	—
Landslides	NS	—	—	—

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Table 2  
Analysis for Alternatives to the Proposed Project

Issue Areas	Significant Impacts of the Proposed Project	Alternatives to the Proposed Project		
	<i>Proposed Project</i>	<i>Reduced 15 MW(Alternative 1)</i>	<i>North Layout (Alternative 2)</i>	<i>No Project</i>
Expansive Soils	NS	—	—	—
Adequate Soils for Septic Systems or other On-Site Wastewater Systems	NS	—	—	—
<b>3.1.3 Greenhouse Gas Emissions</b>				
Generation of greenhouse gas emissions	NS	—	—	—
Conflict with Plan, Policy, or Regulation	NS	—	—	—
<b>3.1.4 Hydrology and Water Quality</b>				
Hydrology and Drainage Patterns	NS	—	—	▼
Flood Hazards	NS	—	—	▼
Surface Water and Groundwater Quality	NS	—	—	▼
Groundwater Resources	NS	—	—	▼
<b>3.1.5 Land Use and Planning</b>				
Physically Divide a Community	NS	—	—	—
Conflict with Plans, Policies, and Regulations	NS	—	—	▼
<b>3.1.6 Public Services</b>				
Fire Protection	NS	—	—	▼
Police Protection	NS	—	—	—
Schools	NS	—	—	—
Other Public Services	NS	—	—	—
<b>3.1.7 Traffic and Transportation</b>				
Conflict with Transportation Plans, Ordinances, or Policies	NS	—	—	—
Conflict with a Congestion Management Plan	NS	—	—	—
Air Traffic Patterns	NS	—	—	—
Road Safety Hazards	NS	—	—	▼
Emergency Access	NS	—	—	—
Alternative Transportation	NS	—	—	—
<b>3.1.8 Utilities and Service Systems</b>				
Water	NS	—	—	▼
Wastewater Treatment	NS	—	—	—
Solid Waste	NS	—	—	▼

▲ Alternative is likely to result in greater impacts to issue when compared to Proposed Project.  
 — Alternative is likely to result in similar impacts to issue when compared to Proposed Project.  
 ▼ Alternative is likely to result in reduced impacts to issue when compared to Proposed Project.  
 NS = not a potentially significant impact; LTS = less than significant with mitigation measures; SU = potentially significant and unavoidable impact.

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**VII. NO RECIRCULATION REQUIRED**

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the draft EIR and any revisions reflected in the FEIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the EIR under CEQA Guidelines section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” The facts and analysis set forth in FEIR, Section 9.2.5 provide substantial evidence in support of this finding.

Pursuant to CEQA Guidelines section 15088.5(a), “[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. . . . New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

The County recognizes that new information has been added to the EIR since circulation of the DEIR, but the new information serves simply to clarify or amplify information already found in the DEIR or improve the Project and its protection of the environment. It does not rise to the level of “significant new information”. For example, the new information includes an expanded discussion of the insignificant secondary environmental impacts associated with implementation of a decommissioning plan pursuant to Mitigation Measure M-AE-3. The EIR and supporting analyses conclude that decommissioning impacts are generally the same as construction impacts, except that decommissioning would result in the elimination of the project’s significant, unmitigable aesthetic impact. The FEIR also includes revisions to mitigation measures or new measures in response to comments on the DEIR. None of these revised measures result in new environmental impacts, but are designed to accommodate requests for information gathering (for example with regard to the quino checkerspot butterfly, which the project does not impact), clarify and/or bolster the requirements of the mitigation measures to further reduce the impacts of the Project. Other changes and revisions to the DEIR that are not specifically described above

## CEQA Findings and Statement of Overriding Considerations

were also found not to amount to “significant new information” requiring recirculation. None of the new information added to the FEIR raises important new issues about significant adverse effects on the environment without providing corresponding mitigation to maintain the proper finding that the impact is below the level of significance. The ultimate conclusions about the project’s significant impacts do not change in light of any new information added to the EIR. Therefore, any new information in the EIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

The County also finds that the DEIR, which includes approximately 500 pages of analysis supported by numerous technical reports and expert opinion, was not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the EIR. Additional analyses are not required to comply with the requirements of CEQA prior to certifying the FEIR for the Proposed Project. Accordingly, the County finds that recirculation is not required pursuant to CEQA, and that comments soliciting a recirculation lacked credibility.

In support of the foregoing, it is relevant to point out some of the key policies of CEQA set forth by the Legislature:

“To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21000, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.” Pub. Res. Code 21002.1(e);

“The legislature further finds and declares that it is the policy of the state that...(f) All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward mitigation of actual significant effects on the environment.” Pub. Res. Code 21003(f).

The CEQA Guidelines (Section 15003) also expressly summarizes some of the key policies under CEQA as recognized by the Courts

“(g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. LAFCO* (1975) 13 Cal. 3d 263.)

(i) CEQA does not required technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into

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an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.S.* (1993) 6 Cal. 4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553)” See 15003 ((g), (i) and (j)).

Keeping in mind the policies expressed above, the County has provided a good faith effort to analyze the environmental impacts of the Proposed Project using sound methodologies with the assistance of experts in environmental analysis. Having given careful consideration to that process and the requirements of CEQA, the County concludes that public comment through a recirculation is not warranted, but that public comments through the public hearing process will be given due consideration.

### **VIII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES § 15090**

The Board of Supervisors certifies that the Final EIR, dated [April 2016], on file with the Department of Planning & Development Services, as Environmental Review No. PDS2014-MUP-14-041, has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained therein before approving the Project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors. State CEQA Guidelines § 15090.

### **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

As explained above, the following significant impacts remain significant and unavoidable for the Project despite the proposed mitigation measures:

1. Despite the implementation of all feasible and reasonable mitigation, impacts to the existing visual character or quality of the project site and its surroundings under impact AE-1 and AE-3 (cumulative), are considered significant and unavoidable. The existing visual landscape would be altered with replacement of 110 contiguous acres of native vegetation with uniformly dark-colored solar facility, tan-colored soils at Project edges, and tall, light-colored monopoles.

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the County is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs, See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of*

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**CEQA Findings and Statement of Overriding Considerations**


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San Diego (194) 15 Cal App. 3d 1037; Markley v. City Council (1982) 131 Cal App.3d 656.

The County finds that the Proposed Project would have the following economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Proposed Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus make the adverse environmental effects acceptable. Thus, even in the absence of one or more of the reasons set forth below, the County has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Proposed Project, notwithstanding any significant and unavoidable impacts that may occur.

The County finds that the Proposed Project would have the following substantial overriding benefits:

**Regional Economic Benefits**

1. The Project would assist in achieving the state's Renewable Portfolio Standard (RPS) and greenhouse gas (GHG) emissions reduction objectives by generating approximately 20 megawatts (MWs) of California RPS-qualified solar energy. The California Air Resources Board (ARB) Scoping Plan (dated May 22, 2014), which contains the blueprint for California's GHG emissions reductions under AB 32, states that approximately 50 percent of California's GHG emissions are associated with the energy sector. The Scoping Plan states: "efforts to reduce energy-related emissions are a key component of the Scoping Plan. Additionally, energy-sector emission reduction efforts would become increasingly important as more economic activities such as transportation and freight movement are electrified." (ARB Scoping Plan, at p. 36.) Renewable energy development is a key component of that strategy. (*Id.* at pp. 40-41.) (FEIR p. 1.0-17).
2. The Project site supports the regional benefits of the existing East County Substation's stated primary purpose, ECO-1: "Provide an interconnection hub for renewable generation that eliminates the need for multiple generator-owned or operated switching stations along SDG&E's existing SWPL 500 kV transmission line." As well as the East County Substation's second objective, ECO-2 which states: "Expand the interconnection capability to accommodate additional renewable generation in the future from wind and other sources in southeastern San Diego County to meet state and federal renewable energy goals". (CPUC 2011 Final EIR/EIS East County Substation/Tule Wind/Energia Sierra Juarez Gen-tie Projects, at p. A-10.)
3. The Project would locate solar power plant facilities as near as possible to existing electrical transmission facilities, including the existing East County Substation located within ½ a mile of the Project, to prevent visual impacts associated with long transmission lines. (FEIR p. 1.0-6).
4. The Project would maximize solar energy generation by siting PV technology in the Jacumba area. The project site has high direct normal irradiance (DNI) due to the elevation and because the Jacumba area climate zone provides hot summers and mild winters with minimal coastal marine influence. The Project's PV technology converts sunlight into electricity. (FEIR p. 1.0-4 and 4.0-8).

