

**Attachment E – Form of Decision Approving
PDS2012-3300-12-007**



**County of San Diego
PLANNING & DEVELOPMENT SERVICES**

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January 16, 2015

PERMITEE: SOITEC SOLAR DEVELOPMENT
MAJOR USE PERMIT: PDS2012-3300-12-007 (MUP)
E.R. NUMBER: PDS2012-3910-120005 (ER)
PROPERTY: RIBBONWOOD ROAD AND McCAIN VALLEY ROAD, BOULEVARD, CA
APN(s): 611-060-04, 611-090-02, 611-090-04, 611-091-03, 611-091-07 (PORTION), 611-100-07, 612-030-01, 612-030-19, 611-110-01

DECISION OF THE PLANNING COMMISSION

Grant, this Major Use Permit (MUP) for the construction and operation of a concentrated photovoltaic (CPV) solar project consisting of seventeen sheets including plot plans and elevations dated December 16, 2014. This permit authorizes a Major Impact Service and Utility pursuant to Sections 2725b. and 2926b. of the Zoning Ordinance.

Grant an exemption pursuant to Section 4620g. of The Zoning Ordinance to allow for overhead trunk lines up to 75 foot tall in height and to allow temporary batch plant structures up to 40-foot in height.

Grant an exemption pursuant to Section 4813 of The Zoning Ordinance to allow for perimeter fencing within portions of the interior side yard and rear yard setbacks.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 16, 2014 consisting of eleven 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 **January 16, 2017** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The

Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

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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: [PDS, PCC] [UO]

Intent: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **Description of Requirement:** A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually

acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would ensure the receipt of sales and use tax could include, but not be limited to, the following:

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

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

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

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

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

4. LANDSCAPE DOCUMENTATION (Mitigation Measure M-AE-PP-1 & M-BI-PP-6)

INTENT: In order to comply with mitigation measures M-AE-PP-1 and reduce anticipated visual contrast and partially screen trackers from public viewpoints along Tierra Del Sol Road, a landscape screen consisting of drought-tolerant, climate appropriate shrubs and trees shall be implemented in a landscape plan.

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

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.

- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: The applicant shall install landscape screens as specified in Appendix 2.1-4, Landscape Screening Design for the Soitec Solar Development Program EIR (also referred to here as the Landscape Screening Design Report). It is also referenced in the approved plot plans.
- i. **Mitigation Measure (M-BI-PP-6):** Any landscaping, plant palettes shall be reviewed by the Project Biologist to minimize the effects that proposed landscape plants could have on biological resources outside of the project footprint due to potential naturalization of landscape plants in the undeveloped lands. Landscape plants will not include invasive plant species on the most recent version of the Cal-IPC California Invasive Plant Inventory for the project region. Landscape plans will include a plant palette composed of climate-appropriate, drought-tolerant species.

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

5. AIR QUALITY RIDE SHARE (PDF AQ-2)

Intent: In order to comply with PDF AQ-2 to reduce NO_x and PM₁₀ emissions associated with construction worker trips a rideshare program shall be implemented.

Description: A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

- a. The construction manager will notify all construction personnel of the program prior to the start of construction activities and

- b. The site manager will notify construction personnel of the iCommute program RideMatcher feature, or similar communication method, to ensure personnel can identify potential carpooling program participants.
- c. Trip data will be made readily available to County inspectors at the construction trailer on site during construction.

Documentation: The applicant shall prepare the rideshare plan and provide it the [PDS, PCC] for review and approval. **Timing:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the plan shall be prepared. **Monitoring:** The [PDS, PCC] shall review the plan for compliance with this condition.

6. **TRAFFIC CONTROL PLAN (Project Design Features PDF-TR-1)**

Intent: In order to comply with project design feature PDF-TR-1 and to ensure safe and efficient traffic flow in the area and on the project sites during construction activities, a traffic control plan (TCP) shall be prepared. **Description:** A traffic control plan shall be prepared that address construction traffic within the County's public rights-of-way and contain project-specific measures to be implemented during construction for noticing, signage, policy guidelines, and the limitation of lane closures to off-peak hours (although it is noted that no requirement for roadway or lane closures has been identified). The traffic control plan would include provisions for construction times, and control plans for allowance of bicyclists, pedestrians, and bus access throughout construction. The traffic control plan shall also include provisions to ensure emergency vehicle passage at all times. The TCP shall be prepared to the satisfaction of the Director of 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.

7. **CONSTRUCTION NOTIFICATION PLAN (Project Design Feature PDF-TR-1)**

Intent: In order to comply with project design feature PDF-TR-1 and to inform property owners of the location and duration of construction, the applicant or construction contractor will prepare a construction notification plan. **Description:** A construction notification plan shall be prepared that identifies the procedures that will be used to inform property owners of the location and duration of construction identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components:

- a. Public notice mailer. A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction 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 activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction 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 to respond to concerns of neighboring property owners about noise, dust, and other construction 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 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 this condition.

Timing: The following actions shall occur throughout the duration of grading and construction. **Monitoring:** The DPW, PDCI shall ensure that the grading 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.

8. **FIRE AND EMERGENCY PROTECTION SERVICES AGREEMENT (Project Design Feature PDF-PS-1)**

Intent: In order to comply with project design feature PDF-PS-1, 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 services agreement with the San Diego County Fire Authority. **Description:** A fire and emergency services agreement between the applicant and the San Diego County Fire Authority shall be entered into and shall include an initial paramedic staff and startup equipment kit (total cost of \$60,000) and annual funding for one paramedic staff firefighter (total annual cost of \$73,000 with an annual 5% escalator). **Documentation:** The applicant shall provide a copy of the 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, the fire and emergency services agreement shall be executed by the applicant. **Monitoring:** The [PDS, PCC] shall review the agreement for compliance with this condition.

9. **DRNG#1–DRAINAGE IMPROVEMENTS**

INTENT: In order to provide the required drainage improvements for the project and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096](#), [County Code Section 67.801 et. seq.](#), 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 crossing for

Tule Creek, other swale crossings and associated drainage improvements. All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and 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 crossing for Tule Creek, other 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, PDC].
- d. If the applicant is a representative, then a 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] [DPR, TC, PP] 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 PDS before any work can commence.

10. ROADS#1–IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), and the [Community Trails Master Plan](#), an irrevocable offer of dedication (IOD) for road purposes shall be granted to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property for the private road, ***Rough Acres Ranch Road***, between McCain Valley Road and Ribbonwood Road to the County of San Diego. The IOD shall provide a right-of-way width of sixty feet (60'), plus slope rights and drainage easements.
- b. The IOD shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Planning & Development Services

(PDS). The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the IOD shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the IOD to assure compliance with this condition.

11. ROADS#2–TRAFFIC CONTROL PLAN (Project Design Features PDF-TR-1)

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.

12. ROADS#3–HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, 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 offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route

identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.

- 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 Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to 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 the HRP for compliance with this condition.

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

13. PLAN CONFORMANCE

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

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

14. TEMPORARY SCREENING FENCING (PDF-AE-2)

Intent: In order to comply with project design feature PDF-AE-2 to reduce the visibility of construction work areas from nearby roads, residences, and recreational areas, staging material and equipment storage areas shall be screened. **Description:** The applicant shall prepare fencing and screening plan for all staging areas. The staging material and equipment storage areas, including storage sites for excavated materials,

shall be visually screened using temporary screening fencing. Fencing shall be of an appropriate design and color for the location. **Documentation:** The applicant shall install the fencing and provide documentation (i.e., photographs) and a certification statement to the [PDS, PCC]. **Timing:** Prior to issuance of any Grading or Construction Permits, prior to the staging of any materials, and during all construction activities. A grading permit may be issued to do any incidental grading to establish a lay down facility that would comply with the intent of this condition. **Monitoring:** The [PDS, PCC] shall review the photos and certification statement for compliance with this condition.

15. AIR QUALITY NO_x EMISSIONS (M-AQ-PP-1)

Intent: To comply with mitigation measure M-AQ-PP-1 to reduce construction NO_x emissions, emission-reducing measures applicable to construction equipment shall be implemented. **Description of Requirements:** Mitigation measures M-AQ-PP-1 requires the following be implemented by the applicant to reduce NO_x emissions during construction:

- 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 use 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 The following actions shall occur throughout the duration of grading and construction. **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.

16. BIOLOGICAL HABITAT COMPENSATION (M-BI-PP-1)

Intent: In order to comply with M-BI-PP-1 to mitigate for the impacts to sensitive biological resources, offsite compensation shall be provided. **Description:** The applicant will preserve in permanent open space acreage of native habitats equivalent to or greater than the acreage of total project impacts; the native habitats shall be generally consistent with the assemblage of vegetation communities impacted by the project. This will mitigate for project impacts to upland scrub and chaparral communities in accordance with Table 2.3-18 of the Soitec Solar Development Program Environmental Impact Report (PEIR) as well as habitat loss of special-status plant and wildlife species (additional acreage to be preserved to equal the total acreage of project impacts, at a minimum). The off-site open space conservation area shall be evaluated to determine if the off-site area provides similar or greater biological function and value when compared with the identified significant impacts. This assessment shall include

vegetation community mapping and an assessment of associated flora and fauna to the extent necessary to determine if the off-site conservation area provides commensurate biological function and value for each significantly impacted biological resource (vegetation communities, special-status plant species, and special-status wildlife species). The off-site open space conservation area may be composed of more than one set of contiguous parcels. Mitigation for the loss of special-status plant species shall be a minimum of 2:1 mitigation to impact ratio for Jacumba milk-vetch and Tecate tarplant and 1:1 mitigation to impact ratio for sticky geranium and desert beauty unless otherwise negotiated to a different ratio with the Wildlife Agencies. 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. Preservation of off-site open space shall be provided through one of the following options:

Option 1: If purchasing Mitigation Credit from the mitigation bank, the evidence of purchase shall include the following information to be provided by the mitigation bank:

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank must be provided that shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

Option 2: If mitigation credit is not purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County indicated as follows:

- a. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by the County Department of Planning and Development Services (PDS).
- b. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources* to the satisfaction of the director of PDS. If the off-site mitigation is proposed to be managed by Department of Parks and Recreation (DPR), the RMP shall also be prepared and approved to the satisfaction of the director of DPR.

