



County of San Diego, Planning & Development Services
Land Development Division

This Letter Supersedes DPW LD-PDS's Letter of September 12, 2013
Strikethrough indicates deleted, underline indicates added

DATE: April 15, 2013

APPLICANT: Tierra Del Sol Solar Farm LLC

PROJECT: MUP 12-010/REZ 12-005

~~DPLU~~ PDS PLANNER: Ashley Gungle

STAFF PERSON COMPLETING THIS REVIEW: Susan Hoang

THE FOLLOWING PRELIMINARY COMMENTS ARE BASED ON AN OFFICE REVIEW AND A FIELD REVIEW BY DPW LD-PDS FOR PROJECT DESCRIPTION RECEIVED August 22, 2012, AND MAY BE REVISED UPON FURTHER REVIEW AND INPUT FROM OTHER AGENCIES.

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. **IRREVOCABLE OFFER OF DEDICATION:** [~~DPW PDS, LDR~~] [~~DPR, TC~~] [~~DGS, RP~~], [~~GP, CP, BP, UO~~]. **INTENT:** In order to promote orderly development and to comply with the County Public Road Standards and Policy I-18 Centerline Ordinance Section 51.301 to 51.316, an irrevocable offer of dedication (IOD) for road purposes shall be executed. **Description of requirement:** Execute an Irrevocable Offer to Dedicate (IOD) real property, for public highway as indicated below:
 - a. An IOD shall be executed to complete a thirty-foot (30') wide, one-half right-of-way width on the project side along the westerly and northerly boundary from the ultimate centerline, plus slope rights and drainage easements for **Tierra Del Sol Road** along the project frontage.
 - b. The IOD(s) shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Planning & Development Services. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Planning & Development Services.

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

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

2. TRAFFIC CONTROL PLAN: [DPW, LDR] [GP, IP, UO]

INTENT: In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of Director of Public Works (DPW). ~~shall be prepared that addresses the following, but is not only limited to: haul routes, number of trips per day, and destination.~~

- a. ~~The implementation of the TCP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the maintenance and repair of any damage caused by them to the on-site and off-site private roads that serve the property either during construction or subsequent operations."~~
- b. ~~The applicant will repair those portions of the route that would be damaged by the heavy loads that loaded trucks place on the route identified. If required by the [DPW, ESU], an agreement shall be executed, which will also include (1) a cash deposit for emergency traffic safety repairs; (2) long term security for expected increased maintenance on the route identified; and (3) possible future asphaltic overlay requirements on the route identified.~~

DOCUMENTATION: The applicant shall have the TCP prepared by a ~~licensed Traffic Engineer~~ a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [DPW PDS, LDR] for review by [DPW, Traffic] . ~~If required by the [DPW, ESU], 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, LDR]. The applicant is responsible for obtaining any additional permits as identified in the TCP.~~ **TIMING:** Prior to approval of any plan, grading and or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a TCP shall be prepared and approved. **MONITORING:** The [DPW PDS, LDR] shall review the TCP for compliance with this condition. ~~, and require any additional traffic or encroachment~~

~~permits before any approval of the TCP. The TCP shall be implemented and made a condition of any associated County Construction, Grading or Encroachment Permit.~~

3. HAUL ROUTE PLAN: [PDS, LDR] [DPW, Road Maintenance] [GP, IP, CP, BP, UO]

INTENT: In order to ensure the roads are not getting damaged by heavy loads that loaded trucks place on the route identified during construction phase or subsequent operations. A Haul Route Plan (HRP) shall be prepared and implemented.

DESCRIPTION OF REQUIREMENT: A Haul Route Plan (HRP) shall be prepared that addresses the following, but is not only limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, and destination, duration of the haul, and hours of operation.

a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and off-site County maintained roads that serve the property either during construction or subsequent operations."

b. The applicant will repair those portions of the route that would be damaged by the heavy loads that loaded trucks place on the route identified. An agreement shall be executed, which will also include an agreement is to include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphaltic overlay requirements on the route identified.

c. Prior to the import/export all affected property owners shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each work shift.

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

4. PAVEMENT CUT POLICY: [DPW PDS, LDR] [GP, CP, BP, UO]

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surfacing, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension

of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Planning & Development Services, Pavement Cut Policy to the satisfaction of the Department of Planning & Development Services (DPW PDS), and submit it to the [DPW PDS LDR] for review. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the letters must be submitted for approval. **MONITORING:** [DPW PDS, LDR] shall review the signed letters.