**CEQA Findings and Statement of Overriding Considerations**

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5. The Project would result in substantial tax benefits, job benefits, and broader economic benefits for the County of San Diego region. Capital expenditures for the Project would be approximately \$40,000,000. (FEIR p. 1.0-17).
  - a. County property tax revenue would increase with the implementation of the Project through reassessed valuation of property purchased to implement the Project, and increased valuation of land through implementation of the Project. The County's standard property tax is 1 percent of the value of the Project components that are eligible for assessment pursuant to the State of California Revenue and Taxation Code section 73 "Exclusion for active solar energy systems." Construction and improvement of the land within the Project area, such as transmission lines, fencing, energy storage, and non-solar panel improvements would increase the assessed valuation of the land, adding significant new revenue to the County that can be used on County General Fund programs including fire, public safety, and recreation.
  - b. The Project would generate approximately \$573,000, of sales and use tax for the County from approximately \$2,618,000, of total taxable project capital costs. The sales and use tax is approximately 8 percent of the applicable Project capital cost.
  - c. The Project would create ancillary regional economic benefits within San Diego County relating to enhanced opportunities for purchasing goods and services by Project employees, relatives, and visitors. The Project would have economic impacts beyond the jobs and income generated by the Project, often referred to as a multiplier. Economically, a multiplier is a single number which summarizes the total economic benefits resulting from a change in the local economy. A multiplier summarizes the total impact that can be expected from a change in a given economic activity. For example, the Project, like a new manufacturing facility or an increase in exports by a local firm, are economic changes which can spur ripple effects or spin-off activities. Multipliers measure the economic impact of these new exports, including the resulting spin-off activities. (See, e.g., Direct, Indirect, and Induced Economic Impacts of UC San Diego (CBRE Consulting, Inc., Sept. 2008), available at <http://ucsdnews.ucsd.edu/archive/economicimpact/pdf/VII-Direct-Indirect-and-Induced-Economic-Impacts-of-UC-San-Diego.pdf>)
6. The Project would generate approximately 20 MW of renewable solar energy that would indirectly reduce the need for new non-renewable resources (e.g., natural gas and other fossil fuels), to provide the same levels of energy and reduce GHG emissions and other criteria air pollutant emissions, associated with such non-renewable resources while minimizing impacts to natural resources. A Climate Change and Greenhouse Gas Emissions Analysis prepared for the Project estimates that it would result in a total direct and indirect reduction in GHG emissions of 27,075 MTCO<sub>2</sub>E by offsetting emissions that might otherwise have been emitted to generate electricity. (FEIR p. 3.1.3-18, and RTC 03-19).
7. The Project would include an approximately 10 MW battery energy storage component that would increase stability in the flow of electricity to the grid (reducing spikes) and make generated solar power available even when the sun is not shining, thus reducing the need for as many future peaker power plants. (FEIR p. 8.0-3, and RTC 03-19).

## CEQA Findings and Statement of Overriding Considerations

8. The Project would enhance the County's reputation as a leader in the development and deployment of innovative renewable energy and solar technologies.

### Biological Benefits

9. The Project would preserve in perpetuity approximately 184 acres of land as Open Space providing conservation of natural and cultural resources that are otherwise subject to continued ATV usage, unauthorized trail blazing and no endowment for conservation purposes. (FEIR p. 1.0-18).

### Social Benefits

10. The Project would provide a series of one-time and on-going contributions to the local community that would provide significant educational, fire protection, medical, and social benefits. These include the following:

- **San Diego County Fire Authority:** Prior to Grading Permit, the Applicant shall demonstrate it has either participated in the San Diego Regional Fire Protection District Community Facilities District or entered into a Fire Services Agreement or similar development agreement, through which a fair-share contribution toward local emergency response services will be paid.
- **County of San Diego Groundwater Monitoring Program:** The Project would make a one-time donation to the County of San Diego, Planning & Development Services Department, Groundwater Monitoring Program in the amount of \$5,000. This contribution is to support the County's groundwater monitoring program in the Jacumba community.
- **Jacumba Community Services District:** Jacumba Solar, LLC previously entered into a water services agreement with the Jacumba Community Services District (JCSD) that included a \$100,000 initial upfront water infrastructure fee to JCSD to enhance their infrastructure. .

### Implementation of Applicable Planning Goals, Policies and Objectives

11. The Project would implement a series of practices, features, and components consistent with the applicable planning goals and policies of the County and the Mountain Empire Subregional Plan. These include the following:

- The fence line for the proposed solar facility would be 150 feet from the border consistent with the County Board of Supervisors Policy I-111: Land Use Policy for Discretionary Permits Adjacent to the International Border.
- The Project includes an Open Space Preserve to provide protection in perpetuity for natural resources and maintain wildlife movement at a landscape level that enables connection between gaps in the border fence and Federally managed lands, consistent with the County General Plan Policy LU-5.3: Rural Land Preservation, Policy LU-6.1: Environmental Sustainability, LU-6.6: Integration of Natural Features into Project Design, Policy LU-10.2: Development–Environmental Resource Relationship, Policy COS-1.1 Coordinated Preserve System, and Policy COS-2.2: Habitat Protection through

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**CEQA Findings and Statement of Overriding Considerations**

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- Site Design. The Open Space component is also consistent with the Mountain Empire Subregional Plan Land Use (Policy and Recommendation 2 and 3).
- The Project would be consistent with Policy LU-8.2: Groundwater Resources as the Jacumba Valley Groundwater Basin is not reported to be in overdraft and has not been adjudicated. The Proposed Project would use trucked-in non-potable reclaimed and/or brackish water provided by local purveyors including Jacumba Community Services District and/or Padre Dam Municipal Water District. Thereby, also complying with Policy LU-13.2: Commitment of Water Supply.
  - The Project footprint has been sited adjacent to the existing East County Substation infrastructure to minimize gen-tie facilities and length. Additionally, the southwestern most portions of the subject properties are largely shielded from public view by topography. It should also be noted that while the character of the Jacumba community has been singularly rural in the past, recent developments have resulted in a variable physical setting that includes both rural and civic elements consistent with Policy LU 18.1: Compatibility of Civic Uses with Community Character. The character of the community is evolving into a mix of rural, civic, and infrastructure uses and facilities as evidenced by the East County Substation adjacent to the Proposed Project site, the SWPL, Boulevard Substation, Sunrise Power Link and renewable energy projects.
  - The Project would be consistent with Policy COS-14.7: Alternative Energy Sources for Development Projects in that it would produce solar power eligible for the state's Renewable Portfolio Standard that would be used by existing or future development. Furthermore, since the release of the EIR the State has passed additional legislation (Senate Bill 350) asserting a more aggressive renewable energy use target of approximately about 50% by 2030, adding further impetus to the importance of the Proposed Project.
  - The Project would be consistent with the Mountain Empire Subregional Plan Land Use (Policy and Recommendation 1) as installation of PV modules and would be limited to the southern portion of the Project site. Grading is designed to conform to the existing contours to the extent feasible.
  - The Project would be consistent with the Energy Conservation (Policy and Recommendation 8.1) Mountain Empire Subregional Plan in that it would produce solar power eligible for the state's Renewable Portfolio Standard that would be used by existing or future development.
  - The Project would be consistent with Mountain Empire Subregional Plan Public Facilities and Services (Policy and Recommendation 5.4) as the Project site is adjacent to the SDG&E ECO substation. The Proposed Project would be compatible with the existing transmission facilities and vice versa.