- c. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the director of PDS. The land shall be protected in perpetuity.
- d. The purchase and dedication of the land and selection of the resource manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to approval of the RMP.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **Documentation:** The applicant shall purchase the off-site mitigation credits and provide evidence to PDS for review and approval. If the off-site mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to PDS that DPR agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to PDS for a pre-approval. If an RMP is going to be submitted in lieu of purchasing credits, then the RMP shall be prepared, and an application for the RMP shall be submitted to PDS. **Timing:** Prior to issuance of a grading permit or land disturbances, the mitigation shall occur. **Monitoring:** PDS shall review the mitigation purchase for compliance with this condition. Upon request from the applicant, PDS can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option 2, then 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.

17. BIOLOGICAL MONITOR (Mitigation Measure M-BI-PP-2, 3, & 7)

Intent: In order to mitigate in accordance with M-BI-PP-2, 3, & 7 for inadvertent disturbances to areas outside the limits of grading, all construction 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, and construction 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 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;
- 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;
- h. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:
 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 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 remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 4. 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.
- j. As outlined in mitigation measure **M-BI-PP-7**, 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.

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 should 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.

18. **FUGITIVE DUST CONTROL PLAN (Mitigation Measure M-BI-PP-5)**

Intent: In order to comply with Mitigation Measure M-BI-PP-5 and the San Diego County Air Pollution Control District regulations to reduce particulate matter less than 10 microns (PM₁₀) and fine particulate matter less than 2.5 microns (PM_{2.5}) emissions during construction, 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 operations and maintenance facility shall be paved as early as practical during construction.

2. All other on-site unpaved roads shall be effectively stabilized using 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, and shall not increase any other environmental impacts including loss of vegetation.
3. All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles shall be watered hourly for the duration of construction or covered with temporary coverings.
4. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions 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, or other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
7. Soil loads should be kept below 18 inches of the freeboard of the truck.
8. Drop heights should be minimized when loaders dump soil into trucks.
9. Traffic speeds on unpaved roads shall be limited to 25 miles per hour.
10. Disturbed areas should be minimized.
11. Disturbed areas should be revegetated 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 or construction permits. **Monitoring:** The [PDS, PCC] shall monitor construction activities to ensure that dust control measures are implemented and maintained.

19. NESTING BIRD MMRP (Mitigation Measure M-BI-PP-10)

Intent: In order to comply with mitigation measure M-BI-PP-10, to avoid impacts to nesting birds, the applicant shall prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP). **Description:** The NBMMRP should include the following:

- a. Nest survey protocols describing the nest survey methodologies;

- b. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks;
- c. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513;
- d. A schedule for the submittal (usually weekly) of the NML;
- e. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks;
- f. A detailed explanation of how the buffer widths were determined; and
- g. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.
- h. Preconstruction nesting bird surveys within 72 hours of construction-related activities and implement the appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.
- i. Each nest identified in the project area should be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species.
- j. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project area to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths should be site- and species-/guild-specific and data-

driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths should consider the following factors:

1. Nesting chronologies;
 2. Geographic location;
 3. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise);
 4. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests);
 5. Visibility of disturbance;
 6. Duration and timing of disturbance;
 7. Influence of other environmental factors; and
 8. Species' site-specific level of habituation to the disturbance.
- k. Application of the standard buffer widths should avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.
- l. Prior to commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). Preconstruction nesting bird surveys shall be conducted within 72 hours of construction-related activities.
- m. Implementation of this Plan is not required outside the breeding season.

Documentation: The NBMMRP shall be submitted to the CDFW and USFWS for review and approval then an approved copy shall be provided to the County for final approval of this condition. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits the NBMMRP shall be submitted for review and approval. **Monitoring:** The [PDS, PCC] shall review the NBMMRP with compliance with this condition.

20. RESOURCE AVOIDANCE (Mitigation Measure M-BI-PP-10)

INTENT: In order to comply with Mitigation Measure M-BI-PP-10 to avoid impacts to raptors and migratory nesting birds all construction activities shall be in compliance with

the approved Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP).

DESCRIPTION OF REQUIREMENT:

- a. Prior to commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). Preconstruction nesting bird surveys shall be conducted within 72 hours of construction-related activities. Implementation of this Plan is not required outside the breeding season.
- b. Comply with any buffers or requirements as detailed in the approved NBMMRP.
- c. Preconstruction nesting bird surveys within 72 hours of construction-related activities and implement the appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.

DOCUMENTATION: The applicant shall comply with the requirements of the approved NBMMRP and this condition. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

21. WETLAND PERMITTING (Mitigation Measure M-BI-PP-14)

Intent: In order to comply with Mitigation measure M-BI-PP-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 gen-tie:

- a. A Clean Water Act, Section 401/404 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 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 and construction plans.

22. PRE-CONSTRUCTION GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and 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 Rugged Solar Farm Project GMMP dated October 2014. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater dependent habitat baseline data collection shall occur up to approximately 1 year prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester with specific experience evaluating native oak species. Baseline data collection shall include components within Section 3.2.1.of the GMMP.
- b. New monitoring wells MW-O1, MW-O2, and MW-SPB shall be installed at locations and depths as described in the GMMP. The wells shall be installed at least one month prior to project-related extraction or 1 month prior to commencement of pumping groundwater for the Tule Wind Farm project (P09-019) or Rough Acres Ranch project (P12-021), whichever comes first.
- c. Install pressure transducers with owner's permission in wells on Assessor Parcels Number (APN) 611-091-07 and APN 611-090-02. The pressure transducers shall be installed at least one month prior to groundwater extraction.
- d. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network as follows:
 - 6 on-site monitoring wells (Well MW-SPB, Well MW-O1, Well 6, Well 8A, Well 9, and Old Ag Well)

- 2 on-site production wells (Well 6b and Well 8)
- 9 off-site monitoring wells (Well MW-O2, Well 1, Well 2, Well 3, Well 4, Well 5, McCain Conservation Camp Well, Well at APN 611-091-07, and Well at APN 611-090-02).

DOCUMENTATION: The applicant shall complete the following:

- e. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- f. 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.
- g. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from all on-site and offsite wells 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 the site shall not commence until baseline groundwater levels are established. If the Tule Wind Farm project (P09-019) and/or the Rough Acres Ranch project (P12-021) have already commenced pumping prior to this project commencing, baseline groundwater conditions would be based on measured groundwater levels prior to pumping groundwater for whichever project starts first.

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 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] contact the applicant to set up future submittal dates of GMMP documents.

23. PRE-CONSTRUCTION GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation measure M-BI-PP-15): [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 the County approved Jacumba Community Services District GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction 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). If the Soitec Tierra Del Sol Solar Farm Project or any other County-approved project already has performed baseline groundwater level monitoring, the baseline conditions as estimated for the Soitec Rugged Solar project or any other County-approved project shall apply to this project.

DOCUMENTATION: The applicant shall complete the following:

- b. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- c. 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.
- d. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from the five Jacumba Community Services District wells 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 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 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.

24. PRE-CONSTRUCTION GROUNDWATER MMRP, PINE VALLEY MUTUAL WATER COMPANY GROUNDWATER USE (Mitigation measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to comply with mitigation measure M-BI-PP-15 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 Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7).
- b. Install pressure transducers with owner's permission in any private wells listed in Table 1 of the GMMP.
- c. Groundwater dependent habitat baseline data collection shall occur approximately 1 month prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester. Baseline data collection shall include components within Section 3.2.1. of the GMMP.

DOCUMENTATION: The applicant shall complete the following:

- d. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- 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 three Pine Valley Mutual Water Company wells 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 No. 5 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 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.

25. WETLAND HABITAT COMPENSATION (Mitigation measure M-BI-R-1)

Intent: In order to comply with mitigation measure M-BI-R-1 and to mitigate for impacts to alkali meadow and disturbed alkali meadow, which is a sensitive biological resource pursuant to the ACOE, RWQCB, CDFW, and the County, 0.30 acres of habitat shall be

mitigated. **Description:** The mitigation can occur by complying with one of the two following options:

Option 1: Prepare a revegetation plan that mitigates for the impacts to alkali meadow and disturbed alkali meadow. ACOE, RWQCB, and/or CDFW staff may require additional mitigation for non-Resource Protection Ordinance (RPO) jurisdictional waters/riparian habitat impacted by the project. In order to ensure project completion and success of the Revegetation Plan, a surety shall be provided and an agreement shall be executed with the County of San Diego consisting of a letter of credit, bond, or cash for 100% of the estimated costs associated with the implementation of the Revegetation Plan and a 10% cash deposit of the cost of all improvements (no less than \$3,000; no more than \$30,000). The surety shall be released upon completion of the Revegetation Plan provided the installed vegetation is in a healthy condition and meets the plan's success criteria. **Documentation:** The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the PDS and pay all the applicable review fees and deposits. An RMP shall be prepared and approved pursuant to the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources* to the satisfaction of the Director of PDS. If the off-site mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits that impact the alkali meadows, the Revegetation Plan shall be approved. **Monitoring:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#3 shall be made to enter into a Secured Agreement for the implementation of the Plan.

Option 2: Purchase Mitigation Credit at a mitigation bank approved by the CDFW. The evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to PDS for review and approval. If the off-site mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to PDS that DPR agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to PDS for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared, and an application for the RMP shall be submitted to [PDS, Zoning] and pay all applicable review fees. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits that impact the alkali meadows, the mitigation shall be completed. **Monitoring:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant, PDS can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option 2, then [PDS] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

26. ARCHAEOLOGICAL MONITORING (M-CR-PP-1)

Intent: In order to comply with mitigation measure M-CR-PP-1, which mitigates 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 cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The Archaeological Monitoring Program shall include the following:

1. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or Letter of Acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.
2. The Project Archeologist shall provide evidence that a Kumeyaay Native American has also been contracted to perform Native American Grading Monitoring for the project.
3. 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, 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 or Letter of Acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

27. CONSTRUCTION FIRE PREVENTION PLAN (Project Design Feature PDF-HZ-2)

Intent: In order to comply with project design feature PDF-HZ-2 and to reduce the risk of fire during construction a construction fire prevention plan shall be prepared. **Description:** The applicant shall prepare a Construction Fire Prevention Plan (CFPP). 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 3.1.4-7 of the Final EIR provides a conceptual outline for preparation of the CFPP. **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 or Construction Permits. **Monitoring:** The [PDS, PCC] and the SDCFA shall review the plan in compliance with this condition.