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

5. **TRANSPORTATION IMPACT FEE: [DPW PDS, LDR] [DPLU PDS, BD] [BP, UO]**
INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the Transportation Impact Fee (TIF) Ordinance Number 77.201-77.219, the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The Transportation Impact Fee (TIF) shall be paid pursuant to the to County TIF Ordinance number 77.201-77.219. The fee is calculated pursuant to the ordinance, 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 [DPLU PDS, ZONING] and provide a copy of the receipt to the [DPLU PDS, Building Division Technician] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the TIF shall be paid. **MONITORING:** The [DPLU PDS, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [DPLU PDS, Building Division] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.
6. **ENCROACHMENT PERMIT/FRANCHISE AGREEMENT: [DPW PDS, LDR] [MA].**
INTENT: In order to allow the placement of the 138kV generation tie line within the County right-of-way and in accordance with the County of San Diego Public Road Standards, a Franchise agreement or an Encroachment permit shall be obtained. **DESCRIPTION OF REQUIREMENT:** Any transmission facility within County ROW shall be undergrounded and shall meet or exceed the requirements set forth in the San Diego County Design Standards and SD Area Regional Standard Drawings M-15, M-22, 23 and to the satisfaction of [DPW PDS, LDR]. An encroachment permit shall be obtained from Construction/Road right-of-way Permits Services Section, for the improvements to be made within the public right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been

met shall be submitted to the [DPW PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [DPW PDS, LDR]. **TIMING:** Prior to construction of anything within the County right of way, the permit shall be obtained. **MONITORING:** The [DPW PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.

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

7. ACCESS IMPROVEMENTS: [DPW PDS, LDR], [GP, CP, BP, UO]

INTENT: In order to promote orderly development and to comply with the Centerline Ordinance Section 51.301 to 51.316, a project driveway shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for the following:

- a. 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.
- b. The Pavement taper from the ultimate right-of-way line to the existing edge of pavement, with asphalt concrete 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 Public Road Standards, the DPW Land Development Improvement Plan Checking Manual and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- d. Process and obtain approval of Improvement Plans to improve the project driveway and the pavement taper on Tierra Del Sol Road.
- e. Provide Secured agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- f. Pay all applicable inspection fees with [DPW, PDC].
- g. 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.

- h. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [DPW PDS, LDR].
- i. Obtain a Construction Permit for any work within the County road right-of-way. DPW PDS Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

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

8. PRIVATE ROAD IMPROVEMENTS: [PDS, LDR], [UO]

INTENT: In order to promote orderly development and to comply with the San Diego County Standards for Private Roads section 3.1(B) and Grading Ordinance Section 87.207 & 873.208, the existing private road easement shall be improved.

DESCRIPTION OF REQUIREMENT: Improve or agree to improve and provide security for an existing private road easement from northeast corner of the project westerly to Tierra Del Sol Road, to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base, to the satisfaction of the Director of Planning and Development Services.

DOCUMENTATION: The applicant shall complete the following:

- a. Process and obtain approval of Grading Plan for the on-site grading and off-site improvements for the private road easement listed above.
- b. Pay all applicable inspection fees with [DPW, PDCI].
- c. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].

TIMING: Prior to occupancy or use of the premises in reliance of this permit (Phase 1), the private road improvements shall be completed. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the condition and County Standards.

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

9. SIGHT DISTANCE: [DPLU PDS, CODES] [OG].

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1E of the County of San Diego Public Road Standards an unobstructed sight distance shall be maintained for the life of this permit.

DESCRIPTION OF REQUIREMENT: There shall be a minimum unobstructed sight distance in both directions along *Tierra Del Sol Road* from the project driveways serving the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPLU PDS, Code Enforcement Division] is responsible for enforcement of this permit.

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

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and County Watershed Protection Ordinance (WPO) No.10096, County Code Section 67.801 et. seq. 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), 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/r9_2007_0001/2007_0001final.pdf.

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

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

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

CONSTRUCTION PERMIT REQUIRED: A Construction Permit for any and all work within the County road right-of-way. Contact ~~DPW~~ PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit from the Department of Planning & Development Services 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 Planning & Development Services.

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

If you have any questions regarding these conditions, please contact Susan Hoang at 858-505-6327.



EDWIN M. SINSAY, LD TEAM LEADER
PLANNING & DEVELOPMENT SERVICES

EMS: SH

cc: MUP 12-010/REZ 12-005 File