For the foregoing reasons, the County finds that the Project's unavoidable potential significant environmental impacts are outweighed by these considerable benefits.

## **Attachment E – Public Documentation**

Attention: Ashley Smith

03-12-2016

On February 23, 2016 the Jacumba Community Sponsor Group heard public comment in regards to the Jacumba Community Solar Project. The attendees expressed overall support of the project. The JCSG held vote to support the Jacumba Solar Project with the following concerns.

- 1) Ground Water Monitoring
- 2) Hours of operation
- 3) Concern over traffic in Jacumba Hot Springs

Please accept this letter on behalf of the community and Jacumba Community Sponsor Group in support of the Jacumba Solar Project.

Respectfully,

Jacumba Community Sponsor Group



LAW OFFICE OF MICHELLE A. HOSKINSON

101 W. BROADWAY, STE. 1770., SAN DIEGO, CA 92101 • (858) 264-6642 • MICHELLE@HOSKINSONLAWOFFICE.COM

December 23, 2015

Jacumba Hot Springs Community Sponsor Group ("JSG")

ATTN: Helen Landman, Vice Chair

P.O. Box 486

Jacumba Hot Springs, CA 91934

and

Department of Planning & Development Services

ATTN: Lisa Fitzpatrick, JSG Contact Person

5510 Overland Avenue, Suite 110

San Diego, CA 92123

Mail Stop: O-650

*Via Certified Mail*

*See Additional Cc information on last page*

RE: *Demand for Cease and Desist of Violations of the Brown Act and Political Reform Act and Demand for Correction of any Related Actions*

Jacumba Hot Springs Sponsor Group:

Please be advised that for the purposes of corresponding as to the above referenced matter and the contents herein, I am Jacumba resident Evelyn Sepin's attorney. Ms. Sepin is a member of the group, Protect Jacumba Groundwater League ("PJGL"), which is comprised of Jacumba area residents concerned with proper supply of groundwater in the Jacumba area. Ms. Sepin and PJGL are hereinafter referred to collectively as "the Parties." Please note that direct contact with the Parties is authorized, but any communication in writing in response to this correspondence is requested to be directed to my office.

This letter is to give notice of the Parties' demand to JSG to cure violations of the Brown Act (Cal. Gov. Code Section 54950 et seq.) and the Political Reform Act (Cal. Gov. Code Section 81000 et seq.) with regard to Jacumba Hot Springs Community Sponsor Group's ("JSG") public meeting that took place on November 24, 2015 as noticed by the enclosed agenda.

**Improperly Noticed 11/24/2015 Agenda with regard to Item D.**

Section 54954.2 of the Brown Act provides in part, "A brief general description of an item generally need not exceed 20 words." Here, the 11/24/2015 agenda merely listed the item, "Discuss Jacumba Solar Project open floor/closed session". The Jacumba Solar Project is currently proceeding through the EIR phase of obtaining major use permit PDS-2015-MUP-14-041; PDSS2014-ER-22-001 ("the Project"). Though the agenda indicated that the Project would be discussed and that there may be an "action" item, there is no description of what the nature of the action would be. It is the Parties' understanding that JSG approved the Project at the meeting on 11/24/2015. However, it was not until the motion and vote took place, approving the project,

that the public became aware that the JSG would be voting to approve the Project. Such failure to describe the agenda item is a violation of the Brown Act and the actions taken thereon are invalid.

**Improperly Noticed Closed Session with regard to Item D.**

Section 54954.5 of the Brown Act requires a closed session item to be described in a properly noticed agenda. Items to be discussed in closed sessions must be on the agenda and must be orally announced before going into closed session. Here, it is the Parties' understanding that Item D was discussed, at least in part, in closed session. The agenda must include the reason for the closed session and a brief description. Section 54954.5 of the Act provides a model format for closed session agendas. Yet, no such format was used, and there was no compliance let alone substantial compliance as to stating the reason for the closed session. Because the Brown Act was violated in this way, action taken on Item D is invalid.

**Conflicts of Interest with Regard to Action Taken on Item D.**

Section 87102.8 of the Political Reform Act provides, "No elected state officer, as defined in subdivision (f) of Section 14 of Article v. of the California Constitution, shall make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the elected state officer serves, where he or she knows or has reason to know that he or she has a financial interest." Here, it is the Parties' understanding that several JSG members have conflicts of interest:

- Helen Landman has a conflict due to financial benefits she will gain from the Project from income she will receive for allowing water trucks to cross her land to load water being sold and supplied to the Project by the Jacumba Community Service District.
- Patricia A. Fauble is a current member of the Board of Directors of Jacumba Community Service District ("JCSD"), which stands to gain financially from the Project by the sale of water to the Project that the JCSD Board voted to approve at a Special Meeting called on October 5, 2015;
- Richard Alcorn, is a current member of the Board of Directors of Jacumba Community Service District ("JCSD"), which stands to gain financially from the Project by the sale of water to the Project that the JCSD Board voted to approve at a Special Meeting called on October 5, 2015.

The foregoing conflicts should have been disclosed by each of the members who were in conflict and the conflicted members should then have recused herself/himself from voting. Failing to do so not only violates the Political Reform Act but the conduct also violates Policy I-1 of the Planning and Sponsor Group Policies and Procedures, which is fully incorporated as though stated herein.

///

Jacumba Hot Springs Sponsor Group  
December 23, 2015  
Page 3 of 4

**Conclusion**

Pursuant to Government Code Section 54960.1, the Parties demand that the JSG cure and correct the illegally taken action as follows: The formal and explicit withdrawal from any commitment made, coupled with a disclosure at a subsequent meeting of why individual members of the legislative body took the positions — by vote or otherwise — that they did, accompanied by the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda. Informed comment might in certain circumstances include the provision of any and all documents in the possession of JSG related to the action taken as to Item D., with copies available to the public on request at the offices of the agency and also at the meeting at which reconsideration of the matter is to occur.

As provided by Section 54960.1, **you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so.** If you fail to cure or correct as demanded, such inaction may leave the Parties no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case the Parties would also ask the court to order you to pay court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5. Appropriate action will also be taken upon failure to cure and correct the violations of the Political Reform Act as requested herein.

Thank you for your time on this matter.

Sincerely,



Law Office of Michelle A. Hoskinson  
Michelle A. Hoskinson  
Attorney

Encl.