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

29. DECOMMISSIONING PLAN: [PDS, PCC] [BP, UO] [PDS, FEE]

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

30. O&M BUILDING & COLLECTOR SYSTEM DESIGN (PDF-AE-3 & 4)

Intent: In order to comply with PDF-AE-3 & 4 and to reduce the anticipated visual contrast with the surrounding landscape, the Operations and Maintenance (O&M) building shall be painted with muted-earth toned colors and non-specular conductors shall be specified for any new overhead lines. **Description:** Muted-earth toned colors shall be applied to the exterior of the O&M building and materials, coatings, or paints having little or no reflectivity shall be used whenever possible. In addition, new overhead conductors on the collector system shall be non-specular in design to reduce conductor visibility, glare, and visual contrast. Weathered or cor-ten steel shall be used for gen-tie monopoles to reduce the potential for color contrast between structures and existing vegetation and terrain. **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.

31. OUTDOOR LIGHTING (PDF-AE-5)

Intent: In order to comply with PDF-AE-5 to protect nighttime views and dark sky environments, lighting at the solar farm site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements. **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 farm 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. Additionally, motion sensor infrared cameras shall be installed at the project site to avoid illumination of the site and surrounding area during nighttime hours. **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.

32. TRANSMISSION TOWER & LINE CONFORM. (Mitigation Measure M-BI-PP-13)

Intent: In order to comply with mitigation measure M-BI-PP-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 with a goal of providing 150 centimeters (59 inches) of separation between energized conductors and energized hardware and ground wire. In addition, bird diverters or other means to make lines more visible to birds will be installed to help avoid collisions. **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.

33. NOISE ATTENUATION FOR INVERTERS (Mitigation Measure M-N-R-1)

Intent: In order to comply with mitigation measure M-N-R-1 for operational noise from inverters and to comply with the County Noise Ordinance standards, inverters will be enclosed in noise attenuating structures. **Description:** The following shall be implemented on the final building plan design:

- a. Locate non-enclosed inverters a minimum of 800 feet or greater from the nearest property line, or enclose inverters within 800 feet of property lines in cement blocks or other type of structure capable of achieving a minimum 10 dB attenuation. Inverters located within 130 feet of a residential property line require an enclosure capable of achieving a minimum of 15 dB attenuation.
- b. Direct all switch station doorways and exterior ventilation ducts away from adjacent property lines.
- c. The O&M building shall be located no closer than 1,250 feet from the property line unless the noise analysis confirms it complies with the Noise Ordinance.
- d. A noise analysis shall be prepared that demonstrates that the inverters comply with the County Noise Ordinance. A County approved Acoustician, shall prepare a final noise monitoring report, which summarizes the noise levels generated by inverters enclosed within noise attenuating structures.

Documentation: The applicant shall submit the final noise monitoring report to the [PDS, PCC] 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.

34. ENERGY STORAGE (Project Design Feature PDF-ES-AE-1)

Intent: In order to comply with project design feature PDF-ES-AE-1 to reduce visual impacts compliance with this condition is required. **Description:** Energy storage system containers shall be painted a color consistent in hue and intensity with CPV tracker. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible. **Documentation:** The applicant shall show documentation that the energy storage containers comply with this condition and that it is incorporated on the building plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit for the energy storage component of the project. **Monitoring:** The [PDS, PCC] shall review the documentation for compliance with this condition and ensure that it is reflected on the approved building plans.

35. ENERGY STORAGE NOISE COMPLIANCE (Project Design Feature PDF-ES-N-1)

Intent: In order to comply with project design feature PDF-ES-N-1 and the County Noise Ordinance Sections the applicant shall comply with this condition. **Description:** To ensure noise from energy storage system HVAC units, transformers, and inverters will comply with the County Noise Ordinance, one of the following measures shall be implemented:

- a. If the battery storage container units are equipped with the standard HVAC unit (NACO Model 30RB120, or equivalent), each HVAC unit shall be surrounded by a solid perimeter screen wall with elevation one foot higher than the top elevation of the HVAC unit. In addition, each step-up transformer and related pair (2) of power inverters shall be enclosed with an 8-foot high solid perimeter wall.
- b. If the battery storage container units are equipped with a quieter HVAC unit (Daikin McQuay 025D, or equivalent), each HVAC unit shall be surrounded by a solid perimeter screen wall with elevation one foot higher than the top elevation of the chiller unit. No transformer or inverter screen walls are necessary if the Daikin McQuay 025D, or sound-equivalent HVAC model is used.
- c. If a different type of unit or configuration is utilized a new acoustical analysis shall be prepared to demonstrate compliance with the County Noise Ordinance.

Documentation: The applicant shall indicate one of these specs on the building plans and submit the plans to [PDS, PCC] for review and approval. **Timing:** Prior to approval of any building plan and the issuance of any building permit for the gen-tie line. **Monitoring:** The [PDS, PC] review the plan in compliance with this condition.

36. ROADS#2–TRANSPORTATION IMPACT FEE

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.219](#), the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The 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).*

37. GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT:

In order to comply with mitigation measure M-BI-PP-15 to protect

groundwater and 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 Rugged Solar Farm Project GMMP dated October 2014. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:

- a. Construction Production Limitations, Production Wells 6a and 6b: Groundwater production shall be metered and monitored at pumping well 6a and 6b with production limited to a sum total of 32.7 acre-feet extraction during the construction period. During the peak construction demand period for the Tule Wind project (P09-019) which is anticipated to occur over a 34 to 64 day period, the Well 6a and Well 6b shall not be permitted for use by the Rugged Solar Farm.
- b. Construction Production Limitations, Production Well 8: Groundwater production shall be metered and monitored at pumping well 8 with production limited to a sum total of 12 acre-feet during the construction period. During the peak construction demand period for the Tule Wind project (P09-019) which is anticipated to occur over a 34 to 64 day period, Well 8 shall not be permitted for use by the Rugged Solar Farm.
- c. Construction Production Limitations, Excess Groundwater Analyzed from Tule Wind Farm Project (P09-019): There was an excess of 20 acre-feet of groundwater analyzed as part of the Tule Wind Farm project in which this project will be permitted to extract up to an additional 10 acre-feet for the construction portion of the project. The Tule Wind Farm was conditioned to extract a maximum of 56 acre-feet of groundwater during the construction phase of the project. This included up to 56 acre-feet of water from Well 6 and Well 6a and up to 20 acre-feet from Well 8, with both well fields not to exceed a total of 56 acre-feet of water use. After the Tule Wind Farm groundwater pumping for its construction phase is completed, the total amount of water pumped from each well field shall be reviewed to evaluate which well field can provide an additional 10 acre-feet of groundwater to the construction portion of this project.
- d. Construction Groundwater Level Thresholds, Production Wells 6a and 6b: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at on-site monitoring well MW-O1 and offsite monitoring wells located at APN 611-091-07 and APN 611-090-02). Additionally, a water level threshold of 15 feet of drawdown below baseline will be enforced at on-site monitoring well MW-SPB. If a water level threshold is exceeded, pumping at Well 6a and Well 6b 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.

- e. Construction Groundwater Level Thresholds, Production Well 8: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at offsite monitoring well MW-O2 and McCain Conservation Camp Well.
- f. Groundwater at the site shall be pumped from Well 6a, 6b, and Well 8 only. Groundwater pumped from Well 6a, 6b, and Well 8 must be used at the project site for project uses only and is not permitted to be exported for use offsite.
- g. Flow rate and volume measurements from Well 6a, Well 6b, and Well 8 will be recorded daily during project construction.
- h. Pressure transducers will be maintained in a network as follows:
 - 1. 6 on-site monitoring wells (Well MW-SPB, Well MW-O1, Well 6, Well 8A, Well 9, and Old Ag Well)
 - 2. 2 on-site production wells (Well 6b and Well 8)
 - 3. 9 off-site monitoring wells (Well MW-O2, Well 1, Well 2, Well 3, Well 4, Well 5, McCain Conservation Camp Well, Well at APN 611-091-07, and Well at APN 611-090-02).

Transducer data will be downloaded on a once a week basis during the first 90 days of construction, and then at least monthly for the rest of the construction phase.

- i. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately 1 year prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during the 1 year construction period. If less than 3 feet of drawdown is observed in monitoring wells MW-O1 and MW-O2 at the end of construction extraction and no deleterious health effects are observed in the oak woodland habitat, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance to the components contained within the GMMP.
- j. If evidence of deterioration of groundwater dependent habitat persists after the monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- k. 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.

- I. Pay all associated GMMP Fees annually, for the life of the permit.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be reported to *[PDS, Groundwater Geologist]* on a once every two weeks basis during the first 90 days of construction and a monthly basis during the remainder of the construction phase of the project. An appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- b. If the baseline water levels at any off-site monitoring wells are exceeded by 5 feet, the *[PDS, Groundwater Geologist]* will be notified via letter and electronic mail within five working days of the exceedance.
- c. If production or water level thresholds are exceeded pursuant to Description of Requirement a., b., c. d., or e. above, pumping of the associated pumping Well 6a and 6b or Well 8 shall cease and the *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within five working days of the exceedance.
- d. After Tule Wind Farm (P09-019) completes its groundwater production for its construction phase of the project, provide groundwater production data for their total construction extraction from Wells 6, 6a, and Well 8. It will be determined by the *[PDS Groundwater Geologist]* which well field may be utilized to extract up to an additional 10 acre-feet of groundwater for construction based on excess water not used by the Tule Wind Farm for its construction water demand.

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 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.

38. **GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and 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 Jacumba Community Services District GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. 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 27 acre-feet extraction during the construction period.
 - b. 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.
- c. 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.
 - d. 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 Section 3.2. 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.
 - e. 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.
 - f. Groundwater at the site shall be pumped from Well 6 only. Groundwater pumped from Well 6 must be used at the project site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.
 - 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.
 - j. Pay all associated GMMP Fees annually, for the life of the permit.

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 five working days of the exceedance. **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 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.

39. **GROUNDWATER MMRP, PINE VALLEY MUTUAL WATER COMPANY GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and 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 Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:
- a. Construction Production Limitations: Groundwater production shall be metered and monitored at Pine Valley Mutual Water Company Well No. 5 with production limited to a sum total of 16 acre-feet extraction during the construction period.
 - b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at Pine Valley Mutual Water Company Well No. 3, Well No. 7, and any other private wells that are part of the groundwater monitoring network. Additionally, Pine Valley Mutual Water Company Well No. 5 shall not exceed its historical low static water level (lowest recorded static water level was 50 feet below ground surface in September 2004).

If a water level threshold is exceeded, pumping at Well No. 5 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 at the site shall be pumped from Pine Valley Mutual Water Company Well No. 5 only. Groundwater pumped from Well No. 5 must be used at the project site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.

- d. Flow rate and volume measurements from Pine Valley Mutual Water Company Well No. 5 will be recorded daily during project construction.
- e. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7). 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. Manual water levels will also be recorded for Pine Valley Mutual Water Company Wells No. 4, No. 6 and No. 9 on a weekly basis during Project pumping. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Pine Valley Mutual Water Company or the County of San Diego.
- f. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately one month prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly 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.
- g. 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.
- h. 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.
- i. Pay all associated GMMP Fees annually, for the life of the permit.

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. Groundwater dependent habitat monitoring shall be included on a quarterly basis for 18 months after commencement of groundwater pumping for this project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well No. 5 shall cease and the *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within five working days of the exceedance. **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 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 Pine Valley Mutual Water Company 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, Pine Valley Mutual

Water Company is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

40. NOISE REDUCTION MEASURES (Project Design Features PDF-N-2)

Intent: In order to comply with project design feature PDF-N-2 to comply with the County Noise Ordinance for PDF-N-2, the following shall be implemented.

Description: The applicant shall implement the following:

- a. **PDF-N-1:** As part of the project design and to ensure noise from pile driving activities will comply with the County Noise Ordinance, the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs.

Documentation: The applicant shall comply with the ongoing construction requirements to reduce noise on the site. **Timing:** The following PDF measure shall be complied with during construction. **Monitoring:** The County Building inspector is responsible for ensuring compliance with this condition.

41. CONSTRUCTION NOTIFICATION PLAN (Project Design Feature PDF-TR-1)

Intent: In order to comply with project design feature PDF-TR-21 and to inform property owners of the location and duration of construction, the applicant or construction contractor will prepare a construction notification plan. **Description:** The approved construction notification plan shall be implemented as well as PDF- TR-1 as follows:

- a. **PDF-TR-1 Notify property owners and provide access.** To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required.

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 and construction. **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.

42. PROPERTY ACCESS FOR CONSTRUCTION (Project Design Feature PDF-TR-3)

Intent: In order to comply with project design feature PDF-TR-3 and to ensure that residents near the project construction are not unduly impacted during construction activities, access to residential properties shall be provided and maintained.

Description: To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction 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.

Monitoring: The DPW, PDCI shall ensure that the construction 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.

43. TRAFFIC TRIP LIMITATION (Project Design Features PDF-ES-AQ-1)

Intent: In order to comply with project design feature PDF-ES-AQ-1 to reduce delivery trips in excess of air quality standards, the traffic trips for storage delivery shall be limited. **Description:** No more than 25 energy storage deliveries (50 one-way trips) shall occur on any given day. This condition does not apply if the energy storage is deployed after the solar project is commercially operational (COD).

Documentation: The applicant shall comply with the ongoing construction delivery requirements to reduce air emissions. **Timing:** The following PDF measure shall be complied with during construction of the project. **Monitoring:** The County Building inspector is responsible for ensuring compliance with this condition.

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

44. 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.

45. SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all 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 conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

46. 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.

47. CERTIFICATION OF INSTALLATION (Mitigation Measure M-AE-PP-1)

INTENT: In order to comply with mitigation measures M-AE-PP-1 and reduce anticipated visual contrast and partially screen trackers from public viewpoints along McCain Valley Road and Old Highway 80, a landscape screen consisting of drought-tolerant, climate appropriate shrubs and trees shall be implemented in a landscape plan. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package as specified in Appendix 2.1-4, Landscape Screening Design for the Soitec Solar Development Program EIR (also referred to here as the Landscape Screening Design Report). It is also referenced in the approved plot plans. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS, LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

48. AIR QUALITY RIDE SHARE (M-AQ-PP-2)

Intent: In order to comply with M-AQ-PP-2 to reduce NO_x and PM₁₀ emissions associated with construction worker trips a rideshare program shall be implemented. **Description:** A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using

the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

- a. The construction manager will notify all construction personnel of the program prior to the start of construction activities and
- b. The site manager will notify construction personnel of the iCommute program RideMatcher feature, or similar communication method, to ensure personnel can identify potential carpooling program participants.
- c. Trip data will be made readily available to County inspectors at the construction trailer on site during construction.

Documentation: The applicant shall provide the log books and documentation that demonstrates compliance with this condition. **Timing:** Prior to any occupancy or use of the premises in reliance of this permit. **Monitoring:** The [PDS, PCC] shall review the log books and other documentation plan for compliance with this condition.

49. BIOLOGICAL MONITORING [Mitigation Measures M-BI-PP-2,3,4,& 7].

INTENT In order to comply with Mitigation Measure M-BI-PP-2- 4 & 7 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 or construction 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 temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- 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 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. Any 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;
- 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. Did you flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities;
- l. Address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).
- m. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:
 - 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 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 remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 - 4. Pets on or adjacent to construction sites will not be permitted by the operator.
 - 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-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
- a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [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.

50. FIRE PROTECTION PLAN (Mitigation Measure M-BI-PP-8 & PDF-HZ-3)

Intent: In order to with mitigation measure M-BI-PP-8 and to assure fire safety in compliance with the County Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan. **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.

51. CULTURAL RESOURCES REPORT (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 and to ensure that the Archaeological Monitoring occurred during the grading 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. 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 applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. **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 or DPW FISCAL] to release the bond back to the applicant.

52. ROADS#3–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.\(B\)](#), ***Rough Acres Ranch Road*** from McCain Valley Road to Ribbonwood Road shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for the private road, ***Rough Acres Ranch Road***, from McCain Valley Road westerly to Ribbonwood Road to a graded width of thirty-two feet (32') and to an improved width of twenty-eight feet (28') with asphalt concrete pavement over approved base. The improvement

and design standards of Section 3.1(B) of the San Diego County Standards for Private Roads for seven hundred fifty one (751) to twenty-five hundred (2500) trips shall apply.

- b. The project driveway, which shall be designed and constructed per standard drawing G14A or DS7 to the satisfaction of the Director of Planning & Development Services.
- c. The project entry gate, which shall be designed and constructed to the satisfaction of the San Diego County Fire Authority and the Director of Planning & Development Services.

All plans and improvements shall be completed pursuant to the [County of San Diego County Standards for Private Roads](#) and the DPW [Land Development Improvement Plan Checking Manual](#).

DOCUMENTATION: The applicant shall complete the following:

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

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this 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.

53. **ROADS#4–SIGHT DISTANCE**

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

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **Ribbonwood Road** from Rough Acres Ranch Road 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. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from Rough Acres Ranch Road 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.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from the proposed driveway serving APN 611-110-01 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.”
- d. 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.

54. DRNG#2–FLOODPLAIN COMPLIANCE

INTENT: In order to provide protection from flood damage for the structure from flows coming from the Tule Creek and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926, County Code Section 67.801 et. seq.](#), all structures within 100-year inundation area shall be elevated above the 100-year base flood elevation. **DESCRIPTION OF REQUIREMENT:** All the solar panels at maximum tilt will be above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the requirements 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.

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

55. **SITE CONFORMANCE**

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, trails, parks and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. The following activities shall be continued for the life of the project:

- a. The applicant shall be responsible for continued maintenance of the landscape screens, including installation and maintenance of a drip irrigation system and implementation of and consistency with plant installation and maintenance standards identified in the Landscape Screening Design Report. Periodic monitoring and reporting to observe and assess the maintenance regime and implementation of appropriate measures to promote plant survival, growth, overall health, and vigor shall also be required. If necessary, adaptive measures shall be implemented in the subsequent spring season to address project deficiencies as they relate to the desired landscape screening effect. Additional details regarding recommended plants and materials for landscape screens, project-specific designs, irrigation systems, water demand calculations, and maintenance and monitoring activities are included in the Landscape Screening Design Report.

Failure to conform to the approved plot and landscape plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

DOCUMENTATION: The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

56. **DECOMMISSIONING: [PDS, CODES] [OG].**

INTENT: In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Sections 7372 and 6952.b.3.iv.a, the decommissioning plan shall be implemented upon discontinuance of the use. **DESCRIPTION OF REQUIREMENT:** The approved decommissioning plan shall be implemented if at such time the use of the property as a photovoltaic solar farm is discontinued for a period of time pursuant to

Section 7372 of the Zoning Ordinance as determined by the Director of PDS. **DOCUMENTATION:** The plan shall be implemented by the landowner and or applicant upon discontinuance of the use. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

57. ONGOING ACTIVITY RESTRICTIONS (Mitigation Measure M-BI-PP-7 & 9)

Intent: In order to comply with the requirements of specific Project Design Features (PDF) and 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-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
 - a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.
- b. In order to comply with **Mitigation Measure M-BI-PP-9**: 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 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 with the goal of controlling 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.

58. POST-CONSTRUCTION GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT: In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependant habitat a Groundwater Monitoring and Mitigation Plan

(GMMP) shall be implement. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated October 2014. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the post-construction period shall include the following:

- a. Ongoing Production Limitations: Groundwater production shall be metered and monitored at pumping Well 6a, Well 6b, and Well 8. For ongoing operational water use, up to 8.7 acre-feet of groundwater may be produced annually from Well 8 and up to 6 acre-feet from Well 6a/Well6b, with both well fields not to exceed a total of 8.7 acre-feet of groundwater production per year.
- b. Groundwater Level Thresholds, Production Wells 6a and 6b: During groundwater extraction for the first five years of use, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at on-site monitoring well MW-O1 and offsite monitoring wells located at APN 611-091-07 and APN 611-090-02). Additionally, a water level threshold of 15 feet of drawdown below baseline will be enforced at on-site monitoring well MW-SPB. If a water level threshold is exceeded, pumping at Well 6a and Well 6b 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. If after five years groundwater impacts are shown to be minimal from pumping from Wells 6a and 6b, the groundwater level thresholds may be discontinued.
- c. Construction Groundwater Level Thresholds, Production Well 8: During groundwater extraction for the first five years of use, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at offsite monitoring well MW-O2 and McCain Conservation Camp Well. If after five years groundwater impacts are shown to be minimal from pumping from Well 8, the groundwater level thresholds may be discontinued.
- d. Groundwater at the site shall be pumped from Well 6a, Well 6b, and Well 8 only. Groundwater pumped must be used at the project site and is not permitted to be exported for use offsite.
- e. Flow rate and volume measurements from Well 6a, Well 6b, and Well 8 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 well network as follows:
 - 6 on-site monitoring wells (Well MW-SPB, Well MW-O1, Well 6, Well 8A, Well 9, and Old Ag Well)
 - 2 on-site production wells (Well 6b and Well 8)
 - 9 off-site monitoring wells (Well MW-O2, Well 1, Well 2, Well 3, Well 4, Well 5, McCain Conservation Camp Well, Well at APN 611-091-07, and Well at APN 611-090-02).