Jacumba Hot Springs Sponsor Group November 24, 2015 Agenda

Cc:

Jacumba Community Services District

ATTN: Debbie Trout

P.O. Box 425

Jacumba Hot Springs, CA 91934

&

1266 Railroad Street

Jacumba Hot Springs, CA 91934

Via Regular Mail and Email to [Jacumbawater@att.net](mailto:Jacumbawater@att.net)

Michael Ott, Executive Director

9335 Hazard Way, Suite 200, San Diego, CA 92123

Via Regular Mail & Email to [mike.ott@sdcounty.ca.gov](mailto:mike.ott@sdcounty.ca.gov)

Jacumba Hot Springs Sponsor Group  
December 23, 2015  
Page 4 of 4

County of San Diego Planning and Development Services  
Ashley Gungle, Jacumba Solar Project Contact  
5510 Overland Avenue, Suite 310, San Diego, CA 92123  
Via Regular Mail & Email to [Ashley.Gungle@sdcounty.ca.gov](mailto:Ashley.Gungle@sdcounty.ca.gov)

California Department of Public Health & Safety,  
Division of Drinking Water and Environmental Management  
Attention: Ron Chapman, Director & State Health Officer; Sean Sterchi, District Engineer  
1350 Front Street, Room 2050, San Diego, CA 92101  
Via Regular Mail

JACUMBA HOT SPRINGS (JHS) SPONSOR GROUP ADGENDA November24, 2015

6:00 AT LIBRARY

Pledge of Allegiance

Roll Call and Quorum, Temporary minutes assignment

- A. Shirley Fisher      Daniel Leon      Pat Fauble  
Richard Alcorn      Helen Landman
- B. Old Business \*action item
- C. \*Revisions and/or accept of the 10-27-2015 Draft Minutes.
- D. New Business –\* = Action  
Discuss Jacumba Solar Project open floor/closed session
- E. Correspondence, County interface and Other Reports  
County Planning will be in attendance regarding Jacumba Solar Project. County response to paving Carrizo Gorge Rd..
- F. Revitalization reports and community grant projects
- G. Community Service Updates
- H. Border Patrol – Christopher Staples
- I. Sheriff
- J. Fire Safety Council
- K. Presentations from the floor (Non agenda items)

Next Meeting – December 22, 2015

Attention Ashley Smith

12-04-2015

The Jacumba Sponsor Group at the November 24, 2015 regular meeting voted 5-0 to OK the Jacumba Solar Project with the following concern;

- 1) Ground water monitoring
- 2) Hours of operation
- 3) Traffic in Jacumba Hot Springs

Thank you for your consideration on the above mentioned concerns.

Sincerely,

Helen Landman

Chairperson Jacumba Sponsor Group

Pledge of Allegiance

Roll Call and Quorum, Temporary minutes assignment

- A. Shirley Fisher      Daniel Leon      Pat Fauble  
Richard Alcorn      Helen Landman
- B. Old Business \*action item
- C. \*Revisions and/or accept of the 10-27-2015 Draft Minutes.
- D. New Business –\* = Action  
Discuss Jacumba Solar Project open floor/closed session
- E. Correspondence, County interface and Other Reports  
County Planning will be in attendance regarding Jacumba Solar Project. County response to paving Carrizo Gorge Rd..
- F. Revitalization reports and community grant projects
- G. Community Service Updates
- H. Border Patrol – Christopher Staples
- I. Sheriff
- J. Fire Safety Council
- K. Presentations from the floor (Non agenda items)

Next Meeting – December 22, 2015

**JACUMBA HOT SPRINGS (JHS) SPONSOR GROUP ADGENDA October, 27, 2015,**  
**6:00 AT LIBRARY**

**Pledge of Allegiance**

**Roll Call and Quorum, Temporary minutes assignment**

- A. Shirley Fisher      Daniel Leon      Pat Fauble  
Richard Alcorn      Helen Landman
- B. **Old Business \*action item**
- C. **\*Revisions and/or accept of the 9-22-2015 Draft Minutes.**
- D. **New Business –\* = Action**
- E. **Correspondence, County interface and Other Reports**
- F. **Revitalization reports and community grant projects**
- G. Mark Ostrander – revitalization report and grant projects report
- H. **Community Service Updates**
- I. Border Patrol – Christopher Staples
- J. Sheriff
- K. Fire Safety Council
- L. Jamie Culbert SD County community health promotion specialist - Presentation on childhood lead poisoning prevention.
- M. Bill Pape update on solar project
- N. **Presentations from the floor (Non agenda items)**

**Next Meeting – November 24, 2015**

**!! ATTEND TO LEARN ABOUT JACUMBA ENERGY PROJECTS!!**

**JACUMBA HOT SPRINGS (JHS) SPONSOR GROUP AGENDA**

**SEPTEMBER 23, 2014, 6:00 AT LIBRARY**

- 1) **Call to Order** (Silence Cell Phones and Pagers)
- 2) **Pledge of Allegiance**
- 3) **Roll Call and Quorum**
  - a) Shirley Fisher                      Howard Cook                      Pat Fauble
  - b) Ralph Davis                         Helen Landman
- 4) **Old Business**
  - a) Revisions and/or acceptance of 07/22/14 Draft Minutes.
  - b) Follow-up fire meeting, sponsored by Supervisor Jacob was held last week. Thanks for attending The Manzanita Diner meeting with Fire Chief/officials
- 5) **New Business –\* = Action Item**
  - a) \* NONE
- 6) **Correspondence, County interface and Special Green Energy Reports**
  - a) Chairman report on “Jacumba Solar”, schedule of events and Sponsor Group decisions. I can E-Mail to any one: the “Jacumba Solar” map, the 50 page Preliminary Application letter to Nextera or the NOP document to be discussed next by Ashley.
  - b) “Notice Of Preparation” – “Jacumba Solar” by County Project Manager Ashley Gungle. We have also asked her to explain County’s schedule of events and documents.
  - c) Jesse Marshall, Nextera Project Manager for Jacumba Solar.
  - d) Sempra cross border High voltage line and ESJ Sierra Juarez 3 phased wind projects are now in sight of Jacumba town – Phase 1 construction has started in Mexico. Litigation is still unresolved. Sempra has purchased 47 Vestas 3.3MW turbines for phase one and has applied to DOE for a permit to export up to 6MW of energy to Mexico for construction and support of the ESJ wind project.
  - e) Eco Substation, Eco tie line (JCSD has already supplied 15 million gallons of Jacumba water to date), Tule Wind (JCSD has committed to supply up to 15 million gallons of Jacumba water to build). See all projects in one map (few copies printed), also at: [http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ProjectLocationMap\\_Updated.pdf](http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ProjectLocationMap_Updated.pdf).
  - f) **SOITEC SOLAR PROJECTS (PDS2012-3910-120005) DPEIR. REPORT FOR FOUR BOULEVARD PROJECTS WITH 7,409-8,415 CPV SOLAR TRACKERS, 1500 acres - CEQA still allows comments to be accepted up until the date of actual decision hearings. County project manager: Ashley Gungle: 858-495-537Ashley.gungle@sdcounty.ca.gov; Soitec Draft PEIR documents, maps, and public comments are posted at this link:**

**!! ATTEND TO LEARN ABOUT JACUMBA ENERGY PROJECTS!!**

**JACUMBA HOT SPRINGS (JHS) SPONSOR GROUP AGENDA**

**SEPTEMBER 23, 2014, 6:00 AT LIBRARY**

<http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Solar-EIR.html>, Note (JCSD has voted to supply up to 15 million gallons of Jacumba water for Soitec projects). All 4 Soitec projects (1500 acres) have been restored between Soitec and the landowners and are now planned to move forward.

**7) Revitalization Updates and Reports**

- a) D Cook – Centennial festival report and status, County \$17,000 award.
- b) H Cook – Revitalization reports
- c) Other – Clean up, Revitalization and Daubach’s getting 10 large cement picnic tables with benches for our park and about town,

**8) Community Service Updates**

- a) Border Patrol, Jason Bush
- b) Sheriff
- c) Fire Safety Council. Jacumba fire now Jacumba Cal Fire.

**9 ) Presentations from the floor (Non agenda items)**

**Next Meeting – October 28, 2014**

Nuri & Ann Ozgunduz  
4625 Van Dyke Avenue  
San Diego, CA 92116  
(619) 269-4935

August 29, 2014

Supervisor Dianne Jacobs  
1600 Pacific Highway  
San Diego, CA 92101

Subject: Solar Energy Facility Project MUP 14-041

Dear Supervisor Jacobs:

We have received notice from County Planning & Development Services regarding the above subject project which will be constructed to the South of our property located at 1470 Carrizo Creek Road. — *Sacumba*

This is the fourth project in the area which will impact our property. The traffic disruption, disturbance of wildlife and the constant dust has been a problem for the residents in the area.