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. However, on-site groundwater level monitoring shall continue for the life of the project on at least a quarterly basis. PDS shall be given the option to receive the pressure transducers from offsite wells no longer being monitored for the project.

- g. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection up to approximately 1 year prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during the 1 year construction period. If less than 3 feet of drawdown is observed in monitoring wells MW-O1 and MW-O2 at the end of construction extraction and no deleterious health effects are observed in the oak woodland habitat, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance to the components contained within the GMMP.
- h. 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.
- 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.
- j. Pay all associated GMMP Fees annually, for the life of the permit.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be reported on an annual basis after the construction phase is completed for the life of the project. As required, an appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- b. If the baseline water levels at any monitoring wells are exceeded by 5 feet, the *[PDS, Groundwater Geologist]* will be notified via letter and electronic mail within five working days of the exceedance.
- c. If production or water level thresholds are exceeded pursuant to Description of Requirement a., b. or c. above, pumping of the associated pumping Well 6a and 6b or Well 8 shall cease and the *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within five working days of the exceedance.
- d. After five years of groundwater monitoring, PDS shall review whether groundwater monitoring can cease at offsite well locations. If monitoring is determined to be discontinued, PDS shall be given the option to receive the pressure transducers from offsite wells no longer being monitored for the project.

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.

59. BIRD AND BAT STRIKES SELF MONITORING AND REPORTING (PDF-BI-1)

Intent: In order comply with Project Design Feature PDF-BI-1 and to reduce the potential risk for avian and bat mortality resulting from construction and operations, self-monitoring and reporting of the project sites for avian and bat strikes shall be implemented. **Description:** The applicant shall comply with the following:

- a. Perform self-monitoring of the project sites for avian and bat strikes for a period of three years;
- b. Coordinate self-monitoring efforts with a County approved biologist for identification, mapping and further analysis;
- c. Detail weekly monitoring and quarterly reporting goals, including collection and reporting of bird carcasses.
- d. Specify steps that shall be taken to assist with other regional data collection efforts regarding avian and bat strikes that the County may develop.

The applicant will contract a County approved biologist to train site O&M staff to perform self-monitoring of the project site. O&M staff will walk down every east-west corridor between solar panels once a week and will search for carcasses in and around each tracker and all facilities. Data collected during weekly 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. Since there are no official post-construction monitoring methods, PDF-BI-1 details the methods that would be implemented at the project sites. **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 on a quarterly basis for a period of three years during project operations. **Monitoring:** County PDS shall review quarterly reports once completed and submitted. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

60. SOLAR TRACKER WASHING PROCEDURES (Project Design Feature PDF-N-1)

Intent: In order to comply with the requirements of Project Design Features (PDF-N-1) and to comply with the County Noise Ordinance the following washing procedure shall be implemented during all solar tracker washings. **Description of Requirement:** To ensure noise from tracker washing activities will comply with the County Noise Ordinance, the following will be implemented:

- a. Wash Station Gasoline Engine Enclosure: The proposed IPC Eagle Wash Station has a reference noise level of 99 dBA, at 9 feet from the engine. The

- wash station incorporates a new generation Honda GX-160 gasoline powered engine. In the factory configuration, this engine is mounted to an open frame on the wash station. A number of manufacturers produce acoustic panels suitable for exterior use, fabricated with steel casing and foam insulation, which have a sound transmission class (STC) rating up to 40. Acoustic-rated louvers are also available to permit air circulation while dampening sound propagation; such louvers can achieve an STC rating up to approximately 25. A cubic enclosure constructed with solid panels on 5 sides, and an acoustic louver on the remaining face, would achieve a composite STC of 32. Such an enclosure would reduce the operational sound level of the wash station to 67 dBA at 9 feet. As a design feature, the applicant is proposing to employ a sound enclosure for the wash station engine to achieve a sound level of not greater than 67 dBA at 9 feet; as long as this maximum noise level is respected, other equipment may be substituted.
- b. North/South Panel Washing Operations: Because of the orientation of the trackers (long axis north-south), tracker washing would take place in a north-south direction, using the service roads oriented in this direction. Along the northern and southern property lines, washing of the closest tracker to the property line would require 10 minutes, after which the adjacent tracker (at the end of the next row over) would be washed for another 10 minutes, and then then equipment would be moved down the row, away from the property line. The maximum amount of time within a critical 130 foot distance from the property line would therefore be 20 minutes in an hour.
- c. Wash Station Operations Setback Distance: Using simple distance attenuation formulas, it was determined that continuous operation of the wash station within 130 feet of a property line with adjacent residential use would exceed the applicable portion of the San Diego County Noise ordinance (Section 36.404 Sound Level Limits). For eastern and western property lines, the distance from tracker washing activity would remain constant, as the equipment moves parallel to the property line; therefore a design feature is to place the IPC Eagle Wash Station a minimum of 130 feet from the eastern and western property lines. This would equate to following the center-line of the service road on the interior side of the solar tracker row closest to the east and west property lines. The noise produced by the water spray nozzle itself was not calculated because the noise level is anticipated to be at least 10 dBA less than the enclosed engine, which would not affect the composite noise level from the wash station.
- d. Note: This condition can be modified at any time if approved by the Director of PDS if the applicant changes the type or method of washing that complies with the County Noise Ordinance. The applicant is required to demonstrate compliance with a new noise analysis.

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.*

61. ROADS#5–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 maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along *McCain Valley Road* and *Ribbonwood Road* from the project driveways/private roads opening for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

62. BIOLOGICAL HABITAT COMPENSATION

Intent: In order to comply with Conditions 37j., 39g. and 58h. offsite compensation shall be provided to mitigate for wetland/oak woodland impacts should they occur as a result of groundwater pumping. **Description:** The applicant shall provide compensatory mitigation should impacts occur as a result of groundwater pumping onsite or from the Pine Valley Mutual Water Company. Mitigation shall be provided through one of the following options:

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

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

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **DOCUMENTATION:** The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Upon an impact occurring in accordance with Conditions 37j., 39g., or 58h., the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

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 [Mitigation Measures, M-BI-PP-2, 3 & 7]**

INTENT: In order to comply with Mitigation Measure M-BI-PP-2, 3, & 7 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, and construction activities. 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 temporary fencing of open space easements. 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;
- 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;
- i. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).

- j. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:
6. 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.
 7. When construction operations are completed, any excess materials or debris will be removed from the work area.
 8. 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 remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 9. Pets on or adjacent to construction sites will not be permitted by the operator.
 10. 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-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
- a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.

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

GP2. TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to sensitive biological habitat, temporary construction fencing shall be installed around all limits of disturbance.

DESCRIPTION OF REQUIREMENT: Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval.

TIMING: Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

(CULTURAL RESOURCES)**GP3. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)**

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION:** The County approved Project Archaeologist, Kumeyaay Native American Monitor, 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 Archaeologist and the Kumeyaay Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the 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, 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 Archaeological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

(CULTURAL RESOURCES)

GP4. TEMPORARY FENCING (Mitigation Measure M-CR-PP-2)

INTENT: In order to comply with mitigation measure M-CR-PP-2 and to prevent inadvertent disturbance to archaeological sites within the avoidance areas 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 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 or the unimpacted portions of sites outside of the Major Use Permit boundaries.
- b. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of 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, PCC] for approval. **TIMING:** Prior to 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, PCC] shall either attend the Preconstruction Meeting and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant's surveyor.

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

(BIOLOGICAL RESOURCES)**GP5. BIOLOGICAL MONITORING [Mitigation Measures, M-BI-PP-2, 3, 7, 11, & 12]**

INTENT: In order to comply with Mitigation Measure M-BI-PP-2, 3, 7, 11, & 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, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive Biological open space areas or habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

1. 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;
2. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
3. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
4. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
5. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
6. 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 Wildlife Agencies and the PDS (final report will release bond);
7. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or gnatcatchers are being affected by construction;
8. Attend construction meetings and other meetings as necessary.
9. The Project Biologist shall verify implementation of the following design requirements for compliance with mitigation measure **M-BI-PP-3**:
 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 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 remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.

4. 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.
10. As required by mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
 - a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.
11. As required by mitigation measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction 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.
12. As required by mitigation measure **M-BI-PP-12**: Minimize night construction 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 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. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

(CULTURAL RESOURCES)**GP6. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)**

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural resources in accordance 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, in consultation with 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, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the 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. 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. 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 the Director of Planning and Development Services 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 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 ensure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

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

GP7. BIOLOGICAL MONITORING [Mitigation Measure, M-BI-PP-2-4, 7, 11, & 12]

INTENT: In order to comply with Mitigation Measure **M-BI-PP-2-4, 7, 11, & 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 temporary fencing that was installed during the trenching, grading, or clearing activities.

- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. The following design requirements for compliance with **M-BI-PP-3**:
 - 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 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 remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 - 4. 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.
- e. As required by mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
 - a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.
- f. As required by mitigation measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction 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.

- g. As required by mitigation measure **M-BI-PP-12**: Minimize night construction 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 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)

GP8. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If no archaeological resources are encountered during earth-disturbing 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 grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring report to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe. **TIMING:** Upon completion of all 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, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

GP9. AIR QUALITY (Mitigation Measures M-AQ-PP-1 and PDF-AQ-1)

Intent: In order to comply with Mitigation Measures M-AQ-PP-1 and PDF-AQ-1 minimize fugitive dust (PM₁₀) and comply the grading ordinance within County Code Section 87.428, the project will implement several construction-related measures to reduce air emissions. **Description of Requirement:** The project shall comply with the following Air Quality measures:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely (unnumbered design measure).
- 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 as necessary.
- c. Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
- d. Grading is to be terminated in winds exceed 25 mph.
- e. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- f. Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.
- g. Disturbed areas will covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).
- h. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
- i. Provide any of the following or equally effective track out/carryout and erosion control measures to minimize transfer of soil or other materials to public roads:

track out grates or gravel beds at each egress point wheel washing at each egress during muddy conditions.

- j. Mitigation Measures M-AQ-PP-1 requires the following 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 following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

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

GP10. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological 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 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.