Additionally, the County has not maintained Carrizo Creek Road. The road is rutted and is nearly washed out near the West end of our property. We have received approval to build a single-family home. The home has been ordered and construction of the improvements will begin next month.

**We would appreciate your assistance in having Carrizo Creek Road paved in it's entirety.** This will eliminate the dust and damage from the flash floods when it rains.

Thank you for your consideration to our request.

Sincerely,

*Nuri Ozgunduz*  
*Ann Ozgunduz*  
Nuri and Ann Ozgunduz

CC: Ms. Ashley Gungle, Project Planner  
County of San Diego  
Solar Project MUP 14-041



**DIANNE JACOB**

SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

September 11, 2014

*Serving the cities of:  
El Cajon  
La Mesa  
Lemon Grove  
Poway  
Santee*

*Serving the communities of:  
Agua Caliente  
Allied Gardens  
Alpine  
Barrett  
Blossom Valley  
Bostonia  
Boulevard  
Campo  
Canebrake  
Casa de Oro  
Crest  
Cuyamaca  
Dehesa  
Del Cerro  
Descanso  
Dulzura  
Eucalyptus Hills  
Fernbrook  
Flinn Springs  
Granite Hills  
Grantville  
Guatay  
Harbison Canyon  
Jacumba  
Jamul  
Julian  
Lake Morena  
Lakeside  
Mount Helix  
Mount Laguna  
Pine Hills  
Pine Valley  
Potrero  
Ramona  
Rancho San Diego  
Rolando  
San Carlos  
San Pasqual  
Santa Ysabel  
Shelter Valley  
Spring Valley  
Tecate  
Tierra del Sol  
Vallecitos*

*Serving the Indian reservations of:  
Barona  
Campo  
Cosmit  
Ewiiaupaa  
Inaja  
Jamul  
La Posta  
Manzanita  
Santa Ysabel  
Sycuan  
Viejas*

Nuri and Ann Ozgunduz  
4625 Van Dyke Avenue  
San Diego, CA 92116

Dear Mr. and Mrs. Ozgunduz:

Thank you for your letter requesting the paving of Carrizo Creek Road. I appreciate your contacting me on this matter.

In an effort to be of assistance, I have taken the liberty of forwarding your letter to Helen Robbins-Meyer, Chief Administrative Officer for the County of San Diego. I have asked her to review your letter and respond back directly to you.

Again, thank you for writing. If I can be of further assistance, please feel free to contact me or Robert Spanbauer of my staff at (619) 531-5522 or via e-mail at [www.diannejacob.com](http://www.diannejacob.com).

Sincerely,

DIANNE JACOB  
Chairwoman

DJ:rs

cc: Ms. Helen Robbins-Meyer, CAO, w/ attachment



# County of San Diego

**RICHARD E. CROMPTON**  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
5510 OVERLAND AVE, SUITE 410  
SAN DIEGO, CALIFORNIA 92123-1237  
(858) 894-2212 FAX: (858) 894-3597  
Web Site: [www.sdcounty.ca.gov/dpw/](http://www.sdcounty.ca.gov/dpw/)

October 1, 2014

Nuri and Ann Ozgunduz  
4625 Van Dyke Avenue  
San Diego, CA 92116

Dear Mr. and Mrs. Ozgunduz:

## CARRIZO CREEK ROAD - JACUMBA

At the request of Supervisor Dianne Jacob and Chief Administrative Officer Helen Robbins-Meyer, Department of Public Works (DPW) staff and I reviewed your letter dated August 29, 2014, in which you expressed concerns regarding impacts from a proposed solar energy facility project in the east County and the condition of Carrizo Creek Road.

The County's Department of Planning & Development Services (PDS) is currently processing a Major Use Permit for a solar energy facility (Project Number PDS2014-MUP-14-041) for which an Environmental Impact Report (EIR) will be prepared. This report will address impacts to wildlife, dust control, and other environmental impacts to the surrounding area due to the construction of the facility. This EIR will be made available for public review and comment prior to completion. Ashley Gungle, PDS Project Manager, is the County's point of contact for this project and she can be contacted at [Ashley.Gungle@sdcounty.ca.gov](mailto:Ashley.Gungle@sdcounty.ca.gov) or by calling (858) 495-5375.

As a result of your inquiry, DPW staff reviewed the status of Carrizo Creek Road. We confirmed that 1470 Carrizo Creek Road fronts a private section of Carrizo Creek Road and therefore it is a privately maintained section of road. As such, the County is prohibited from expending public funds for maintenance or improvement. Ownership and maintenance responsibility for this length of Carrizo Creek Road remains with the adjacent property owners. The County does maintain a separate road named Carrizo Creek Road to the north of your private road which extends from Carrizo Gorge Road to Old Highway 80 that does not border your parcel. Attached is a map for your reference; the County-maintained roads are designated by a red line.

Mr. and Mrs. Ozgunduz  
October 1, 2014  
Page 2

An option to improve the private segment of Carrizo Creek Road is available, but requires private funding from benefitting property owners. This option is to work directly with a qualified private contractor to make repairs and improvements to or for general maintenance of the private segment of Carrizo Creek Road. This would require the contractor to be responsible for construction and coordination with utility companies, property owners, and other agencies. This option would also require private funding from benefitting property owners for future road maintenance needs.

I realize this may not be the answer you were looking for from the County and I apologize we are not able to expend public funds to improve or maintain a private road. If you have any questions or need any additional information, please feel free to contact Peter Milligan, Civil Engineer, at [Peter.Milligan@sdcountry.ca.gov](mailto:Peter.Milligan@sdcountry.ca.gov) or by calling (858) 694-3901.

Sincerely,



*For* RICHARD E. CROMPTON, Director  
Department of Public Works

Attachment: Map of Carrizo Creek Road

cc: Peter Milligan – Department of Public Works  
Ashley Gungle – Department of Planning & Development Services



**Attachment F – Fire and Emergency  
Services Agreement**

**FIRE AND EMERGENCY SERVICES AGREEMENT**

THIS FIRE AND EMERGENCY SERVICES AGREEMENT (“Agreement”) dated as of \_\_\_\_\_ is entered into by and between the County of San Diego (“County”) and JACUMBA SOLAR LLC (“Jacumba Solar” or “Applicant”) (sometimes referred to individually as a “Party” and collectively as “the Parties”).

**RECITALS**

WHEREAS, the County supports the delivery of high quality emergency medical and fire services to a 1.5 million-acre area of unincorporated San Diego County, and coordinates regional fire prevention for unincorporated San Diego County; and

WHEREAS, Jacumba Solar has applied for Major Use Permit No. PDS2014-MUP-14-041 for certain real property located within the unincorporated area of the County of San Diego, as more particularly described on the attached Exhibit “A” incorporated herein by reference (the “Property”); and

WHEREAS, Jacumba Solar seeks approval from the County to construct the Jacumba Solar Facility on the Property, as more fully described on the attached Exhibit “B” incorporated herein by reference, with a solar generation faceplate capacity of approximately 20 megawatts (MW) of installed alternating current (AC) (the “Project”); and

WHEREAS, the potential for significant environmental impacts associated with the Project was studied in a Final Environmental Impact Report (FEIR); and

WHEREAS, as a condition of the County’s approval of the Project, prior to issuance of a grading permit, Jacumba Solar is required to enter into an agreement to make a fair share contribution to fund the provision of appropriate fire and emergency services during construction, operation and decommissioning phases of the project ; and

WHEREAS, the County desires to receive such funds and use them as specified in this Agreement to improve its ability to provide fire and emergency services to the Project during construction, operation and decommissioning phases of the Project; and

WHEREAS, the County finds that if this Agreement is approved prior to issuance of a grading permit, then it will provide the County the ability to provide fire and emergency services during construction, operation and decommissioning phases of the Project.

NOW, THEREFORE, in consideration of the foregoing, the Parties hereby agree as follows:

1. The Project

The description of the Project is contained in Exhibit “B” attached hereto and incorporated by this reference.

2. Scope of Agreement

Provided that Jacumba Solar timely complies with each of its obligations under this Agreement, County agrees to use the funds it receives under the Agreement to provide local fire and emergency services as described more fully in Section 4, below.

3. Term

This Agreement shall be effective upon the earlier of (i) the date of the Local Agency Formation Commission’s (“LAFCO”) recordation of the certificate of completion with the County Recorder for the dissolution of the San Diego Rural Fire Protection District and the expansion of latent powers of County Service Area No. 135, (ii) the date LAFCO has authorized the County to provide the services contemplated hereunder to the Project, located outside its current jurisdictional boundaries, pursuant to Government Code section 56133; or (iii) the date the San Diego Rural Fire Protection District (“SDRFPD”) has executed a Joinder (“Joinder to this Agreement agreeing to comply with the County’s obligations set forth herein until such time as the Project is no longer located within SDRFPD’s jurisdiction, which Joinder shall be substantially in the form attached as Exhibit “D” hereto (“Effective Date”). If SDRFPD executes the Joinder, the compensation set forth in Section 4 hereof shall be paid to SDRFPD, not the County during the time that SDRFPD is providing fire services to the Project. The County shall not be obligated to provide local fire and emergency services to the Project during any period that SDRFPD is providing such services to the Project pursuant to the Joinder. The term of this Agreement shall begin upon the Commencement of Construction (as defined below) of the Project. This Agreement shall be in effect until the Termination Date, as defined below. Jacumba Solar shall give notice to the County, and to SDRFPD if it executes the Joinder, of the Commencement of Construction at least thirty (30) calendar days prior to the Commencement of Construction pursuant to items (a), (b), or (c) of this paragraph. “Commencement of Construction” shall be the first to occur of: (a) any ground disturbance of any portion of the Property in connection with the Project, except for geotechnical investigation or other environmental analysis required as part of the permitting process; (b) delivery of any materials to any portion of the Property in connection with construction of the Project; (c) delivery of any equipment, including but not limited to a construction trailer, but excluding meteorological tower(s), to the Property in connection with construction of the Project. For purposes of this Agreement, Commencement of Construction shall be considered a single, one-time event. In the event Applicant fails to provide notice that any of items (a), (b), or (c) of this paragraph have occurred, the County shall have the right to establish Commencement of Construction based on its knowledge of the occurrence of items (a), (b), or (c) and written notice thereof to Applicant. The notice by Jacumba Solar to the County pursuant to items (a), (b), or (c), above, or the notice by the County to Jacumba Solar, shall each be referred to as the “Construction Notice.” The County’s right to provide a Construction Notice shall not relieve Applicant of its affirmative obligation to provide a Construction Notice pursuant to this Section.

Jacumba Solar may terminate this Agreement at any time by providing the County sixty (60) calendar days prior written notice if: (aa) Jacumba Solar fails to obtain all governmental licenses, permits, and/or approvals required of or deemed necessary or appropriate by Jacumba Solar or the County in order to begin Commencement of Construction of the Project, including without limitation applications for major use permits and construction permits (collectively, the “Approvals”); or, (bb) Jacumba Solar elects not to construct the Project; or, (cc) subsequent to Commencement of Construction, Jacumba Solar has ceased operations on the Property and has complied with a County-approved decommissioning plan.

The “Termination Date” of the Agreement shall be sixty (60) calendar days from the date the County receives written notice, as specified in Section 16, below, in which Jacumba Solar certifies to the County that: (aa) Jacumba Solar has failed to obtain the Approvals and has withdrawn its application to the County for the Approvals; or, (bb) Jacumba Solar has elected not to construct the Project and has withdrawn its application to the County for the Approvals, or has relinquished its right to construct the Project under the Approvals; or, (cc) subsequent to Commencement of Construction, Jacumba Solar has ceased operations on the Property and has complied with a County-approved decommissioning plan.

4. Initial and Annual Compensation

a. Initial Compensation

Within fifteen (15) calendar days after receipt of an invoice from the County calculating the Initial Compensation amounts (defined herein) pursuant to Section 4(c) below, Jacumba Solar shall deposit with the County, as “Initial Compensation,” the following, which shall be used to provide local fire and emergency response capabilities to the Project and southeast portion of County, as provided in M-HZ-2 in the FEIR:

- i. A one-time payment of eighty-three thousand three hundred sixty dollars (\$83,360.00)
- ii. A megawatt fee of one thousand dollars (\$1,000) (“MW Fee”)
- iii. The Stub Year Amount

The “Stub Year Amount” shall be the prorated Annual Escalating Rate for the remainder of the Fiscal Year in which the Commencement of Construction occurs, calculated as follows:

- A. The days from and including the date of the Commencement of Construction to and including June 30 of the Fiscal Year in which the Commencement of Construction occurs shall constitute the “Remainder.”
- B. The Remainder shall be divided by 365 days to determine the “Proration Rate.”

- C. The Annual Escalating Rate, as defined below, shall be multiplied by the Proration Rate to determine the proportionate amount due for the portion of the Fiscal Year in which the Commencement of Construction takes place, which shall be the Stub Year Amount.

By way of example, if Commencement of Construction occurs on May 1, 2016, the Stub Year amount would be calculated as follows:

- May 1, 2016 to June 30, 2016 = 61 days = Remainder
- $61 \div 365 = 0.17 =$  Proration Rate
- $\$16,500 \times 0.17 = \$2,805 =$  Stub Year Amount

b. Annual Compensation

Following Commencement of Construction, on or before July 1 of each year, Jacumba Solar shall pay to the County for each Fiscal Year, defined as the period starting July 1 and ending on the following June 30, the following compensation (“Annual Compensation”):

- i. The MW Fee, which amount is not subject to increase; and
- ii. The Annual Escalating Rate of sixteen thousand five hundred dollars (\$16,500), which shall be increased each Fiscal Year by one and eight tenths percent (1.8%) of the Annual Escalating Rate in effect for the prior Fiscal Year, to fund services, such as paramedic staffing, necessary to provide local fire and emergency response capabilities to the Project during its construction, operation, and decommissioning phases and in the southeast portion of the County, as provided in M-HZ-2 in the FEIR; and

By way of example, the Annual Escalating Rate for Year 1 would be \$16,500.  
 The Annual Escalating Rate for Year 2 would be  $(\$16,500 \times 1.018) = \$16,797$ .  
 The Annual Escalating Rate for Year 3 would be  $(\$16,797 \times 1.018) = \$17,099.35$ , and so on.

The Annual Compensation established in this Section 4 is separate and distinct from any fire protection fees that may be required in the ordinary course of a development project, including but not limited to fire mitigation fees, building permit fees, property taxes or assessments, or project design features or mitigation measures required to comply with environmental review requirements, except where explicitly noted. Under no circumstances shall this Agreement or payments under Section 4 be construed as a waiver of any other legal obligations to pay fees, taxes or implement fire protection measures.

c. Invoices.

Within fifteen (15) days following Jacumba Solar’s delivery of the Construction Notice to the County, the County shall provide Jacumba Solar with an invoice setting forth the Initial

Compensation due pursuant to Section 4(a) above, including calculation of the Stub Year Amount. On or before June 1 of each year thereafter, the County shall deliver to Jacumba Solar an invoice setting forth the Annual Compensation amounts due for the next fiscal year pursuant to Section 4(b) above, and Jacumba Solar shall pay such amount to the County on or before July 1 of each year.