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

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

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

Section 21081(b) further states:

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

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

- Intent:** An explanation of why the mitigation measure (MM) was imposed on the project.
- Description:** A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.
- Documentation:** A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.
- Timing:** The specific project milestone (point in progress) when the specific required actions are required to implemented.
- Monitoring:** This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

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

Conditions: 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 32, 33, 37, 38, 39, 47, 48, 49, 50, 51, 57, 58, GP1, GP3, GP4, GP5, GP6, GP7, GP8, GP9, GP10

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MAJOR USE PERMIT FINDINGS

Project Specific Information:

The project consists of 3,291 concentrating photovoltaic (CPV) dual-axis solar tracking systems (“trackers”) located on approximately 765 acres. The trackers are arranged into four subareas on the 765 acre project site:

- Northwest subarea (Vista Oaks) 601 trackers, 280 Acres
- Central subarea (Harmony Grove) 1457 trackers, 230 Acres
- Southern subarea (Thibodaux) 799 trackers, 130 Acres
- Eastern subarea (Waterstone) 434 trackers, 125 Acres

Each CPV tracking system consists of 12 individual (8 X 12 foot) CPV modules mounted on a steel tracker table affixed to a 28-30” inch steel mast that is driven approximately 15-30 feet below grade. Each complete tracker system is 48 feet across by 25 feet tall with a fully assembled system height of 30 feet above grade.

The trackers are generally grouped into 56 electrical blocks total and consist of approximately 50-60 trackers that are connected to an enclosed inverter skid. There are 56 inverter skid locations dispersed throughout each of the four subareas. Each inverter skid is 400 square feet (10 feet X 40 feet) with a height of 10 feet. The trackers are installed in parallel rows, oriented north-south with an estimated spacing of 21 meters north-south and 25 meters east-west. Each inverter skid is centrally located within each grouping of trackers to minimize cable runs from each tracker.

The project also includes the following components:

- A 6,000 square foot private on-site collector substation located within the middle of the Harmony Grove parcel.
- A 7,500 square foot operations and maintenance (O&M) building on the eastern edge of the Harmony Grove parcel.
- A 160 megawatt hour (MWhr) Energy Storage system consisting of 160 steel sea cargo containers that are 400 square feet each (10 feet X 40 feet) with a height of 12 feet. The 1 MWhr trailers are configured in two rows of 80 (or four rows of 40). The energy storage system is located adjacent to the project substation within the center of the Harmony Grove parcel.
- There are two above ground 34.5kV collector trunk lines that connect the Vista Oaks, Thibodaux, and Waterstone parcels to the project substation. The collector trunk lines have a height of 75 feet with approximately 35 to 40 transmission poles in total.
- Power from the project is conveyed from the on-site collector substation across McCain Valley Road on approximately 8 to 12 125-foot tall transmission poles. The 69kV generator tie line connects up to an existing 138kV shared transmission line that was approved with Major Use Permit 3300-09-019 (Tule Wind Project).
- Perimeter fencing with a height of six feet and a one foot tree strand barbed wire.

Existing Setting and Surrounding Uses:

The Rugged site is a partially developed active cattle ranch with large tracts of land located in the McCain Valley, which is characterized by chaparral hills dotted with granitic boulders. The McCain Valley is bound by the Laguna Mountains to the west, the In-Ko-Pah and Jacumba Mountains to the north and east, and low hills and Interstate 8 to the south. The topography of mountain ranges and nearby hills generally encloses the landscape of the Rugged site. The southern portion of the McCain Valley is characterized by gentle slopes, open pasture lands, clustered oaks and shrubs, and granite boulders and rock outcrops. The Rugged site consists of relatively flat to gently sloping land featuring a diverse assemblage of vegetation communities.

The Rugged site is discontinuous with the western and eastern portions of the site separated by the paved travel lanes of McCain Valley Road. The larger western portion of the project site is bordered on the west by large, rural residential lots supporting modest one- and two-story structures and undeveloped rugged lands featuring chaparral and scrub vegetation and exposed tan soils.

North of the site are slightly higher elevation and undeveloped lands supporting chaparral vegetation and an informal network of dirt trails routinely used by all-terrain vehicle and dirt bike enthusiasts as part of the Bureau of Land Management's (BLM) Lark Canyon OHV area and Cottonwood Camp ground. Rough Acres Ranch, with an estimated 60,220 square feet of existing buildings/structures including 22 bungalows, a lodge, bunk house, residence, an 10,000 square foot. agricultural building, hay barn corrals, auxiliary buildings, restroom facilities, and a kitchen/communal living area, is located just north of the central portion of the project site. The northeastern portion of the Rugged site was formerly utilized as a temporary storage yard, staging yard, lay down yard, fly yard and field office to support the construction of SDG&E's Sunrise Powerlink Project. The approximately 90-acre area is currently fenced off and remains in a graded state with slight amounts of grasses taking root.

The discontinuous eastern portion of the project site is located adjacent to McCain Valley Road to the west, primarily undeveloped lands to the south and north and the rising terrain of the southern extent of the In-Ko-Pah Mountains to the east. Onsite vegetation consists of chaparral and subshrub communities that are occasionally interrupted by rock outcrops. Large steel lattice transmission structures and right-of-way (ROW) associated with the 500 kV Sunrise Powerlink are situated between McCain Valley Road and the discontinuous eastern portion of the project site.

The dominant feature to the south of the project site is Interstate 8, a four-lane divided freeway that runs between the Rugged project site to the north and the community of Boulevard to the south.

The area between the Rugged site and Interstate 8 includes the McCain Valley Conservation Camp, a rural prison facility managed jointly by the California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection (CalFire), gently rising, chaparral-covered undeveloped lands and occasionally, rural residential structures. The McCain Valley Conservation Camp is located southeast of the project boundary between the Rugged site and McCain Valley Road. The prison facility, with an estimated 60,550 square feet of existing buildings and structures, consists of a cluster of approximately 30 buildings and structures located in the southern portion of the property and west of McCain Valley Road. Water quality ponds and generally undeveloped lands within the Tule Creek floodplain are also located on the property. To the southwest of the project site between the Thibodaux property and I-8 is a 29,000-square-foot Department of Homeland Security facility. The facility includes a main primary building for 250 Border Patrol agents; a vehicle and facility maintenance building; an equestrian compound with a stable and an arena; a 160-foot communications tower; a fueling station; a helicopter landing pad; and a 10-lane, 50-meter indoor firing range.

Located approximately 3.75 miles northwest of the Department of Homeland Security facility and near the Tecate Divide, the Golden Acorn Casino and Travel Center consists of a 60,000 sq/ft. casino and entertainment center, 18.5 acres of paved parking lots, several restaurants, and an approximate 8,000 sq/ft. travel center and gas station. The Golden Acorn Casino and Travel Center is located on tribal lands of the Campo Kumeyaay Nation.

Existing Energy Facilities in the Project Vicinity:

The approved Tule Wind Project is primarily located in the McCain Valley just north of the Rugged site and consists of approximately 87 wind turbines up to 492 feet in height capable of producing up to 186 megawatts (MW) of wind energy. The Tule Wind Project has obtained Right of Way documents from the United States Bureau of Land Management (BLM) and the United States Bureau of Indian Affairs (BIA), as well as a Major Use Permit from the County of San Diego. The Tule Wind Project is further seeking land use approvals from the California State Lands Commission (CLSC) for permission to place additional wind turbines on land administrated by the CSLC. In addition to wind turbines and associated generator step-up transformers, the Tule Wind Project includes a 34.5 kV overhead and underground collector cable system, with steel poles up to 80 feet in height, linking the wind turbines to the collector substation, a 5-acre collector substation site and a 5-acre operations and maintenance (O&M) building site, three permanent meteorological (MET) towers and one sonic detecting and ranging (SODAR) unit or one light detecting and ranging (LIDAR) unit, a 138 kV overhead transmission line supported by 75-foot high steel poles running south from the collector substation to be interconnected with the Rebuilt Boulevard Substation, and 36.76 miles of newly constructed access roads and 23.44 miles of temporarily widened and improved existing access roads.

Traversing McCain Valley south to north on the east side of McCain Valley Road and briefly bordering the discontinuous eastern portion of the Rugged Project, the 500 kV Sunrise Powerlink consists of 160-foot tall steel lattice towers with two circuits consisting of 3 conductors each with associated insulators. 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. As east and westbound interstate motorists approach the McCain Valley Road overpass, steel lattice towers dot the landscape located north and south of the interstate and multiple transmission lines cross overhead.

Located on the Campo Kumeyaay Nation Native American reservation, the 50 MW Kumeyaay Wind Farm consists of 25 wind turbines situated on the western rim of the McCain Valley atop the Tecate Divide, approximately 2.25 miles northwest of the Rugged site, and within view of Interstate 8. Each wind turbine is approximately 400 feet tall measured from the ground surface to the tip of the fully extended blade.

In addition to the steel lattice towers and wind turbines, there are several MET towers that are approximately 198 feet in height are present in the landscape surrounding the Rugged site.

A component of the ECO Substation Project, the 2-acre rebuilt Boulevard Substation includes 138, 69, and 12 kV facilities to accommodate the ECO Substation 138 kV transmission line as well as the potential to interconnect four gen-ties. In addition, the rebuilt substation provides 12 kV service to the surrounding area via an existing 69 kV transmission line. To connect the existing 69 kV transmission line to the rebuilt Boulevard Substation, two new direct embedded steel poles (approximately 85 feet tall) were installed southwest of the rebuilt substation site. Electrical facilities installed at the rebuilt Boulevard Substation include 138, 69, and 12 kV air-insulated buses, transformers, circuit breakers, disconnect switches, communication equipment, and protective relays. The tallest structure at the rebuilt Boulevard Substation, a transformer A-frame structure, is approximately 40 feet high.

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

(a) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:*

1. *Harmony in scale, bulk, coverage and density*

Scale and Bulk:

The project is consistent with the finding of bulk and scale because the tracker behavior, the appearance of bulk and scale are minimized from landscape features and natural topography and vegetation, and consistency with the surrounding uses:

Tracker Behavior: The CPV tracker is unique because of the way it moves throughout the day when compared to the existing vegetation, topography, and surrounding uses.