5. Installed Alternating Current Capacity

Section 4 assumes that the County grants Jacumba Solar a Major Use Permit for the development of twenty (20) MW AC and Jacumba Solar installs twenty (20) MW AC (the “Installed Capacity Amount”). If the County grants Jacumba Solar a Major Use Permit for less than the Installed Capacity Amount or Jacumba Solar constructs less than twenty (20) MW AC (the “Actual Capacity Amount”), the MW Fee shall be revised proportionally downward by multiplying them by the “Actual Capacity Factor”, defined below:

$$\text{Actual Capacity Factor} = \text{Actual Capacity Amount} / 20$$

The Initial Compensation shall remain as stated in Section 4, irrespective of the Actual Capacity Amount.

6. Approvals

Jacumba Solar acknowledges and agrees that the County has no duty or obligation to obtain any Approvals on behalf of Jacumba Solar.

To the extent the County has separate and distinct permitting authority for any aspect of the Project, this Agreement in no way limits or controls the County’s discretion in approving, approving with conditions, or denying the Project or Project component.

The County’s governing body shall not take action to approve this Agreement unless either (a) a CEQA document for the Project has been certified by the County lead agency; or (b) the County certifies an environmental document compliant with CEQA.

7. Assignment

Jacumba Solar may assign this Agreement if Jacumba Solar is transferring the Project to an assignee; provided, however, to be valid, (a) any such assignment shall be in writing substantially in the form of Exhibit “C” (“Form of Assignment of Agreement For Provision of Fire and Emergency Response Services”) (the “Assignment”) attached hereto and incorporated by this reference; (b) the Assignment provides for Jacumba Solar’s assignment of all of its obligations under this Agreement to the assignee and the assignee assumes all of such obligations; (c) Jacumba Solar is not released of its obligations to the County under this Agreement that existed prior to the date of the Assignment but is otherwise released if the assignee assumes all obligations from and after the date of said Assignment; and (d) the Assignment contains the name, address, telephone number, and contact person for the assignee. Jacumba Solar and the assignee shall promptly deliver a fully executed Assignment to the County in accordance with Section 16 below. Within ten (10) days of receipt of such

Assignment, County shall provide Jacumba Solar and the assignee with written acknowledgement of receipt of such Assignment; provided, however that the County's failure to provide acknowledgment of receipt shall not invalidate the Assignment.

8. Breach

Failure to abide by any terms of this Agreement shall constitute a breach of this Agreement. The Party asserting a breach must notify the other Party in writing pursuant to Section 16 below. Each Party shall have the right but not the obligation or duty to cure any breach by the other Party of the terms of this Agreement. An "Event of Default" shall exist if: (a) the breach can be cured solely by the payment of money and the breach is not cured within thirty (30) business days after the notifying Party delivers notice (a "Breach Notice") thereof to the breaching Party; or (b) the breach cannot be cured solely by the payment of money and the breach is not cured within thirty (30) days after the notifying Party delivers a Breach Notice thereof to the breaching Party; provided, however, that if a cure reasonably requires more than thirty (30) days, no Event of Default shall exist so long as the breaching Party is diligently proceeding with a cure. Should the notifying Party unilaterally elect to cure any such breach by the breaching Party, the breaching Party shall promptly reimburse the notifying Party for all costs and expenses incurred by the notifying Party to effectuate such cure.

9. Jurisdiction and Venue

The venue for any suit or proceeding concerning this Agreement, the interpretation or application of any of its terms, or any related disputes shall be in the County of San Diego, State of California.

10. Successors in Interest

This Agreement and all rights and obligations created by this Agreement shall remain in full force and effect whether or not any Parties to the Agreement have been succeeded by another entity, and all rights and obligations created by this Agreement shall be vested and binding on such Party's successor in interest.

11. Integration

This Agreement and the Exhibits and references incorporated into this Agreement fully express all understandings of the Parties concerning the matters covered in this Agreement. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless made by a written amendment to this Agreement agreed to by both Parties. All prior negotiations and agreements are merged into this Agreement. The Parties acknowledge and agree that the Recitals set forth above are true and correct and are hereby incorporated by reference.

12. No Third Party Beneficiaries

The Parties hereto agree that there shall be no third-party beneficiaries to this Agreement. This Agreement is not intended to and shall not confer any rights or remedies hereunder upon any other party other than the Parties to this Agreement and their respective assignees and successors in interest.

13. Counterparts

This Agreement may be executed in counterparts, which when taken together shall constitute a single signed original as though all Parties had executed the same page. The Parties agree that a signed copy of this Agreement transmitted by one Party to the other Party by facsimile transmission or electronic mail as a PDF, shall be binding upon the sending Party to the same extent as if it had delivered a signed original of this Agreement.

14. No Waiver

No failure of any Party to require strict performance by the other Party of any covenant, term or condition of this Agreement, nor any failure of any Party to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement, shall constitute a waiver of any such breach of such covenant, term or condition. No waiver of any breach shall affect or alter this Agreement, and each and every covenant, condition, and term hereof shall continue in full force and effect regardless of any existing or subsequent breach. A waiver of any such breach shall not be interpreted to mean that any Party has waived its right to demand in the future the full and complete performance by the other Party of its duties and obligations under this Agreement.

15. Signing Authority

The representative for each Party signing on behalf of a corporation, partnership, joint venture, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or governmental entity.

16. Notices

All letters, statements, or notices required pursuant to this Agreement shall be deemed effective upon receipt when personally served, transmitted by facsimile machine or electronic mail, or sent certified mail, return receipt requested, to the following addresses:

To: County            San Diego County Fire  
                              Attn: Herman Reddick, Group Program Manager  
                              5510 Overland Ave., Ste. 250  
                              San Diego, CA 92123  
                              Telephone No. (858) 974-5813  
                              Facsimile No. (858) 974-5928

To: Applicant      Jacumba Solar, LLC  
                          Attn: Scott Castro, Esq.  
                          1 Post Street, Suite 2550  
                          San Francisco, CA 94104  
                          Telephone No. (415) 318-5919  
                          scott.castro@nexteraenergy.com

With a copy to:    Sheppard, Mullin, Richter, & Hampton, LLP  
                          Attn: Jeffrey W. Forrest, Esq.  
                          501 West Broadway, 19<sup>th</sup> Floor  
                          San Diego, CA 92101  
                          Telephone No. (619) 338-6502  
                          Facsimile No. (858) 254-3130  
                          jforrest@sheppardmullin.com

Any such notice or demand shall be deemed served at the time of delivery if delivered in person, by facsimile transmission, or electronic mail, or on the business day following deposit thereof in the U.S. Mail where sent by registered or certified mail.

17.    Modification or Amendment

This Agreement or any of its provisions may be modified or amended only by written agreement executed by all Parties to this Agreement.

18.    Severance

If any provision of this Agreement is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and, provided that the fundamental terms and conditions of this Agreement remain legal and enforceable, the remainder of this Agreement shall remain operative and binding on the parties.

*[Signatures Follow]*

“Applicant”

“County”

**JACUMBA SOLAR LLC**

**COUNTY OF SAN DIEGO**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Shiri Hoffman  
Senior Deputy  
Office of County Counsel

**Exhibit "A"**

Legal Description of the Property

**1. DAVID: APNS: 661-041-02, 661-041-03 AND 661-080-01**

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, AND THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, IN TOWNSHIP 18 SOUTH, OF RANGE 8 EAST OF THE SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ALL THE COAL AND OTHER MINERALS, TOGETHER WITH THE RIGHT OT PROSPECT FOR, MINE AND REMOVE THE SAME PURSUANT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF DECEMBER 29, 1916 (39 STAT. 862), AS RESERVED BY THE UNITED STATES OF AMERICA, IN PATENT RECORDED NOVEMBER 13, 1973 AS INSTRUMENT NO. 73-316880, OF OFFICIAL RECORDS.