The CPV system is a two axis tracking system that tracks the sun in perfect perpendicular fashion from sunup (65 degrees east) to sundown (295 degrees west). The appearance of any bulk or scale changes throughout the day as the tracking system moves from east 5 degrees vertical back to 5 degrees vertical facing west. This equates to an individual tracker footprint ranging from approximately 195 square feet in the early morning to 1,200 square feet at midday, which gradually returns back to 195 square feet at night. From sunset to sunrise trackers will be in a vertical sleep mode and assuming the use of a concrete foundation, the maximum height of the top of each tracker during this period would be approximately 30 feet above grade. As the sun rises and the trackers follow it across the sky, perceptible scale and bulk will decrease as the trackers become more horizontal, with perceptible scale and bulk being at its lowest around midday when the trackers are at their most horizontal position and would thus create a more flat appearance.

Appearance with Natural Surroundings:

The CPV tracker has a light translucence and gray appearance that creates a subtle visual contrast when compared to the existing vegetation, topography, and surrounding uses. As distance increases from the project any appearance of bulk and scale will diminish because of the light and translucent appearance of the CPV systems that have a light and gray color that creates a subtle visual contrast when compared to the surrounding topography. This reduction in visual scale and appearance is enhanced because of the tracker spacing that is approximately 68 feet from north to south and 82 feet east to west thus exposing

more of the natural ground and vegetation. From public and scenic vantage points in the area, views of the project site are obscured by distance, intervening topography and vegetation, allowing the apparent bulk and scale of the project to be reduced and blend into the landscape. In addition, when viewed from a distance, the light color of the trackers blend the project with the surrounding area, further reducing color contrast of the project and the perceptible bulk of the solar farm. Design features and mitigation measures incorporated into the project will also lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. Additionally, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation.

Consistency with Surrounding Uses:

The project site is located in a rural setting that has many industrial, civic, and private large-scale uses that over time have changed the character of the community and the immediate bulk and scale of the area. The project features are consistent with the bulk and scale of several large scale facilities and uses within the immediate vicinity of the project because it does not have features that are dissimilar to existing features in the surrounding area. The following table lists the project features in the left column and features of nearby projects or facilities that have been built or will be built immediately displaying greater bulk and scale in the right column.

Project Features	Surrounding facility/feature comparison
<ul style="list-style-type: none"> • Two collector transmission lines 75 feet high each. • 125 foot generator tie-line 	<ul style="list-style-type: none"> • Tule Wind Farm 34.5Kv Collector line (75 feet high) – located approximately 1.84 miles north of the collector transmission lines and 2 miles south of generator tie line (the generator tie line will be co-located on Tule Wind transmission line poles) • Sunrise Powerlink 500kV Transmission Line (160 feet high) – located adjacent to collector transmission lines and generator tie line along McCain Valley Road. • Tule Wind 138kV Transmission Line (160 feet high) – located adjacent to collector transmission line along McCain Valley Road and generator tie line will be co-located on Tule Wind transmission line poles • Border Patrol Station Communication Tower (160 feet high) – located approximately 1.0 mile south of collector transmission line on northeastern portion of project site and 1.9 miles west of generator tie line • Several MET Towers (198 feet high) –

	<p>closest MET tower located approximately 4.2 miles west of collector transmission line on northeastern portion of project site and 5.6 miles west of generator tie line</p> <ul style="list-style-type: none"> • Kumeyaay Wind Turbines (400 feet high) – southernmost turbine located approximately 2.5 miles west of collector transmission line on northeastern portion of project site and 3.9 miles west of generator tie line along McCain Valley Road • Tule Wind Turbines (492 feet high) – southernmost turbine, G18, located 0.70 mile north of collector transmission line and 0.90 mile northwest of generator tie line (generator tie line will be co-located on Tule Wind transmission line poles located within 0.34 mile of turbine G18).
<ul style="list-style-type: none"> • 7,500 sq/ft. Operations and Maintenance Building • 6,000 sq/ft. onsite substation 	<ul style="list-style-type: none"> • 29,000 sq/ft. Border Patrol station – located approximately 1.67 miles southwest of Operations and Maintenance Building and on-site substation • 60,220 sq/ft. Rough Acres Ranch – Rough Acres Ranch facilities located approximately 0.21 miles northeast of Operations and Maintenance Building and on-site substation • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.75 mile south of Operations and Maintenance Building and on-site substation • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 2.3 miles southeast of Operations and Maintenance Building and on-site substation • 5 acre Tule Substation – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation • 5 acre Tule Wind O&M Facility – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation
<ul style="list-style-type: none"> • 56 Inverter Skids (400 sq/ft. each) 22,000 sq/ft. total • 160 Sea Cargo Containers (400 sq/ft. each) 65,600 sq/ft. total <p>These features are within the project area and</p>	<ul style="list-style-type: none"> • 29,000 sq/ft. Border Patrol station – located approximately 0.60 mile southwest of closest inverter skid and 1.35 miles southwest of Sea Cargo Containers (Energy Storage System) • 60,220 sq/ft. Rough Acres Ranch –

<p>will be screened from external views by trackers because they are only approximately 10 feet high. As such, they will be difficult to see. Additionally, the inverters are spaced throughout the project site thus reducing any cumulative bulk appearance.</p> <p>A s d e m o n s</p>	<p>located approximately 0.15 mile northeast of closest inverter skid and 0.55 mile northeast of Sea Cargo Containers (Energy Storage System)</p> <ul style="list-style-type: none"> • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.10 mile north of closest inverter skid and 0.70 mile south of Sea Cargo Containers (Energy Storage System) • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 1.25 miles south of closest inverter skid and 2.2 miles south of Sea Cargo Containers (Energy Storage System) • 5 acre Tule Substation (located approximately 1.75 miles northeast of closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System)) • 5 acre Tule Wind O&M Facility – Substation (located approximately 1.75 miles northeast of closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System))
<p>d e m o n s</p> <ul style="list-style-type: none"> • 3,291 CPV Tracker Systems 	<p>The 30-foot maximum height of the CPV trackers is consistent with the scale of surrounding energy facilities and private and public structures as stated above in the discussion above on tracker behavior and appearance with natural surroundings.</p>

As demonstrated in the table above, the individual components of the project and the project as a whole are consistent with the bulk and scale of the surrounding uses because they display a similar size and scale as existing features in the landscape. Therefore, the Rugged project is consistent with the finding of harmony with scale and bulk.

Coverage:

Coverage for parcels adjacent to and in the immediate vicinity of the project site was calculated using GIS. A total of twenty-two parcels surrounding the project site were assessed. Lot coverage of the parcels ranges from less than 0.1% (APN 611-060-08-00) to as much as 19.3% (APN 611-090-20-00) with an average lot coverage of 3.9%. Improvements considered in the lot coverage calculations of parcels were limited to buildings/structures.

The majority of coverage on the project site will result from construction of 3,291 CPV trackers. Each individual tracker will have a footprint ranging from approximately 195 square feet to 1,200 square feet depending on position of the tracker and its orientation toward the sun. From sunset to sunrise trackers will be

in a vertical sleep mode with the lowest lot coverage. As the sun rises and the trackers follow it across the sky, coverage will increase as the trackers becomes more horizontal, with coverage peaking around midday when the trackers are at their most horizontal position.

In addition to the CPV trackers, additional coverage will result from construction of the inverter pads, O&M facility (7,500 square feet), and switchyard (6,000 square feet). If the optional energy storage system (approximately 57,760 square feet of coverage) is selected, then 47 CPV trackers (approximately 56,400 square feet of coverage) will be removed from the Rugged solar farm. Therefore, selection of the optional energy storage system will result in a net increase of approximately 1,360 square feet of coverage when compared to coverage associated with 47 CPV trackers. Including all project components, coverage will range from 2% when trackers are in the vertical sleep mode to a maximum total coverage of 11.9% when trackers are horizontal at midday. With selection of the optional energy storage system, the increase in coverage will be negligible (approximately 0.02%) when trackers are in both vertical sleep mode and when trackers are horizontal at midday.

Trackers will be arranged in rows and spaced approximately 21 meters apart north-south and 25 meters apart east-west such that the area of open land surrounding each tracker will be greater than the area covered by the tracker, even when the tracker is in the temporary horizontal position midday or when in stow mode during high wind events. The CPV trackers will be a light white-gray color that from a distance will blend with the light colored vegetation and sky. Additionally, trackers are translucent, which will further reduce the appearance of uniform coverage of the project site.

Therefore, the project's lot coverage will range depending on the time of day. During nighttime and early and late daytime hours, the project's lot coverage ratio (approximately 2%) will be less than the average for the surrounding area (3.9%). During late morning and early afternoon, the project's lot coverage will be up to 11.9% and will be approximately 8% more than the average for the surrounding area (3.9%). At no time will the project exceed the maximum lot coverage ratio already present in the area 19.3% (APN 611-090-20-00), and for more than 50% of the time, the project's lot coverage ratio (approximately 2%) will be less than the average lot coverage ratio in the surrounding area (3.9%). Furthermore, CPV tracker spacing, color, and translucence will reduce the overall appearance of coverage on the project site and result in a project that is compatible with surrounding uses. Accordingly, lot coverage will be consistent and in harmony with surrounding uses.

Density:

The project meets the density finding because the project does not propose any habitable or residential structures.

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

Fire 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 and secondary response from CalFire's Whitestar Station, will be adequate to meet the County standard for response time. Any additional response will be provided from San Diego Rural Fire Protection District's Lake Morena and Jacumba Fire Stations, and San Diego County Fire Authority's CalFire Campo Fire Stations. The project will 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 Rugged project's 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.

With regard to suppressing any potential electrical fires, firefighters are trained to stay back a safe distance and use a "fog stream". Firefighters may use Class A foam or a Dry Chemical extinguisher, which many fire engines carry. Most likely, water will be used as it is most plentiful and can cool burning material below ignition temperatures. Another form of fire extinguisher, carbon dioxide (CO₂) extinguishers, could be used in lieu of dry chemical as they leave no residue. Most fire engines do not carry CO₂ extinguishers. As indicated in the FPPs, portable carbon dioxide (CO₂) fire extinguishers will be mounted at the inverter enclosures and medium voltage transformer units throughout the project sites.

The optional energy storage system will comply with applicable fire codes and will include a layered fire protection system designed to current codes and inclusive of site-specific measures that will result in a project that is less susceptible to wildfire than surrounding landscapes. The energy storage system will be located on the Rugged solar farm in an area set back from wildland fuels. The system will be located in non-combustible, steel containers with sophisticated monitoring and fire suppression systems. For example, each of the 160 steel container associated with the energy storage system will include a minimum 2 hour and up to 4 hour fire rating, a variety of fuses to help protect down to the cell level, an automated system that continually monitors the batteries for out of range calibrations, a heat and fire detection system, and an automatic inert gas fire suppression system. Furthermore, it is anticipated that any thermal event involving the energy storage system's Li-ion nanophosphate batteries, as well as their negative by-products, can be effectively managed and contained within the appropriate storage and transport environments. The temperatures and burning duration of the batteries when triggering an appropriate suppression system within a customized steel container are not anticipated to exceed the integrity of the steel containers proposed for the energy

storage system. Lastly, the site will be largely converted from readily ignited wildland chaparral fuels to ignition resistant facilities and equipment. All of these features will suppress fire risk associated with the optional energy storage system.