**2. McCARY: APN: 661-080-05-01 AND 661-080-05-02**

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

LOT 11 AND THE WEST HALF OF LOT 10 AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF EXCEPTING THEREFROM ONEHALF OF ALL MINERAL RIGHTS AS RESERVED IN A DEED RECORDED DECEMBER 12, 1957 IN BOOK 6868,

PAGE 8 AS INSTRUMENT NO. 188176

**3. PRIDDY: APN: 661-080-04**

Real property in the unincorporated area of the county of San Diego, State of California, described as follows:

LOT 9 AND THE EASTERLY HALF OF LOT 10; THE SOUTHEASTERLY QUARTER OF THE NORTHEASTERLY QUARTER AND THE EASTERLY HALF OF THE SOUTHWESTERLY QUARTER OF THE NORTHEASTERLY QUARTER OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 8 EAST, S.B.M., IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED APRIL 10, 1923.

EXCEPTING THEREFROM THE ABOVE DESCRIBED PROPERTY THAT PORTION THEREOF LYING EASTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 1194 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE EASTERLY LINE OF SAID SECTION 11.

**4. JACUMBA HOLDINGS: APN: 661-080-08-00**

Real property in the unincorporated area of the county of San Diego, State of California, described as follows:

**PARCEL 1:**

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO THE NORTHWEST CORNER OF THE EAST 1194 FEET OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER, (SAID EAST 1194 FEET BEGIN MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID SECTION 11.)

EXCEPTING THEREFROM ALL COAL, OIL, GAS AND OTHER MINERAL AND HYDROCARBON SUBSTANCES, AS RESERVED BY THE UNITED STATES OF AMERICA IN THAT CERTAIN PATENT RECORDED AUGUST 10, 1936 IN BOOK 541 PAGE 350 OF OFFICIAL RECORDS.

**PARCEL 2:**

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 40.00 FEET IN EVEN WIDTH LYING IN SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND IN THE SOUTHEASTERLY QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, THE CENTER LINE OF SAID 40.00 FEET STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, DISTANT THEREON SOUTH 89° 05' EAST, 26.10 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 2, THENCE NORTH 39° 03' WEST, 987.38 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF THE STATE HIGHWAY, ROUTE 12, SECTION 6, AS SHOWN ON MISCELLANEOUS MAPS NO. 116, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 29, 1931, IN SAID LINE OF SAID 40.00 FOOT STRIP OF LAND TO BE PROLONGED OR SHORTENED, AS NECESSARY, TO TERMINATE IN THE SOUTHEASTERLY LINE OF SAID STATE HIGHWAY AND IN THE SOUTH LINE OF SAID SECTION 2.

**Exhibit "B"**

Project Description

The following documents are hereby incorporated by reference as the project description for the Jacumba Solar Energy Project:

1. Project description provided in Section 1.2 of the Final Environmental Impact Report, for the Jacumba Solar Energy Project;
2. Jacumba Solar Energy Project Plot Plans, as approved.

Exhibit "C"

Form of Assignment of Agreement for Provision of Fire and Emergency Services

**ASSIGNMENT OF AGREEMENT**

THIS ASSIGNMENT OF AGREEMENT (this "Assignment") is made effective as of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_ ("Assignor"), and \_\_\_\_\_ ("Assignee").

A. Assignor is a party to the Fire and Emergency Services Agreement ("Agreement") entered into with the County of San Diego on \_\_\_\_\_, \_\_\_\_\_.

B. Assignor wishes to assign to Assignee, and Assignee wishes to assume, Assignor's rights and obligations in and under the Agreement.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignor hereby transfers, conveys, sells and assigns to Assignee all of Assignor's right, title and interest in and to Agreement.
2. Assignee hereby affirmatively and unconditionally accepts the assignment, and assumes the obligations of Assignor with respect to the Agreement.
3. This Assignment is governed by California law, without regard to its conflicts of law provisions. This Assignment may be executed in any number of counterparts, each of which may be executed by any one or more of the parties hereto, but all of which shall constitute one and the same instrument, and shall be binding and effective when all parties hereto have executed and delivered at least one counterpart.
4. Each party shall take such acts and execute and deliver such documents as may be reasonably required to effectuate the purposes of this Assignment.
5. The terms and provisions of this Assignment shall be binding upon and inure to the benefit of the respective parties hereto, and their respective successors and assigns.

6. The Assignee's contact information is as follows:

Name:  
Address:

Telephone number:  
Facsimile number:

IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be duly executed as of the day and year first written above.

**ASSIGNOR:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit "D"**

Form of Joinder for Fire and Emergency Services Agreement

**JOINDER AGREEMENT**

THIS JOINDER AGREEMENT (this "Agreement"), is made and entered into as of \_\_\_\_\_ [ ], 201\_, by the San Diego Rural Fire Protection District ("SDRFPD"). Capitalized terms used herein without definition shall have the meanings assigned to such terms in that certain Fire and Emergency Services Agreement, dated as of \_\_\_\_\_, 201\_, by and among the County of San Diego ("County") and JACUMBA SOLAR LLC ("Jacumba Solar") (the "Fire and Emergency Services Agreement").

**RECITALS**

A. Pursuant to the Fire and Emergency Services Agreement, Jacumba Solar is obligated to pay certain amounts to County and County is required to provide certain fire and emergency services to the Project.

B. Proceedings are pending before the Local Agency Formation Commission (LAFCO) that will cause the Project to be located within the geographic boundaries of County Service Area No. 135 ("CSA 135"), but until those proceedings are concluded, the Project remains within the geographic boundaries of SDRFPD.

C. SDRFPD desires to have all rights and obligations of the County under the Fire and Emergency Services Agreement, as though it were an original signatory thereto, until such time as CSA 135 boundaries are amended to include the Project.

NOW, THEREFORE, for valuable consideration, the parties hereby agree as follows:

**AGREEMENT**

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated by this reference as though fully set forth herein.

2. Joinder. SDRFPD hereby agrees that by its execution and delivery of this Joinder Agreement to the County and Jacumba Solar, it shall be bound by the Fire and Emergency Services Agreement, and hereby expressly and unconditionally assumes and agrees to perform and discharge all of the obligations and liabilities of the "County" until such time as the Project is located within the jurisdiction of the CSA 135. This Joinder shall automatically terminate upon the date that the LAFCO proceedings are concluded such that the Project is located within the jurisdiction of CSA 135.

3. Further Assurances. SDRFPD shall execute such documents and perform such further acts as may be reasonably required or desirable to carry out or to perform the provisions of this Joinder or the Fire and Emergency Services Agreement.

4. Notices. All notices, communications and/or payments to SDRFPD should be addressed as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS WHEREOF, this Joinder is duly executed as of the day and year first written above.

**SDRFPD:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **Attachment G – 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) PDS 2014-MUP-14-041

Assessor's Parcel Number(s) 661-041-02, 661-041-03, 661-080-01, 661-080-04, 661-080-05, 661-080-08

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.

661-041-02: David Living Trust
661-041-03: David Living Trust
661-080-01: David Living Trust
661-080-04: Priddy
661-080-05: McCary
661-080-08: Jacumba 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.

[Blank lines for listing individuals]

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.

[Blank lines for listing persons]

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: [Handwritten Signature]
Jacumba Solar, LLC. Gregory Schneck
Print Name Vice President
8-25-14
Date

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