The project will contribute targeted funding to the local fire and emergency response capabilities, including funding of a paramedic staff position. The net benefit of the improved advanced life support medical response by adding a paramedic position provides an on-going benefit to the community long after the construction phase is complete.

The San Diego County Fire Authority has provided a service availability letter to the project, dated October 23, 2014. Accordingly, there are sufficient fire protection and emergency response services available to serve the Rugged project.

Police Services

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

Water Supply

The project requires approximately 83-acre feet of water over the 12 month construction period, including a peak water demand of approximately 318,501 gpd during days 1-60 of construction. The annual operational water use is estimated to be approximately 8.5 acre-feet per year. The project will obtain water for construction from three on-site production wells (Well 6a, Well 6b, and Well 8), and can draw additional supply from the Jacumba Community Services District (JCSD), Pine Valley Mutual Water Company (PVMWC), and Padre Dam Municipal Water District (PDMWD). The groundwater resources investigation prepared for the Rugged solar farm has determined that on-site production wells have capacity to provide up to 54-acre feet of groundwater during construction and the entirety of its 8.5 acre-feet per year operational demand. The JCSD is expected to provide up to 16 acre-feet from Well 6 during the 60-day peak construction period (Dudek 2014b, and JCSD has provided a will serve letter, dated December 12, 2012. PVMWC also is expected to be able to supply up to 16-acre feet of water during the peak construction period, and has entered into a bilateral water supply agreement with the Rough Acres Water Company. PDMWD is also expected to be able to supply any additional water needed for construction of the project and has provided a will serve letter, dated July 3, 2013.

Wastewater

The project will have an on-site private septic system to treat all wastewater from the O&M facility, and therefore, does not require sewer services.

Solid Waste

The project generates minimal solid waste. Solid waste that cannot be recycled will be sent to a local landfill. Waste from the construction, operation, and decommissioning of the project will not significantly affect the capacity of local landfills.

Schools

Because of the small number of permanent workers associated with the project, the project will 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, Boulevard can be described as a community with an evolving character. The area which originally was predominantly rural in nature with large homesteads 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 Boulevard community is located to the south of the project area, separated by the dominant feature of Interstate 8.

North of Interstate 8, in the vicinity of the project, there are scattered rural residences, undeveloped land, the Boulevard U.S. Border Patrol Station, Rough Acres Ranch (former Charger's training facility), and the McCain Valley Conservation Camp, a prison camp. The Golden Acorn casino is a few miles to the west. There are a variety of energy uses existing and proposed in the immediate area of the project. The Sunrise Powerlink consists of steel lattice towers with a 500 kV transmission line, immediately adjacent to the project site. The Kumeyaay Wind Farm with 25 wind turbines is an existing use located atop the Tecate Divide, and the approved Tule Wind Project, including a new transmission line, is expected to begin construction in McCain Valley within the year. Associated meteorological towers, 200 feet in height, are also scattered

across the landscape within the vicinity of the project area. There is also undeveloped federal and tribal land in the area designated and planned for renewable energy development.

The Boulevard Community Plan provides guidance and policies to shape the future character of the community. The Boulevard Community Plan was recently amended by approval of the Wind Energy ordinance in 2013. The project is consistent with policies of this Plan, including LU 1.1.1 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 Boulevard. In addition, the project is consistent with the policies of the Boulevard Community Plan that aim to protect the natural environment, including protection of dark skies (LU 3.1.1), preservation of native and riparian habitat (LU 3.2.1), 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) and will provide buffers from public roads and surrounding properties and residences (LU 6.1.3).

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 has been designed to avoid cultural resources, riparian and sensitive habitat areas, and to minimize impacts to steep slopes and reduce the need for grading. A number of biological impacts will be mitigated by off-site open space conservation areas. These will be accomplished either via a mitigation bank, or directly on lands located within San Diego County.

Design features and mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. By the same token, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation.

Night lighting will be minimal and will be limited to security lighting around the 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 is managed by a traffic control plan and will not decrease level of service on the local roadways. Operation of the project will result in the addition of approximately 40 trips per day and will not affect roadway service levels.

Water use for construction will be monitored and extraction levels are capped by County thresholds. Operational water use will be minimal (8.7 acre-feet per year) and limited primarily to tracker washing, application of soil binders, irrigation of landscape screening and potable water needs.

Additionally, by co-locating the project's generator tie-line with the Tule Wind project generator tie-line, potential impacts associated with the construction of a transmission line to connect the project site to the Boulevard Rebuilt Substation have been avoided.

The project will not have a harmful effect on desirable neighborhood character because it is compatible with adjacent land uses as described above. Therefore, the project is considered to be consistent with this finding.

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

The project will not alter the physical character of McCain Valley Road, Ribbonwood Road, or Rough Acres Ranch Road because the project only proposes up to 40 daily trips during operation of the project for worker commutes, with a total of 36 additional trips per year for panel washing. An increase in traffic will occur during the approximate 12-month construction period, with an average of 160 daily trips, but this effect will be temporary. The construction and operational increases in traffic will 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. The project will not cause affected roads to exceed their assumed design capacity. A traffic control plan will be implemented to ensure safe and efficient traffic flow in the area and on the project site during construction. A construction notification plan will be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access potentially will be impacted will be specifically notified in advance and provided alternative access.

The project will not generate traffic that exceeds the capacity of existing roadways, or change the physical character of surrounding streets. Accordingly, the project is consistent with this finding.

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 CPV 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 Rule) and A72 (General Agriculture). A solar farm is defined as a "Civic Use Type" which is allowed within these zones if a Major Use Permit is obtained. A General Plan Analysis Report prepared by the County shows that the project is consistent with all applicable General Plan policies, as well as the Mountain Empire Subregional Plan and the Boulevard Community Plan.

In addition, the Project, once constructed, will generally be a passive use that requires 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 CPV solar technology, 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.

Water cost and availability is a serious constraint for agricultural use in the project area. The project site is zoned for agricultural use, which is a high water demand use. In comparison, the project is estimated to only require 8.7 acre-feet per year of water for operation.

Shared Facilities

The project site is located such that transmission lines can co-locate with the Tule Wind Energy Project gen-tie. In addition, the length of the gen-tie is minimal due to the project site's proximity to the Rebuilt Boulevard Substation.

The intensity of the use proposed is appropriate for the site because a CPV solar energy system is a low intensity type of non-residential development that is compatible with existing land uses adjacent to the site, as discussed above. The project will not conflict with any land use plan or policy, and is compatible with surrounding existing uses with regard to typical operating characteristics, the scale of the facilities, and the general character of the surrounding environment. Therefore, the project and the site are suited for the type and intensity of development proposed.

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

The project generates minimal glare at certain places and times of the year that will be received by residences, recreationalists, and motorists. The intensity of glare produced by CPV trackers 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 glare that will be received by five residences at the very end of the day for 45 minutes or less, depending on the time of year.

The project generates minimal glare that will be received by recreationalists at dawn on the Mt. Tule summit, but poor trail conditions, parking, and signage suggest that the area is not widely used.

The project will generate glare that will be received by motorists in their peripheral vision at certain locations and at certain times of the year when traveling along Ribbonwood Road and McCain Valley Road. Glare along Ribbonwood Road will be confined to a 0.5-mile segment of the road, with daily duration of glare exposure throughout the year experienced for no more than 40 minutes per day. Motorists passing along this segment of Ribbonwood Road will experience glare in their peripheral vision for a duration of less than one minute (assuming a travel speed of 35 miles per hour). On McCain Valley Road, motorists will also receive glare in their peripheral field of vision along an approximate 0.2-mile segment of the road as they pass the easternmost portion of the solar farm during spring and fall months and prior to sunset. Maximum daily duration of glare exposure will be approximately 37 minutes and glare exposure on McCain Valley Road will be brief (motorists will experience glare for approximately 20 seconds assuming a travel speed of 35 miles per hour). According to the Boulevard Glare Study prepared for the Rugged Solar Project, no project-generated glare will be experienced by motorists on Interstate 8.

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

- (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 General Plan Analysis Report for the project showed that the project is consistent with the General Plan Rural General Plan Regional Category and Rural Lands Land Use Designation. The Report analyzed consistency with all applicable policies, including policies in the Land Use, Mobility, Conservation and Open Space, Safety, and Noise Elements. The Analysis also found that the project is consistent with all applicable policies of the Boulevard Community Plan and 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 Programmatic Environmental Impact Report (PEIR) dated January 2014, Environmental Review Number 3910-120005, was prepared for the project that complies with the State and County CEQA Guidelines. The DPEIR was advertised for a 60-day public review commencing on January 2, 2014 and closing on

March 3, 2014. Comments were received that required minor changes to the PEIR and the project. This new information clarified or amplified information already found in the DPEIR, 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 Programmatic Environmental Impact Report, including Responses to Comments and dated December 2014 is on file with PDS as Environmental Review Number 3910-120005.

In addition, the applicant made voluntary changes to the project, including reducing the development footprint by removing CPV trackers from some areas of the project. Also, selection of the optional energy storage system will result in the removal and replacement of 47 trackers in the central subarea of the Rugged project site. These revisions did not constitute significant new information and such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

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

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

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. 10096](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

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

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r_9_2007_0001/2007_0001final.pdf.

<http://www.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf>.

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

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

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 DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

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

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

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

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

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

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

NOTICE: The 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: - Fish and Wildlife Fees have been paid in the amount of \$3,119.75 for the review of and Environmental Impact Report, Receipt number 450198 dated December 3, 2014.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on January 16, 2014.

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

COUNTY OF SAN DIEGO PLANNING COMMISSION
 MARK WARDLAW, SECRETARY

BY:
 Sami Real, Chief
 Project Planning Division
 Planning & Development Services

cc: Soitec Solar Development, Patrick Brown, 16650 Via Esprillo, San Diego, CA 92127

email cc:

Ed Sinsay, Team Leader, Land Development, PDS

Mindy Fogg, Planning Manager, Project Planning, PDS